

CAYMAN ISLANDS



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**THE MERCHANT SHIPPING
(WATCHKEEPING) (CAYMAN ISLANDS)
REGULATIONS 1990**

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Fitness for duty.

4. The watch system shall be such that the efficiency of the watch is not impaired by fatigue. Duties shall be so organized by the chief engineer officer that the first watch at the commencement of a voyage and the subsequent relieving watches are sufficiently rested and otherwise fit for duty.

Protection of the marine environment.

5. All engineer officers and engine room ratings shall be aware of the serious effects of operational or accidental pollution of the marine environment and shall take all possible precautions to prevent such pollution, particularly within the framework of relevant international and port regulations.

Made in Council this 13th day of February, 1990.

MONA N. JACKSON
Clerk of Executive Council

EXPLANATORY NOTE
(This Note is not part of the Regulations)

These Regulations, which come into force on 1st March, 1990, give effect in part to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.

The Regulations apply to sea-going Cayman Islands ships (other than fishing vessels and pleasure craft) and to other such sea-going ships which are not Cayman Islands ships, when they are within the Cayman Islands or the territorial waters thereof (regulation 3). The master and chief engineer officer must ensure that watchkeeping arrangements are adequate for maintaining a safe watch (regulations 4 and 5, Schedules 1 and 2). The master must ensure that an effective watch is maintained in port (regulation 6) especially when the ship carries a hazardous cargo (regulation 7). The employer must ensure that the ship carries sufficient qualified officers, that is to say, those holding certificates of competency or service, to enable a safe watch to be maintained (regulation 8). A surveyor of ships may inspect ships for the purpose of verifying that the officers on board are properly certificated and able to maintain a safe watch (regulation 9). Where the surveyor of ships finds that there are specified deficiencies on board he shall notify the master in writing (regulation 10). He may detain the ship where certain officers who are required to be certificated do not have valid certificates or there is failure to conform to the applicable requirements for watch arrangements (regulation 11).

CAYMAN ISLANDS

MERCHANT SHIPPING LAW

**THE MERCHANT SHIPPING (WATCHKEEPING)
(CAYMAN ISLANDS)
REGULATIONS 1990**

The Governor, after consultation with the Secretary of State for Transport of the United Kingdom, in exercise of powers conferred on him by section 77 of the Merchant Shipping Law and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation &
Commencement.

1. These Regulations may be cited as the Merchant Shipping (Watch keeping) (Cayman Islands) Regulations 1990 and shall come into operation on 1st March, 1990.

Interpretation.

2. (2) In these Regulations:

"Cayman Islands ship" has the same meaning as in section 2 of the Merchant Shipping Law;

"Chief Marine Surveyor" has the same meaning as in section 2 of the Merchant Shipping Law;

"employer" means the person for the time being employing the master;

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

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"Merchant Shipping Act 1970" means that Act as extended to the Cayman Islands by the Merchant Shipping Act 1970 (Cayman Islands) Order 1988;

"near coastal voyage" means a voyage during which the ship engaged on such voyage is never further than twenty miles from land;

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

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

"surveyor" means a surveyor of ships appointed under section 69 of the Merchant Shipping Law or any person authorised by the Chief Marine Surveyor to act in that behalf for the purposes of these Regulations."

Watch require-
ments.

- immediate readiness and that an adequate reserve of power is available for steering gear and other requirements.
3. (a) Every member of the watch shall be familiar with his assigned watchkeeping duties. In addition, every member shall have with respect to that ship:
- (i) knowledge of the use of appropriate internal communication systems;
 - (ii) knowledge of escape routes from machinery spaces;
 - (iii) knowledge of engine room alarm systems and the ability to distinguish between the various alarms with special reference to the CO₂ or other smothering gas alarm;
 - (iv) knowledge of the positions and use of the fire-fighting equipment in the machinery spaces.
- (b) The composition of an underway watch shall, at all times, be adequate to ensure the safe operation of all machinery affecting the operation of the ship, in either automated or manual mode, and be appropriate to the prevailing circumstances and conditions. To achieve this, the following, *inter alia*, shall be taken into account:
- (i) adequate supervision, at all times, of machinery affecting the safe operation of the ship;
 - (ii) condition and reliability of any remotely operated propulsion and steering equipment and their controls, control location and the procedures involved in placing them in manual mode of operation in the event of break-down or emergency;
 - (iii) location and operation of fixed fire detection, fire extinction or fire containment devices and apparatus;
 - (iv) use and operational condition of auxiliary, standby and emergency equipment affecting the safe navigation, mooring or docking operations of the ship;
 - (v) steps and procedures necessary to maintain the condition of machinery installations in order to ensure their efficient operation during all modes of ship operation;
 - (vi) any other demands on the watch which may arise as a result of special operating circumstances.
- (c) When the ship is at anchor the chief engineer officer shall consult with the master whether or not to maintain an underway watch.

Application.

3. These Regulations apply to sea-going Cayman Islands ships other than fishing vessels and pleasure craft, and to other such sea-going ships which are not Cayman Islands ships, when they are within the Cayman Islands or the territorial waters thereof.

Duty of Master.

4. The master of any ship to which these Regulations apply shall ensure that the watchkeeping arrangements for the ship are at all times adequate for maintaining safe navigational and engineering watches having regard to the matters set out in Schedules 1 and 2 to these Regulations. The master shall give directions to the deck watchkeeping officers responsible for navigating the ship safely during their periods of duty, having particular regard to the matters set out in Schedule 1 to these Regulations.

Duty of chief engineer officer.

5. The chief engineer officer of any ship to which these Regulations apply shall ensure that the engineering watchkeeping arrangements for the ship are at all times adequate for maintaining a safe watch, having regard to the matters set out in Schedule 2 to these Regulations. When deciding the composition of the watch the chief engineer officer shall take into account the principles set out in Schedule 2 to these Regulations.

Watchkeeping
arrangements in port.

6. (1) Subject to paragraph (2) below, the master of any ship to which these Regulations apply which is safely moored or safely at anchor under normal circumstances in port, shall arrange for an appropriate and effective watch to be maintained for the purposes of safety.

(2) Paragraph (1) of this regulation shall not apply to any ship in respect of which there is in force for the time being an exemption granted under regulation 3(2) of the Merchant Shipping (Manning of Ships) (Cayman Islands) Regulations 1989.

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needs for changes in direction or speed. When the machinery spaces are in the periodic unmanned condition, the designated duty engineer officer in charge of the watch shall be immediately available and on call to attend the machinery spaces.

- (e) All bridge orders shall be promptly executed. Changes in direction or speed of the main propulsion unit shall be recorded except in respect of a ship the size and characteristics of which make such recording impracticable. The engineer officer in charge of the watch shall ensure that the main propulsion unit controls, when in the manual mode of operation, are continuously attended under standby or manoeuvring conditions.
- (f) The engineer officer in charge of the watch shall not be assigned or undertake any duties which would interfere with his supervisory duty in respect of the main propulsion system and its ancillary equipment and he shall ensure that the main propulsion system and auxiliary equipment are kept under constant surveillance until he is properly relieved.
- (g) Due attention shall be paid to the maintenance and support of all machinery, including mechanical, electrical, hydraulic and pneumatic systems, their control apparatus and associated safety equipment, all accommodation service systems equipment, and the recording of stores and spare gear usage.
- (h) The chief engineer officer shall ensure that the engineer officer in charge of the watch is informed of all preventative maintenance, damage control, or repair operations to be performed during the watch. The engineer officer in charge of the watch shall be responsible for the isolation, by-passing and adjustment of all machinery under his responsibility that is to be worked on, and shall record all work carried out.
- (i) Before going off duty, the engineer officer in charge of the watch shall ensure that all events related to the main and auxiliary machinery are suitably recorded.
- (j) To avoid any danger to the safety of the ship and its crew, the engineer officer in charge of the watch shall notify the bridge immediately in the event of fire, impending actions in machinery spaces that may cause reduction in ship's speed, imminent steering failure, stoppage of the ship's propulsion system or any alteration in the generation of electric power, or similar threat to safety. This notification, where possible, shall be accomplished before changes are made in order to afford the bridge the maximum available time to take whatever actions are possible to avoid a potential marine casualty.
- (k) When the engine room is put in a standby condition, the engineer officer in charge of the watch shall ensure that all machinery and equipment which may be used during manoeuvring is in a state of

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Watchkeeping
arrangements in port for
ships carrying hazardous
cargo.

7. The master of any ship to which these Regulations apply which is carrying hazardous cargo and which is in port, even when safely moored or safely at anchor, shall in addition to any watchkeeping arrangements required under regulation 6 in the case of:

- (a) a ship carrying cargo in bulk that is hazardous, whether it is or may be explosive, flammable, toxic, a threat to health or liable to pollute the environment, ensure that a safe deck watch and safe engineering watch are maintained by the ready availability on board of a duly qualified officer or officers, and ratings where appropriate; and
- (b) a ship carrying hazardous cargo other than in bulk, whether it is or may be explosive, flammable, toxic, a threat to health or liable to pollute the environment, ensure that in organising safe watchkeeping arrangements he takes account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions on board, afloat and ashore.

Manning of ships.

8. (1) It shall be the duty of every employer of a master of a ship to which these Regulations apply to ensure that the ship carries sufficient qualified officers to enable the master and chief engineer officer to perform their respective duties pursuant to regulations 4 to 7 of these Regulations. For the purposes of these Regulations an officer shall be qualified:

- (a) if he is qualified for the purposes of the Schedule to the Merchant Shipping (Manning of Ships) (Cayman Islands) Regulations 1989 by virtue of regulation 6 of those Regulations, or
- (b) in the case of a ship in respect of which a determination of the number of officers, doctors and cooks to be carried in that ship and of the qualification which such officers, doctors and cooks must hold has been made pursuant to regulation 7 of the Merchant Shipping (Manning of Ships) (Cayman Islands) Regulations 1989, if he is qualified in accordance with the Cayman Islands Safe Manning Certificate issued in respect of that ship, or
- (c) in the case of a ship registered in the Cayman Islands to which the Merchant Shipping (Manning of Ships) (Cayman Islands) Regulations 1989 do not apply, if he is the holder of a certificate of competence or service issued or recognised as equivalent by the appropriate authority of a country which is a party to the STCW Convention, or
- (d) in the case of a ship registered outside the Cayman Islands if he is the holder of a certificate of competence or service issued or recognised as equivalent by the appropriate authority of the country in which the ship is registered,

and at the material time such certificate is in force in relation to the person named in it and is appropriate to the description of ship and capacity in which he is serving in the ship.

(2) The Governor may grant exemptions from the provisions of this Regulation in respect of any class of ship or any individual ship which is regularly engaged on near-coastal voyages and may, subject to giving reasonable notice, alter or cancel any such exemption. Any such exemption shall only be valid so long as the ship in respect of which it has been granted is engaged on a near-coastal voyage.

Inspection.

9. A surveyor may inspect any ship to which these Regulations apply for the purposes of:

(1) verifying that all seafarers serving on board who are required to be certificated under the Merchant Shipping (Manning of Ships) (Cayman Islands) Regulations 1989 or under these Regulations hold a valid certificate or exemption; and

(2) assessing the ability of the seafarers in the ship to maintain the watchkeeping standards required by these Regulations where there are grounds for believing that such standards are not being maintained because, while in a port in the Cayman Islands or in the approaches to that port, any of the following have occurred:

- (a) the ship has been involved in a collision, grounding or stranding;
- (b) there has been a discharge of substances from the ship when underway, at anchor or at a berth, contrary to the law of the Cayman Islands;
- (c) the ship has been manoeuvred in an erratic or unsafe manner or navigational course markers or traffic separation schemes have not been followed.

Procedure to be adopted when Inspection reveals deficiencies.

10. If a surveyor finds on an inspection carried out pursuant to regulation 9 that there is:

- (1) a failure of officers, required to hold a certificate of competency or service, to have an appropriate valid certificate or a valid exemption from that requirement;
- (2) a failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the competent authority of the country in which the ship is registered;
- (3) an absence on a watch of a person qualified to operate equipment essential to safe navigation;

- (ii) type and condition of the machinery;
- (iii) special modes of operation dictated by conditions such as weather, ice, contaminated water, shallow water, emergency conditions, damage containment or pollution abatement;
- (iv) qualifications and experience of the watch;
- (v) safety of life, ship, cargo and port, and protection of the environment;
- (vi) observance of international, national and local regulations;
- (vii) maintaining the normal operations of the ship.

(b) Under the direction of the chief engineer officer, the engineer officer in charge of the watch shall be responsible for the inspection, operation and testing as required, of all machinery and equipment under his responsibility. The engineer officer in charge of a watch is the chief engineer officer's representative and his primary responsibility, at all times, shall be the safe and efficient operation and up-keep of machinery affecting the safety of the ship.

(c) The chief engineer officer shall, in consultation with the master, determine in advance the needs of the intended voyage, taking into consideration the requirements for fuel, water, lubricants, chemicals, expendable and other spare parts, tools, and any other requirements.

Operation.

2. (a) The engineer officer in charge of the watch shall ensure that the established watchkeeping arrangements are maintained. Under his general direction engine room ratings, if forming part of the watch, shall be required to assist in the safe and efficient operation of the propulsion machinery and the auxiliary equipment.

(b) At the commencement of the engineering watch, the current operational parameters and condition of all machinery shall be verified. Any machinery not functioning properly, expected to malfunction or requiring special service, shall be noted along with any action already taken. Plans shall be made for any further action if required.

(c) The engineer officer in charge of the watch shall ensure that the main propulsion plant and auxiliary systems are kept under constant surveillance, inspections are made of the machinery and steering gear spaces at suitable intervals and appropriate action is taken to remedy any malfunction discovered.

(d) When the machinery spaces are in the manned condition, the engineer officer in charge of the watch shall at all times be readily capable of operating the propulsion equipment in response to

established without doubt that it is safe to do so;

- (ii) full account has been taken of all relevant factors including, but not limited to:

state of weather,
visibility,
traffic density,
proximity of danger to navigation,
the attention necessary when navigating in or near traffic separation schemes;

- (iii) assistance is immediately available to be summoned to the bridge when any change in the situation so requires.

Navigation with pilot embarked.

7. Notwithstanding the duties and obligations of a pilot, his presence on board shall not relieve the master or officer in charge of the watch from their duties and obligations for the safety of the ship. The master and the pilot shall exchange information regarding navigation procedures, local conditions and the ship's characteristics. The master and officer of the watch shall co-operate closely with the pilot and maintain an accurate check of the ship's position and movement.

Protection of the marine environment.

8. The master and officer in charge of the watch shall be aware of the serious effects of operational or accidental pollution of the marine environment and shall take all possible precautions to prevent such pollution particularly within the framework of relevant international and port regulations.

Definition.

9. In paragraphs 1 and 5 of this Schedule in their application to small ships without a bridge, the word "bridge" shall be construed as meaning the position from which the navigation of the ship is controlled and in this Schedule reference to a "small ship" means a ship of less than 500 gross tonnage.

Regulations 4 and 5

SCHEDULE 2

PRINCIPLES OF WATCHKEEPING ARRANGEMENTS
FOR ENGINE ROOM WATCH

Watch arrangements.

1. (a) The Chief engineer officer of every ship is bound, in consultation with the master, to ensure that watchkeeping arrangements are adequate to maintain a safe watch. When deciding the composition of the watch, which may include appropriate engine room ratings, the following criteria, *inter alia*, shall be taken into account:

- (i) type of ship;

Power to detain.

- (4) an inability of the master to provide adequately rested persons for the first watch at the commencement of a voyage and subsequent relieving watches

he shall notify in writing the master of the ship and, in the case of a ship registered outside the Cayman Islands, the nearest maritime, consular or diplomatic representative of the flag State.

11. (1) In any case where it is found, in relation to a ship to which these Regulations apply, that the master or chief engineer officer, or any officer in charge of a navigational or engineering watch does not hold a valid certificate of competency or service which he is required to hold, or a valid exemption from that requirement, or that the navigational or engineering watch arrangements for the ship do not conform to the requirements laid down for the ship by the competent authority of the State in which the ship is registered, and these deficiencies are not corrected following notification thereof under regulation 10 then, without prejudice to section 45 of the Merchant Shipping Act 1970, if there is in consequence danger to persons, property or the environment, the ship shall be liable to be detained until those deficiencies have been corrected to an extent sufficient to remove the danger.

(2) The surveyor shall not in the exercise of his powers under this regulation unreasonably detain or delay the ship.

(3) Sections 74, 75 and 76 of the Merchant Shipping Law shall apply in respect of the detention of any ship under the provisions of these Regulations as if the reference therein to "the Law" were a reference to the Merchant Shipping (Watchkeeping)(Cayman Islands) Regulations 1990.

Penalties.

12. (1) A master of a ship who contravenes any provision of regulations 4, 6 or 7 and an employer who contravenes any provision of regulation 8 shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$2,000 or, on conviction on indictment, to imprisonment for a term not exceeding two years or an unlimited fine or both.

(2) A chief engineer officer who contravenes any provision of regulation 5 shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$2,000 or, on conviction on indictment, to imprisonment for a term not exceeding two years or an unlimited fine or both.

SCHEDULE 1

PRINCIPLES OF WATCHKEEPING ARRANGEMENTS
FOR NAVIGATIONAL WATCH

Watch arrangements.

1. (a) The composition of the watch shall at all times be adequate and appropriate to the prevailing circumstances and conditions and shall take into account the need for maintaining a proper look-out.

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| | <p>(b) When deciding the composition of the watch on the bridge which may include appropriate deck ratings, the following factors, <i>inter alia</i>, shall be taken into account;</p> <p>(i) at no time shall the bridge be left unattended;</p> <p>(ii) weather conditions, visibility and whether there is daylight or darkness;</p> <p>(iii) proximity of navigational hazards which may make it necessary for the officer in charge of the watch to carry out additional navigational duties;</p> <p>(iv) use and operational condition of navigational aids such as radar or electronic position-indicating devices and any other equipment affecting the safe navigation of the ship;</p> <p>(v) whether the ship is fitted with automatic steering;</p> <p>(vi) any unusual demands on the navigational watch that may arise as a result of special operational circumstances.</p> | <p>Collisions Regulations 1989 as applied to the Cayman Islands by the Merchant Shipping (Safety Provisions) (Application) (No. 2) Order 1989.</p> |
| Fitness for duty. | <p>2. The watch system shall be such that the efficiency of watchkeeping officers and watchkeeping ratings is not impaired by fatigue. Duties shall be so organized that the first watch at the commencement of a voyage and the subsequent relieving watches are sufficiently rested and otherwise fit for duty.</p> | <p>(c) In cases of need the officer of the watch shall not hesitate to use the helm, engines and sound signalling apparatus.</p> |
| Navigation. | <p>3. (a) The intended voyage shall be planned in advance taking into consideration all pertinent information and any course laid down shall be checked before the voyage commences.</p> <p>(b) During the watch the course steered, position and speed shall be checked at sufficiently frequent intervals, using any available navigational aids necessary, to ensure that the ship follows the planned course.</p> <p>(c) The officer of the watch shall have full knowledge of the location and operation of all safety and navigational equipment on board the ship and shall be aware and take account of the operating limitations of such equipment.</p> <p>(d) The officer in charge of a navigational watch shall not be assigned or undertake any duties which would interfere with the safe navigation of the ship.</p> | <p>5. (a) The officer in charge of the watch shall:</p> <p>(i) keep his watch on the bridge which he shall in no circumstances leave until properly relieved;</p> <p>(ii) continue to be responsible for the safe navigation of the ship, despite the presence of the master on the bridge, until the master informs him specifically that he has assumed that responsibility and this is mutually understood;</p> <p>(iii) notify the master when in any doubt as to what action to take in the interest of safety;</p> <p>(iv) not hand over the watch to the relieving officer if he has reason to believe that the latter is obviously not capable of carrying out his duties effectively, in which case he shall notify the master accordingly.</p> <p>(b) On taking over the watch the relieving officer shall satisfy himself as to the ship's estimated or true position and confirm its intended track, course and speed and shall note any dangers to navigation expected to be encountered during his watch.</p> <p>(c) A proper record shall be kept of the movements and activities during the watch relating to the navigation of the ship.</p> |
| Navigational equipment. | <p>4. (a) The officer of the watch shall make the most effective use of all navigational equipment at his disposal.</p> <p>(b) When using radar, the officer of the watch shall bear in mind the necessity to comply at all times with the provisions on the use of radar contained in the Distress Signals and Prevention of</p> | <p>6. In addition to maintaining a proper look-out for the purpose of fully appraising the situation and the risk of collision, stranding and other dangers to navigation, the duties of the look-out shall include the detection of ships or aircraft in distress, shipwrecked persons, wrecks and debris. In maintaining a look-out the following shall be observed:</p> <p>(a) the look-out must be able to give full attention to the keeping of a proper look-out and no other duties shall be undertaken or assigned which could interfere with that task;</p> <p>(b) the duties of the look-out and helmsman are separate and the helmsman shall not be considered to be the look-out while steering, except in small ships where an unobstructed all round view is provided at the steering position and there is no impairment of night vision or other impediment to the keeping of a proper look-out. The officer in charge of the watch may be the sole look-out in daylight provided that on each such occasion:</p> <p>(i) the situation has been carefully assessed and it has been</p> |