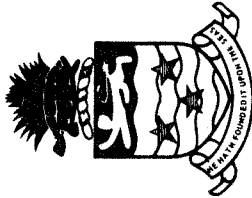


CAYMAN ISLANDS



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ABANDONED WRECK LAW
(Revised)

CAYMAN ISLANDS

THE ABANDONED WRECK LAW

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THE ABANDONED WRECK LAW
(No. 5 of 1966)

(Consolidated with Law 35 of 1966 and revised under the authority of the Law Revision Law).

Originally enacted

Law 5 of 1966 28th May, 1966
Law 35 of 1966 29th November, 1966

Published in revised form this 9th day of May, 1977, by authority of the Law Revision Law (No. 19 of 1975).

THE ABANDONED WRECK LAW (REVISED)

1. This Law may be cited as The Abandoned Wreck Law (Revised).

2. In this law unless the context otherwise requires —

“abandoned wreck” means a wreck which has remained continuously upon the sea bed within the limits of the Islands for a period of fifty years and upwards before being brought to shore;

“prospector” means a person with whom the Governor has entered into an agreement under the provisions of this Law and is deemed to include his agents, licensees and servants;

“salvage” includes all expenses properly incurred by the salvor in performance of salvage operations;

“wreck” includes jetsam, flotsam, lagan and derelict found in, or on the shores of, the sea or tidal water.

3. All claims to a abandoned wreck are hereby barred and the property in such wreck is hereby vested in Her Majesty in right of Her Government of the Islands except wreck found in any place where Her Majesty or any of Her Royal Predecessors has granted to any other person the right thereto.

4. (1) It is lawful for the Governor in Council, in any case in which he deems it to be in the public interest so to do, to enter into an agreement with any prospector licensing such prospector to prospect for, salvage and bring to shore any abandoned wreck.

(2) Where in any case the Governor considers that the finder of abandoned wreck is not a suitable person to salvage and bring it to shore or deems it to be in the public interest to enter into an agreement with the finder of any abandoned wreck under sub-section (1) he may pay to such finder such reward as he may determine and may enter into an agreement with any suitable person to salvage and bring to shore such abandoned wreck.

(3) Every agreement under this section shall be entered into between the Governor acting for and on behalf of the Government and the prospector concerned under their respective hands and seals.

5. (1) The Governor may in any agreement made under section 4 grant to a prospector a licence (which may be exclusive) to prospect for, work, salvage and

bring to shore any abandoned wreck within any defined area of the sea bed within the limits of the Islands for such period as may be specified in such agreement.

Every such agreement —

(a) shall specify what proportion of any abandoned wreck brought to shore (not being less than one half of the value of the whole of such wreck) shall be returned (subject to the terms thereof) to the prospector;

(b) may provide that at the option of the Governor the Government shall retain all or any articles recovered upon payment to the prospector of the due percentage of the appraised value thereof; and

(c) may specify what proportion (if any) of the agreed costs of salvage shall be payable by the prospector and by the Government respectively.

(3) It shall be a term of any such agreement that the prospector shall waive any right of salvage whatever which might otherwise arise in his favour in consequence of his bringing to shore any abandoned wreck found within the area specified in such agreement.

(4) It shall be a term of any such agreement that the prospector shall employ such methods and submit to such measures of inspection and supervision and shall employ such equipment in and about the salvage as may be required by the Governor.

(5) Every such agreement shall contain provisions for —

(a) the revocation of the licence granted thereby;

(b) the preservation of the abandoned wreck;

(c) the arbitration of all questions and differences arising between the Governor and the prospector;

(d) the interpretation of such agreement according to the laws of the Islands; and

(e) all such other matters as appear to the Governor to be desirable in the interests of the Government.

Notice of agreements to be gazetted.

6. Whenever the Governor has entered into an agreement under section 4 he shall cause notice thereof to be gazetted. Such notice shall contain a description of the wreck and of the marks or features (if any) by which it may be identified.

Custody of abandoned wreck.

7. (1) Whoever brings to shore within the Islands abandoned wreck, whether or not in pursuance of an agreement made under this Law, shall forthwith report it to the Governor and thereafter deposit it for safe custody in such place and manner as the Governor may in writing direct.

Governor may appoint Commissioner of Wreck.

(2) Whoever fails to comply with sub-section (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$2,000 or imprisonment for a term not exceeding two years or both.

Governor may appoint Commissioner of Wreck.

8. (1) If it appears to the Governor that any matter needs to be investigated concerning any wreck within the Islands or the recovery or possession of any articles comprising the same, he may appoint, by instrument under his hand, a Commissioner of Wreck to investigate such matter and to submit a report thereon in writing.

(2) For the purpose of making investigations the Commissioner of Wreck is invested with all the powers of a Magistrate including the power to subpoena witnesses, to take and receive evidence upon oath or affidavit, to permit interested parties (including the Governor) to be represented by Counsel, and to

Claims of owners to wreck.

9. (1) Whoever claims that —
(a) any wreck is not abandoned wreck; and
(b) he is the owner of such wreck,
may apply to the Grand Court by Originating Summons for a declaration of his rights in respect of such wreck and such application shall be supported by such evidence as the Court may require.
- (2) The Governor shall be a party to all applications under this section and a Judge may direct such other persons to be served with summonses as he thinks fit.
- (3) If the Court finds that any wreck is not abandoned and is the property of some person other than Her Majesty in right of Her Government of the Islands, the court may award salvage to the person or persons responsible for the performance of the salvage operations in respect of such wreck.
- (4) Any application under this section must be made within two months after the gazetting under section 6.

Penalty for unauthorised persons prospecting etc.

10. (1) No person other than a prospector acting under and in accordance with the terms of an agreement made pursuant to this Law shall unless thereto specially authorised in writing by the Governor work, take or bring to shore any abandoned wreck and where under the terms of any such agreement an exclusive licence has been granted to a prospector in respect of a defined area of the sea bed within the limits of the Islands no person other than such prospector shall prospect for any abandoned wreck within such defined area.

- (2) Whoever contravenes any of the provisions of sub-section (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding two years or both.

Warrant may issue in cases of concealment of wreck.

11. (1) If the Governor suspects or receives information that any abandoned wreck is secreted or in the possession of some person who is not the owner thereof, or that any such wreck is otherwise improperly dealt with, he may cause an application to be made to any Justice of the Peace for a search warrant, and that Justice may grant such a warrant, and a police officer of or above the rank of Inspector may by virtue thereof enter any house or other place, wherever situate, and also any vessel, and search for such wreck, and seize and detain any such wreck there found.

- (2) If any such seizure of abandoned wreck is made in consequence of information given by any person to the Governor the informer shall be entitled, by way of reward, to such sum not exceeding in any case one-half of the value of such abandoned wreck as the Governor may allow.

Presumption where wreck found in possession of any person.

12. All wreck found in the possession of any person within the Islands shall be deemed to be abandoned wreck until the contrary is proved to the satisfaction of a Magistrate or the Commissioner of Wreck and any person found in possession of abandoned wreck shall be presumed to have brought it ashore unless he has some satisfactory explanation of the manner in which it came into his possession.

Cap. 187 has no application to abandoned wreck.

13. The Wreck and Salvage Law has no application to abandoned wreck as defined in section 2.

Publication in revised form authorized by the Governor in Council this 26th day of April, 1977.

JENNY MANDERSON
Clerk of the Executive Council.

