

CAYMAN ISLANDS



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**THE MERCHANT SHIPPING (AMENDMENT) (SURVEYS AND
CERTIFICATION AND MISCELLANEOUS PROVISIONS) LAW, 2001**

(LAW 41 OF 2001)

**THE MERCHANT SHIPPING (AMENDMENT) (SURVEYS AND
CERTIFICATION AND MISCELLANEOUS PROVISIONS) LAW, 2001**

ARRANGEMENT OF SECTIONS

1. Short title
2. Definition
3. Amendment to section 2 - Definitions
4. Amendment of section 8 - Termination of registration
5. Amendment of section 11 - Register
6. Amendment of section 12 - Entries in register
7. Amendment of section 30 - Application of this Law where a ship is registered under section 28
8. Amendment of section 36 - Registration of transfer of ownership
9. Amendment of section 54 - Requirement for insurance cover
10. Amendment of section 122- Conduct endangering ship, persons, etc.
11. Amendment of section 171 - Interpretation
12. Amendment of section 180 - Survey requirements for passenger ships
13. Repeal and substitution of section 181 - Survey requirements for the radio installations of cargo ships
14. Repeal and substitution of section 182 - Survey requirements for safety equipment of cargo ships
15. Repeal and substitution of section 183 - Survey requirements for the structure, machinery and equipment of cargo ships
16. Amendment of section 184 - Responsibilities of owner and master and compliance with ISM Code
17. Amendment of section 186 - Issue of certificates to Cayman Islands ships engaged on international or short international voyages
18. Amendment of section 188 - Form of certificate
19. Repeal and substitution of section 189 - Duration and validity of certificates
20. Repeal and substitution of section 191 - Extension and other provisions
21. Amendment of section 202 - Arbitration
22. Amendment of section 204 - Inspection of ships holding Safety Convention certificates
23. Amendment of section 222 – Definitions and interpretation in this Part
24. Amendment of section 224 - Load line regulations
25. Amendment of section 228 - Issue of Load Line Certificates
26. Amendment of section 234 - Valid Convention certificates
27. Amendment of section 241 - Further powers to exempt ships
28. Amendment of section 242 - Issue of exemption certificates

29. Amendment of section 244 - International Load Line Exemption
Certificates
30. Amendment of section 251 - Convention countries
31. Amendment of section 269 - Appointment and powers of Receiver of
Wreck
32. Amendment of section 287 - Powers of Port Authority in relation to wrecks
33. Amendment of section 319 - Application to the Government
34. Amendment of section 355 - Limitation of Fund's liability under section
354
35. Amendment of section 356 - Jurisdiction and effect of judgment
36. Amendment of section 414 - Appointment of Director, surveyors and
inspectors
37. Amendment of section 422 - References of notices to arbitration
38. Amendment of section 449 - Registrar of Shipping and Shipping Master
39. Amendment of section 458 - Payments to be made into Treasury
40. Amendment of section 459 - Regulations, etc.
41. General amendment of principal law

CAYMAN ISLANDS

Law 41 of 2001.

I Assent

P.J. SMITH

Governor.

27 March, 2002

A LAW TO AMEND THE MERCHANT SHIPPING LAW (2001 REVISION), TO BRING UP TO DATE THE PROVISIONS RELATING TO THE SAFETY OF LIFE AT SEA PARTICULARLY REGARDING THE SURVEY AND CERTIFICATION REQUIREMENTS, TO CLARIFY VARIOUS OTHER ASPECTS OF THE EXISTING LAW, AND FOR INCIDENTAL AND CONNECTED PURPOSES

1. This Law may be cited as the Merchant Shipping (Amendment) (Surveys and Certification and Miscellaneous Provisions) Law, 2001. Short title
2. In this Law- Definition
“principal Law” means the Merchant Shipping Law (2001 Revision).
3. Section 2 of the principal law is amended- Amendment of section 2-
Definitions
 - (a) in the definition of “Safety Convention” by repealing “Protocol of 1978” and substituting “Protocols of 1978 and 1988”; and
 - (b) in the definition of “Governor”, by the insertion before “means”, of the words “other than in sections 269, 414 and 449”.
4. Section 8 of the principal Law is amended in subsection (3)(a), by inserting “and a mortgagee’s interest in respect of the ship shall remain registered except where it is proved that the mortgagee was privy to the possibility of the ship being used for criminal purposes, in which case the registration of the Amendment of section 8-
Termination of
registration

mortgagee's interest in the ship shall be deleted" after "registration" where that word last occurs.

Amendment of section 11 - Register

5. Section 11 of the principal Law is amended-

- (a) in subsection 2, by repealing "vessels" and substituting "yachts"; and
- (b) by inserting, after subsection (5), the following subsection-

“(6) In this section-

“pleasure yacht” includes a pleasure vessel and any vessel to which regulations made in respect of vessels in commercial use for sport or pleasure are stated to apply.”.

Amendment of section 12 - Entries in register

6. Section 12 of the principal Law is amended, in the margin note, by inserting “in relation to the property in a ship” after “register”.

Amendment of section 30 - Application of this Law where a ship is registered under section 28

7. Section 30 of the principal Law is amended, in subsection (2)(i), by repealing “54,”.

Amendment of section 36 - Registration of transfer of ownership

8. Section 36 of the principal Law is amended, in subsection (3)(a)-

- (a) by repealing “description” wherever it appears and substituting “other particulars”; and
- (b) by repealing the words “paragraph (d) of that section” and substituting “any regulations which may be made relating to the registration of ships”.

Amendment of section 54 - Requirement for insurance cover

9. Section 54 of the principal Law is amended, in subsection (1)(b), by repealing “and Schedules 2 and 3”.

Amendment of section 122-Conduct endangering ship, persons, etc.

10. Section 122 is amended by repealing subsection (7) and substituting the following subsection-

“(7) In the application of this section to a person falling within subsection (1)(b), subsections (2) and (4) shall have effect as if subsection (2)(a)(i) and (b)(i) were omitted.”.

Amendment of section 171 - Interpretation

11. Section 171 of the principal Law is amended-

- (a) by inserting, before the definition of “cargo ship”, the following definition-

“ “anniversary date” means the day and the month of each year which will correspond to the date of expiry of the relevant certificate;”;

- (b) in the list of certificates which are defined as those issued under section 186, by inserting “,Cargo Ship Safety Certificate” after “Cargo Ship Safety Radio Certificate”; and
- (c) in the definition of “Safety Convention Certificate” by inserting “Cargo Ship” before “Safety Certificate”.

12. Section 180 of the principal Law is amended-

Amendment of section
180 - Survey
requirements for
passenger ships

- (a) in paragraph (a)-
 - (i) by repealing “a” before “survey” and substituting “an initial”;
 - (ii) by repealing “and” after “condition” and substituting a comma; and
 - (iii) by inserting “and that the workmanship of all parts of the ship and its equipment is in all respects satisfactory” after “intended”; and
- (b) in paragraph (b)-
 - (i) by repealing “periodical” and substituting “renewal”;
 - (ii) by repealing “and” after “condition” and substituting a comma; and
 - (iii) by inserting “and that the workmanship of all parts of the ship and its equipment is in all respects satisfactory” after “intended”.

13. Section 181 of the principal Law is repealed and the following section substituted-

Repeal and substitution
of section 181 - Survey
requirements for the
radio installations of
cargo ships

“181. (1) The radio installations, including those used in life-saving appliances, of a cargo ship of 300 tons or over engaged on international voyages shall be subjected to the following surveys under this Part—

- (a) before the ship is put in service, an initial survey as set out in subsection (2);
- (b) at intervals specified in such a Cayman Islands Shipping Notice as may be issued under this Law or the regulations and,

subject to regulation 14 of the 1988 Protocol to the Safety Convention, being no more than five years, a renewal survey as set out in subsection (3);

- (c) within three months before or after each anniversary date of the issue of the ship's Cargo Ship Safety Radio Certificate, a periodical survey as set out in subsection (3); and
- (d) after a repair resulting from investigation prescribed in section 184(2), an additional survey.

(2) An initial survey shall include a complete inspection of the radio installations, including, when appropriate, those used in life-saving appliances, to ensure that they comply with the relevant regulations applicable to the ship, are in a satisfactory condition and are fit for the service for which the ship is intended.

(3) A renewal and a periodical survey shall include an inspection of the radio installations, including, when appropriate, those used in life-saving appliances, to ensure that they comply with the relevant regulations applicable to the ship, are in a satisfactory condition and are fit for the service for which the ship is intended.

(4) An additional survey, either general or partial, according to the circumstances, to be made after a repair resulting from investigations prescribed in section 184(2), or whenever any repairs or renewals are undertaken which could materially affect the safety and condition of the ship, shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the ship complies in all respects with the relevant regulations applicable to the ship.”.

Repeal and substitution
of section 182 - Survey
requirements for safety
equipment of cargo ships

14. Section 182 of the principal Law is repealed and the following section substituted-

“182.(1) The life saving appliances and other equipment of a cargo ship of 500 tons or over engaged on international

voyages shall be subjected to the following surveys under this Part-

- (a) before the ship is put in service, an initial survey as set out in subsection (2);
- (b) at such intervals as may be prescribed by a Cayman Islands Shipping Notice made under this Law or the regulations and, subject to regulation 14(b), (e) and (f) of the 1988 Protocol to the Safety Convention, being no more than five years, a renewal survey as set out in subsection (3);
- (c) within three months before or after the second or third anniversary date of a Cargo Ship Safety Equipment Certificate first being issued, a periodical survey as set out in subsection (3);
- (d) within three months before or after each anniversary date of the issue of the ship's Cargo Ship Safety Equipment Certificate, other than where a periodical survey is required to be carried out within that period, an annual survey as set out in subsection (4); and
- (e) after a repair resulting from investigations prescribed in section 184(2), or whenever any important repairs or renewals are made, an additional survey.

(2) The initial survey shall include a complete inspection of the life-saving appliances and arrangements (except radio installations where only the arrangements shall be inspected), the shipborne navigational equipment, the fire safety systems and appliances, the fire control plans, the means of embarkation of pilots, the nautical publications, lights, shapes and means of making sound and distress signals and other equipment to which Chapter II-1, II-2, III and V of the Safety Convention apply to ensure that they comply with the relevant regulations applicable to the ship, are in a satisfactory condition and are fit for the service for which the ship is intended.

(3) A renewal survey and a periodical survey shall include an inspection of the equipment referred to in subsection (2) to ensure that it complies with the relevant regulations applicable to the ship, is in a satisfactory condition and is fit for the service for which the ship is intended.

(4) An annual survey shall include a general inspection of the equipment referred to in subsection (2) to ensure that it is being maintained in accordance with the relevant regulations and section 184(1)(a) and it remains fit to proceed to sea without danger to the ship or persons on board, and for the service for which the ship is intended.

(5) An additional survey, either general or partial, according, to the circumstances, to be made after a repair resulting from an investigation prescribed in section 184(2), or whenever any repairs or renewals are undertaken which could materially affect the safety and condition of the ship, shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the ship complies in all respects with the relevant regulations applicable to the ship.”.

Repeal and substitution
of section 183 - Survey
requirements for the
structure, machinery and
equipment of cargo ships

15. Section 183 of the principal Law is repealed and the following section substituted-

“183.(1) The structure, machinery and equipment, excluding the radio installations and safety equipment to which sections 181 and 182 apply, of cargo ships of 500 tons or over engaged on international voyages shall be subjected to the following surveys under this Part-

- (a) before the ship is put in service, an initial survey as set out in subsection (3);
- (b) at such intervals as may be prescribed by a Cayman Islands Shipping Notice made under this Law or the regulations, subject to regulation 14 of the 1988 Protocol to the Safety Convention being intervals of no more than five years, a renewal survey as set out in subsection (4);

- (c) within three months before or after the second or third anniversary date of a Cargo Ship Safety Construction Certificate being issued, an intermediate survey as set out in subsection (5);
- (d) within three months before or after the anniversary date of the issue of the ship's Cargo Ship Safety Construction Certificate, other than where an intermediate survey has taken place within that period, an annual survey as set out in subsection (6);
- (e) the number of inspections of the ship's bottom specified in such a Cayman Islands Shipping Notice as may be issued under this Law or the regulations, being not less than two, to take place-
 - (i) subject to subsection (2), within any five year period; and
 - (ii) at intervals not exceeding thirty-six months; and
- (f) after a repair resulting from investigations prescribed in section 184(2), or whenever any important repairs or renewals are made, an additional survey.

(2) For the purpose of subsection (1)(e), where a renewal survey takes place within three months after the end of the five year period of validity of a Convention certificate, and that certificate has been extended in accordance with section 191(1) or (2), the period of extension of the certificate shall be deemed to be within the five year period.

(3) An initial survey of the structure, machinery and equipment of a cargo ship shall include-

- (a) an inspection of the outside of the ship's bottom; and
- (b) a complete inspection of the ship's structure, machinery and equipment such as to ensure that-
 - (i) the arrangements, materials, scantlings and workmanship of the

structure, boilers and other pressure vessels, their appurtenances, main and auxiliary machinery including steering gear and associated control systems, electrical installations and other equipment; and

(ii) in the case of tankers, the pump-rooms, cargo, bunker and ventilation piping systems and associated safety devices,

comply with the requirements of such relevant regulations as may be made in this regard, are in satisfactory condition and are fit for the service for which the ship is intended and that the required stability information is provided.

(4) A renewal survey shall include an inspection of the ship's structure, machinery and equipment such as to ensure that they comply with the requirements of the relevant regulations, are in satisfactory condition and are fit for the service for which they are intended.

(5) An intermediate survey shall include an inspection of-

- (a) the structure, boilers and other pressure vessels, machinery and equipment, the steering gear and the associated control systems and electrical installations; and
- (b) in the case of tankers, the pump-rooms, cargo, bunker and ventilation piping systems and associated safety devices and the testing of insulation resistance of electrical installations in dangerous zones.

(6) An annual survey shall include a general inspection of the structure, machinery and equipment referred to in subsection (3)(b) to ensure-

- (a) that they have been maintained to conform with such relevant regulations as may be made in this regard, to ensure that the ship in all respects will remain fit to proceed to sea without danger to the ship or persons on board; and

- (b) that they remain satisfactory for the service for which the ship is intended.

(7) An inspection of the outside of the ship's bottom and the survey of related items inspected at the same time shall be such as to ensure that they remain satisfactory for the service for which the ship is intended.”.

16. Section 184 of the principal Law is amended, in subsection (1), by inserting at the end of paragraph (a), “and that the ship in all respects will remain fit to proceed to sea without danger to the ship or persons on board”.

Amendment of section 184 - Responsibilities of owner and master and compliance with ISM Code

17. Section 186 of the principal Law is amended-

Amendment of section 186 - Issue of certificates to Cayman Islands ships engaged on international or short international voyages

- (a) by inserting “(1)” after the section number;
- (b) by inserting after paragraph (d), the following paragraph-
 - “(e) in the case of a cargo ship of 500 tons or over engaged on international voyages, as an alternative to the certificates prescribed in paragraphs (b), (c) and (d), a Cargo Ship Safety Certificate.”; and
- (c) by inserting the following subsections after subsection (1)-
 - “(2) Whenever, in this Part, reference is made to any of the certificates referred to in subsection (1)(b), (c) or (d), it shall apply to a Cargo Ship Safety Certificate, if it is used as an alternative to those certificates.
 - (3) The certificates referred to in this section shall be supplemented by a record of equipment.”.

18. Section 188 of the principal Law is amended-

Amendment of section 188 - Form of certificates

- (a) by repealing the margin note and substituting “Form of Certificates and records of equipment”; and
- (b) in subsection (2)-
 - (i) by inserting, after “Safety Construction Certificate”, the words “, Cargo Ship Safety Certificate”; and
 - (ii) by inserting “and records of equipment” after “Exemption Certificate”.

19. Section 189 of the principal Law is repealed and the following section substituted-

Repeal and substitution of section 189 - Duration and validity of certificates

“189.(1) Subject to subsections (2) to (4), a Safety Convention certificate shall be issued from the date of the completion of the relevant survey and shall be issued for a period of validity as follows-

- (a) a Passenger Ship Safety Certificate and a short international voyage Passenger Ship Safety Certificate shall be issued for a period of validity not exceeding twelve months; and
- (b) a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate and Cargo Ship Safety Radio Certificate shall be issued for a period of validity not exceeding five years.

(2) Where a renewal survey has been completed within a period three months before the expiry of the relevant Convention Certificate, the new certificate may be issued-

- (a) in the case of a Passenger Ship Safety Certificate, for a period of validity not exceeding twelve months from the date of expiry of the existing certificate; and
- (b) in the case of any other certificate, for a period of validity not exceeding five years from the date of expiry of the existing certificate.

(3) Except in special circumstances as determined by the Director and set out in such a Cayman Islands Shipping Notice as may be issued under this Law or regulations, where a renewal survey has been completed after the expiry of the relevant Safety Convention certificate, the new certificate shall be issued-

- (a) in the case of a Passenger Ship Safety Certificate, for a period of validity not exceeding twelve months from the date of expiry of the existing certificates; and
- (b) in the case of any other certificate, for a period of validity not exceeding five years from the date of expiry of the existing certificate.

(4) Where an annual, intermediate or periodical survey is completed before the period prescribed as respects such a survey in sections 180 to 183-

- (a) the anniversary date shown on the relevant certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;
- (b) subsequent annual, intermediate or periodical surveys required under sections 180 to 183 shall be completed at the intervals prescribed by those regulations using the new anniversary date; and
- (c) the expiry date may remain unchanged provided one or more annual, intermediate or periodical surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by sections 180 to 183 are not exceeded.

(5) The duration of certificates issued under section 187 shall be as follows-

- (a) a Passenger Certificate shall be issued for a period of validity not exceeding twelve months; and
 - (b) a Cayman Islands Cargo Ship Safety Construction Certificate shall be issued for a period of validity not exceeding five years.
- (6) A certificate shall cease to be valid-
- (a) if its period of validity has been exceeded and the certificate has not been extended when permitted by section 191;
 - (b) if the relevant surveys and inspections have not been carried out in accordance with this Part and the certificate has not been endorsed; and
 - (c) upon the transfer of a ship to the flag of another state.”.

Repeal and substitution
of section 191 -
Extension and other
provisions

20. Section 191 of the principal Law is repealed and the following section substituted-

“191.(1) If a Cayman Islands ship, at the time when a certificate issued under section 186(1)(a) or (b) expires, is not in a port in the Islands or the port in which it is to be surveyed, the Director may extend the period of validity of the certificate, but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to a port in the Islands or the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so. No certificate shall be extended for a period longer than three months, and a ship to which the extension is granted shall not, on its arrival in a port in the Islands or the port in which it is to be surveyed, be entitled by virtue of the extension to leave that port or the Islands without having obtained a new certificate.

(2) The Director may extend a certificate issued to a ship engaged on short international voyages which has not been extended under subsection (1) for a period of grace of up to one month from the date of expiry stated on it.

(3) Where a Safety Convention certificate other than a Passenger Ship Safety Certificate has been issued for a period of validity of less than five years and the surveys required under sections 180 to 183 have been satisfactorily completed, the Director may extend the validity of that certificate so that the certificate is valid for a maximum period of five years.

(4) Where a renewal survey required under sections 180 to 183 has been satisfactorily completed before the expiry of the relevant Safety Convention certificate but the new certificate cannot be issued or placed on board the ship before the expiry of the existing certificate, the Director may endorse the existing certificate as valid for a period not exceeding five months from the expiry date, and such a certificate shall be accepted as valid for the purpose of the relevant regulations.

(5) An extension of validity under subsection (3) or (4), and, except in special circumstances as determined by the Director and set out in such a Cayman Islands Shipping Notice as may be issued under this Law or the regulations, an extension of validity under subsection (1) or (2) shall be disregarded for the purposes of determining the date of expiry of an existing Safety Convention certificate under section 189 (2) or (3).

(6) In the case of a Cayman Islands ship in respect of which a Passenger Ship Safety Certificate or a short international voyage Passenger Ship Safety Certificate is in force and the total number of persons on board for a particular voyage is less than the number for which the ship's life-saving appliances provide, the Director may, at the request of the master of the ship, issue a memorandum that states the total number of persons on board for that voyage and the modifications that may be made with respect to the number of persons on board for that voyage and sets out the details of the modifications that may be made with respect to life-saving appliances stated on the certificate.

(7) The memorandum referred to in subsection (3) shall be attached to the certificate during the particular voyage and shall be returned to the Director at the completion of the voyage.

(8) In the case of a ship that has transferred from the registry of another country to the Cayman Islands Registry, the Director, subject to such survey requirements that may be considered to be necessary, may issue one or more of the certificates prescribed by sections 186 and 187 for a period to be determined by the Director, but for not longer than the period of validity of the certificate or certificates issued by or on behalf of the government of that other country if satisfied that-

- (a) the ship has already been subjected to satisfactory initial, renewal, periodical, intermediate, annual and additional surveys, as appropriate;

- (b) the certificate issued by or on behalf of the government of that country would have remained valid had the registry of the ship not been changed;
- (c) the condition of the ship, including its structure, machinery and equipment, have been maintained so as to comply with the relevant regulations applicable to the ship; and
- (d) after any of the surveys referred to in subparagraph (a) have been complete, no material change has been made to the ship, including its structure, machinery and equipment, subject to such surveys, without the approval of the Administration of that other country or the Director except by direct replacement.”.

Amendment of section
202 - Arbitration

21. Section 202 of the principal Law is amended, in subsection (2)-

- (a) by repealing paragraph (a) and substituting the following paragraph-
 - “(a) a person holding a certificate of competency as a master mariner (unrestricted) or as a marine engineer officer Class 1, or a person holding a certificate equivalent to any such certificate;”;
- (b) by repealing paragraph (c) and substituting the following paragraphs-
 - “(c) a person with at least ten years standing as an attorney-at-law in the Islands and with at least ten years experience in shipping law;
 - (ca) a person referred to in section 3(1)(a) of the Legal Practitioners Law (1999 Revision) who has practised in the designated profession for a period of at least ten years and with at least ten years experience in shipping law; or”.

Amendment of section
204 - Inspection of ships
holding Safety
Convention certificates

22. Section 204 of the principal Law is amended, in subsection (2), by inserting the following new paragraph after paragraph (b)-

- “(c) the authorities of the next port of call of the ship if it has not been possible to detain the ship under subsection (2), or to notify the persons referred to in paragraphs (a) and (b), or if the ship has been allowed to proceed to the next port of call.”.

Amendment of section
222 – Definitions and
interpretation in this Part

23. Section 222 of the principal Law is amended-

- (a) in subsection (1), by–

- (i) repealing the words “as amended” at the end of the definition of “1966 Convention” and substituting therefor “including the amendments applicable to the Islands”;
- (ii) inserting, in their proper alphabetical order, the following definitions-
 - “ “Convention-size” in relation to a ship means, in the case of an existing ship, not less than 150 gross tons (ascertained in accordance with the law in force on 21 July 1968), and, in the case of a new ship, not less than twenty-four metres in length;
 - “International Load Line Certificate” means an International Load Line Certificate issued under the 1966 Convention as amended by the 1988 Protocol;
 - “International Load Line Certificate (1966)” means an International Load Line Certificate issued under the 1966 Convention before the relevant entry into force date (if any);
 - “International Load Line Exemption Certificate” means an International Load Line Exemption Certificate issued under the 1966 Convention as amended by the 1988 Protocol;
 - “International Load Line Exemption Certificate (1966)” means an International Load Line Exemption certificate issued under the 1966 Convention before the relevant entry into force date (if any);
 - “new ship” means a ship whose keel is laid, or which is at a similar stage of construction, on or after the material date; and
 - “existing ship” means a ship which is not a new ship;”;
 - “parent country” means the country or territory in which the ship is registered or, if the ship is not registered anywhere, it means the country or territory whose flag the ship flies;
 - “1988 Protocol;” means the Protocol of 1988 relating to the 1966 Convention;
 - “relevant entry into force date” means the date when the 1988 Protocol enters into force in respect of the government of the parent country of the ship in question; and”;
- (iii) repealing the definition of “post-1966 Convention ship”;
- (b) by repealing subsection (2) and substituting the following subsection-

“(2) For the purposes of the definitions of a “new ship” and “existing ship”, “material date” means-

- (a) in relation to a ship whose parent country is a Convention country other than the Cayman Islands, the date on which the 1966 Convention entered into force for that country; and
- (b) in relation to any other ship, 21st July 1968.”; and
- (c) by inserting, in subsection (4), the word “made” after the words “voyage is”.

Amendment of section 224 - Load line regulations

24. Section 224 of the principal Law is amended, in subsection (1), by inserting after the word “Convention” the words “as amended by the 1988 Protocol.”.

Amendment of section 228 - issue of Load Line Certificates

25. Section 228 of the principal Law is amended-

- (a) in subsection (2), by repealing paragraph (a) and substituting the following-
 - “(a) in the case of a Convention-size ship, is an International Load Line Certificate or an International Load Line Certificate (1966);”;
- (b) by repealing subsection (4) and substituting the following subsection-

“(4) The Director may request a Contracting Government to survey a Cayman Islands ship and, if satisfied that the requirements of the Convention are complied with-

- (a) to issue or authorise the issue of, in respect of the ship a International Load Line Certificate; or
- (b) in the case of an annual survey required under regulation 6(1)(c) of the load line regulations authorise the endorsement of the International Load Line Certificate, the International Load Line Certificate (1966) or the Cayman Islands Load Line Certificate accordingly,

and a certificate issued or an endorsement made in accordance with such a request, and containing a statement that it has been so issued or made, shall have the same effect

as if it had been issued by the Director or made by a surveyor respectively.”; and

- (c) by inserting, after subsection (4), the following subsection-

“(5) in subsection (4)-

“Convention” means the 1966 Convention or the 1966 Convention as amended by the 1988 Protocol, as the case may be.”.

26. Section 234 of the principal Law is amended-

Amendment of section
234 - Valid Convention
certificates

- (a) in the margin note, by replacing the word “Valid” with “Issue of” and adding after the word “certificates” the words “to non-Cayman Islands ships”;
- (b) by repealing paragraphs (a) and (b) of subsection (1) and substituting the following-
 - “(a) is a Convention-size ship; or
 - (b) not being registered in a Convention country or elsewhere, flies the flag of a Convention country.”;
- (c) in subsection (3), by inserting between the words “as” and “International” the words “International Load Line Certificates or”;
- (d) in subsection (4), by inserting, after the word “called”, the words “International Load Line Certificates” or”.

27. Section 241 of the principal Law is amended-

Amendment of section
241 - Further powers to
exempt ships

- (a) in subsection (2), by repealing the words “either a pre-1966 Convention ship of not less than one hundred and fifty gross tonnage or a post-1966 Convention ship of not less than twenty-four metres in length” and substituting therefor “a Convention-size ship”;
- (b) in subsection (3), by repealing paragraph (a) and substituting-“(a) a Convention-size ship; or”;
- (c) in subsection (4), by repealing the words “either a pre-1966 Convention ship of not less than one hundred and fifty gross tonnage or a post-1966 Convention ship of not less than twenty-four metres in length” and substituting therefor “a Convention-size ship”.

28. Section 242 of the principal Law is amended, in subsection (2), by-

Amendment of section
242 - Issue of exemption
certificates

- (a) repealing the inverted commas enclosing the words “International Load Line Exemption Certificate”;
- (b) repealing the semicolon after the word “Certificate”;
- (c) inserting after the word “or” the words “an International Load Line Exemption Certificate (1966) or;” and
- (d) repealing the inverted commas enclosing the words “Cayman Islands Load Line Exemption Certificate”.

Amendment of section
244 - International Load
Line Exemption
Certificates

29. Section 244 of the principal Law is amended-

- (a) in subsection (1), by inserting, after “1966 Convention”, the words “or the 1966 Convention as amended by the Protocol of 1988;” and
- (b) in subsection (2), by repealing the inverted commas containing the words “International Load Line Exemption Certificates” and inserting, after the words “Exemption Certificates”, the words “or International Load Line Exemption Certificates (1966)”.

Amendment of section
251 - Convention
countries

30. Section 251 of the principal Law is repealed and the following section substituted-

“251. In this Part-

“Convention country” means-

- (a) a country the government of which is party to the 1966 Convention, or the 1966 Convention as amended by the 1988 Protocol;
- (b) a territory to which the 1966 Convention, or the 1966 Convention as amended by the 1988 Protocol, extends.”.

Amendment of section
269 - Appointment and
powers of Receiver of
Wreck

31. Section 269 of the principal Law is amended-

- (a) in subsection (1), by repealing “The Port Director may be appointed” and substituting “The Governor, acting in his discretion, may appoint the Port Director as”;
- (b) in subsection (2)-
 - (i) by repealing “or” after the word “stranded,” and substituting a comma; and
 - (ii) by inserting “or at risk of causing damage to the environment” after “distress”.

Amendment of section
287 - Powers of Port
Authority in relation to
wrecks

32. Section 287 of the principal Law is amended, in subsection (1), by inserting after “thereto,” “or a threat to the environment,”.

33. Section 319 of the principal Law is amended by repealing the words “under this Part” where they appear, and substituting “under section 320”. Amendment of section 319 - Application to the Government
34. Section 355 of the principal Law is amended-
- (a) in subsection (1), by repealing “and the text of which is set out in Part 1 of Schedule 3, and in those provisions references to the Liability Convention are references to the Liability Convention within the meaning of this Chapter”; and
 - (b) by repealing subsection (5) and substituting the following subsection-

“(5) The Governor may, by Order, make such amendments to this section as may be appropriate for the purpose of implementing any amendment in force in respect of the overall limit on the liability of the Fund.”.
- Amendment of section 355 - Limitation of Fund’s liability under section 354
35. Section 356 of the principal Law is amended, in subsection (4), by repealing “(as set out in Part 1 of Schedule 3)”. Amendment of section 365 - Jurisdiction and effect of judgment
36. Section 414 is amended-
- (a) in subsection (1), by adding, after “Governor” the words “, acting in his discretion,”.
 - (b) by repealing subsection (2) and substituting the following subsection-

“(2) There shall be appointed at such ports as the Minister may specify, persons to be surveyors of ships for the purposes of this Law.”; and
 - (c) in subsection (6)(b), by repealing “424” and substituting “420”.
- Amendment of section 414 - Appointment of Director, surveyors and inspectors
37. Section 422 of the principal Law is amended, in subsection (4)- Amendment of section 422 - References of notices to arbitration
- (a) in paragraph (a), by inserting after “master mariner” the word “(unrestricted)”; and
 - (b) by repealing paragraph (c) and substituting the following paragraphs-
 - “(c) a person with at least ten years’ standing as an attorney-at-law in the Islands and with at least ten years experience in shipping law; or
 - (ca) a person referred to in section 3(1)(a) of the Legal Practitioners Law (1999 Revision) who has practised in the designated profession for a

period of at least ten years and with at least ten years experience in shipping law;”.

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| Amendment of section 449 - Registrar of Shipping and Shipping Master | 38. Section 449 of the principal Law is amended, in subsections (1), (2) and (4), by deleting the word “Minister” wherever it appears and substituting “Governor acting in his discretion”. |
| Amendment of section 458 - Payments to be made into Treasury | 39. Section 458 of the principal Law is amended, in subsection (1)(a), by repealing “fees, charges and expenses” and substituting “fees and charges”. |
| Amendment of section 459 - Regulations, etc. | 40. Section 459 of the principal Law is amended by inserting, after subsection (7), the following subsection- “(8) In making any regulations under this Law, the Governor may prescribe fines exceeding one thousand dollars in respect of breaches of any provisions thereof.”. |
| General amendment of principal Law | 41. The principal Law is amended in sections 418(4), 423(4), 438(8), 450, 456, 457 (and the margin note thereto) and 461(3) by the deletion of “Executive Council” wheresoever the words appear and the substitution therefor in each case of the words “Legislative Assembly”. |

Passed by the Legislative Assembly the 10th day of January, 2002.

JULIANNA O'CONNOR-CONNOLLY

Speaker.

WENDY LAUER EBANKS

Clerk of the Legislative Assembly.