

CAYMAN ISLANDS



Supplement No. 4 published with Gazette No. 25 of 1989

**THE MERCHANT SHIPPING
(APPLICABLE CONVENTIONS) LAW 1987
THE MERCHANT SHIPPING (SAFETY PROVISIONS)
(APPLICATION) ORDER 1989**

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(APPLICATION) 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 (Applicable Conventions) Law 1987, 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) Order 1989 and shall come into force on the day after it is made.

Interpretation.

2. (1) In this Order "the applied legislation" means the subsidiary legislation specified in Schedule 1.

(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.

(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 (Applicable Conventions) Law 1987 shall have the meanings assigned to them by that Law.

Application to the Cayman Islands of the provisions of the applied legislation.

3. (1) Subject to the exceptions, adaptations and modifications specified in Schedule 2, the applied legislation shall apply to the Cayman Islands as part of the law of the Cayman Islands and shall come into operation on 1st January, 1990.
- (2) The exceptions, adaptations and modifications specified in Part I of 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 any other Part of Schedule 2 in respect of a provision of the applied legislation.

Reg 16

Enforcement of detention

- (a) For "Section 460(1) and section 692(1) to (3) and (5) of the Merchant Shipping Act 1894 (which relate respectively to liability for costs and compensation for the detention of a ship and enforcing the detention of a ship)" substitute "Sections 74, 75 and 76 of the Merchant Shipping (Applicable Conventions) Law 1987".
- (b) Delete "subject to the following modifications:-" and paragraphs (a) and (b).
- (c) After "these Regulations" insert "and for the purpose of applying those sections "the Merchant Shipping (Entry into Dangerous Spaces) Regulations 1988" shall be substituted for the words "this Law" wherever they occur.".

SCHEDULE I

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

1. The Merchant Shipping (Code of Safe Working Practices) Regulations 1980 (S.I. 1980 No 686);
2. The Merchant Shipping (Safety Officials and Reporting of Accidents and Dangerous Occurrences) Regulations 1982 (S.I. 1982 No 876);
3. The Merchant Shipping (Safety Officials and Reporting of Accidents and Dangerous Occurrences) (Amendment) Regulations 1984 (S.I. 1984 No 93);
4. The Merchant Shipping (Health and Safety: General Duties) Regulations 1984 (S.I. 1984 No 408);
5. The Merchant Shipping (Protective Clothing and Equipment) Regulations 1985 (S.I. 1985 No 1664);
6. The Merchant Shipping (Health and Safety: General Duties) (Amendment) Regulations 1988 (S.I. 1988 No 1396);
7. The Merchant Shipping (Guarding of Machinery and Safety of Electrical Equipment) Regulations 1988 (S.I. 1988 No 1636);
8. The Merchant Shipping (Means of Access) Regulations 1988 (S.I. 1988 No 1637);
9. The Merchant Shipping (Entry into Dangerous Spaces) Regulations 1988 (S.I. 1988 No 1638);
10. The Merchant Shipping (Hatches and Lifting Plant) Regulations 1988 (S.I. 1988 No 1639);
11. The Merchant Shipping (Safe Movement on Board Ship) Regulations 1988 (S.I. 1988 No 1641).

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

MONA N. JACKSON
Clerk of the Executive Council.

SCHEDULE 2 - PART XII

THE MERCHANT SHIPPING (SAFE MOVEMENT ON BOARD SHIP)
REGULATIONS 1988 (S.I. 1988 No 1641)

Article 3

Provision of Regulations	Subject Matter	Exceptions, Adaptations and Modifications
Reg 2	Interpretation	<p>(a) In the definition of "BS 5378 Part I", after "Secretary of State" (which shall not be replaced under the provisions of Part I of this Schedule) insert "for Transport of the United Kingdom".</p> <p>(b) In the definition of "Code", after "Secretary of State" (which shall not be replaced under the provisions of Part I of this Schedule) insert "for Transport of the United Kingdom".</p> <p>(c) In the definition of "new ship", for "January" substitute "1st January, 1990".</p>
Reg 12	Penalties	<p>(a) In paragraph (1) -</p> <p>(i) for "£2,000" substitute "four thousand dollars";</p> <p>(ii) for "a fine" where it second appears substitute "an unlimited fine".</p> <p>(b) In paragraph (2) for "£1,000" substitute "two thousand dollars".</p> <p>(c) In paragraph (3) -</p> <p>(i) for "£2,000" substitute "four thousand dollars";</p> <p>(ii) for "a fine" where it second appears substitute "an unlimited fine".</p>

SCHEDULE 2 - PART I

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 ANY OTHER PART OF THIS SCHEDULE

1. Reference in the applied legislation to -
 - (a) its date of commencement shall be construed as reference to 1st January, 1990.
 - (b) the "Secretary of State" shall be construed as reference to the Chief Marine Surveyor, and in each set of Regulations comprising 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 (Applicable Conventions) Law 1987 or any person appointed by the Chief Marine Surveyor to act on his behalf";
 - (c) the "United Kingdom", except in the expressions "United Kingdom ship" or "United Kingdom ships", shall be construed as reference to the Cayman Islands;
 - (d) a "United Kingdom ship" or "United Kingdom ships" shall be construed as a reference to a Cayman Islands ship or Cayman Islands ships as the case may be, and where the expression "United Kingdom ship" 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) a "Merchant Shipping Notice" shall be construed as reference to the Merchant Shipping Notice of the number specified issued by the Secretary of State for Transport of the United Kingdom and shall include a reference to any subsequent Merchant Shipping Notice of the same number 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;
 - (f) 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 a reference to such provision as it has effect in the Cayman Islands;
 - (g) any statutory provision shall be construed as a 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 a 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 a 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 2 - PART II

THE MERCHANT SHIPPING (CODE OF SAFE WORKING PRACTICES)
REGULATIONS 1980 (S.I. 1980 No 686)

Article 3

Provision of Regulations	Subject Matter	Exceptions, Adaptations, and Modifications
Reg 1	Interpretation	(a) In paragraph (2), in the definition of "the Code" before "Department of Trade" insert "United Kingdom". (b) In paragraph (3), after "Secretary of State" (which shall not be replaced under the provisions of Part I of this Schedule) insert "for Transport of the United Kingdom".
Reg 3	Carriage of copies of the Code	In sub-paragraph (e) of paragraph (2) for "any regulations made under section 21(1)(a) of the Merchant Shipping Act 1979" substitute "the Merchant Shipping (Safety Officials and Reporting of Accidents and Dangerous Occurrences) Regulations 1982".

SCHEDULE 2 - PART XI

THE MERCHANT SHIPPING (HATCHES AND LIFTING PLANT)
REGULATIONS 1988 (S.I. 1988 No 1639)

Article 3

Provision of Regulations	Subject Matter	Exceptions, Adaptations and Modifications
Reg 2	Interpretation	In the definition of "Code", after "Secretary of State" (which shall not be replaced under the provisions of Part I of this Schedule) insert "for Transport of the United Kingdom".
Reg 11	Penalties	(a) In paragraph (1) - (i) for "£2,000" substitute "four thousand dollars"; (ii) for "a fine" where it second appears substitute "an unlimited fine". (b) In paragraph (2) for "£1,000" substitute "two thousand dollars". (c) In paragraph (3) for "£400" substitute "eight hundred dollars".
Reg 15	Enforcement of detention	(a) For "Section 460(1) and section 692(1) to (3) and (5) of the Merchant Shipping Act 1894 (which relate respectively to liability for costs and compensation for the detention of a ship and enforcing the detention of a ship)" substitute "Sections 74, 75 and 76 of the Merchant Shipping (Applicable Conventions) Law 1987". (b) Delete "subject to the following modifications:-" and paragraphs (a) and (b). (c) After "these Regulations" insert "and for the purpose of applying those sections "the Merchant Shipping (Hatches and Lifting Plant) Regulations 1988" shall be substituted for the words "this Law" wherever they occur".

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SCHEDULE 2 - PART X

THE MERCHANT SHIPPING (ENTRY INTO DANGEROUS SPACES)
REGULATIONS 1988 (S.I. 1988 No 1638)

Article 3

Provision of Regulations	Subject Matter	Exceptions, Adaptations and Modifications
Reg 2	Interpretation	In the definition of "Code", after "Secretary of State" (which shall not be replaced under the provisions of Part I of this Schedule) insert "for Transport of the United Kingdom".
Reg 8	Penalties	(a) In paragraph (1) - (i) for "£2,000" substitute "four thousand dollars"; (ii) for "a fine" where it second appears substitute "an unlimited fine". (b) In paragraph (2) for "£1,000" substitute "two thousand dollars". (c) In paragraph (3) for "£400" substitute "eight hundred dollars".
Reg 12	Enforcement of detention	(a) For "Section 460(1) and section 692(1) to (3) and (5) of the Merchant Shipping Act 1894 (which relate respectively to liability for costs and compensation for the detention of a ship and enforcing the detention of a ship)" substitute "Sections 74, 75 and 76 of the Merchant Shipping (Applicable Conventions) Law 1987". (b) Delete "subject to the following modifications:-" and paragraphs (a) and (b). (c) After "these Regulations" insert "and for the purpose of applying those sections "the Merchant Shipping (Entry into Dangerous Spaces) Regulations 1988" shall be substituted for the words "this Law" wherever they occur."

Reg 6

Penalties

(a) In paragraphs (1) and (2) for "£1,000" substitute "two thousand dollars".

(b) In paragraphs (3) and (4) for "£50" substitute "one hundred dollars".

SCHEDULE 2 - PART III

THE MERCHANT SHIPPING (SAFETY OFFICIALS AND REPORTING OF
ACCIDENTS AND DANGEROUS OCCURRENCES) REGULATIONS 1982
(S.I. 1982 No 876)

Article 3

Provision of Regulations	Subject Matter	Exceptions, Adaptations and Modifications
Reg 1	Interpretation	In paragraph (2), in the definition of "Code of Safe Working Practices"- (i) before "Department of Trade" insert "United Kingdom"; (ii) after "Secretary of State" (which shall not be replaced under the provisions of Part I of this Schedule) insert "for Transport of the United Kingdom".
Reg 2	Application	In paragraph 92 for "Crown" substitute "Governor".
Reg 5	Duties of safety officers	(a) In sub-paragraph (b) of paragraph (4) - (i) delete "relevant"; (ii) after "Merchant Shipping Notice" insert "which relates to Cayman Islands ships by virtue of any legislative provision in force in the Cayman Islands." (b) In paragraph (7) for "Department of Trade" substitute "Chief Marine Surveyor".
Reg 7	Duties of safety committees	In sub-paragraph (d) of paragraph (1), for "Merchant Shipping Notices and other publications relating to occupational health and safety issued by the Government or

by safety organisations and similar bodies, and any new legislation on occupational health and safety;" substitute "and any Merchant Shipping Notice which relates to Cayman Islands ships by virtue of any legislative provision in force in the Cayman Islands;"

(which shall not be replaced under the provisions of Part I of this Schedule) insert "for Transport of the United Kingdom".

Reg 8	Duties of employer and master	In paragraph (1), for "promulgated by the Department of Trade" substitute "which relate to Cayman Islands ships by virtue of any legislative provision in force in the Cayman Islands;"	Reg 3	Application	In paragraph (3), delete the second sentence.
			Reg 11	Penalties	(a) In paragraph (1) - (i) for "£2,000" substitute "four thousand dollars"; (ii) for "a fine" where it second appears substitute "an unlimited fine". (b) In paragraph (2) for "£1,000" substitute "two thousand dollars". (c) In paragraph (3) for "£400" substitute "eight hundred dollars".
Reg 10	Notification of accidents and dangerous occurrences	In paragraph (3), for sub-paragraphs (a) to (f) substitute "as a docker, shipbuilder, ship repairer or diver".			
Reg 11	Reporting and investigation of accidents and dangerous occurrences	(a) In sub-paragraph (a) of paragraph (1), for "any Department of Trade Marine office or to the Marine Division, Department of Trade, Sunley House, London WC1V 6LP" substitute "the Chief Marine Surveyor". (b) In paragraphs (2),(3) and (4), for "Department of Trade" wherever it occurs substitute "Chief Marine Surveyor".	Reg 15	Enforcement of detention	(a) For "Section 460(1) and section 692(1) to (3) and (5) of the Merchant Shipping Act 1894 (which relate respectively to liability for costs and compensation for the detention of a ship and enforcing the detention of a ship)" substitute "Sections 74, 75 and 76 of the Merchant Shipping (Applicable Conventions) Law 1987". (b) Delete "subject to the following modifications:-" and paragraphs (a) and (b). (c) After "these Regulations" insert "and for the purpose of applying those sections "the Merchant Shipping (Means of Access) Regulations 1988" shall be substituted for the words "this Law" wherever they occur.".

SCHEDULE 2 - PART IV

THE MERCHANT SHIPPING (SAFETY OFFICIALS AND REPORTING OF ACCIDENTS AND DANGEROUS OCCURRENCES) (AMENDMENT) REGULATIONS 1984 (S.I. 1984 NO 93)

Article 3

Provision of Regulations	Subject Matter	Exceptions, Adaptations and Modifications
Reg 2	Amendment of the Merchant Shipping (Safety Officials and Reporting of	In paragraph (3) - (i) for "£1,000" substitute "two thousand dollars"; (ii) for "£500" substitute "one thousand dollars";

- (i) for "£2,000" substitute "four thousand dollars";
- (ii) for "a fine" where it second appears substitute "an unlimited fine".

(b) In paragraph (2) for "£1,000" substitute "two thousand dollars".

Accidents and Dangerous Occurrences) Regulations 1982

- (iii) for "Department of Transport" substitute "Chief Marine Surveyor";
- (iv) for "£50" substitute one hundred dollars".

Reg 9

Enforcement of detention

- (a) For "Section 460(1) and section 692(1) to (3) and (5) of the Merchant Shipping Act 1894 (which relate respectively to liability for costs and compensation for the detention of a ship and enforcing the detention of a ship)" substitute "Sections 74, 75 and 76 of the Merchant Shipping (Applicable Conventions) Law 1987".
- (b) Delete "subject to the following modifications:-" and paragraphs (a) and (b).
- (c) After "these Regulations" insert "and for the purpose of applying those sections "the Merchant Shipping (Guarding of Machinery and Safety of Electrical Equipment) Regulations 1988" shall be substituted for the words "this Law" wherever they occur."

SCHEDULE 2 - PART IX

THE MERCHANT SHIPPING (MEANS OF ACCESS) REGULATIONS 1988 (S.I. 1988 No 1637)

Article 3

Provision of Regulations

Subject Matter

Exceptions, Adaptations and Modifications

Reg 1

Revocation

Delete paragraph (2).

Reg 2

Interpretation

In the definition of "Code", after "Secretary of State"

SCHEDULE 2 - PART V
THE MERCHANT SHIPPING (HEALTH AND SAFETY: GENERAL DUTIES) REGULATIONS 1984 (S.I. 1984 No 408)

Article 3

Provision of Regulations

Subject Matter

Exceptions, Adaptations and Modifications

Reg 5

General duties of employees

In paragraph (b), for "Merchant Shipping Acts 1894 to 1983" substitute "Merchant Shipping (Applicable Conventions) Law 1987".

Reg 7

Duty not to interfere with or misuse certain things

For "Merchant Shipping Acts 1894 to 1983" substitute "Merchant Shipping (Applicable Conventions) Law 1987".

Reg 14

Enforcement of detention

- (a) For "Section 460(1) and section 692 of the Merchant Shipping Act 1894 (which relate respectively to liability for costs and compensation for the detention of a ship and enforcing the detention of a ship)" substitute "Sections 74, 75 and 76 of the Merchant Shipping (Applicable Conventions) Law 1987".
- (b) Delete "subject to the following modifications -" and paragraphs (1) and (2).
- (c) After "these Regulations" insert "and for the purpose of applying those sections "the Merchant Shipping (Health and Safety: General Duties) Regulations 1984" shall be substituted for the words "this Law" wherever they occur."

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SCHEDULE 2 - PART VI

THE MERCHANT SHIPPING (PROTECTIVE CLOTHING AND EQUIPMENT) REGULATIONS 1985 (S.I. 1985 No 1664)

Article 3

Provision of Regulations	Subject Matter	Exceptions, Adaptations and Modifications
Reg 2	Interpretation	Delete the definition of "relevant MSN".
Reg 4	Provision and standard of protective clothing and equipment	In paragraph (1), for "the relevant MSN" wherever it occurs substitute "Merchant Shipping Notice 1195".
Reg 6	Maintenance of protective clothing and equipment	In sub-paragraph (d) of paragraph (1), for "the relevant MSN" substitute "Merchant Shipping Notice 1195".
Reg 10	Penalties	(a) In paragraph (1) for "£1,000" substitute "two thousand dollars". (b) In paragraph (2) for "£100" substitute "two hundred dollars". (c) In paragraph (3) for "£200" substitute "four hundred dollars".
Reg 15	Enforcement of detention	(a) For "Section 460(1) and section 692 of the Merchant Shipping Act 1894 (which relate respectively to liability for costs and compensation for the detention of a ship and enforcing the detention of a ship)" substitute "Sections 74,75 and 76 of the Merchant Shipping (Applicable Conventions) Law 1987". (b) Delete "subject to the following modifications-" and paragraphs (1) and (2).

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(c) After "these Regulations" insert "and for the purpose of applying those sections "the Merchant Shipping (Protective Clothing and Equipment) Regulations 1985" shall be substituted for the words "this Law" wherever they occur.

SCHEDULE 2 - PART VII

THE MERCHANT SHIPPING (HEALTH AND SAFETY: GENERAL DUTIES) (AMENDMENT) REGULATIONS 1988 (S.I.1988 No 1396)

Article 3

Provision of regulations	Subject Matter	Exceptions, Adaptations and Modifications
Reg 2	Amendment of the Merchant Shipping (Health and Safety: General Duties) Regulations 1984	(a) For "£2,000" substitute "four thousand dollars." (b) For "£400" substitute "eight hundred dollars". (c) For "£1,000" wherever it occurs substitute "two thousand dollars."

SCHEDULE 2 - PART VIII

THE MERCHANT SHIPPING (GUARDING OF MACHINERY AND SAFETY OF ELECTRICAL EQUIPMENT) REGULATIONS 1988 (SI 1988 NO. 1636)

Article 3

Provision of regulation	Subject Matter	Exceptions, Adaptations and Modifications
Reg 5	Penalties	(a) In paragraph (1) -