



# Master's Handbook

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## Cayman Islands Registered Ships

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## Introduction

This handbook is intended for all masters and senior officers of Cayman Islands registered merchant ships.

Please read this document as it should answer most of your questions regarding Cayman Islands Merchant Shipping Laws and Regulations and the administrative processes required in running a Cayman Islands ship. These may differ from the procedures that you are familiar with on ships of other flags and this guide attempts to provide simple guidance on the key areas. It should be noted, however, that this document contains advice and masters and Owners should always be aware that the onus is on them to comply with the requirements of the Conventions, Cayman Islands legislation and any local legislation in the areas you are operating (for example the United States, European Union).

It should also be noted that the information in this document is not sufficient to demonstrate sufficient knowledge of Cayman Islands Laws and Procedures (LAP). You should refer to the separately published LAP Manual and Questions and Answers Document for all of the guidance and information required to demonstrate this knowledge.

Masters and senior officers serving, or having served, on Cayman Islands Ships are invited and encouraged to participate in the continuous development by submitting appropriate comments and suggestions to the Cayman Islands Shipping Registry (CISR). As the day to day practitioners we view serving masters and senior officers as a vital barometer in assessing the effectiveness of the Master's Handbook. Please forward all such comments and suggestions to the CISR by email to [shipping.master@cishipping.com](mailto:shipping.master@cishipping.com).

Information on contacting the CISR is available in Guidance Note CIGN 04/2017 (as amended) <https://www.cishipping.com/policy-advice/guidance-notes>

Further information, including Shipping Notices and advice, can be obtained by accessing the CISR's web site at: [www.cishipping.com](http://www.cishipping.com).

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## **1. Flag State Inspection Compliance (enhanced delegation) Programme (General Inspections)**

The Cayman Islands Shipping Registry (CISR) changed the way it carries out ship inspections with full delegation to class for ISM, MLC and ISPS and the introduction of a flag state General Inspection regime for qualifying ships. This change was effective from 1st April 2017.

### **Full Delegation to Class**

The CISR has issued revised Class agreements to all its Recognised Organisations which now permit the delegation of ISM, ISPS, and MLC inspections and certification.

It is important to stress that the CISR is not removing itself from day to day interaction with clients. Our technical section will still be on hand to provide technical support services, respond to queries, provide temporary dispensation letters, and 24/7 emergency response.

### **New Flag State Inspection Programme (General Inspections – See Section 8 for More Information)**

CISR surveyors will carry out General Inspections (GI) at least once in a 5 year cycle. However, further GIs during this period will depend on the PSC performance of that ship during the prevailing period. Operators can arrange this visit at a port and time to suit them. To set the cycle, dates will be aligned with the last ship visit by a CISR surveyor.

A ship changing flag to the Cayman Islands will require an Initial General Inspection (IGI). Depending upon the age of the vessel, this may be required before registration or within 6 months of registration. Upon completion of the inspection, a general inspection report will be sent to the operator.

The vessel will begin the 5 year cycle for GIs from the date of registration. Notwithstanding the above operators may voluntarily request attendance from a CISR surveyor if so desired for operational reasons.

## **2. Manning and STCW requirements**

### **Manning on board**

All merchant ships registered in the Cayman Islands of 500 gross tonnage and above must have a Minimum Safe Manning Document (MSMD) issued by the Cayman Islands Shipping Registry (CISR). MSMDs are only issued after consultation with the Owner or Manager and will state the numbers and categories of officers and crew members that are required to be on board. Classification Societies and other organisations are not permitted to issue MSMDs for Cayman Islands ships.

When there are any changes which may affect the ship's minimum safe manning, the ship's Company must prepare and submit a new proposal for the ship's minimum safe manning. Such changes may include alteration of the trading area, construction, machinery, equipment, operation, maintenance or management of the ship. Failure to reapply will render the ship's existing MSMD invalid. The MSMD can also be rendered invalid if the ship persistently fails to comply with hours of rest requirements.

If the ship has the 'periodically unattended machinery space' notation and this is lost due to a malfunction of equipment in the engine room meaning the engine room needs to be attended then a new temporary MSMD or dispensation will be required.

The manning levels on board must never under normal circumstances be lowered below the minimum as stated in the MSMD. However, if due to exceptional circumstances a seafarer has to be removed from the ship and a replacement cannot join in time it may be possible for the ship to continue to operate with one less seafarer than is specified on the MSMD, generally to the next port, for a maximum period of 21 days. The final decision to proceed to sea short-handed rests with the master, and in all cases the CISR must be notified. The master should ensure that the Hours of Work Regulations<sup>1</sup> can be complied with at all times.

In such cases, a copy of the CISR's agreement should be kept on board the ship in case of inspection by Port State Control. If this is not done, or if the ship is found to be manned below the level specified in the MSMD without evidence of flag agreement, the ship may be liable for detention.

### **Certificates of Competency and Cayman Islands Endorsements**

In accordance with the International Convention on Standards of Training, Certification and Watchkeeping, 1978 ("STCW" or "STCW Convention"), officers onboard a Cayman Islands ship are required to hold a Certificate of Competency (CoC) issued in accordance with STCW from a country whose standards of competency and training are considered to be equivalent to those of the United Kingdom (who is the IMO signatory for the Cayman Islands).

The Cayman Islands does not issue Certificates of Competency (CoCs) but in accordance with regulation I/10 of STCW, holders of a CoC also require an endorsement from the CISR attesting to the acceptance of their CoC. The CISR will consider endorsement applications for officers with CoC's issued by the STCW white list countries recognised by the CISR, see Shipping Notice CISN 05/2011 (as amended).

The master must ensure that all officers hold the Cayman Islands Endorsements required for their role and that they also hold their original national Certificate of Competency. If an officer does not hold a Cayman Islands Endorsement when he joins then the master should check that an application (Form CISR504 available in "Technical Compliance" section <http://www.cishipping.com/forms>) has been made. Applications are usually made by the owner/manager. A copy of the Confirmation of Receipt of Application (CRA) should be retained on board until such time as the officer's Cayman Islands Endorsement arrives on board. The officer can sail for a maximum period of 3 months with a Confirmation of Receipt of Application, after which the seafarer must hold a Cayman Islands Endorsement.

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<sup>1</sup> The Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations, 2004 Revision (as amended)

These procedures are important and must be followed to show any Port State Control Officer that the vessel is manned with suitably qualified officers.

### **Law and Administrative Procedures**

In accordance with Regulation I/10.2 of STCW, Administrations recognizing Certificates of Competency through the issue of an Endorsement shall establish measures to ensure that seafarers who present, for recognition, certificates issued for Masters and senior officers serving at the management level, have an appropriate knowledge of the maritime legislation (LAP) of the Administration relevant to the flag and functions they are permitted to perform.

For Cayman Islands ships these requirements are given effect through Regulation 5(4) of the Cayman Islands Merchant Shipping (Training, Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations (2004 Revision), made under the Merchant Shipping Law (2016 Revision), as amended (MSL 2016).

When applying for a Cayman Islands endorsement the appropriate knowledge of the seafarer's LAP can be verified by a declaration on the application form made by the management company or the vessel's master. The person or company representative making this declaration should ensure that the seafarer has been provided with access to the LAP manuals which are available online (<https://www.cishipping.com/forms>).

Proficiency in these matters will be verified during scheduled inspections, surveys and audits on board ships. Guidance Note CIGN 06/2019 has more information on this.

### **English language**

English is the official language on board Cayman Islands registered ships and whilst the Master and Crew members may be of any nationality, it is a vital safety feature that the Master and officers are able to communicate effectively in English.

This requirement may be satisfied by any of the following: -

- a) The applicant's original Certificate of Competency satisfactorily tested oral and written English language skills, and officers do not need to demonstrate proficiency in the English language if their CoC was issued by countries where "Evidence of English is not required" is indicated in the Notes section of the table in Section 2 of Shipping Notice C1SN 05/2011 (as amended);
- b) Confirmation of proficiency by an official of the Cayman Islands Government;
- c) Satisfying the Cayman Islands Shipping Registry that English is the candidate's first language;
- d) Holding an advanced English language certificate issued by the British Council or an International Language Testing System (IELTS) Test Report showing Overall Band of at least 6; or
- e) Holding a certificate of TOEFL (Test of English as a Foreign Language) as applicable for admission into US universities.

Proficiency in these matters will be verified during scheduled inspections, surveys and audits on board ships. Guidance Note CIGN 06/2019 has more information on this.

### **Watch Keeping Ratings**

The MSMD will state the grades of Deck and Engine Room Ratings required to be carried. All Deck and Engine Room Ratings assigned to watch keeping duties must be in possession of Watch Rating Certificates appropriate to their duties. Watch Rating Certificates issued by countries other than the Cayman Islands are acceptable on Cayman Islands ships provided these countries are party to the STCW Convention and recognized by the CISR.

### **Medical Fitness Certificates**

Every seafarer employed or engaged in any capacity on board a Cayman Islands registered vessel shall hold a valid Medical Fitness Certificate, issued by, or on behalf, of a Government of a country recognised by the CISR. Shipping Notice C1SN 05/2011 (as amended) contains up to date information

in respect of approved countries. A medical certificate shall be valid for a maximum of two years unless the seafarer is under the age of 18, in which case the maximum period of validity shall be one year.

In urgent cases, the CISR may permit a seafarer to work without a valid medical certificate which expires during the course of a voyage until the next port of call where a recognized medical practitioner is available, provided that the period of such permission does not exceed three months and the seafarer concerned is in possession of the recently expired medical certificate.

### **Seafarer's Discharge Book**

Every seafarer, regardless of nationality, on a Cayman Islands registered ship is eligible to be issued (upon request and submission of the required supporting documentation and form which can be found in the "Technical Compliance" section on <http://www.cishipping.com/forms>) with a Cayman Islands Seafarer's Discharge Book. However, this is not mandatory as a Seafarer's Discharge Book from another Flag is acceptable.<sup>2</sup>

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<sup>2</sup> An updated Cayman Islands Guidance Note (CIGN) 06/2017 (as amended) is available at <http://www.cishipping.com/policy-advice/guidance-notes> for further information.



### 3. Maritime Labour Convention and Seafarer's Employment Agreements

Merchant ships registered with the Cayman Islands, of any tonnage, are required to comply with the Cayman Islands legislation implementing the Maritime Labour Convention 2006 (MLC).

Ships of 500 gross tonnage and above require an MLC inspection and following a successful inspection a Maritime Labour Certificate will be issued, which includes a Declaration of Maritime Labour Compliance (DMLC) Parts I and II. The inspection schedule follows the same format as ISM and ISPS audits – interim, initial, intermediate and renewal inspections on a five year cycle. Further information on the certificate cycle for ISM/ISPS/MLC inspections is provided in Section 8 of this handbook.

As with ISM and ISPS audits MLC inspections have been fully delegated to class for ships on the enhanced delegation programme.

Specific areas covered during an MLC inspection include the following:

- Seafarers' minimum age, medical certification and qualifications
- Seafarers' employment agreements and the payment of wages
- use of any licensed, certified or regulated private recruitment and placement service
- manning levels and hours of rest
- accommodation, on board recreational facilities, food and catering
- health and safety, accident prevention and on board medical care
- on board complaint procedures

#### Interim MLC Inspections

A ship may undergo an interim MLC inspection when the ship is delivered or when a ship is registered with the Cayman Islands.

A ship may also require an interim MLC inspection when a new shipowner (or a new body appointed by the shipowner) assumes responsibility for the operation of the vessel.

On ships of 500 gross tonnage and above the interim MLC inspection will be carried out alongside the interim ISM & ISPS audits. Following a successful interim inspection, the vessel will be issued with an interim MLC certificate which is valid for six months.

During the interim MLC inspection, the attending inspector checks that:

- there are adequate procedures in place on board which will ensure, as far as is reasonable and practical, compliance with the Articles, Regulations and Part A of the MLC Convention
- The Master is familiar with his/her associated duties and responsibilities.

The inspector will also verify that relevant information, including the Seafarer Employment Agreement in use onboard, has been submitted and accepted by the CISR.

Please note that unlike the ISM Code or ISPS Code there are **no provisions** in the MLC for an interim MLC Certificate to be extended or a further one issued.

#### MLC Inspections and certification

An initial MLC inspection must be completed within six months of the interim inspection. It is not possible to extend this deadline.

During the initial inspection the surveyor uses the ship's DMLC Part II to verify the requirements and procedures stated in Part II have been implemented on board.

Following a successful initial inspection ships of 500 gross tonnage or above, the DMLC II is endorsed and a DMLC I and MLC certificate will be issued. The MLC certificate is harmonised with the ship's Safety Management Certificate unless the Shipowner requests that the dates not be harmonised.

Ships of under 500 gross tonnage may request a voluntary MLC Certificate (and DMLC part I and part II) and in such case the ship must follow the same inspection cycle as a vessel of 500 gross tonnage and above to continue to maintain the certificate.

### **Shipowner**

Under the MLC, the Shipowner bears ultimate responsibility for all aspects of the working and living conditions of seafarers employed on board, irrespective of who may actually employ them or own the ship on which they work. Under the MLC, the term shipowner means:

- the owner of the vessel; or
- another organization or person (manager, agent etc.) who has assumed responsibility for the operation of the vessel from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with MLC, regardless of whether any other organisation or persons fulfil certain of the duties or responsibilities on behalf of the shipowner.

### **Declaration of Maritime Labour Compliance (DMLC)**

A DMLC is issued to all Cayman Islands registered ships of 500 gross tonnage and above. This document specifies how the MLC is applied on board. The attending flag and port State surveyors will use the DMLC as a starting point to verify that the ship, its crew and MLC-related documents comply with requirements. The DMLC is divided into two parts:

- Part I is issued by the flag administration and details how the requirements of the Convention are interpreted and applied by the ship's flag. A sample is available see Maritime Labour Convention section of: <http://www.cishipping.com/forms>
- Part II is issued by the shipowner and details how the shipowner complies with relevant requirements. The Part II must be accepted by the flag administration. As part of the MLC inspection process the CISR requires that the DMLC part II is submitted to the CISR or Class, depending on the delegation arrangement, for review and acceptance prior to an MLC inspection taking place onboard.

### **Seafarer**

The MLC defines a seafarer as 'any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies.' Since 2006 the ILO has applied a further interpretation of this definition:

**Seafarers are** persons who regularly spend more than short periods on board.

**Seafarers are not** persons whose work is not part of the routine business of the ship and whose principal place of work is ashore, e.g.: harbour pilots, inspectors, superintendents, scientists, researchers, divers and specialist offshore technicians.

Those persons working on an occasional and short-term basis for example, fitters, repair technicians, surveyors, port workers or day workers who do not stay on board the ship overnight are also not considered to be seafarers.

Using this interpretation the CISR has determined that occasional workers such as harbour pilots, inspectors, superintendents, scientist, researchers, divers and specialist offshore technicians that only work on board only for short periods of time are not seafarers. This is because their normal place of work is onshore.

### **Seafarers Employment Agreement**

Every seafarer (including the Master), employed on a Cayman Islands registered ship must be employed under a Seafarers Employment Agreement (SEA), which sets out the principal terms and

conditions of a seafarer's employment. This is a personal contract between the seafarer and the shipowner.

As part of the MLC inspection process the CISR requires that the SEA in use on the vessel (it should not be personalised) is submitted to the CISR for review and acceptance prior to an MLC inspection taking place onboard.

Collective bargaining agreements are contractual agreements between a shipowner and a recognized seafarer's union and may be incorporated into a SEA.

A Model SEA has been developed (see Maritime Labour Convention section of <http://www.cishipping.com/forms>) taking into account the relevant requirements of the MLC and the Merchant Shipping Law (2016 Revision), and associated regulations. Please note that this is a model SEA indicating the minimum requirements for compliance with MLC and Cayman Islands requirements. If in doubt please contact the Shipping Master for the Cayman Islands for advice at [shipping.master@cishipping.com](mailto:shipping.master@cishipping.com).

Seafarers are often legally employed by a body other than the shipowner, an employment business, for example, possibly one set up by the shipowner dedicated to crewing a single ship. Under such circumstances, the employment business may sign a seafarer's SEA and evidence should be available on board confirming that the shipowner has authorised the employment business to sign SEAs with respect to service on the ship.

An employer other than the shipowner may also be directly responsible for meeting some of the obligations placed on the shipowner by an SEA (e.g. repatriation, payment of wages, etc.). Final responsibility, however, falls upon the shipowner should the direct employer of the seafarer fail to meet these obligations.

#### **MLC Amendments 2014**

The 2014 Amendments to MLC entered into force on 18th January 2017. The amendments contain additional provisions for shipowner's insurance in respect of abandoned seafarers and shipowners' liability in respect of claims for sickness and injury. Shipping Notice CISN 01/2017 (<http://www.cishipping.com/policy-advice/shipping-notices>) contains further information.

The Amendments specify certain standards and requirements for the Financial Security, including that a Certificate/s of Financial Security must be displayed in a prominent place on board the ship.

Please note that the amendments also make changes to the DMLC. As such if this has not already been updated a new DMLC part I and II will be required for all existing vessels (required to maintain one) at their next renewal inspection or inspection following change of shipowner. You should ensure that a revised DMLC part II is submitted to the CISR or Class, depending on the delegation arrangement, prior to the renewal inspection.

## **4. Official Log Books and List of Crew**

### **4.1 Official Log Books**

Every Cayman Islands merchant ship is required to carry and maintain an Official Log Book (OLB). The OLB can be obtained directly from the CISR (<https://www.cishipping.com/products-catalog>). The OLB is an important legal document required by our Merchant Shipping Law and Regulations. It is a record of activities carried out on board the ship as required by the CISR. The OLB or extracts thereof may be submitted as evidence in courts of the Cayman Islands.

The following paragraphs provide guidance on the entries to be made, signed and witnessed, the time for making entries, how to amend or cancel an entry, and to whom the OLB must be produced.

All entries made must be timely and accurate. The master may be guilty of an offence for any omission in this respect. The master may be required to produce the log book to an Officer of the CISR or a customs officer on demand. Therefore, it is essential that the log book contains all the entries required by the Laws and Regulations of the Cayman Islands. Should the OLB be incomplete or not properly maintained, the absence of proper entries could prejudice the position of the master in the event of an accident and any inquiry into that accident.

If it is not practicable by reason of its length, the circumstances in which it is to be made or for any other reason, for an entry to be contained in the OLB, it must be contained in a separate document annexed and referred to in an entry in the OLB; and references in any Regulations to an OLB include references to any document annexed to it.

The master may delegate the responsibility for making certain entries to department heads or other competent persons; however, no delegation of responsibility may be made where the attached schedule requires that an entry be made by the master in person.

If it is necessary to amend or cancel an entry in the OLB this must be done by a further entry, not by altering the original entry. Anyone who intentionally destroys, mutilates or renders illegible any entry in any Log Book is guilty of an offence.

#### **Log Book Section 1 - Cover**

The first entries are the details of the vessel, name, port of registry, official number, gross tonnage, and net tonnage. The details should be taken from the ship's COBR.

The second section is for the names of successive masters of the vessel. The master opening the OLB should enter his name and Certificate details on the first line, successive masters should add their details when they take over command. If a master has been on the vessel before and returns while the OLB is still in use, he does not need to add his name a second time.

The third section is for the details and address of the registered owner. The details should be taken from the COBR.

The final section is for the date and place at which the OLB is opened.

All the entries in this section must be made by the master.

#### **Log Book Section 2 - Record of seafarers employed on the ship**

This section records all the crew members. The first column "Reference number in list of crew" is for the consecutive number given to each entry in the List of Crew. When each crew member joins, the number opposite to his entry in the List of Crew is entered in this first column, his name is in the second column and the capacity in which employed is in the third. These three parts should be filled in at the same time that the crew member signs the Seafarer Employment Agreement.

If a crew member leaves the vessel and then returns while the OLB is still in use, he should be entered again with his new number from the List of Crew. It may happen that the same crew member will have several entries in this section of the OLB<sup>3</sup>.

Column 4 "If entry made in narrative section give relevant page." forms an index. If any entry in respect of a crew member is made in the narrative section of the OLB (Log Book Section 10) then the narrative section page number is entered at the same time in column 4. If there are a number of entries then the page number of each is added, separated by a comma.

All entries in this section should be made by the master.

### **Log Book Section 3 – Returns and entries of births and deaths**

Instructions for completion are at the top of the section. It should be noted that in the section for births, the signature of the mother is required while in the section for deaths, the signature of the master AND the signature of a member of the crew are both required. The crew member may be any crew member.

It is essential that the mother's signature is given in the case of a birth and it is essential that the entries in respect of deaths are signed by the master and by a crew member. A failure to sign and witness these entries can invalidate them and can give rise to major legal issues.

The forms are available from the CISR:

- RB1 [http://www.cishipping.com/sites/default/files/others/RB1\\_Return\\_of\\_Births.pdf](http://www.cishipping.com/sites/default/files/others/RB1_Return_of_Births.pdf) (for recording births); and
- RD1 [http://www.cishipping.com/sites/default/files/others/RD1\\_Return\\_of\\_Deaths.pdf](http://www.cishipping.com/sites/default/files/others/RD1_Return_of_Deaths.pdf) (for recording deaths)

Additional information on the procedures for recording and reporting births and deaths may be found in section 12 of this handbook.

### **Log Book Section 4 - Record of musters, boat drills and fire drills, safety training, inspections of life-saving appliances and fire appliances**

This section must be completed at the time of every drill. Attention is drawn to <http://www.cishipping.com/policy-advice/shipping-notice> which set out the current requirements for the frequency of drills and content. Section 7 of this handbook provides a non-exhaustive list of drills and tests.

Every entry MUST be signed by the master and by one other crew member. If it is not signed by BOTH, the entry is invalid and will not be accepted as proof that the drills have been carried out.

If for any reason a muster or drill is not held then a statement as to the reason why should be entered in column 2. Valid reasons might include "vessel rolling and pitching heavily, unsafe to carry out drills".

If a drill is postponed or cancelled then it should take place at the next suitable opportunity which will be down to the discretion of the master.

The Regulations<sup>4</sup> state that on ships of 1000 gross tonnage and above, drills simulating the rescue of a crew member from a dangerous space are held at intervals not exceeding two months, and that a record of each such drill is entered in the OLB.

### **Log Book Section 5 – Steering Gear Checks**

Cayman Islands Laws require steering gear to be tested within 12 hours before sailing (or once per week for ships making one voyage or more per week from the same port) and emergency steering

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<sup>3</sup> It is recognized that many vessels record the coming and going of crew on leave of a particular crew member in the narrative section of the OLB. If the narrative entry refers to the number on the list of crew this is acceptable.

<sup>4</sup> Merchant Shipping (Entry into Dangerous Spaces) Regulations, 2004

systems to be tested every 3 months. All entries must be signed by the master and an officer to be valid.

### **Log Book section 6 - Record of inspections of crew accommodation.**

This section is for records of mandatory inspections of crew accommodation. The Regulations<sup>5</sup> require that an inspection of the crew accommodation, is carried out every seven days, to ensure that it is being kept clean and that all the requirements of the crew accommodation regulations are being followed. The master may delegate responsibility for inspections to department heads or other competent persons, but the master or person so delegated by the master must be accompanied by one other member of the crew. All entries must be signed by the master (or person so delegated by the master) and a member of the crew, who will normally be the same person who accompanies the master.

### **Log Book section 7 - Record of inspections of food and water provided for the crew**

Shipping Notice C1SN 07/2014 contains guidelines and practical advice on the fundamental rules of food hygiene consistent with the catering and meat industry in general.

There are no requirements regarding the minimum amount of food. The Regulations<sup>6</sup> state:

*It shall be the duty of the shipowner and master of every ship to ensure that there shall be provided on the ship, food and drinking water which –*

- (a) are suitable in respect of quantity, nutritive value, quality and variety having regard to -*
  - i. the number of seafarers on board and the character, nature and duration of the voyage; and*
  - ii. the different religious requirements and cultural practices in relation to food of the seafarers on board;*
- (b) do not contain anything which is likely to cause sickness or injury to health or which renders any food or water unpalatable; and*
- (c) are otherwise fit for consumption.*

The records of inspections in this section are similar to those for Crew Accommodation. Cayman Islands Regulations require that inspections are carried out at intervals not more than seven days.

The inspections in this section must be made by the master and any member of the crew. In practice it will usually be possible to inspect refrigerated compartments, dry provisions, store rooms, galleys etc. with a member of the catering department during the course of the accommodation inspection.

Entries in this section must be signed by the master and by the member of the crew making the inspection.

### **Log Book section 8 - Load Line, Depth of Loading etc**

This section is self-explanatory. The information must be completed and the necessary data can be found on the ship's load line certificate. The section should be completed by the master at the same time as the OLB is opened.

### **Log Book section 9 – Voyage Details and pre-departure checks.**

This section records the date and location of departure and arrival, along with the draughts and freeboards acceptable for the ship on departure for each voyage. It must be completed at departure.

### **Log Book section 10 - Narrative section**

This section is for explanatory entries. In general terms this section should contain entries relating to:

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<sup>5</sup> Merchant Shipping (Maritime Labour Convention) (Crew Accommodation) Regulations, 2014

<sup>6</sup> Merchant Shipping (Maritime Labour Convention) (Food and Catering) Regulations, 2014

- changes of master
- the annexing of other documents to the official log book
- accidents
- casualties
- disciplinary matters
- discharge of crew members
- details of crew left behind
- desertions
- complaints
- promotions and demotions
- criminal convictions during a voyage
- illness
- deaths
- appointments of Safety Officers, Representatives and Committees
- meetings of Safety Committees
- wages disputes
- closing of Official Log Book.
- Other entries pertaining to operation of the vessel that may have legal implications for the owner or master.

Every entry must be signed by the master and by a member of the crew. If it is not practicable due to its length, or for any other reason for an entry to be contained in the narrative section, it must be contained in a separate document annexed to the OLB and referred to in an entry in the narrative section.

The page number for every entry in the narrative section which refers to a crew member should be entered in column 4 of Section 2 of the OLB - Record of seafarers employed on the ship.

#### **Full and completed Official Log Books**

In the event that an OLB becomes full, another OLB should be started. An entry should be made in the narrative section of the second or subsequent book should reflect that this is a continuation book.

Once the OLB is completed it should be kept onboard for three years after the last entry. There is no need to return it to the CISR.

#### **4.2 Lists of Crew**

All Cayman Islands registered ships, are required to carry and maintain a List of Crew.

A List of Crew must contain the following information about the ship:

- (a) name
- (b) port of registry
- (c) IMO number

The list of crew must contain the following information for each seafarer on board:

- (a) name and address
- (b) date of joining the ship
- (c) name and relationship of next of kin and address of next of kin if different from the seafarer
- (d) capacity employed on board the ship
- (e) date and place the seafarer left the ship and the reason for leaving

The List of Crew may be completed in paper or electronic format. A template for a List of Crew (form CISR 3908) is located on the CISR website in the technical compliance section of <http://www.cishipping.com/forms>, this form can be filled in electronically or an paper format. A List of Crew in electronic format must have an adequate backup facility.

The List of Crew must be opened and closed at the same time as the Official Log Book.

Each seafarer's details must be entered on each occasion the seafarer joins and leaves the ship. It is not permitted to have one entry for the duration of the seafarer's employment agreement. A master may refer to a seafarer in the Official Log Book by using the unique reference stated on the List of Crew.

Passengers are not required to be included however it is recommended that additional personnel carried on board that sail with the ship such as security personnel, superintendents, riding squads etc are also entered in the List of Crew.

The List of Crew should not be confused with the ship's Crew List which is normally presented to port authorities on arrival.



## **5. Other Log Books and publications**

### **5.1 GMDSS Radio Log Book**

All Cayman Islands ships are required to carry a GMDSS Log Book. The purpose of the GMDSS Log Book is to keep records of communications relating to distress, urgency and safety radio traffic, regular positions of the ship and results of tests on radio equipment. The tests are required to be carried out and recorded are found within the GMDSS Log Book.

If there is insufficient space to make a further entry in any section of the radio log, the log book should be closed and a new radio log opened. Closed GMDSS Log Books should be retained onboard for a period of at least 12 months after the last entry.

### **5.2 Oil Record Books**

All merchant ships of 400 gross tonnage and above must carry and maintain an Oil Record Book. They are regularly inspected by Port State Control Officers whilst checking for possible illegal discharges and it is very important that the Oil Record Books are accurately and carefully kept and incorrect or false entries may lead to an offence being committed in that port State and the punishments can be severe.

The Oil Record Book part 1<sup>7</sup> covers machinery space operations and must contain entries relating to ballasting or cleaning of oil fuel tanks, discharge of ballast or cleaning water from oil fuel tanks, disposal of oily residues (sludge) and discharge overboard of bilge water which has accumulated in machinery spaces, bunkering operations and accidental discharges of oil. The operations requiring recording are listed in the front of the Oil Record Book.

Oil tankers of 150 gross tons and above, and offshore supply vessels carrying oil cargo in their tanks, are also required to complete Oil Record Book part 2, covering cargo/ballast operations.

Oil Record Books can be obtained from the CISR and completed books must be kept for a period of three years after the last entry. They are not required to be returned to the CISR.

When a Cayman Islands registered ship needs to open a new Oil Record Book and the Cayman Islands Oil Record Book is not readily available, the ship may use other Oil Record Books as long as they comply with the layout and content as defined by the MARPOL Convention (MARPOL 73/78 Annex I Regulation 20(1)) and as long as they include an English translation.

### **5.3 Deck and Engine Room Log Books**

For day to day recording of wheelhouse and engine-room operations these may be in a format that the Company deems suitable for the type of operation that the vessel is engaged in and completed books must be kept for a period of three years after the last entry. They are not required to be returned to the CISR.

### **5.4 Garbage Record Books**

Every merchant ship of 400 gross tonnage and above and every ship which is certified to carry more than 15 persons (if under 400 gross tonnage) must carry and maintain a Garbage Record Book Part I to record each discharge operation or completed incineration including discharges at sea, to reception facilities, or to other ships.

In addition to the Garbage Record Book Part I carriage requirements, every ship which carries Solid Bulk Cargoes must carry and maintain a Garbage Record Book Part II.

Completed Garbage Record Books must be kept for a period of three years after the last entry. They are not required to be returned to the CISR.

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<sup>7</sup> Please see circular MEPC.1/Circ.736/Rev.2 for guidance on filling in the ORB

If any of the above documents are not on board then please contact the Designated Person Ashore for the vessel or a responsible officer in the company for further advice.

The above guidance refers to printed documents but with developments in the industry the CISR has published Guidance Note CIGN 05/2019 which provides guidance on use of Electronic Record Books

## 5.5 Publications to be carried

The following list is provided to masters and crew for guidance on documents, manuals and publications required to be carried on merchant ships registered with the Cayman Islands. Please note that the list is not to be considered exhaustive and masters and owners should ensure that they are aware of the requirements specific for their vessel as required by International Convention, Cayman Islands Laws or any other applicable laws.

Attention is drawn to the IMO's "List of Certificates and Documents to be carried on board ships, 2017" (FAL.2/Circ.131 / MSC.1 Circular 1586 as may be amended from time to time)  
<http://www.imo.org/en/OurWork/Facilitation/docs/FAL%20related%20nonmandatory%20instruments/FAL.2-Circ.131-MEPC.1-Circ.873-MS.C.1-Circ.1586-LEG.2-Circ.3.pdf>:

- Cayman Islands Shipping Notices and Guidance Notices
- Stability information booklet
- Record of light ship check (required every 5 years)
- Garbage management plan ( $\geq 100$ GT or  $\geq 15$  persons)
- Garbage Record Book Part I ( $\geq 400$ GT or  $\geq 15$  persons), and Garbage Record Book Part II (every ship which carries Solid Bulk Cargoes)
- SOPEP ( $\geq 400$ GT)
- GMDSS Radio Log Book
- Oil Record Book Part 1 ( $\geq 400$ GT)
- Oil Record Book part 2 ( $\geq 150$ GT Oil tankers and offshore supply vessels carrying oil cargo in their tanks)
- Cargo Record Book (Ships carrying Noxious Liquid Substances in Bulk)
- Nautical publications (paper or electronic) applicable to the area of operation:
  - o International Code of Signals (a statutory requirement)
  - o Navigation charts, sailing directions, Lists of Lights and Lists of Radio Signals, corrected as necessary (weekly when possible) with Notices to Mariners
  - o Mariners' Handbook
  - o Operational and maintenance instructions for navigational aids carried by the ship
  - o IAMSAR Volume III Manual
  - o Nautical Almanac
  - o Tide tables
  - o Tidal stream atlas
  - o Navigational tables
- Official Log Book and List of Crew
- Fire and LSA training manuals
- ITU publications ( $\geq 300$ GT)
- Instructions for the on board maintenance of life-saving and fire-fighting appliances
- Information for Radio Installation (GMDSS)
- Code of Safe Working Practices for Merchant Seafarers
- Compass deviation record book
- Record of last overhaul of LSA launching appliances (annual and 5 yearly inspection)
- Ship Energy Efficiency Management Plan (SEEMP) ( $\geq 400$ GT)
- Ballast Water Management Plan
- SOLAS Convention
- MARPOL Convention
- International Convention on Load Lines
- COLREGS

- STCW Convention
- Maritime Labour Convention
- Merchant Shipping (Maritime Labour Convention) (Repatriation) Regulations, 2014
- Certificates or other documentary evidence of the financial security required by MLC Standard A2.5.2 and Standard A4.2.1.
- Shipmaster's Medical Guide
- Cayman Islands Laws and Administrative Procedures Manual.

## 6. Hours of work and rest

In accordance with the requirements of STCW and the MLC, it is the duty of every company in respect of every Cayman Islands ship, and of every employer, to ensure, so far as is reasonably practicable, that seafarers do not work more hours than is safe in relation to the safety of the ship and the seafarers' performance of their duties. More information is contained in Shipping Notice CISN 05/2014: <http://www.cishipping.com/policy-advice/shipping-notices>.

### Rest

Every seafarer must be provided with not less than 10 hours rest in total in any 24 hour period provided:

- The 10 hour period may be divided into not more than two periods one of which shall be not less than 6 hours; and
- The interval between consecutive periods of rest shall not exceed 14 hours; and
- The minimum hours of rest shall not be less than 77 hours in any 7 day period.

Situations where a seafarer is on call but is free to sleep may be counted as rest, but if at any time the normal period of rest is disturbed by call-outs to work, the master, or a person authorised by him, has to ensure that the seafarer is provided with an adequate compensatory period of rest.

Please note that the exceptions to the hours of rest introduced by the 2010 STCW Manila Amendments are not recognised by the Cayman Islands Shipping Registry.

### “Properly rested”

Cayman Islands Regulations<sup>8</sup> place a duty on the master to ensure that all crew involved in watch keeping are properly rested and that arrangements are adequate to maintain a safe watch at all times. The master is required to ensure that the ship does not sail from any port unless the officers in charge of the watch immediately after sailing have received sufficient rest to allow them to maintain a safe watch.

### Compensatory Rest

There may be times such as:

- Emergencies, and situations likely to become emergencies unless action is taken;
- Musters and drills;
- Essential work on board which cannot be delayed for safety or environmental protection reasons; and
- Factors beyond the control of the master or the operator other than commercial needs.

It may therefore not be possible, under these exceptional circumstances, for crew members who are involved to be given their minimum rest as stated in the hours of rest schedule. The master has the authority to permit this but must record the reason for the exceptions in the Official Log Book. This provision is to be invoked responsibly and should never be taken as a means of evading the hours of work and rest requirements.

In deciding what factors might come within “factors outside the control of the master or the operator other than commercial needs” the master must take into account all the circumstances. For example, an exceptional situation could be when a Port Authority requires at short notice that the ship vacates the berth or shifts berth early, and such a demand cannot be postponed because of safety related considerations. On the other hand a request by the charterer to sail earlier so that he may minimise port dues is not a valid factor and under this definition this counts as a commercial need. The company's Safety Management System should provide guidance on the keeping of appropriate records and the means of reporting of repeated periods where the statutory minimum rest periods are exceeded. Where repeated infringements of the hours of work and rest provisions occur this may well mean that the crew complement will have to be increased to enable better compliance.

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<sup>8</sup> The Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) (Amendment) Regulations, 2014

## **Periodically Unattended Machinery Spaces (UMS)**

The time when the designated duty engineer officer with UMS class notation is free to sleep may also be counted as “rest”. However, anytime that the officer is called to answer an alarm must be considered as work and as a break in that rest and therefore the amount of rest due to him has to be recalculated.

### **Table of shipboard working arrangements**

A table (or tables for different departments) of shipboard working arrangements must be provided to each ship, tabulating the anticipated daily working periods scheduled for all seafarers. This is to ensure that expected routine working arrangements are made available for the awareness of the crew. Due to the nature of service at sea some deviation from the schedule is to be expected, and such deviations will not necessarily indicate non-compliance with the minimum rest periods required.

The table should be prepared by the shipowner and be vessel specific. A standard format has been established by the CISR based on ILO Guidelines and is attached as a schedule to Shipping Notice CISN 05/2014.

In order to ensure awareness by all seafarers of the shipboard working arrangements, the table, which should be in English, must be posted in a place or places easily accessible to the seafarers working onboard. The table must also be available for inspection by CISR surveyors and port state control officers. The table of shipboard working arrangements can be on a computer network that is available to all seafarers onboard if the ease of accessibility can be demonstrated to CISR surveyors during an MLC inspection.

### **Records**

A record must be kept of seafarer’s daily hours of rest to allow monitoring and provide documentary evidence of compliance with the minimum hours of rest requirements, and to record any deviations from the requirements. Any breaches or deviations of the hours of rest must be shown and also any compensatory rest periods given in lieu or in advance of any unavoidable minor deviations.

Records of daily hours of rest shall be maintained in English as it is necessary to ensure they are available for inspection by CISR surveyors and port state control officers. Each seafarer should receive a copy of his or her personal records, generally monthly, which must be endorsed by the master, or a person authorised by the master, and by the seafarer.

We are aware that increasingly ships are keeping records in electronic format and this is a natural development. Shipowners may develop, or purchase, electronic systems that record the hours of rest for seafarers on their ships.

Records should be kept on board for 3 years to ensure that full records are available between MLC inspection dates.

## 7. Drills and tests

The following lists a sample of drills and tests required to be undertaken on ships. The list is not exhaustive and you should always make sure you are aware of the drills the ship is required to undertake, the various international conventions and <http://www.cishipping.com/policy-advice/shipping-notices> provide guidance. Where required by regulations the drills and tests should be noted in the appropriate section of the Official Log Book:

- Fire
- Abandon Ship
- Steering Gear
- Emergency Steering Gear
- Ship Security Alarm System (SSAS)
- Company Exercise
- Main Engine Failure
- Steering Failure
- Collision
- Man Overboard
- Stranding / Grounding
- Flooding
- Search and Rescue
- Excessive List / Loss of Stability
- Rescue from an enclosed or dangerous space
- Helicopter Operations
- Cargo Shift
- Electrical Black Out
- Emergency Towing
- Medical Emergency
- Stowaway Search
- Pirates
- Bomb Search
- Oil Spill
- Lightering
- Damage Control for Passenger Ships

Sources: include SOLAS, ISM Code, ISPS Code, SOPEP (MARPOL 73/78)

## 8. Commercial Certification, Surveys and Audits

### 8.1 Surveys and Certification Cycle

The Cayman Islands Shipping Registry (CISR) is responsible for ensuring that Cayman Islands registered ships comply with all applicable International Regulations. To monitor this, a CISR surveyor visits every Cayman flagged ship periodically in order to carry out surveys, audits or a general inspection (GI) of the ship.

For vessels on the enhanced delegation programme all statutory surveys are delegated to Class but the CISR attend for general inspections at intervals determined by the performance of the vessel; Low risk vessels are inspected only once in 5 years whereas medium risk vessels are inspected twice in 5 years. Higher risk vessels are inspected annually and very high risk vessels may even be inspected every 6 months until there is an improvement.

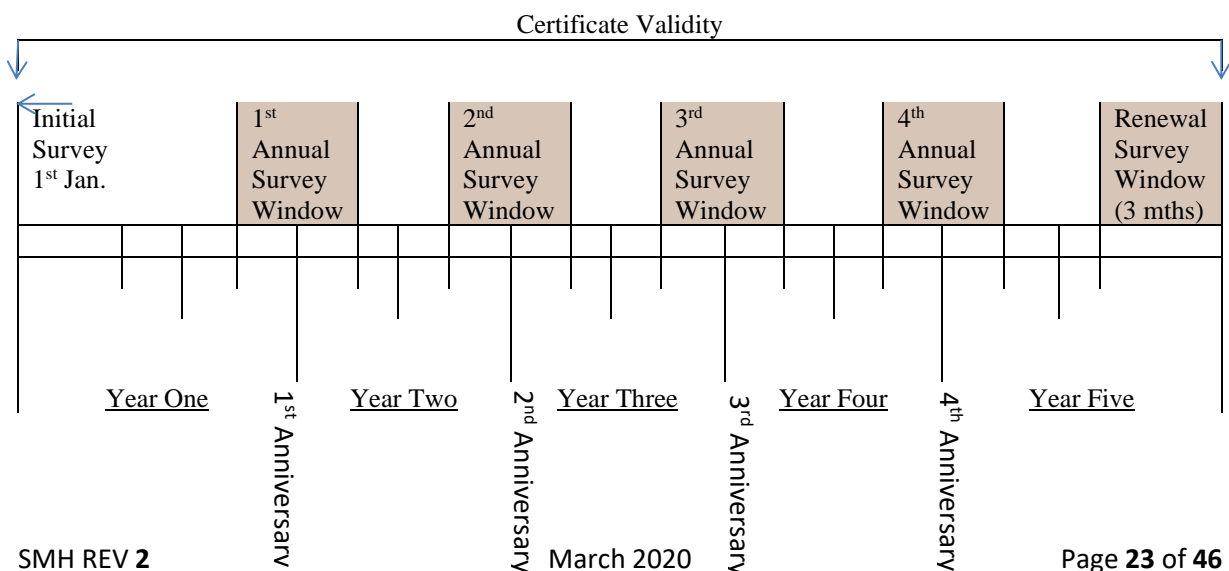
#### Arranging audits and surveys

It is the master's responsibility to request the attendance of a surveyor (either CISR or Class, as applicable) to conduct surveys and audits when due. You will not receive reminders from the CISR when surveys are due. If the survey is not carried out within the appropriate time window, the certificate(s) may become invalid. Advanced notice of a survey, audit or inspection of at least two weeks is essential.

#### Certificate cycle

- Some statutory certificates do not expire (e.g. the ITC and the IEEC).
- Certificates which do expire are issued predominantly on a 5 year cycle. This cycle is generally based on the certificate's expiry date, not on the date it was issued.
- Renewal surveys are held at maximum intervals of 5 years.
- Between renewal surveys, annual and intermediate surveys become due for most statutory certificates.
- ISM/ISPS and MLC certificates do not require annual audits. Instead, intermediate audits are conducted between the second and third anniversary of the expiry date.
- A 'time window' exists for completing most surveys. For example, renewal surveys must generally be completed within the last 3 months of the cycle (an exception is the Class renewal (or 'Special') survey, parts of which can commence earlier than this). Annual surveys must be completed within 3 months either side of the anniversary date.
- In addition to this information please refer to the IMOs Harmonised System for Survey and Certification (HSSC).

Below is a graphical representation of a survey cycle and the annual survey windows. Each small box represents three months. In this example the vessel is delivered on 01 January of Year One.



If the renewal survey is completed within the renewal survey window the new certificate is valid from the date of expiry of the existing certificate e.g. 01 January of Year Six (not listed in the cycle above).

## **8.2 Audits**

### **Document of Compliance Audits**

A Document of Compliance (DOC) will be issued to the Company following satisfactory verification audit to ensure compliance with the Code by the Company. A Safety Management Certificate (SMC) cannot be issued without a valid DOC. An interim DOC will be issued where the Company first takes operational control of a vessel of 500 gross tonnage and above. The Interim DOC is valid for a maximum of 12 months to facilitate development of the SMS and the records. Following an initial Audit, the DOC is issued for up to five years, and is subject to annual audit, after which it must be renewed.

### **ISM and ISPS Shipboard Audits**

In general, all shipboard audits for the ISM Code and the International Ship and Port Facility Security (ISPS) code will be carried out by Surveyors your Class society. ISM and ISPS shipboard audits should be arranged in plenty of time via the Designated Person Ashore (DPA)/Company Security Officer (CSO).

### **Interim ISM Code audits**

On initial registration all relevant ships must undergo an "interim" audit to ascertain that a safety management system is in place. Following this interim audit, an interim Safety Management Certificate (SMC), valid for up to six months will be issued. Towards the end of the period of validity of the interim SMC, following an internal audit by the Company, an initial audit will be conducted to ascertain that the safety management system is being implemented satisfactorily. Following a successful audit, the ship will be issued with a full term International SMC valid for up to five years.

### **Interim ISPS Code audits**

On initial registration or change of management all relevant ships must undergo an "interim" assessment for compliance with the ISPS Code. Following this interim assessment provided that the Ship Security Plan (SSP) has been submitted for approval, an interim Ship Security Certificate (SSC), valid for up to six months will be issued. Towards the end of the period of validity of the interim SSC an initial audit generally will be conducted to ascertain that the ship security system is being implemented satisfactorily. Following successful initial audit, the ship will be issued with a full time International SSC valid for up to five years. Prior to issuing this Certificate the SSP must be approved by the CISR.

### **Intermediate audits for the ISM/ISPS Codes**

A 12 month window exists (between the second and third anniversary dates of the Certificate) in which to arrange intermediate audits. It is recommended that these are arranged as soon as the window opens to avoid problems later on when the time available is less in case the availability of surveyors, vessel itinerary or location may affect the ability to carry out the audit in the most convenient location. As the window for the intermediate Audit is 12 months, requests for extension cannot be considered.

### **Renewal audits for the ISM/ISPS Codes**

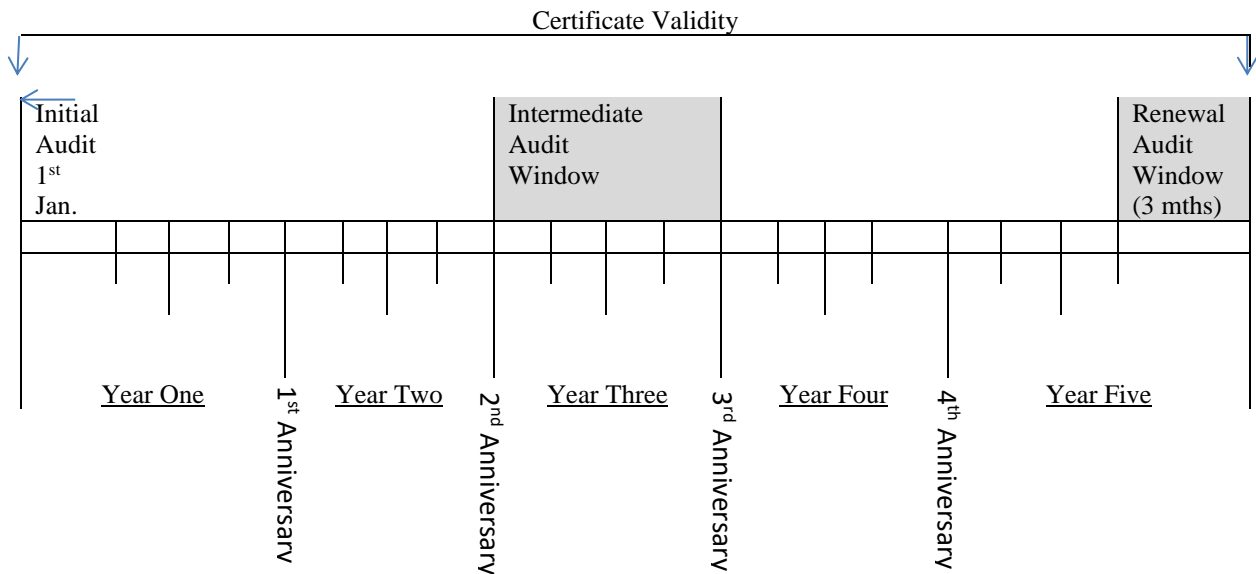
Renewal Audits should be completed in the three months prior to the expiry of the SMC / SSC. These should be arranged early to ensure the Certificates do not expire which would result in a major non-conformity and port state control intervention.

If the renewal audit is completed within the renewal audit window the new full term certificate is valid from the date of expiry of the existing certificate e.g. 01 January of Year Six as per the below table

### **Audit Cycle**



Below is a graphical representation of an audit cycle and the audit windows. Each small box represents three months. In this example the vessel is delivered on 01 January of Year One.



### What is required for ISM/ISPS audits?

When the vessel is due a shipboard audit for ISM / ISPS, your Class society should be contacted giving as much advance notice as possible. The Surveyor will visit the vessel at a time and place agreed with the operators of the ship and will perform the audit of the ship and carry out an inspection of the ship and its operations.

It is essential that:

- The company has conducted at least one internal audit prior to the initial Audit;
- The company should conduct annual shipboard Audits at intervals not exceeding 12 months;
- The request for the audit(s) is made within a reasonable time and not left until the last month of the 12 month intermediate audit window.

### 8.3 Inspections

MLC inspections for ships of 500 gross tonnage and above follow the same survey and certification cycle as the Audits for ISM and ISPS. Please see section 3 of this guide for detailed information on the inspection regime.

## 9. Issue of certificates

The following lists the main full term Certificates issued to the ship and by whom they are issued. However, it should be noted that the list below is not exhaustive and you should always make sure you are aware of the Certificate the vessel is required to maintain to comply with international Conventions etc (please also see section 5.5 and the reference to the IMO's List of Certificates and Documents to be carried on board).

In addition, the issuing body may change over time as the CISR may delegate any of the following functions to an authorised Classification Societies either generally or on a case-by-case basis

<b>Certificate</b>	<b>Who surveys and certifies</b>	<b>To which ships does it apply</b>
Cargo Ship Safety Construction	Class	500GT and above
International Load Line Certificate	Class	24 metres and above
Anti-Fouling System - Statement of Compliance	Class	400GT and above
Anti-Fouling System – Declaration of Compliance	Owner	Under 400GT
Cargo Ship Safety Equipment Certificate and Form E	Class <sup>9</sup>	500GT and above
Cargo Ship Safety Radio Certificate and Form R	Class <sup>8</sup>	300GT and above
Long Range Identification and Tracking (LRIT) Conformance Test Report	Application Service Provider or CISR	300GT and above
International Oil Pollution Prevention Certificate and Form A	Class <sup>8</sup>	400GT and above
International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (NLS Certificate)	Class	All Ships carrying NLS in bulk
International Sewage Pollution Prevention Statement of Compliance	Class	400GT and above or certifies to carry more than 15 persons
International Air Pollution Prevention Certificate + Record of construction	Class	400GT and above
International Energy Efficiency Certificate	Class	400GT and above
Engine International Air Pollution Prevention Certificate + Approved technical files	Class	Engines of 130 kW and above if engine installed after 1/1/2000
ISM Safety Management Certificate (SMC)	Class <sup>8</sup>	500GT and above
International Ship Security Certificate (ISSC)	Class <sup>8</sup>	500GT and above
Copy of Document of Compliance (ISM) (to a company)	CISR	500GT and above
Maritime Labour Certificate	Class <sup>8</sup>	500GT and above
Declaration of Maritime Labour Compliance Part I	CISR	500GT and above
Minimum Safe Manning Document	CISR	500GT and above or carrying over 12 passengers (statutory) 24 metres and above (policy)
Continuous Synopsis Record	CISR	500GT and above or carrying over 12 passengers
Certificate of British Registry	CISR	All ships
International Tonnage Certificate	Class	24 metres and above

<sup>9</sup> CISR if not on the enhanced delegation programme

Certificate for the International Convention on Civil Liability for Bunker Oil Pollution Damage	CISR	1000GT and above
Certificate for the International Convention on Civil Liability for Oil Pollution Damage	CISR	Tankers carrying Oil in bulk of 2000 tons and above
Wreck Removal Certificate	CISR	300GT and above
Ballast Water Management Convention Statement of Compliance	Class	400GT and above

If you have not received a full term Certificate before the expiry of any interim Certificate left on board by an attending Surveyor – please contact your Designated Person Ashore to chase up the relevant organisation.

#### **Certificate Queries, extensions and exemptions**

The Certificates listed above are statutory Certificates and are the responsibility of the CISR. Any queries or requests for an exemption/extension of the above Certificates must be made to the CISR and not to the Classification Society.

## 10. Health and Safety

### Safety Officials and Committees

A ship's safety culture is dependent upon the strong support and encouragement from senior management, however, every person on board a ship has a responsibility for safety. Cayman Islands regulations<sup>10</sup> provide for specific responsibilities with respect to Health and Safety and requires the appointment of onboard safety officials, having designated duties to ensure the safety of those on the ship. In addition the regulations require all shipowners and seafarers on Cayman Islands ships to maintain an awareness of the Code of Safe Working Practices published by the UK MCA: <https://www.gov.uk/government/publications/code-of-safe-working-practices-for-merchant-seafarers-2019>

### Safety Officer

In every ship in which five or more persons are employed the owner or the manager should appoint a Safety Officer. The master should record the appointment of a Safety Officer in the Official Log Book.

The Safety Officer should have suitable training, be familiar with responsibilities for Health and Safety and with the principles and practice of risk assessment. Included among the duties of the Safety Officer is the responsibility to ensure that:

- The provisions of the Code of Safe Working Practices and the Company's/Operator's occupational Health and Safety policies are complied with;
- Investigate every accident or incident occurring onboard and any potential hazard to occupational health and safety;
- Occupational Health and Safety inspections are carried out of each accessible part of the ship in which the crew may be required to work at least once every three months or more frequently if there have been changes in the working conditions;
- Any work which the Safety Official reasonably believes may cause an accident is stopped and that the master is fully informed; the master shall be responsible for deciding when work can safely be resumed;
- The minutes of each Safety Committee meeting are accessible to all the crew and Inspectors, Surveyors or other authorised representatives of the CISR.

### Safety Representative

On every ship in which five or more persons are employed the Company/Operator should make rules and arrangements for the officers and ratings to elect Safety Representatives.

A safety representative must be someone who has at least two years sea service since he was 18 and cannot also be the safety officer.

The master is required to record the election of Safety Representatives to a Safety Committee in the narrative section of the Official Log Book. The following rules cover the number of Representatives that have to be elected depending on the total crew size:

- If the ship carries less than 16 crew, one Safety Representative elected by the whole crew together;
- If the ship carries 16 or more crew; one Safety Representative elected by the officers and one elected by the ratings;

Those who are elected as safety representatives do not have to stay in that role for the whole voyage. Others can be elected to take over. The master should record these appointments in the Official Log Book. A Safety Representative can:

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<sup>10</sup> Merchant Shipping (Maritime Labour Convention) (Health and Safety) Regulations, 2014

- Participate in any investigations or inspections carried out by the Safety Officer subject to the Safety Officer's agreement, or after notification to the master, undertake similar investigations or inspections himself, whether or not they have been carried out by the Safety Officer;
- Consult with the master and Safety Officer on behalf of the crew on matters affecting occupational Health and Safety of crew members;
- Request through the Safety Committee an investigation by the Safety Officer of any Health and Safety issue which the Safety Representative believes should be investigated;
- Inspect any of the records required to be kept by the Safety Officer.

### **Safety Committee**

Once the Safety Officer has been appointed and the Safety Representative/s elected, a Safety Committee should be formed to include the Safety Officer and each Safety Representative. The master is also a member of the Safety Committee as Chairman and the creation of this Committee must be recorded in the Official Log Book. The Safety Committee should meet whenever it chooses as long as the intervals between meetings are not greater than six weeks. A Safety Committee has to:

- Ensure that the provisions of the Code of Safe Working Practices, relevant legislation, and Shipping Notices are complied with in order to improve the standard of safety consciousness among the crew;
- Make representations and recommendations on behalf of the crew to the Company/Operator on matters relating to occupational Health and Safety of the crew;
- Ensure the owner's occupational Health and Safety policies are observed and to make recommendations for their improvement as necessary;
- Inspect any of the records required to be kept by the Safety Officer and ensure that any conclusions reached on matters of safety are followed up.

The company should strive to assist the Safety Committee to operate effectively by:

- Providing access to any necessary safety information, documents, Shipping Notices, Guidance Notes and relevant regulations;
- Informing the Safety Officer, Safety Representatives and Safety Committee of any hazards on board the ship known to them, which may endanger the ship or the crew;
- In response to representations from the Safety Committee order the cessation of any work which the Committee reasonably believes may cause an accident and inform the master who shall be responsible for deciding when work can be safely resumed;
- Permitting occupational health and safety inspections of any accessible part of the ship where crew members may be required to work.

### **Master's Responsibility**

It is very important that the master takes a close interest in the work of the Safety Officials, checking that the Safety Officer is fulfilling his responsibilities effectively, whilst giving support and encouragement. The master is the best person to ensure that the safety committee works successfully by encouraging all crew members to participate in the ship's safety culture.

## 11. Accident and Incident Reporting

Regulation 5 of the Merchant Shipping (Marine Casualty Reporting and Investigation) Regulations, 2018 places a general duty to report all accidents to MACI. This “duty to report” is placed on the master and the owner of a ship. In these regulations an “accident” is defined as –

“a marine incident, a marine casualty or a very serious marine casualty”

The meaning of “marine incident”, “marine casualty” and “very serious marine casualty” are taken from the IMO “Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code)” (IMO resolution MSC.255(84)).

The Casualty Investigation Code defines each term as follows:

*A **marine incident** means an event, or sequence of events, other than a marine casualty, which has occurred directly in connection with the operations of a ship that endangered, or, if not corrected, would endanger the safety of the ship, its occupants or any other person or the environment,*

*A **marine casualty** means an event, or a sequence of events, that has resulted in any of the following which has occurred directly in connection with the operations of a ship:*

- .1 the death of, or serious injury to, a person;*
- .2 the loss of a person from a ship;*
- .3 the loss, presumed loss or abandonment of a ship;*
- .4 material damage to a ship; MSC 84/3 ANNEX 4 Page 8*
- .5 the stranding or disabling of a ship, or the involvement of a ship in a collision;*
- .6 material damage to marine infrastructure external to a ship, that could seriously endanger the safety of the ship, another ship or an individual; or*
- .7 severe damage to the environment, or the potential for severe damage to the environment, brought about by the damage of a ship or ships; and*

*A **very serious marine casualty** means a marine casualty involving the total loss of the ship or a death or severe damage to the environment.*

All of these events are required to be reported to MACI as soon as practicable following the “accident”.

To assist masters in reporting accidents MACI has published Shipping Notice 02/2015 (Mandatory reporting of certain incidents and occurrences on board Cayman Islands Ships) (as amended). This Shipping Notice contains a non-exhaustive list of common incidents and occurrences and how to report them to MACI.

When in doubt as to whether or not an accident or incident should be reported then it is always best to make a report.

Shipping Notice CISN 02/2015 (as amended) also covers reporting requirements for other issues which do not fall in the above including births and deaths (not accidents), maritime security and Port State Control

For all incidents a report of the accident or damage should initially be submitted by email to [reporting@cishipping.com](mailto:reporting@cishipping.com).

Every report of an accident or damage must be signed by the Company/Owner or master of the ship, and state:

- (a) the name of the ship, the port to which the ship belongs, the official or IMO number, if any, of the ship and the place where the ship is located;
- (b) the nature and extent of the accident or damage incurred;
- (c) the circumstances in which the accident or damage occurred;
- (d) the probable cause of the accident or damage;
- (e) any pollution to the environment and;
- (f) any injuries or fatalities resulting from the accident.

On receipt of the initial report the Company/Owner and master of the ship will receive instructions from the MACI on any priority actions which are required to assist investigators and secure evidence.

The MACI will always carry out a full investigation into “very serious marine casualties” and may investigate other casualties involving Cayman Islands registered vessels, depending on the nature of the casualty. However, the scale of an investigation depends on the seriousness of the casualty and whether or not a full investigation will lead to possible measures to prevent similar accidents happening in the future.

## 12. Recording of Births and Deaths

Cayman Islands Regulations<sup>11</sup> set out the requirements for the recording of Births and Deaths on board Cayman Island registered ships or for any person who dies ashore when employed on a Cayman Islands registered ship.

An inquiry into the cause of death may be held by the CISR at the next port where the ship calls after the death or at such other place as may be directed. As such notification of any death to the CISR is required as soon as practicable to allow the CISR to assist with making arrangements for an inquiry into the circumstances of a death.

In the case of a death on board caused by an accident, illness or injury the master and Company/Owner should initially notify the CISR immediately by email to [reporting@cishipping.com](mailto:reporting@cishipping.com) and follow up with a detailed report setting out the circumstances. See section 11 for more details.

For any other death not caused by accident, injury or illness on board the Master should inform the CISR within three days.

In the case of any birth the master should inform the CISR within seven days for a birth using Form RB1: [http://www.cishipping.com/sites/default/files/others/RB1\\_Return\\_of\\_Births.pdf](http://www.cishipping.com/sites/default/files/others/RB1_Return_of_Births.pdf).

### **Actions by the Master regarding a deceased seafarer**

At the first opportunity the master should also inform the CISR with details of estimated time of arrival and the contact details of his agents in the next port. In addition, a copy of Form RD1 ([http://www.cishipping.com/sites/default/files/others/RD1\\_Return\\_of\\_Deaths.pdf](http://www.cishipping.com/sites/default/files/others/RD1_Return_of_Deaths.pdf)) filled in as far as practicable along with any statements should be sent to the CISR.

The master should inform the next of kin of the deceased within three days if this is possible.

The cabin and personal belongings of the deceased should be secured. The master should obtain signed and dated witness statements from any witnesses, duty officers, co-workers and supervising personnel of the deceased regarding the circumstances surrounding the death.

The master should complete Form RD1 along with the appropriate pages of section 3 of the OLB. The notes in the OLB provide the instructions as to how and what entries should be made in the OLB see [section 3](#) for more details. The Shipping Master will check entries as part of the inquiry.

The master should ensure that no crewmember leaves the vessel until the formalities of the death inquiry are complete. In the case of a death occurring while the vessel is in port a copy of the doctors or coroner's report should be attached to the Form RD1 along with the death certificate when available.

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<sup>11</sup> Merchant Shipping (Returns of Births and Deaths) Regulations, 2004



### 13. Port State Control

Port State Control (PSC) means the inspection of a ship registered in one country by the authorities of the State being visited by the ship, for example a Cayman Islands registered ship visiting Singapore. Most Port States are grouped into a number of PSC Memoranda of Understanding (MoUs) which operate joint PSC regimes and will share information and target inspections according to the past record of the vessel and the Flag the vessel flies. The PSC MoUs are as follows-

NAME OF MOU	AREA COVERED / REMARKS
Black Sea	Bulgaria, Georgia, Romania, Russian Federation, Turkey, Ukraine.
Indian Ocean	Australia, Eritrea, La Reunion Island, India, Iran. Kenya, Maldives, Mauritius, Oman, Sri Lanka, South Africa, Sudan, Tanzania and Yemen.
Caribbean	Antigua and Barbuda; Aruba; Bahamas; Barbados; Belize; Cayman Islands; Cuba; Grenada; Guyana; Jamaica; Netherlands Antilles; Saint Kitts and Nevis; Suriname; Trinidad and Tobago.
West and Central Africa	Senegal; Nigeria, Guinea; Sierra Leone; Congo; Ghana; The Gambia and Benin.
Viña del Mar	Argentina; Bolivia; Brazil; Columbia; Chile; Cuba; Ecuador; Honduras, Mexico, Panama; Peru; Uruguay and Venezuela.
Tokyo	Some 18 countries forming the Pacific Rim are Members of this MOU, including Australia, Canada, Chile, China, Hong Kong, Japan. New Zealand, the Russian Federation, and Singapore.
Mediterranean	Algeria; Cyprus; Egypt; Israel; Jordan; Lebanon; Malta; Morocco; Tunisia and Turkey.
Paris	Includes the United Kingdom, all the European Union coastal States, Russian Federation, Canada, Norway and Iceland.
US Coast Guard	Includes all US ports. Though not strictly a MoU, the USCG operates as such in practical terms.
It should be noted that a State may be a Member of more than one PSC MoU.	

Cayman Islands ships are therefore subject to inspections under PSC arrangements in any foreign port which they may visit and where a ship is found by a Port State Control Officer (PCSO) to be deficient then, depending on the nature of the deficiencies, the PSCO may take action, which when considered sufficiently serious may include detention of the ship. The authorities inspecting the ship under these arrangements may be the local Port Authority but need not necessarily be so.

In the Paris MOU there are specific reporting requirements for PSC. A ship has to report 24 hours before arriving at a port or anchorage of the Paris MoU region or before leaving the previous port of anchorage if the voyage is expected to be less than 24 hours. Where the ship is subject to an expanded inspection 72 hours' notice of arrival is required to be given (please refer to the Paris MoU website for information on when to expect an expanded inspection). Other MoUs will have their own reporting requirements.

Intervention by a PSC Authority is always potentially a serious matter and where detention is involved then it has undoubtedly become a serious matter. Masters, Owners and Operators should therefore make every effort to ensure the ship is properly maintained and in compliance with all the standards covered by their operational Certificates. There are a number of actions that can be taken to avoid Port State Control detentions for which there is much industry guidance and standards and some advice on these is contained in Guidance Note CIGN 06/2004.

Where the deficiencies during a PSC Inspection are found to be serious enough the vessel will be detained. It is a serious offence if a ship under detention proceeds or attempts to proceed to sea before it is officially released from detention. Where a ship is considered unsafe by the authorities it will not be released from detention until the deficiencies have been sufficiently rectified to allow the ship to proceed to sea, or, where the deficiencies cannot be permanently repaired or rectified, to a port where permanent repairs or rectification of the deficiencies can be carried out. Whilst the Cayman Islands cannot legislate for the penalties imposed on a Cayman Islands ship detained in a foreign port, most States would have similar provisions and penalties in place with respect to PSC and detention thereunder, and masters of Cayman Islands ships need to be fully aware of this.

When a Cayman Islands ship is detained the master and Company/Owner should initially notify the CISR immediately by email to [reporting@cishipping.com](mailto:reporting@cishipping.com) the basic facts, including, where possible, photographs of all detainable deficiencies, particularly in cases where the detention appears unreasonable. Such photographs should in any case be retained for use by the CISR.

Following the justifiable detention of a Cayman Islands ship in a foreign port the CISR will usually undertake its own Flag State inspection of the vessel as soon as possible after the detention.

The CISR takes any detention of a Cayman Islands ship very seriously. Every detention damages the high reputation of the Cayman Islands flag and increases the number of inspections of Cayman Islands ships undertaken by the PSC regime concerned (and may well have wider repercussions given the ready exchange of information between the various PSC MoU systems)

In some areas repeated detention can lead to a ship being banned from the area. This would be completely unacceptable for a Cayman Islands registered ship and would also have serious consequences for the Owners and severe hardship. It must not be allowed to happen.

## **14. Continuous Synopsis Record**

Every merchant ship of 500 gross tonnage and above, is subject to the ISPS Code and will need to carry a document called a "Continuous Synopsis Record" (CSR), please refer to Shipping Notice C1SN 04/2007 for more details.

The CSR is a form of log book that stays with the ship for its whole life and records all changes of owner, flag, name, Class, ISM etc. Whenever a change occurs a new section or a new document is issued and then each has a consecutive number. The numbers should show a complete record. If a ship is sold this document must stay with the ship. All documents must remain onboard, for example if the last Document is version 8 then versions 1 to 7 must be onboard.

The master is responsible for the proper upkeep of the CSR on board Cayman Islands ships. When the master first receives a new CSR, or first joins the vessel, he should check that the details are correct. There is a process for amending details and it is important that the details are always correct. Port State Control will check the CSR as a matter of routine at inspections.

### **Making amendments to the CSR**

When any entry in the CSR requires an amendment the master must act as quickly as possible. To do this he should fill in the changes on the Form 2 and send this to the CISR who will enter the new changes in the ship's master record and issue a new CSR sheet with the next consecutive number to be attached to the record onboard. After this is done the master must ensure that the Index of Amendments (Form 3) is kept up to date and also attached to the current CSR in date order.

### **Receiving an amended CSR**

When the master receives a new CSR or an amendment sheet, the sequential number must be checked to ensure it is the correct number and review the data entries to make sure they are correct and they cover all amendments in the Index of Amendments.

If there are amendments that are not included in the CSR the master should:

- Complete a new Amendment Form 2 relating to each outstanding amendment and attach it to the latest CSR;
- List the amendments in the Index of Amendments (Form 3) attached to the latest CSR; and
- Forward copies of the original Amendment Form(s) to the CISR.

### **In case of loss of, or damage to, any document in the ship's CSR file**

If for any reason the ship's CSR records are lost or damaged it is essential that they are restored as quickly as possible in order to avoid potential delays to the voyage or possible detention of the vessel. The master should contact the CISR as quickly as possible who will provide signed and stamped duplicates.

## 15. LRIT

All ships of 300 gross tonnage and above are required to have a Long Range Identification and Tracking (LRIT) system fitted and operational at all times, except as indicated below. Further information is provided in Guidance Notes CIGN 05/2008 and CIGN 06/2008.

When this has been commissioned the ship must request a Conformance Test Report Certificate (not to be confused with a Conformance Test Report) and send a copy of this to the CISR so the ship can be added to the system.

### **Instructions as to when it is permissible for a vessel to cease LRIT transmissions**

The following information is given as guidance to owners, operators, managers and masters as to when they are authorised to vary the transmission of LRIT position information. In general, all ships of 300 gross tonnage and above should continue to transmit information at a rate of once every 360 minutes and should not under any circumstances switch off their LRIT units or reduce the frequency of transmission.

The only exceptions to this are as follows:

- (a) Where the ship is in dry-dock or undergoing modification in a shipyard or port for a period where continued interruption of the system would cause undue problems and an application has been made to the CISR and agreement received;
- (b) Where the ship is to be placed in long term lay-up and an application is made to the CISR by the Operator to reduce the transmission rate or to stop transmission for a set period and agreement received.

The CISR can be contacted at [reporting@cishipping.com](mailto:reporting@cishipping.com) for any enquires regarding making an application to reduce or terminate transmissions under these circumstances.

In addition to this an entry is to be made in the Official Log Book indicating the time and date the unit was switched off and a corresponding entry made as to when the unit is re-started and transmissions recommenced. The master should also inform the local Port State Authority of the ship's intent to cease transmitting LRIT information.

## **16. Medical Stores Requirements**

### **Medical equipment**

Regulations<sup>12</sup> require that medical stores are kept on all Cayman Islands registered merchant ships. A full list of medical equipment that should be carried on Cayman Islands ships is contained in the Shipping Notice CISN 06/2014.

### **Person in charge of medical care on board**

Cayman Islands laws and international conventions require that where a Cayman Islands ship carries 100 or more persons and is intended to be at sea on any occasion for a continuous period of more than three days then the ship must carry a qualified medical doctor who is responsible for providing medical care.

Cayman Islands Laws require that where a ship does not carry a doctor, the master must make arrangements to ensure that any medical attention on board is given either by him or under his supervision by a person appointed by him for the purpose. Any person designated to take charge of or provide medical care on board the ship, must have successfully completed an approved Medical Care training programme meeting the standards laid down in STCW Code A-VI/4-2. Currently no refresher training is required for updating proficiency in medical care under the STCW but is strongly recommended.

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<sup>12</sup> Merchant Shipping (Maritime Labour Convention) (Medical Care) Regulations, 2014

## **17. Stowaways and refugees**

### **17.1 Stowaways**

#### **Introduction**

Masters, shipowners, port authorities, national administrations, and other bodies including security operators all have a responsibility to co-operate to prevent illegal access to a vessel while it is in port. However, no matter how effective routine port and ship security is, there will still be occasions when stowaways gain access to vessels, either secreted in the cargo or by surreptitious boarding.

- Stowaways arriving at or entering a country without the required permit documents are, in general, illegal entrants. Decisions on dealing with such situations are the prerogative of the countries where such arrival or entry occurs.
- Stowaway asylum seekers should be treated in compliance with international protection principles as set out in international instruments and relevant national legislation.
- The shipowner and his representative on the spot, the master, as well as port authorities and national administrations, should co-operate as far as possible in dealing with stowaway cases.
- Shipowners, masters, port authorities and national administrations should have security arrangements in place which, as far as practicable, will prevent intending stowaways from getting aboard a ship or, if this fails, will detect them before a ship departs a port.
- All parties should be aware that an adequate search may minimize the risk of having to deal with a stowaway case and may also save the life of a stowaway who may, for example, be hiding in a place which is subsequently sealed and/or chemically treated.
- Every effort should be made to avoid situations where a stowaway has to be detained on board a ship indefinitely. In this regard countries should co-operate with the shipowner in arranging the return of a stowaway to an appropriate country.
- Stowaway incidents should be dealt with humanely by all parties involved. Due consideration must always be given to the operational safety of the ship and to the well-being of the stowaway/refugee.

#### **When stowaways are found on board the Master should:**

- Make every effort to determine immediately the port of embarkation of the stowaway and establish the identity, including the nationality/citizenship, of the stowaway,
- Prepare a statement containing all the information relevant to the stowaway, in accordance with information specified in the standard document annexed to these guidelines, for presentation to the appropriate authorities,
- Notify the existence of a stowaway and any relevant details to his company and to the appropriate authorities at the port of embarkation and at the next port of call and to the CISR. He should also advise the British Consul at the next port,
- Not depart from his planned voyage to seek the disembarkation of a stowaway to any country unless repatriation has been arranged with sufficient documentation and permission given for disembarkation, or unless there are extenuating security or compassionate reasons,
- Ensure that the stowaway is presented to the appropriate authorities at the next port of call in accordance with their requirements,
- Take appropriate measures to ensure the security, general health, welfare and safety of the stowaway until disembarkation.

#### **The CISR will, so far as possible:**

- Try to assist the master and the company or the appropriate authority at the port of disembarkation in identifying the stowaway/refugee and determining his or her nationality/citizenship,
- Make representations to the relevant authority to assist in the removal of the stowaway from the vessel at the first available opportunity; and
- Assist the master and the company or the authority at the port of disembarkation in making arrangements for the removal or repatriation of the stowaway.

## 17.2 Refugees

A master's obligation to render assistance to persons in distress at sea is a longstanding maritime tradition and is enshrined in international law. Survivors of distress incidents should be provided with assistance regardless of nationality or status or the circumstances in which they are found.

In recent years, the issue of persons rescued at sea, many of whom turn out to be trafficked and undocumented migrants has continued unabated, in particular in the Mediterranean region. Such activity is most prevalent in the summer months, from North Africa and West Asia towards Southern Europe.

The master of a ship is obliged to render assistance to any person found at sea in danger of being lost, in so far as he or she can do so without serious danger to the ship, the crew, or the passengers. The Search and Rescue (SAR) Convention defines 'rescue' as an operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety (which does not necessarily have to be on land).

When requested to provide assistance to the rescue of persons in distress at sea and diverting to the location, the IMO's 'Rescue at Sea – a Guide to Principles and Practice as Applied to Refugees and Migrants' document<sup>13</sup> requires the master to, if possible:

- identify the ship's equipment and life-saving appliances that may be appropriate for the rescue operation;
- determine if any special arrangements, additional equipment or assistance may be required for the rescue operation;
- implement any plans and procedures to safeguard the safety and security of the crew and the ship;
- inform the ship's owner/operator and agent at the next intended port of call of the rescue operation.

When rescuing persons at sea, the master of the ship providing assistance should, following a request, provide the Rescue Coordination Centre (RCC) responsible for the search and rescue region with the following specific information, if possible:

- details of the assisting ship, including: name, flag and port of registry; name and address of the ship's owner/operator and agent at the next port; position of the ship, maximum speed, and next intended port of call; current safety and security status, and endurance with additional persons on board;
- details of the rescued persons, including: total number; name, gender, and age; apparent health and medical condition (including any special medical needs);
- actions completed or intended to be taken by the master;
- the master's preferred arrangement and location for disembarking or transferring the rescued persons, mindful that rescued persons should not be disembarked or transferred to a place where their life or safety would be at risk;
- any help needed by the assisting ship (i.e. due to limitations and characteristics of the ship's equipment, available manpower, stocks of supplies, etc);
- any special factors (e.g. safety of navigation, prevailing weather conditions, time sensitive cargo).

Masters who have embarked persons in distress at sea should treat them with humanity, within the capabilities of the ship. If rescued persons appear to indicate that they are asylum-seekers the master should inform the rescued persons concerned that the master has no authority to hear, consider or determine an asylum request.

You should be aware of additional risks involved when engaging with people of unknown origin, such as infectious disease, violence and sabotage. Taking into consideration the possible criminal aspect of people trafficking, it is possible that the refugee ships may also carry weapons.

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<sup>13</sup> <http://www.imo.org/en/MediaCentre/HotTopics/seamigration/Documents/RescueatSeaGuideENGLISH.pdf>

In all cases the competent RCC should be informed about any situation which may develop into a SAR incident. When the RCC responsible for the SAR region in which assistance is needed is informed about the situation, that RCC should immediately accept responsibility for coordinating the rescue efforts, since related responsibilities including arrangements for a place of safety for rescued persons, fall primarily on the Government responsible for that region. If you have embarked persons in distress, you should therefore liaise with this RCC regarding disembarkation of any such persons. IMO regulations require an assisting ship to be relieved of its responsibility in the rescue operation as soon as alternative arrangements can be made.

Disembarkation of rescued asylum-seekers and refugees in territories where their lives or freedoms would be threatened must be avoided.



## **18. Lifting Appliances and Lifting Gear**

### **LSA lifting appliances**

Lifting appliances used in association with any life-saving appliance (rescue boat or davit-launched liferaft) are subject to testing in accordance with the provisions of MSC.402(96)<sup>14</sup>

Relevant records should be maintained on board to record the completion of these tests.

### **Non-LSA lifting appliances and lifting gear**

Many different forms of non-LSA lifting appliance can be found on board a ship, such as cargo/stores cranes, electrical hoists and chain blocks.

There are also various kinds of lifting gear used on board which includes any gear to which a load can be attached, such as hooks, slings, shackles and ropes.

Non-LSA lifting appliances and lifting gear is to be maintained in accordance with Chapter 19 of the UK's Code of Safe Working Practices for Merchant Seafarers, 2019 Edition as amended.

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<sup>14</sup> Refer to Guidance Note CIGN 09/2019

## 19. MARPOL

The purpose of this section is to provide information and clarity on the provisions of the MARPOL Convention and on related international conventions. All surveys referred to in this section, with the exception of those for MARPOL Annex I, will normally be carried out by your Classification Society.

### Annex I – Prevention of Pollution by Oil

MARPOL Annex I applies to all ships, however only those of 400 gross tonnage and above are required to be surveyed and hold an International Oil Pollution Prevention Certificate and Record of Equipment, Form A. These vessels are also required to use a type approved oily water separator and oil content meter and must hold type approval certificates on board.

Ships of 400 gross tonnage and above are also required to carry a ship specific Ship Oil Pollution Emergency Plan (SOPEP) specifying the vessel's procedures in the event of an oil spill.

Additionally, an Oil Record Book part 1 is required for ships of 400 gross tonnage and above, and an Oil Record Book part 2 is required for oil tankers of 150 gross tonnage and above. These are available from the CISR: <http://www.cishipping.com/products-catalog>.

### Annex II

MARPOL Annex II applies primarily to chemical tankers and aims to protect the marine environment from chemical pollution by noxious liquid substances carried in bulk. Unlike the other MARPOL annexes, which set out regulations for the 'prevention' of pollution, Annex II talks about the regulations for the 'control' of pollution by these noxious liquid substances when carried in bulk. 'Noxious liquid substance' means any substance indicated in the Pollution category column of chapter 17 or 18 of the International Bulk Chemical code (IBC code).

Cargoes should be carried in accordance with the list available in the ship's International Pollution Prevention Certificate for the Carriage of noxious liquid substances in Bulk (NLS certificate).

A **Cargo Record Book** is required to be maintained on every vessel carrying noxious liquid substances in bulk. These are available from the CISR: <http://www.cishipping.com/products-catalog>.

### Annex III

MARPOL Annex III aims to prevent or minimise pollution of the marine environment by harmful substances in packaged forms. This includes freight containers, portable tanks or road and rail tank wagons, or other forms of containment specified in the schedule for harmful substances in the International Maritime Dangerous Goods (IMDG) Code. Unlike Annex II (bulk chemicals), there are no pollution categories in Annex III. Such categorisation is made in the IMDG code, which must therefore also be considered when consulting MARPOL Annex III.

### Annex IV – Prevention of Pollution by Sewage

MARPOL Annex IV applies to all ships which are 400 gross tonnage and above, and all ships less than 400 gross tonnage that are certified to carry more than 15 persons. The number of persons shown on your Cargo Ship Safety Certificate, should be used to determine the number of persons that you are certified to carry.

Ships to which Annex IV applies are required to be surveyed and carry a Statement of Compliance for International Sewage Pollution Prevention<sup>15</sup> and to operate a type approved Sewage Treatment System and should hold the type approval certificate on board. Vessels subject to MARPOL Annex IV must also be provided with a calculation indicating the maximum discharge rate of untreated sewage. This can be obtained from the vessel's Class society.

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<sup>15</sup> The Cayman Islands has not yet had MARPOL Annex IV extended to it by the United Kingdom and therefore International Sewage Pollution Prevention Certificates cannot yet be issued, rather a Statement of Compliance is issued by Class. Upon extension of Annex IV these Statements of Compliance should be changed to Certificates on the next attendance by Class.

## Annex V – Prevention of Pollution by Garbage

MARPOL Annex V applies to all ships but there is no certificate issued to demonstrate compliance.

A garbage management plan is required for ships that are either 100 gross tonnage and above and those certified to carry 15 or more persons (if less than 100 gross tonnage). A Garbage Record Book part 1 is required for ships of either 400 gross tonnage and above or certified to carry more than 15 persons (if less than 400 gross tonnage) this is available from the CISR:

<http://www.cishipping.com/products-catalog>.

## Annex VI – Prevention of Air Pollution

MARPOL Annex VI generally applies to all ships, except for certain sections of the Annex where exclusions to each regulation are shown. Ships under 400 gross tonnage are exempt from a large portion of the requirements. Ships of 400 gross tonnage and above required to be surveyed and carry the following documents:

- An International Air Pollution Prevention Certificate (IAPP)
- An International Energy Efficiency Certificate
- An Ozone Depleting Substance Record Book
- 3 years of Bunker Delivery Notes
- A Ship Energy Efficiency Management Plan (SEEMP)
- EIAPP and NOx Technical Files for all Engines over 130kW if installed after 1 Jan 2000<sup>16</sup>

In addition to the documentation requirements, the vessel must maintain samples of fuel for each instance of bunkering. These bunker samples must be retained on board for 12 months.

An International Engine Air Pollution Certificate is required for each engine of 130kW or above and installed after 1 January 2000, with the exception of generators provided for emergency purposes only

## Other Conventions

The ***International Convention on the Control of Harmful Anti-fouling Systems on Ships*** (AFS Convention), which entered into force in 2008 and applies in many countries, applies to all vessels. The Convention regulates Anti-fouling systems which are used to keep the hulls of ships clean and free from fouling organisms to enable them to travel faster through the water and consume less fuel. Scientific studies have shown that some of the most active ingredients used in widespread anti-fouling systems are organotin compounds. These have been shown to have adverse affects on the marine environment. Under the AFS Convention all ships of 400 gross tonnage and above need to be inspected and certified for compliance. All ships under 400 gross tonnage must have a Declaration of Compliance signed by the Owner or authorised agent. As with MARPOL Annex IV this Convention has not yet been extended to the Cayman Islands and therefore Class will attend to carry out the survey but will issue a Statement of Compliance.

The ***International Convention for the Control and Management of Ships' Ballast Water and Sediments*** (the Ballast Water Management Convention) entered into force for a number of countries on 8 September 2017. The Convention is designed to prevent the spread of non-native invasive species to vulnerable ecosystems by regulating the discharge of ballast water. The Convention requires ships to treat or manage their ballast water in accordance with a ship specific ballast water management plan that meets the requirements of the Convention. The Convention applies to all vessels that carry ballast water. All ships of 400 gross tonnage and above need to be inspected and certified by Class. As with MARPOL Annex IV this Convention has not yet been extended to the Cayman Islands and therefore Class will attend to carry out the survey but will issue a Statement of Compliance. More information on the requirements is contained in Guidance Note CIGN 02/2017.

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<sup>16</sup> Does not apply to Engines used for emergency purposes

## **20. Disputes – Onboard Complaints and the role of the Shipping Master**

### **The ship's onboard complaints procedure**

All merchant ships must have an onboard procedure for the fair and effective handling of seafarers' complaints alleging breaches of any MLC regulation. This mechanism should be used in the first instance of any grievance. In general grievance cases, seafarers should use the standard Company's Complaint procedure which should be available on board at all times. The onboard complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints.

More information on what should be included in an onboard complaints procedure can be found in Shipping Notice CISR 04/2014 (as amended).

All seafarers must be provided with a copy of this procedure along with their seafarer employment agreement, which must include contact information of the Cayman Islands Shipping Registry, along with contact information for the MLC Competent Authority in the seafarer's country of residence, in the event that the grievance cannot be resolved using this procedure.

In the first instance, complaints should be addressed to the head of the seafarers' department or to their superior officer. Complaints regarding health and safety matters should also be reported to the safety officer. If the complaint cannot be resolved by either the head of department or the superior officer to the satisfaction of the seafarer then the seafarer may refer the matter to the master who should personally handle the complaint. If a complaint cannot be resolved on board, the matter should be referred ashore to the shipowner (as defined under MLC regulations, please check your seafarer employment agreement or MLC Certificate if held) who should be given an appropriate time limit for resolving the matter.

In all cases seafarers should have the right to lodge complaints directly with the master and/or the shipowner if felt appropriate, however this should only be done when necessary and complaints should normally be dealt with and resolved at the lowest level possible.

If none of these procedures are effective in resolving the complaint, the Master or any seafarer may take the matter to the Cayman Islands Shipping Registry. This may be done by telephone, letter<sup>17</sup> or by email. The preferred means of receiving a complaint is by e-mail to [shipping.master@cishipping.com](mailto:shipping.master@cishipping.com).

Any complaints made to the CISR will be treated in strict confidence and will be given serious consideration. If appropriate a Surveyor will visit the ship to investigate the complaint. It is however essential that the person making any complaint is identified to the CISR who will not reveal the source of its information when investigating but cannot deal with any anonymous complaints.

Seafarers also have the right to lodge a complaint with any Port State Authority, however we would urge seafarers to contact the CISR before contacting a Port State Authority.

### **The Shipping Master**

The Shipping Master is appointed under section 10 of the Maritime Authority Law, with responsibility for ensuring that the obligations under a Seafarer Employment Agreement and the statutory obligations under the Merchant Shipping Law in respect of crew matters, are upheld. The Shipping Master primarily deals with crew issues including complaints regarding things such as accommodation, food, repatriation, working hours, payment of medical expenses and mediating on wage disputes. The Shipping Master plays an active role in disputes to protect the interests of both the ship-owner and the seafarer and strives to ensure that both parties can reach a mutually satisfactory solution to any dispute.

The Shipping Master is available to all crew on all Cayman Islands registered vessels. Seafarers with any dispute may submit this to the Shipping Master for guidance on the most appropriate course of

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<sup>17</sup> The Shipping Master, Maritime Authority of the Cayman Islands, Vanbrugh House, Grange Drive, Hedge End, Hampshire, UK. Tel: +44 (0)1489 799203; email: [shipping.master@cishipping.com](mailto:shipping.master@cishipping.com)

action according to the individual circumstances. When reporting a complaint or a dispute, it is important to provide the Shipping Master with as much information as possible including:

- full details of the dispute,
- the name of the vessel,
- a copy of the contract (or other written evidence if available),
- any supporting information,
- a contact to speak to on your behalf and express permission to do so.

This may be done by telephone, letter or by email. The preferred means of receiving complaint is by e-mail to [shipping.master@cishipping.com](mailto:shipping.master@cishipping.com). Please see footnote [23] for contact details.

Any complaints made to the Shipping Master will be treated in strict confidence and will be given serious consideration. However, should the seafarer wish this to be raised with the master / shipowner / management, depending on the nature of the complaint, the Shipping Master may have to name the complainant for the complaint to be acted upon. This will only be done if strictly necessary and only if the complainant has expressly given permission to be named.

Whilst mediation by the Shipping Master is generally successful, sometimes a resolution cannot be found. In this case, there are two options. One is a legal route. The second alternative is that both parties request the Shipping Master to make a binding decision regarding the dispute under section 96 of the Merchant Shipping Law (2016 Revision). In these cases, the Shipping Master reviews submissions from both parties and then makes a ruling. Under the Law this ruling is legally binding.

In addition to complaints about wages etc if three or more seafarers consider that the food or water provided for the seafarers employed onboard is not in accordance with our regulations<sup>18</sup> whether because of bad quality, unfitness for use or deficiency in quantity they may complain to the master, who must investigate the complaint. If the seafarers are dissatisfied with the action taken by the master as a result of his investigation or by his failure to take any action, they may state their dissatisfaction to him and may complain to the Shipping Master and the master shall make adequate arrangements to enable the seafarers to make their complaint as soon as the service of the ship permits. The Shipping Master shall investigate the complaint and may examine the food or water or cause them to be examined. A master who fails without reasonable excuse to comply is guilty of an offence.

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<sup>18</sup> Merchant Shipping (Maritime Labour Convention) (Food and Catering) Regulations, 2014

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