

CAYMAN ISLANDS



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**THE MERCHANT SHIPPING (CARRIAGE OF NAUTICAL PUBLICATIONS)
REGULATIONS, 2002**

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THE MERCHANT SHIPPING LAW (2001 REVISION)

THE MERCHANT SHIPPING (CARRIAGE OF NAUTICAL PUBLICATIONS) REGULATIONS, 2002

The Governor in Council, in exercise of the powers conferred on him by section 166 (1), (3) and (4) of the Merchant Shipping Law (2001 Revision) makes the following Regulations-

- Citation
1. These Regulations may be cited as the Merchant Shipping (Carriage of Nautical Publications) Regulations, 2002.
- Interpretation
2. (1) In these Regulations unless the context otherwise requires-
- “Law” means the Merchant Shipping Law (2001 Revision);
- “passenger ship” means a ship or hovercraft carrying more than twelve passengers;
- “tons” means gross tonnage as determined under the International Convention on Tonnage Measurement of Ships, 1969, as amended, or under any regulations relating to tonnage measurement made under the Law, as the case may be and where a ship has alternative gross tonnages, means the larger of those tonnages.
- (2) In regulations 4 to 8 “ship” includes hovercraft; and cognate expressions shall be construed accordingly; provided that “Cayman Islands ship” shall, in relation to hovercraft mean hovercraft registered in the Cayman Islands.
- Application
3. (1) Subject to paragraph (2), these Regulations apply to-
- (a) Cayman Islands ships and hovercraft registered in the Cayman Islands wherever they may be; and
- (b) other ships while in Cayman Islands waters.
- (2) These Regulations do not apply to-
- (a) ships which are less than 12 metres in registered length; or in the case of ships which are not registered, are less than 12 metres in length ascertained in accordance with the definition of “length” in the International Convention on Load Lines, 1966, as amended;
- (b) hovercraft with a bottom planking which is less than 12 metres in length; or
- (c) pleasure vessels.
4. (1) All ships shall carry-
- (a) such charts complying with regulation 5; and
- (b) such adequate and up to date sailing directions, lists of lights, notices to mariners, tide tables and other nautical publications,
- as are necessary for the intended voyage.
- (2) All sea-going passenger ships, and all other ships of 300 tons or more, shall carry the International Code of Signals published by the IMO.
- (3) Without prejudice to paragraphs (1) and (2), sea-going Cayman Islands ships shall carry the publications specified in Part A of the Schedule, and all Cayman Islands ships shall carry the publications or relevant parts of publications, specified in Part B of the Schedule.
- Requirement to carry nautical publications

Charts

5. (1) The charts referred to in regulation 4(1)(a) shall-
- (a) be of such a scale and contain sufficient detail as clearly to show-
 - (i) all navigational marks which may be used by a ship when navigating the waters which are comprised in the chart;
 - (ii) all known dangers affecting those waters; and
 - (iii) information concerning any ships' routing and ship reporting measures applicable to those waters
 - (b) either be published by the Hydrographer of the Navy or, if not so published, be of a similar scale to those so published and contain equivalent detail; and
 - (c) in all cases, be of the latest obtainable edition and, be-
 - (i) in the case of charts published by the Hydrographer of the Navy, corrected and kept up to date from the latest relevant obtainable Notices to Mariners and Radio Navigational Warnings; and
 - (ii) in the case of charts not so published, otherwise adequately corrected and kept up to date.

(2) In paragraph (1)(b), the reference to the Hydrographer of the Navy includes a reference to any authority in any country other than the United Kingdom exercising functions similar to those of the Hydrographer.

Publications

6. (1) The publications carried pursuant to regulation 4(2) and (3) shall be of the latest obtainable edition and incorporate the latest relevant supplements and corrections
- (2) In the case of publications listed in Part B of the Schedule, only those parts of the publication which are relevant to a ship's voyage and operation need be carried.
- (3) In the case of publications whose publisher is listed in the Schedule as the Hydrographer of the Navy, it shall be acceptable if the publication is published by some other person or body and is of equivalent standard and content.

Carriage of electronic versions of publication

7. (1) Electronic versions of the nautical publications, other than charts, required to be carried by these regulations may be carried in lieu of printed versions where the electronic version is identical in substance to the printed version and it is in a read-only format.
- (2) In this regulation, "read-only format" means an electronic format by which information can be read and printed but cannot be altered or amended electronically in the format in which it is presented.

Penalties

8. (1) If a ship goes to sea or on a voyage or attempts to go to sea or on a voyage in contravention of regulation 4, the owner and master is each guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (2) It shall be a defence for a person charged under these Regulations to show that he took all reasonable steps and used all due diligence to avoid commission of the offence.

Power to detain

9. In any case where a ship does not comply with the requirements of these Regulations, the ship shall be liable to be detained, and section 439 of the Law shall have effect in relation to the ship, subject to the modification that for the words "this Law", wherever they appear, there are substituted the words "the Merchant Shipping (Carriage of Nautical Publications) Regulations, 2002."

Repeal

10. The Merchant Shipping (Carriage of Nautical Publications) (Cayman Islands) Rules, 1988 are repealed.

SCHEDULE Regulation 4(3)

PUBLICATIONS TO BE CARRIED BY CAYMAN ISLANDS SHIPS

Part A – Publications which must be carried by sea-going ships

Publication	Publisher
International Code of Signals	International Maritime Organization
Mariner's Handbook	Hydrographer of the Navy

Part B – Publications of which only those parts relevant to a ship's voyage and operation must be carried

Publication	Publisher
Cayman Islands Shipping Notices	Cayman Islands Shipping Registry
Notice to Mariners	Hydrographer of the Navy
Lists of Radio Signals	Hydrographer of the Navy
Lists of Lights	Hydrographer of the Navy
Sailing Directions	Hydrographer of the Navy

Nautical Almanac
Navigational Tables
Tide Tables
Tidal Stream Atlases
Operation and Maintenance Instructions
for Navigational Aids Carried by the Ship

Made in Executive Council the 8th day of January, 2002

Carmena H Watler

Clerk of the Executive Council