

CAYMAN ISLANDS



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**THE MERCHANT SHIPPING LAW (2005 REVISION)**

**THE MERCHANT SHIPPING (MARITIME SECURITY) REGULATIONS, 2007**

**ARRANGEMENT OF REGULATIONS**

1. [Citation.](#)
2. [Interpretation.](#)
3. [Application.](#)
4. [Application of the Safety Convention and the ISPS Code.](#)
5. [Master's discretion and Company's responsibilities.](#)
6. [Security alert system.](#)
7. [Ship security assessments.](#)
8. [Ship security plans.](#)
9. [Verification and certification.](#)
10. [Ships' records.](#)
11. [Continuous synopsis records.](#)
12. [Company security officers.](#)
13. [Ship security officers.](#)
14. [Training.](#)
15. [Security levels.](#)
16. [Declarations of security.](#)
17. [Control of ships in port.](#)
18. [Cayman Islands ships intending to enter foreign ports.](#)
19. [Supplementary.](#)
20. [Offences and penalties.](#)

**THE MERCHANT SHIPPING LAW (2005 REVISION)**

**THE MERCHANT SHIPPING (MARITIME SECURITY) REGULATIONS, 2007**

The Governor, in exercise of the powers conferred on him by section 208 of the Merchant Shipping Law (2005 Revision) makes the following Regulations:

1. These Regulations may be cited as the Merchant Shipping (Maritime Security) Regulations, 2007.

2. In these Regulations, unless the context otherwise requires-

"Authority" means the Maritime Authority of the Cayman Islands established under section 3 of the Maritime Authority of the Cayman Islands Law, 2005;

"Chief Executive Officer" means the Chief Executive Officer of the Authority appointed under section 9 of the Maritime Authority of the Cayman Islands Law, 2005;

"Company" means, the owner of the ship or any other organisation or person such as the manager, or bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who, on assuming such responsibility, has agreed to take over all duties and responsibilities imposed by the ISM Code;

"company security officer" means the person designated in accordance with regulation 12;

"continuous synopsis record" means the onboard record of the history of the ship with respect to information specified in Chapter XI-I, Regulation 5.3, of the Safety Convention;

"continuous synopsis record document" means a record of the information issued by an Administration in respect of a ship as specified in Chapter XI-I, Regulation 5.3, of the Safety Convention;

"declaration of security" means an agreement reached between parties on behalf of a ship and either a port facility or another ship with which it interfaces, specifying the security measures each party to the agreement will implement;

"Interim International Ship Security Certificate" means a Certificate issued with respect to-

- (a) a new ship on delivery or prior to its entry or re-entry into service;
- (b) a ship transferring to the Cayman Islands Register from any other register; or
- (c) a ship where the Company is newly assuming responsibility for the operation of that ship;

"Law" means the Merchant Shipping Law (2005 Revision); and "owner" has the meaning assigned to it in the Law, and includes a Company.

"owner" has the meaning assigned to it in the Law, and includes a Company.

3. (1) Subject to paragraph (2) and regulation 17 and unless expressly provided otherwise, these Regulations apply to the following types of Cayman Islands ships engaged on international voyages wherever they may be and to non Cayman Islands ships engaged on international voyages when they are in Cayman waters, and their Companies:

- (a) passenger ships including high speed craft which carry more than 12 passengers;
- (b) cargo ships, including high speed craft, of 500 gross tonnage and upwards; and
- (c) mobile offshore drilling units.

(2) These Regulations do not apply to

- (a) ships of war and troop ships;
- (b) cargo ships of less than 500 gross tonnage;
- (c) ships not propelled by mechanical means;
- (d) wooden ships of primitive build;
- (e) pleasure yachts not engaged in trade; and
- (f) fishing vessels.

Citation

Interpretation

Application

- (3) Subject to paragraph (4), the Chief Executive Officer may:
- (a) grant exemptions in respect of Cayman Islands ships from all or any of these Regulations; and
  - (b) permit any Cayman Islands ship to implement security measures equivalent to those required by these Regulations.
- (4) The Chief Executive Officer may grant an exemption under paragraph (3)(a) or give permission under paragraph (3)(b) only where he is satisfied that-
- (a) no contravention of the Safety Convention or the ISPS Code will result;
  - (b) no contravention of any other international agreement or Convention to which the ship in question is subject will result; and
  - (c) the exemption or permitted measures are justifiable in terms of safety and security.
- (5) The Chief Executive Officer may, subject to giving reasonable notice, alter or cancel any exemption or permission that he may have given under paragraph (3)(a) or (3)(b).

Application of the Safety Convention and the ISPS Code

4. Subject to regulation 5, the owner and the master of a ship to which these Regulations apply shall comply, and ensure that the ship complies, with the relevant requirements of-
- (a) regulation 19 of Chapter V of the Safety Convention with respect to the fitting, use and maintenance of an Automatic Ship Identification System on board the ship;
  - (b) regulation 3 of Chapter XI-I of the Safety Convention with respect to the marking of the ship's identification number on the ship.
  - (c) regulation 5 of Chapter XI-I of the Safety Convention with respect to the retention on board and maintenance of the continuous synopsis record issued to the ship; and
  - (d) Chapter XI-2 of the Safety Convention and Part A of the ISPS Code with respect to other applicable ship and port security measures, taking into account the guidelines contained in Part B of the ISPS Code.

Master's discretion and Company's responsibility

5. (1) The master shall not be constrained by the Company, the charterer or any other person from taking or executing any decision, including decisions relating to denial of access to persons (except those identified as duly authorised by a contracting Government) or their effects and refusal to load cargo, including containers or other closed cargo transport units, which, in the professional judgment of the master, is necessary to maintain the safety and security of the ship.
- (2) Where, in the professional judgment of the master, a conflict between any safety and security requirements applicable to the ship arises during its operations, the master shall give effect to those requirements necessary to maintain the safety of the ship and in such cases, the master may implement temporary security measures and shall forthwith inform the Administration and, if appropriate, the contracting Government in whose port the ship is operating or intends to enter.
- (3) Any temporary security measures under this regulation shall, to the highest possible degree, be commensurate with the prevailing security level and when such temporary measures are identified as being in conflict with the prevailing security level the Administration shall ensure that such conflict is resolved and that the possibility of recurrence is minimised.
- (4) The Company shall ensure that the ship security plan contains a clear statement emphasising the master's authority and the Company shall establish in the ship security plan that the master has the overriding authority and responsibility to make decisions with respect to the safety and security of the ship and to request the assistance of the Company or of any contracting Government as may be necessary.
- (5) The Company shall ensure that the company security officer, the master and the ship security officer are given the necessary support to fulfil their duties and responsibilities in accordance with Chapter XI-2 of the Safety Convention and Part A of the ISPS Code.

Security alert system

6. (1) All Cayman Islands ships to which these Regulations apply shall be provided with a security alert system, which shall comply in every respect with the applicable requirements of the Safety Convention, as follows:
  - (a) ships constructed on or after 01 July 2004;
  - (b) passenger ships, including high-speed passenger craft, constructed before 01 July 2004, not later than the first survey of the radio installation after 01 July 2004;
  - (c) oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high speed craft, of 500 gross tonnage and upwards constructed before 01 July 2004, not later than the first survey of the radio installation after 01 July 2004; and
  - (d) other cargo ships of 500 gross tonnage and upward and mobile offshore drilling units constructed before 01 July 2004, not later than the first survey of the radio installation after 01 July 2006.
- (2) A security alert system installed in a Cayman Islands ship to which these Regulations apply shall, when activated, transmit a security alert to such person as the Chief Executive Officer shall designate.
- (3) The owner of a ship to which these Regulations apply shall establish a procedure for contacting the ship in the event of a security alert being transmitted, which procedure shall-
  - (a) enable information to be received about the situation on board; and
  - (b) prevent any unauthorised person from becoming aware that the security alert has been transmitted.
- (4) Where a security alert is received by such person as may be designated by the Chief Executive Officer under paragraph (2), that person shall immediately inform the Chief Executive Officer and the company security officer designated by the owner in respect of the ship from which the security alert was transmitted.
- (5) When the company security officer has received information under paragraph (2) or paragraph (4) he shall institute the procedure under paragraph (3) and report to the Chief Executive Officer as soon as possible the reason for the activation of the security alert and any other information that he receives about the situation on board.
- (6) When notification of a ship security alert is received by the person designated by the Chief Executive Officer in accordance with paragraph (2)-
  - (a) where the alert is from a Cayman Islands ship, the designated person shall immediately notify the State(s) in the vicinity of which the ship is presently operating; and
  - (b) where the alert is from a non-Cayman Islands ship the designated person shall immediately notify the relevant Administration of the State whose flag the vessel is entitled to fly, and, if appropriate, the State(s) in the vicinity of which the ship is presently operating.

Ship security assessments

7. (1) The owner of a Cayman Islands ship to which these Regulations apply shall carry out, or arrange to have carried out on his behalf, a ship security assessment in accordance with Part A of the ISPS Code, taking into account the guidelines contained in Part B of that Code.
- (2) A ship security assessment shall be carried out by persons having appropriate skills to evaluate the security of a ship.
- (3) A ship security assessment shall be documented, reviewed, accepted and retained by the owner of the ship and the owner and the person who performed the assessment shall take all necessary measures to prevent unauthorised access to, or disclosure of, the contents of the assessment. Ship security assessments

Ship security plans

8. (1) The owner of a Cayman Islands ship to which these Regulations apply shall develop, keep and amend a ship security plan from the information contained in the ship security assessment in accordance with Part A of the ISPS Code, taking into account the guidelines contained in Part B of that Code.

- (2) A ship security plan shall contain procedures to be followed when the ship-
- (a) calls at a port which is not required to have or implement a port facility security plan prepared in accordance with the Safety Convention and the ISPS Code;
  - (b) is engaged in ship-to-ship activities with another ship that is not required to have or implement a ship security plan;
  - (c) is engaged in loading or unloading cargo or personnel to or from offshore installations or mobile offshore installations that do not comply with the requirements of either the Safety Convention or the ISPS Code; or
  - (d) is subject to such directions regarding maritime security measures as the Chief Executive Officer may, subject to regulation 15, prescribe.
- (3) A ship security plan, together with a copy of the ship security assessment on which the ship security plan is based, shall be submitted by the owner of a Cayman Islands ship to the Chief Executive Officer for approval, and the Chief Executive Officer may require the owner to make additions, deletions or amendments to the ship security plan before it is approved by him or on his behalf.
- (4) Subject to paragraphs (5), (6) and (7), the owner of a Cayman Islands ship which has an approved ship security plan in force may amend the plan or any equipment installed on the ship pursuant to the plan.
- (5) An amendment which relates to-
- (a) procedures for evacuation in case of security threats or breaches of security;
  - (b) duties of shipboard personnel to whom security responsibilities are assigned or duties of other shipboard personnel relating to security;
  - (c) procedures for training, drills and exercises associated with the ship security plan;
  - (d) the identity of the ship security officer; or
  - (e) any other amendments not relating to sections 9.4.1 to 9.4.18 of Part A of the ISPS Code,
- may be made or implemented without informing the Chief Executive Officer but such amendment shall be subject to approval at the first verification made under regulation 9.
- (6) No amendments or alterations to the ship security plan or to the ship security alert system, the procedures relating to the ship security alert system or to the owner's reporting or communications procedures referred to in regulation 6 shall be implemented until the amendments or alterations have been approved by the Chief Executive Officer.
- (7) Amendments to the ship security plan or the security equipment related to the ship security plan, other than those involving the matters referred to in paragraphs (5) and (6), may be made and implemented prior to obtaining the approval of the Chief Executive Officer provided that-
- (a) copies of the amendments have been submitted to the Authority, together with a summary report giving the justification for the amendments; and
  - (b) the Chief Executive Officer may accept or reject the amendments and in the case of rejection the implementation of the amendments shall, upon notification of rejection, be immediately discontinued and replaced with the procedures and arrangements in place immediately prior to the implementation of the amendments.
- (8) Any amendments to an approved ship security plan or to any security equipment specified in an approved ship security plan shall be assessed by the owner and shall be at least as effective as the security measures in the approved plan.
- (9) An assessment by the owner referred to in paragraph (I) shall be in writing and appended to the ship security plan.
- (10) No person shall disclose to any official of any other government or governmental institution, or to any other unauthorised person without the written permission of the Chief Executive Officer, any information relating to-

- (a) the identification of restricted areas of the ship or to measures for the prevention of unauthorised access to such areas;
- (b) procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the ship or of a ship/port interface;
- (c) procedures for responding to any security instructions at security level 3 as defined by the ISPS Code that may be given by the government of a state which is a party to the Safety Convention;
- (d) duties of-
  - (i) shipboard personnel assigned security responsibilities; and
  - (ii) other shipboard personnel, relating to security;
- (e) procedures to ensure the inspecting, testing, calibration or maintenance of any security equipment specified in the ship security plan whether provided on board or otherwise;
- (f) identification of the locations of the activation points for the ship security alert system; or
- (g) procedures, instructions or guidance-
  - (i) relating to the use of the ship security alert system; or
  - (ii) to limit false alerts.

9. (1) The Chief Executive Officer shall-

- (a) upon approval of a ship security plan under regulation 8(3); and
- (b) if he has verified that the ship accords in all respects with the security plan, the requirements of these Regulations, the Safety Convention and the ISPS Code, and is operating in accordance with the approved ship security plan,

issue an International Ship Security Certificate with respect to the ship.

(2) Subject to paragraphs (4) and (5) an International Ship Security Certificate shall remain valid for a maximum period of five years from the date of completion of the verification upon which the Certificate is issued subject to the completion of an intermediate verification completed between the second and third anniversary date of the Certificate.

(3) Additional verifications may be undertaken at the discretion of the Chief Executive Officer with respect to any Certificate issued under this regulation.

(4) Where an existing International Ship Security Certificate is to be renewed, a renewal verification shall be carried out and the renewed Certificate shall be valid-

- (a) where the renewal verification is completed within three months of the expiry date of the existing Certificate, then the new Certificate shall remain valid, subject to paragraph (2), for a period of five years from the date of expiry of the existing Certificate; or
- (b) where the renewal verification is completed more than three months before the expiry date of the existing Certificate, then the new Certificate shall remain valid, subject to paragraph (2), for a period of five years from the date of completion of the verification.

(5) Where a Cayman Islands ship, at the time the International Ship Security Certificate expires, is in a port in which the verification for the renewal of the Certificate cannot be carried out, the Chief Executive Officer may extend the existing Certificate for a period not exceeding three months, subject to the following conditions-

- (a) the extension shall be granted only in cases where it appears proper and reasonable to do so and then only for the purpose of allowing the ship to complete its voyage to the port in which the renewal verification is to be carried out;
- (b) on its arrival in the port in which the renewal verification is to be carried out, the ship shall not be entitled to leave that port by virtue of the extension granted with respect to the existing International Ship Security Certificate; and
- (c) when the renewal verification is completed the new International Ship Security Certificate to be issued shall be valid up to a date not exceeding five years from the date of expiry of the existing Certificate.

(6) The Chief Executive Officer may issue an Interim International Ship Security Certificate, valid for a period of six months from the date of completion of the interim verification, with respect to a ship if he is satisfied in all respects that the applicable requirements of the Safety Convention and the ISPS Code have been complied with.

(7) An Interim International Ship Security Certificate shall not be extended and ceases to be valid upon the issue of an International Ship Security Certificate in accordance with paragraph (I).

(8) The master of a ship to which these Regulations apply shall not proceed to sea in that ship without there being on board a valid International Ship Security Certificate or an Interim International Ship Security Certificate in respect of that ship.

(9) An International Ship Security Certificate or an Interim International Ship Security Certificate shall become invalid-

- (a) where the intermediate verification is not completed or the International Ship Security Certificate is not endorsed with respect to the intermediate verification within the time frame specified in paragraph (2);
- (b) where the ship is deleted from the Cayman Islands register;
- (c) where the responsibility for the operation of the ship changes from the Company named on the Certificate to another Company; or
- (d) where the Certificate is withdrawn by the Chief Executive Officer. Ships' records Continuous synopsis record

Ships' records

10. (1) The master of a ship to which these Regulations apply shall keep a record of the matters referred to in paragraph (2) for at least three years.

(2) The records to be retained under paragraph (1) are records of

- (a) training, drills and exercises;
- (b) security threats and security incidents;
- (c) breaches of security;
- (d) changes in security level;
- (e) communications relating to the direct security of the ship or a port facility;
- (f) internal audits and reviews of security activities;
- (g) periodic review of the ship security assessment;
- (h) periodic review of the ship security plan;
- (i) implementation of any amendments to the plan;
- (j) maintenance, calibration and testing of any security equipment provided on board including testing of the ship security alert system; and
- (k) any Declaration of Security entered into under regulation 16.

(3) The records to be retained under paragraph (1) shall be written in the working language of the ship, and if that language is not English, an English translation shall also be retained in accordance with paragraph (1).

(4) The records and translations to be retained under this regulation-

- (a) may be kept in an electronic format which is accessible on board in a perceivable form; and
- (b) shall be protected against unauthorised access, disclosure, deletion, destruction or amendment

Continuous synopsis records

11. (1) A ship to which these Regulations apply shall carry on board and keep available for inspection at all times a continuous synopsis record issued in accordance with the Safety Convention.

(2) The continuous synopsis record shall be in the format prescribed by the IMO, and shall be protected against unauthorised amendment, deletion, destruction or defacement.

(3) Before a Cayman Islands ship to which these Regulations apply is transferred to the flag of another state the owner shall notify the Chief Executive Officer of the name of the state of the flag to which the ship is to be transferred and the Chief Executive Officer shall,



immediately after he is notified that the transfer has taken place, send to the office of that other state responsible for the maintenance of the continuous synopsis record, documents issued during the period for which the ship was a Cayman Islands ship, together with copies of any continuous synopsis record documents which may be in the possession of the Chief Executive Officer with respect to the period before the ship was a Cayman Islands ship.

(4) When a Cayman Islands ship to which these Regulations apply is

- (a) transferred to the flag of another state;
- (b) transferred to another owner or Company; or
- (c) is taken over by a new bareboat charterer,

the continuous synopsis record shall be left on board in accordance with paragraph (1).

(5) When a ship becomes subject to these Regulations by virtue of becoming a Cayman Islands ship the Chief Executive Officer shall append any previous continuous synopsis record documents he has received from the office responsible for maritime security in the state from which the ship has been transferred to the continuous synopsis record documents issued in accordance with section 209 of the Law.

(6) When the information contained in the most recent continuous synopsis record document of a Cayman Islands ship changes, the owner shall inform the Chief Executive Officer of such changes and their effective date as soon as possible after the changes occur, and the Chief Executive Officer shall, upon receipt of such information, issue a continuous synopsis record document showing the changes.

Company security officers

12. (1) The owner of a ship to which these Regulations apply shall designate a named individual as the company security officer for the ship.

(2) A person may be designated as a company security officer for more than one ship.

(3) A company security officer shall ensure, in respect of each Cayman Islands ship for which he is designated, that a ship security assessment is carried out under regulation 7, that a ship security plan under regulation 8 is prepared and submitted for approval by the Chief Executive Officer and that, after such approval, the ship security plan is placed on board the ship, implemented and maintained.

(4) In addition to his duties referred to in paragraph (3) a company security officer shall have the duties and responsibilities specified in the ISPS Code in respect of each ship for which he is designated and shall be responsible for liaison with port facility security officers and with the ship security officer of any ship for which he is designated under paragraph (1).

Ship security officers

13. (1) The owner of a ship to which these Regulations apply shall designate a shipboard person as the ship security officer for the ship and such person may be the master of the ship.

(2) Where the designated ship security officer is not the master of the ship, the ship security officer shall be accountable to the master and in any case the ship security officer shall, subject to being accountable to the master, be responsible for the security of the ship, the implementation and maintenance of the ship security plan and for liaison with port facility security officers and with the company security officer.

(3) In addition to his duties referred to in paragraph (2) the ship security officer shall have the duties and responsibilities specified in the ISPS Code in respect of his ship.

Training

14. (1) The owner of a Cayman Islands ship to which these Regulations apply shall only designate persons in accordance with regulations 12(1) and 13(1) who have received training at training courses that comply with IMO model courses for company security officers or ship security officers, as appropriate, or at such other training courses as may be recognised by the Chief Executive Officer.

(2) A person who has received training in accordance with paragraph (1) shall produce proof of having received such training in the form of a certificate of completion of the recognised training course which refers to the relevant sections of the ISPS Code and of the IMO model course before he is designated.

(3) The ship security officer shall keep the proof of his training referred to in paragraph (2) on board his ship and available for inspection at any time.

Security levels

15. (1) The owner and the master of a Cayman Islands ship to which these Regulations apply shall ensure that the ship operates to at least the security level set in accordance with section 210 of the Law.

(2) When a Cayman Islands ship to which these Regulations apply enters a port facility of a state which is a party to the Safety Convention in respect of which a security level has been set which is higher than the security level at which the ship is currently operating, or when the ship receives information about the setting of a higher security level from the owner of the ship or a port facility authority, the master of that ship shall ensure that the ship immediately operates at the higher security level.

(3) When the Chief Executive Officer receives information from the Governor of the setting or amendment of a security level, he shall inform the owners of all Cayman Islands ships to which these Regulations apply of the setting or amendment together with all other relevant information and instructions in accordance with the Safety Convention and the ISPS Code.

(4) When the owner of a Cayman Islands ship to which these Regulations apply receives information or instructions under paragraph (3) he shall as soon as possible transmit that information and those instructions to the master and the master shall immediately acknowledge receipt of the information or instructions.

(5) Where the owner of a Cayman Islands ship to which these Regulations apply does not receive an acknowledgment from the master in accordance with paragraph (4) within twelve hours of the transmission, he shall immediately inform the Chief Executive Officer.

Declaration of security

16. (1) The master of a Cayman Islands ship to which these Regulations apply which is about to enter a port facility of a state which is a party to the Safety Convention, or which is about to interface with another ship, shall request the port facility security officer or the ship security officer of the other ship to complete a Declaration of Security-

(a) when the ship is operating at a higher security level than the port facility or the other ship;

(b) when there has been a security threat or security incident involving his ship, the port facility or the other ship;

(c) when the ship is at a port facility which is not required under the Safety Convention or the ISPS Code to have an approved port facility security plan; or

(d) when the ship is conducting ship-to-ship activities and the other ship is not required to have an approved ship security plan.

(2) A copy of the Declaration of Security shall form part of the records required to be kept by the master of a ship to which these Regulations apply under regulation 10(2)(k).

(3) Where a Cayman Islands ship to which these Regulations apply is not in compliance with the requirements of these Regulations or of part A of the ISPS Code, or cannot comply with the requirements of the security level set by the Governor or by the government of another state which is a party to the Safety Convention and applicable to that ship, the master shall notify the appropriate competent authority prior to conducting any ship/port interface operations or prior to entry into port, whichever occurs earlier.

Control of ships in port

17. (1) This regulation applies to non-Cayman Islands ships to which the maritime security provisions of the Safety Convention apply, namely:

(a) passenger ships including high speed craft which carry more than 12 passengers;

(b) cargo ships, including high speed craft, of 500 gross tonnage and upwards; and

(c) mobile offshore drilling units, whilst such a ship is in Cayman Islands waters and has entered, or intends to enter, any Cayman Islands port, harbour, bay anchorage or other area for the purposes of carrying out ship/port or ship/ship operations.

(2) A ship to which this regulation applies is subject to control by an officer authorised by the Chief Executive Officer.

(3) The control referred to in paragraph (2) is limited to verifying-

- (a) that there is on board a valid International Ship Security Certificate or Interim International Ship Security Certificate which shall be accepted; or
- (b) that the conditions necessary for the issue of an Interim International Ship Security Certificate have been complied with,

unless there are clear grounds for believing that the ship is not in compliance with these Regulations or Part A of the ISPS Code.

(4) Where there are clear grounds for believing that the ship is not in compliance with these Regulations, Chapter XI-2 of the Safety Convention or Part A of the ISPS Code, an authorised officer may impose one or more of the control measures referred to in paragraph (6).

(5) Control measures imposed in accordance with paragraph (4) shall be proportionate to the degree of risk to port and ship security.

(6) The control measures that may be imposed under paragraph (4) are

- (a) inspection of the ship;
- (b) delaying the ship;
- (c) detention of the ship;
- (d) restriction of operations including movement within the port;
- (e) expulsion of the ship from port; or
- (f) such other lesser administrative or corrective measures as the authorised officer may determine.

(7) In the application of this regulation due regard shall be had to the relevant provisions of the Merchant Shipping (Port State Control) Regulations, 2003.

18. (1) This regulation applies to all Cayman Islands ships to which these Regulations apply which intend to enter a port in a state which is party to the Safe1y Convention.

(2) The master of a ship to which this regulation applies shall provide such securi1y related information to an officer authorised by the government of the port state, with the exception of the ship securi1y plan, as that officer may require, with respect to the last ten calls made by the ship at port facilities.

(3) The master referred to in paragraph (2) may decline to provide the information referred to in paragraph (2) on the understanding that failure to do so may result in denial of entry into port.

19. (1) In the event of action being taken under regulation 17(6), other than under paragraph (f), the Chief Executive Officer shall inform the maritime securi1y authori1y of the state whose flag the ship is entitled to fly of the action taken and the reasons for taking the action.

(2) In the event that a ship is expelled from a port in the Islands, the Chief Executive Officer may, in confidence, inform the appropriate authori1y of the state of the ship's next intended port or ports of call, if known, and any other appropriate coastal authori1y, of the action taken and the reasons for taking the action.

(3) When action is taken under regulation 17(6)-

- (a) the Chief Executive Officer shall make all possible efforts to avoid the ship being unduly detained or delayed; and
- (b) necessary access to the ship for emergency or humanitarian reasons, or for security purposes, shall not be prevented.

20. (1) The owner of a ship to which these Regulations apply who-

- (a) fails to install a securi1y alert system in the ship, contrary to regulation 6(1);
- (b) fails to establish a procedure for contacting a ship in the event of a security alert being transmitted, contrary to regulation 6(3); or

Cayman Island ships  
intending to enter  
foreign ports

Supplementary

Offences and penalties

- (c) fails to institute the procedure referred to in regulation 6(3), on receiving information concerning a security alert, contrary to regulation 6(5), is guilty of an offence.
- (2) The owner of a Cayman Islands ship to which these Regulations apply who fails to develop, keep or amend a ship security plan in relation to that ship, contrary to regulation 8(1), is guilty of an offence.
- (3) The owner and the master of a Cayman Islands ship to which these Regulations apply who implements, or permits to be implemented, alterations which have not been approved by the Chief Executive Officer in relation to-
- (a) the ship's security alert system; or
  - (b) the ship's reporting or communications procedures,
- contrary to regulation 8(6), each is guilty of an offence.
- (4) A person who fails to discontinue an amendment to the ship security plan or the security equipment related to the ship security plan which is not referred to in regulation 8(5) or (6) and which has been rejected by the Chief Executive Officer, is guilty of an offence.
- (5) A person who discloses any information contrary to regulation 8(10) is guilty of an offence.
- (6) The owner and the master of a ship to which these Regulations apply which proceeds, or attempts to proceed, to sea without there being on board a valid International Ship Security Certificate or an Interim International Ship Security Certificate in respect of that ship, contrary to regulation 9(8), each is guilty of an offence.
- (7) The owner of a ship to which these Regulations apply who fails to designate a company security officer in respect of that ship who has been trained in accordance with regulation 14, contrary to regulation 12(1), is guilty of an offence.
- (8) A company security officer who, contrary to regulation 12(3) fails to ensure that-
- (a) a ship security assessment is carried out for a ship in respect of which he is designated;
  - (b) a ship security plan for a ship in respect of which he is designated is prepared and submitted; or
  - (c) an approved ship security plan is placed on board the ship in respect of which he is designated, or fails to ensure the plan is implemented and maintained,
- or who fails to perform any of his duties specified in the ISPS Code in relation to a ship in respect of which he is designated, contrary to regulation 12(4), is guilty of an offence.
- (9) The owner of a ship to which these Regulations apply who fails to designate a ship security officer in respect of that ship contrary to regulation 13(1), or who designates a ship security officer who has not been trained in accordance with regulation 14, is guilty of an offence.
- (10) A ship security officer who-
- (a) fails to implement and maintain a ship security plan in respect, of his ship, contrary to regulation 13(2); or
  - (b) fails to perform any of his duties specified in the ISPS Code in respect of his ship, contrary to regulation 13(3), is guilty of an offence.
- (11) The owner and the master of a Cayman Islands ship to which these Regulations apply which does not comply with the security level set in accordance with section 210 of the Law contrary to regulation 15(1), each is guilty of an offence.
- (12) The master of a Cayman Islands ship to which these Regulations apply whose ship has entered a port facility in respect of which a security level has been set which is higher than the security level

at which the ship is currently operating, and who fails to ensure that the ship operates at the higher level contrary to regulation 15(2), is guilty of an offence.

(13) The owner of a Cayman Islands ship to which these Regulations apply who fails to inform the Chief Executive Officer that he has not received, within twelve hours of the transmission of information or instructions, an acknowledgment thereof, contrary to regulation 15(5), is guilty of an offence.

(14) A person who is guilty of an offence under this regulation is liable on summary conviction to a fine of twenty-five thousand dollars, or on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for two years.

(15) Where the master of a ship to which these Regulations apply has taken, or has refrained from taking, action, contrary to the requirements of these Regulations, the Safety Convention or the ISPS Code, in order to maintain the safety or security of his ship, this may amount to a defence to a prosecution for an offence under this regulation.

Made in Cabinet the 7th day of August, 2007.

Carmena Watler

Clerk of the Cabinet.