

The Merchant Shipping (Provisions and Water) (Cayman Islands) Regulations, 1989
CAYMAN ISLANDS



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**THE MERCHANT SHIPPING (PROVISIONS AND WATER) (CAYMAN ISLANDS)
REGULATIONS, 1989**

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THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) LAW 1987

THE MERCHANT SHIPPING (PROVISIONS AND WATER) (CAYMAN ISLANDS) REGULATIONS 1989

The Governor, in exercise of the powers conferred on him by section 77 of the Merchant Shipping (Applicable Conventions) Law 1987 and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Provisions and Water) (Cayman Islands) Regulations 1989 and shall come into force on 1st January 1990.

Interpretation

2. In these Regulations:-

"Cayman Islands ship" has the meaning assigned to it in section 2 of the Merchant Shipping (Applicable Conventions) Law 1987;

"Chief Marine Surveyor" has the meaning assigned to it in section 2 of the Merchant Shipping (Applicable Conventions) Law 1987;

"Governor" means the Governor in Council;

"length" in relation to a registered ship means registered length, and in relation to an unregistered ship means the length from the fore part of the stem to the aft side of the head of the stern post or, if no stern post is fitted to take the rudder, 10 the fore side of the rudder stock at the point where the rudder passes out of the hull;

"offshore installation" means any offshore installation which is used for any of the following activities, that is to say (a) the exploitation or exploration of mineral resources, (b) the recovery or storage of gas, or (c) the provision of accommodation for persons who work on or from an installation used for the exploitation or exploration of mineral resources or the recovery or storage of gas;

"pleasure craft" means a vessel primarily used for sport or recreation;

"shipping master" includes, when a ship is in a port in the United Kingdom, a superintendent appointed by Department of Transport of the United Kingdom to assist in the general superintendence of matters relating to merchant shipping and seamen undertaken by the Department pursuant to section 713 of the Merchant Shipping Act 1894;

"submersible craft" means any description of manned mobile submersible craft which is designed to maintain some or all of its occupants at or near atmospheric pressure.

Application

3. (1) Subject to paragraph (2) below -

(a) these Regulations other than regulation 10 apply to sea-going Cayman Islands ships; and

(b) regulations 1, 2, 3, 10 and 11 apply to non Cayman Islands sea-going ships (except fishing vessels) when in a Cayman Islands port.

(2) These Regulations do not apply to -

(a) ships under 24 metres in length;

(b) pleasure craft;

(c) submersible craft; or

(d) offshore installations whilst on or within 500 metres of their working stations.

(3) The Governor may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases or individual cases on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Duties of Owners
and Master

4. It shall be the duty of the owner and master of every ship to ensure that there shall be provided on their ship provisions and water which

- (a) are suitable in respect of quantity, nutritive value, quality and variety having regard to the size of the crew and the character and nature of the voyage;
- (b) do not contain anything which is likely to cause sickness or injury to health or which renders any provision or water unpalatable; and
- (c) are otherwise fit for consumption.

Inspections of provisions
water and recording of
inspections

5. It shall be the duty of the master to ensure that he, or a person authorised by him, together with a member of the crew employed in catering on the ship, inspects not less than once a week provisions and water for the purpose of checking whether the provisions and water still comply with sub-paragraphs (a) to (c) of regulation 4 above. The results of such inspections shall be recorded in the official log book of the ship.

Complaints about
provisions or water

6. (1) If three or more seamen employed in a ship to which these Regulations apply consider that the provisions or water provided for the seamen employed in that ship are not in accordance with the requirements of these Regulations they may complain to the master, who shall investigate the complaint.

(2) If the seamen 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 claim to complain to a shipping master or proper officer and thereupon it shall be the duty of the master to make adequate arrangements to enable the seaman to do so as soon as the service of the ship permits.

(3) The shipping master or proper officer to whom a complaint has been made under this regulation shall investigate the complaint and may examine the provisions or water or cause them to be examined.

(4) Where the master has been notified in writing by the person making an examination under paragraph (3) of this regulation that any provision, or water are found not to be in accordance with the requirements of these Regulations, then -

- (a) it shall be the duty of the owner and the master to replace or replenish such provisions or water within a reasonable time. and
- (b) except where the complaint relates solely to the quantity of the provisions or water, it shall be the duty of the master not to permit such provisions or water to be used.

Offences and Penalties

7. (1) Contravention of regulation 4 or paragraph (4)(a) of regulation 6 by an owner shall be an offence punishable only on summary conviction by a fine not exceeding two thousand dollars.

(2) Contravention of regulation 4 or 5 or paragraphs (2) or (4) of regulation 6 by a master shall be an offence punishable only on summary conviction by a fine not exceeding two thousand dollars,

(3) It shall be a defence for a person charged in respect of a contravention of any of Regulations, 4, 5 or 6 including a person charged by virtue of regulation 8, to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Charges

8. Where an offence under any of Regulations 4, 5 or 6 is committed, or would have been committed except for the operation of regulation 7(3), by any person due to the act or default of some other person, that other person shall be guilty of an offence, and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

The Merchant Shipping (Provisions and Water) (Cayman Islands) Regulations, 1989

Inspection and detention of a Cayman Island ship

9. Any person duly authorised by the Chief Marine Surveyor may inspect any ship to which these Regulations apply and if he is satisfied that there has been a failure to comply in relation to that ship with the requirements of these Regulations he may detain the ship until the health and safety of all employees and other persons aboard ship is secured. but shall not in the exercise of these powers detain or delay the ship unreasonably.

Inspection, detention and other measures in respect of ships registered outside the Cayman Islands

10. (1) Any person duly authorised by the Chief Marine Surveyor may inspect any ship which is not a Cayman Islands ship when the ship is in a Cayman Islands port, and if he is satisfied that the ship does not conform to the standards required of Cayman Islands ships by these Regulations, he may:

(a) send a report to the government of the country in which the ship is registered. and a copy thereof to the Director General of the International Labour Office: and

(b) where conditions on board are clearly hazardous to safety or health;

(i) take such measures as are necessary to rectify those conditions;

(ii) detain the ship

Provided that the measures specified in sub-paragraphs (a) and (b) may be taken only when the ship has called at a Cayman Islands port in the normal course of business or for operational reasons.

(2) If he takes either of the measures specified in paragraph (1)(b) the person duly authorised shall forthwith notify the nearest maritime. consular or diplomatic representative of the State whose flag the ship is entitled to fly.

(3) The person duly authorised shall not in exercise of his powers under this regulation detain or delay the ship unreasonably.

Compensation and enforcement of detention

11. Sections 74, 75 and 76 of the Merchant Shipping (Applicable Conventions) Law 1987 shall have effect in relation to a ship detained under these Regulations and for the purpose of applying those sections "the Merchant Shipping (Provisions and Water) (Cayman Islands) Regulations 1989" shall be substituted for the words "this Law" wherever they appear.

Inspection of provisions or water in premises

12. (1) Where any person duly authorised by the Chief Marine Surveyor as reasonable grounds for believing that there are on any premises provisions or water intended for supply to a ship registered in the Cayman Islands which. if provided on the ship, would not be in accordance with these Regulations. he may enter the premises and inspect the provisions or water for the purpose of ascertaining whether they would be in accordance with these Regulations.

(2) If any person obstructs a person in the exercise of his powers under this regulation he shall be punishable only on summary conviction by a fine not exceeding two thousand dollars.

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

MONA N. JACKSON

Clerk of the Executive Council.