

CAYMAN ISLANDS



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**THE MERCHANT SHIPPING LAW (2001 REVISION)**

**THE MERCHANT SHIPPING (REGISTRATION OF SHIPS) REGULATIONS, 2002**

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**THE MERCHANT SHIPPING LAW (2001 REVISION)**

**THE MERCHANT SHIPPING (REGISTRATION OF SHIPS) REGULATIONS, 2002**

The Governor in Council, in exercise of the powers conferred on him by sections 64 and 65 of the Merchant Shipping Law (2001 Revision) hereby makes the following Regulations-

**PART I - GENERAL**

Citation

1. These Regulations may be cited as the Merchant Shipping (Registration of Ships) Regulations, 2002.

Interpretation

2. In these Regulations unless the context otherwise requires-

“builder” in respect of a ship under construction means the actual owner at the time of registration or the person who executes a builder’s mortgage;

“builder’s certificate” means-

(a) in respect of a new ship, a certificate signed by the builder of the ship and containing a true account of the proper denomination and of the tonnage of the ship, as estimated by him, and of the date and place where it was built, and of the name of the person, if any, for whom the ship was built, or the name of the person to whom it was delivered; and

(b) in respect of a ship under construction, a certificate signed by the builder setting out the description of the ship, the name and address of the builder and any other particulars as may be required by the Director;

“builder’s mortgage” means a mortgage in respect of a ship under construction;

“certificate of registry” means a certificate of registration issued to a ship which is registered under the Law and includes a certificate of demise charter registry unless the context otherwise requires;

“certificate of demise charter registry” means a certificate of registration issued to a ship which is registered under section 28 of the Law;

“Certifying Authority” means the Director or any person authorised by the Director for the purposes of these Regulations;

“classification society” means a person authorised to act as a Certifying Authority for the purposes of any regulations relating to tonnage measurement made under the Law;

“closure transcript” means a certified extract from the register showing that the entry in the register in respect of a ship has been closed, the date of its closure, and the details about the ship and its ownership at the time of closure;

“declaration of ownership and eligibility” means a declaration which complies with the provisions of section 16 of the Law;

“demise chartered ship” means a ship registered under section 28 of the Law;

“freeze” means to prevent an entry (which includes a deletion of an entry) being made in the register;

“identifying number” means the unique identifying number allocated to a demise chartered ship on its registration on the primary register or, in the absence of such a number, the number allocated under regulation 28;

“Law” means the Merchant Shipping Law (2001 Revision);

“length” has the meaning given in any regulations relating to tonnage measurement made under the Law;

“official number” means the number allocated to the ship in accordance with regulation 7;

“overall length” has the meaning given in any regulations relating to tonnage measurement made under the Law;

“primary register” means the register on which the ship is registered at the time an application is made to register the ship as a demise chartered ship, and “primary registration” shall be construed accordingly;

“Registrar of Companies” has the meaning given in the Companies Law (2001 Second Revision);

“ship” has the meaning given in section 2 of the Law, but does not include a demise chartered ship except for the purposes of Parts VII and VIII, and whenever the context requires, includes a ship under construction;

“submersible craft” has the meaning given in section 207 of the Law;

“surveyor of ships” has the meaning given in section 2 of the Law; and

“transfer of a ship” includes, except where the context otherwise requires, transfer of a share in a ship.

2001 Second Revision

## **PART II – THE REGISTER OF CAYMAN ISLAND SHIPS**

The Register

3. (1) The register maintained by the Registrar of Shipping pursuant to section 11(5) of the Law shall be divided into the following Parts:

- (a) Part I for ships which are not pleasure yachts or demise chartered ships;
- (b) Part II for pleasure yachts of any length;
- (c) Part III for ships which are registered under section 28 of the Law (demise chartered ships);
- (d) Part IV for ships under construction;
- (e) Part V for ships in respect of which a provisional certificate of registry is issued under section 27 of the Law; and
- (f) Part VI for submersible craft.

(2) No ship shall be registered under more than one Part at any one time.

(3) The register may consist of both paper and computerised records and such other records as the Director may consider to be expedient.

(4) Every person is entitled on application to the Registrar of Shipping, to obtain a transcript, certified by an officer authorised by the Registrar, of the entries in the register.

(5) The Registrar of Shipping is entitled to amend the register where-

- (a) a clerical error has occurred; or
- (b) sufficient evidence is produced to satisfy him that the entry is incorrect,

and on making the amendment he shall issue a new certificate of registry if necessary.

(6) The Director may establish procedures in relation to registrations under these Regulations, including entries in the register.

## **PART III - REGISTRATION**

Form of application

4. (1) Every application made under these Regulations shall be made to the Registrar of Shipping.

(2) The application shall be made in a form approved by the Director and shall contain the name and address of the applicant and sufficient information to enable the ship to be identified

(3) Every application for registration of a ship which has, immediately prior to the application, been registered on any other register shall be accompanied by a certified extract from the register in respect of that ship.

Applications by  
bodies corporate

5. Where application is made on behalf of a body corporate, the application must be accompanied by-

- (a) if it is a company incorporated in the Cayman Islands, a copy of its certificate of incorporation accompanied by a certificate of good standing issued by the Registrar of Companies, and, in the case of a company which has changed its name since incorporation, its certificates of change of name; or
- (b) if it is a company incorporated in any other jurisdiction, proof in accordance with the laws of that jurisdiction of its incorporation that the company is an incorporated company.

Evidence of title  
on registration

6. An application to register a ship shall be supported by the following evidence of title-

- (a) in the case of a new ship, the builder's certificate; or
- (b) in the case of a ship which is not new, one bill of sale showing the most recent transfer of ownership.

Allocation of official  
number

7. (1) (1) On receipt of an application for registration of a ship for the first time the Registrar of Shipping, if he is satisfied that the ship is eligible to be registered, shall-

- (a) allocate to the ship an official number; and
- (b) issue a carving and marking note.

(2) The Registrar may, on request by a classification society, allocate an official number to a ship before he receives all other registration documents.

(3) Where a ship has had a number allocated under paragraph (2) and that number has been carved into the ship's beam but the ship is not accepted as being eligible for registration, the number shall be permanently defaced and a certificate to that effect provided by the classification society to the Registrar of Shipping.

Marking

8. (1) On receipt of a carving and marking note on first registration the owner shall-

- (a) if the ship has not already been surveyed or measured as required by section 13 of the Law, cause it to be so surveyed or measured;
- (b) in the case of a ship other than a pleasure yacht under 24 metres in length, cause the ship to be carved and marked in accordance with section 14 of the Law
- (c) in the case of a pleasure yacht under 24 metres in length, cause the ship to be carved and marked in accordance with the Second Schedule; and
- (d) where required under regulation 9, cause the ship's carving and marking to be inspected by an inspector of marks or such other person as may be authorised by the Director.

Inspection of marks

9. (1) In respect of a ship, other than a pleasure yacht which is under 24 metres in length, an inspector of marks or the person referred to in regulation 8(d) shall satisfy himself that the ship has been carved and marked in accordance with section 14 of the Law and, when so satisfied, shall complete the carving and marking note and return it to the Registrar of Shipping.

(2) In respect of a pleasure yacht which is under 24 metres in length the owner shall certify that the ship has been carved and marked in accordance with the Second Schedule and return the certified carving and marking note to the Registrar of Shipping

Verification of measurement  
carving and marking

10. (1) If the Registrar of Shipping is not satisfied-

- (a) that the particulars under section 13(1) of the Law relating to the measurement and tonnage of the ship furnished to him are correct; or
- (b) that the ship is carved and marked in the manner required by section 14 of the Law or the Second schedule

he may direct the owner to have the measurement or other particulars and the carving or marking of the vessel verified by an inspector of marks or the person referred to in regulation 8(d).

- (2) If the owner fails to comply with the direction of the Registrar of Shipping, the Registrar may-
  - (a) if the ship is not registered, refuse to register it until his direction has been complied with; or
  - (b) if the ship is registered, serve notice on the owner or managing owner, or any charterer, manager or operator of the ship requiring him to produce evidence within 30 days sufficient to satisfy him that the particulars of the measurement and tonnage are, or that the marking of the ship is, correct.
- (3) If at the expiry of that period of 30 days the Registrar is not so satisfied, he may-
  - (a) extend the notice and ask for further information; or
  - (b) serve a final notice which closes the ship's registration, such closure to be effected 7 days after the service of that notice.
- (4) Where a ship's registration is closed under paragraph (3) the owner of the ship shall forthwith surrender its certificate of registry.
- (5) Where the Registrar serves a notice under this regulation on the owner of a ship in respect of which a mortgage is registered, he shall send a copy of the notice to the mortgagee at the address recorded in the register for the mortgagee.

Cancellation of  
Carving and marking  
note

11. If a carving and marking note issued under regulation 7 is not duly completed and returned to the Registrar of Shipping within 3 months of its issue, the Registrar may cancel it and the application shall be treated as having been withdrawn

Registration, refusal  
of registration and  
entries in register and  
certificate of registry

12. (1) Where the Registrar of Shipping is satisfied in respect of an application that-

- (a) the ship is eligible to be registered as a Cayman Islands ship;
- (b) the ship has been duly carved and marked and that the appropriate survey or measuring certificate has been provided;
- (c) the particulars of the ship furnished to him are correct;
- (d) title to the ship has been adequately proved (where necessary); and
- (e) the relevant requirements of the Law have been complied with,

he shall, subject to paragraph (2), register the ship by entering in the register the particulars of the ship and its owners as specified in the Third Schedule.

(2) If the Registrar is not satisfied as mentioned in paragraph (1) he shall, subject to regulation 38, refuse the application.

(3) Without prejudice to paragraphs (1) and (2), in the case of a ship owned by a shipping entity-

- (a) where the shipping entity has a legal personality separate and distinct from that of its members, the name of such shipping entity may be entered in the register as the owner of the ship;
- (b) where the shipping entity does not have a legal personality separate and distinct from that of its members, the names of all its members carrying on business in the name of the shipping entity and the number of shares in the ship owned by each member shall be entered in the register; and
- (c) whether or not the shipping entity is one that has a legal personality separate and distinct from that of its members, only the name of the shipping entity may be entered in the certificate of registry as the owner of the ship.

Registration prior  
to marking of ship

13. (1) Notwithstanding regulations 11 and 12, the Registrar of Shipping may register a ship before the ship is marked in accordance with section 14 of the Law, or the Second Schedule, or before the carving and marking note is duly completed and returned to him in accordance with regulation 11, provided the conditions in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are that the Registrar of Shipping receives from the owner of the ship a declaration stating that-

- (a) the ship will be marked in accordance with section 14 of the Law or the Second Schedule, within 21 days or such period as the Registrar of Shipping may allow; and
- (b) within 7 days thereafter, or such other period as the Registrar of Shipping may allow, the carving and marking note will be duly completed and returned.

(3) On the expiry of the relevant period referred to in paragraph (2), the ship's registration may be terminated if it is then not marked in accordance with section 14 of the Law or the Second Schedule.

Issue of certificate of registry and documents to be retained by the Registrar of Shipping

14. (1) Upon registering a ship the Registrar of Shipping shall issue and send to the owner a certified copy of the certificate of registry containing the particulars set out in the Fourth Schedule, and shall retain in his possession a copy of any builder's certificate or bill of sale or other evidence of title produced on first registration, any certificate of measurement or survey, and all declarations made in connection with registration as required by the Law.

(2) All documents which have been produced to the Registrar of Shipping to establish title shall be returned to the applicant once the ship has been registered. The documents shall be stamped by the Registrar to indicate that they have been used for the registration of a ship.

Evidence of title on transmission of a registered ship

15. An application for registration of a transmission of a registered ship or a share in a registered ship under section 76 of the Law shall be made in the form approved by the Director.

Declaration of eligibility on transfer or transmission

16. Every application for the registration of a transfer or transmission of a registered ship or a share in a registered ship shall be accompanied by a declaration of transfer pursuant to section 74 of the Law or a declaration of transmission pursuant to section 76 of the Law and, where the application is made on behalf of a body corporate, the documents mentioned in regulation 5.

Refusal of registration or transfer or transmission

17. (1) If on an application for transfer or transmission of a ship or shares in a ship the Registrar of Shipping is not satisfied that the ship is eligible to be registered

- (a) the Registrar shall serve a notice under paragraph (2) on the owner of the ship, and
- (b) the ship's registration shall terminate by virtue of this paragraph at the end of the period of 14 days beginning with the date of the service of that notice.

(2) A notice under this paragraph shall state-

- (a) that the Registrar is not satisfied that the vessel in question is eligible to be registered; and
- (b) that the ship's registration will accordingly terminate by virtue of paragraph (1) at the end of the period referred to in that paragraph.

Notification of changes of ownership etc.

18. (1) If at any time there occurs, in relation to a registered ship a change affecting the eligibility of the ship to be registered, the owner of the ship shall, as soon as practicable after the change occurs, notify the Registrar of Shipping.

(2) The notification referred to in paragraph (1) shall be made in writing, shall be signed by the owner and shall specify the nature of the change and the name and the official number of the ship.

(3) A person who contravenes paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Transfer or transmission of a registered ship or share

19. (1) Where there is any transfer or transmission of a registered ship or share in a registered ship –

- (a) the person ceasing to own the ship or share, or in the event of his death, his legal personal representative, shall notify the Registrar of Shipping and surrender the certificate of registry; and
- (b) the Registrar shall cancel the certificate of registry and shall freeze the register pending the application for the registration of the transfer or transmission by the new owner or owners of the ship or share.

(2) Where there is a transfer of a registered ship-

- (a) the new owners shall within 30 days of the transfer make application in accordance with these Regulations for the transfer to be registered;



(b) if the transfer is of all the shares in the ship, and application is not made within the 30 days, the Registrar of Shipping may cancel the registration of the ship and the certificate of registry; and

(c) if the transfer is of one or some of the shares in the ship, and application is not made within the 30 days, the Registrar of Shipping shall serve a notice on the remaining registered owners notifying them that, unless an application to transfer the share or shares in question is made within 30 days of the date of the notice the registration of the ship and the certificate of registry may be cancelled.

(3) Where there is a transmission of a registered ship-

(a) the new owners shall promptly make application in accordance with these Regulations for the transmission to be registered;

(b) if the transmission is of all the shares in the ship, and application is not made within a reasonable time, the Registrar of Shipping may cancel the registration of the ship and the certificate of registry; and

(c) if the transmission is of one or some of the shares in the ship, and application is not made within a reasonable time, the Registrar of Shipping shall serve a notice on the remaining registered owners notifying them that, unless an application to register the transmission of the share or shares in question is made within 30 days of the date of the notice the registration of the ship and the certificate of registry may be cancelled.

20. (1) Where there is a change-

(a) in the registered particulars of a ship other than a change in the tonnage of the ship; or

(b) in the name or address of any owner entered in the register (not being a change of ownership)

application shall be made as soon as practicable to the Registrar of Shipping for the change to be recorded in the register.

(2) Such application shall be in writing and shall, subject to regulation 40, be accompanied by the certificate of registry and such evidence as to the change as may be required by the Registrar of Shipping.

(3) Where there is a change in the tonnage of a ship, it shall be resurveyed or remeasured in accordance with section 13 of the Law, and thereafter, application in a form approved by the Director shall be made as soon as practicable for the change to be recorded in the register. The application shall be accompanied by the certificate of survey or measurement and the certificate of registry.

(4) On recording the change in the registered particulars the Registrar of Shipping shall cancel the existing certificate and issue to the owner a new certificate of registry.

21. (1) If it appears to the Registrar of Shipping that a proposed change of name complies with the First Schedule he shall issue a marking note to the owner.

(2) On receipt of the marking note the owner shall cause the ship to be marked with the new name and, in respect of ships over 24 metres in length, shall cause the marking to be inspected in accordance with regulation 9.

(3) The owner or inspector shall, if satisfied that the ship is marked in the manner required by the Second Schedule, complete the marking note and return it to the Registrar of Shipping.

(4) On receipt of the marking note duly completed the Registrar of Shipping shall-

(a) record the change of name in the register; and

(b) cancel the existing certificate of registry and issue to the owner a new certificate of registry showing the new name and particulars of the change of name.

Changes in  
registered particulars  
of ship

Change of name

#### **PART IV - MORTGAGES**

Form of mortgage

22. A mortgage produced for registration under section 80 of the Law, a transfer of a registered mortgage, and a discharge of a registered mortgage, shall be in a form approved by the Director, and its execution shall be attested.

Notice by intending mortgagees; priority notices

23. (1) Where a person who is an intending mortgagee under a proposed mortgage of –

- (a) a registered ship; or
- (b) a share in a registered ship,

notifies the Registrar of Shipping of the interest which it is intended that he should have under the proposed mortgage, the Registrar shall record that interest.

(2) For the purpose of paragraph (1), the notice to the Registrar of Shipping shall contain the name and official number of the ship, the name, address and signature of the intending mortgagor, the number of shares to be mortgaged, and the name and address of the intending mortgagee.

(3) Where a person who is an intending mortgagee under a proposed mortgage of-

- (a) a ship which is not for the time being registered; or
- (b) a share in any such ship,

notifies the Registrar of Shipping in writing of the interest which it is intended that he should have under the proposed mortgage, the Registrar-

- (i) shall record that interest in the register; and
- (ii) if the ship is subsequently registered, shall register the ship subject to that interest or, if the mortgage has by then been executed in accordance with regulation 24 and produced to the Registrar, subject to that mortgage.

(4) For the purposes of paragraph (3) the notice shall contain the following information:

- (a) the present name of the ship;
- (b) the intended name of the ship;
- (c) the approximate length of the ship;
- (d) where the ship is registered outside the Islands, a copy of its certificate of registry or other document evidencing its registration and giving its port of registry;
- (e) where the ship is a new ship, the builder's certificate or if that is not available, the name and address of the builder and the ship's yard number;
- (f) where the ship is neither a new ship nor a registered ship, details of any permanent marks on the ship which enable it to be clearly identified; and
- (g) the name, address and signature of the intending mortgagor, the number of shares to be mortgaged, and the name and address of the intending mortgagee.

(5) In a case where-

- (a) section 81 of the Law operates to determine the priority between two or more mortgages; and
- (b) any of those mortgagees gave notification under paragraph (1) or (3) with respect to his mortgage,

section 81 of the Law shall have effect in relation to that mortgage as if it had been registered at the time when the relevant entry was made in the register under paragraph (1) or (3).

(6) Notification given by a person under paragraph (1) or (3) and anything done as a result of it shall cease to have effect-

- (a) if the notification is withdrawn, or
- (b) at the end of the period of 30 days beginning with the date of the notification, unless the notification is renewed in accordance with paragraph (7).

(7) The person by whom any such notification is given may renew or further renew the notification on each occasion for a period of 30 days, by notice in writing given to the Registrar of Shipping-

- (a) before the end of the period mentioned in paragraph (6)(b); or
- (b) before the end of a period of renewal.

(8) Notice given under this regulation shall be in a form approved by the Director.

Evidence of transfer  
or transmission  
of mortgage

24. A registered mortgage which is transferred under section 86 of the Law and the interest in which, is transmitted under that section, shall be transferred in a form approved by the Director.

#### **PART V - TRANSFER OF REGISTRATION FROM A RELEVANT BRITISH POSSESSION TO THE ISLANDS**

Requirement for  
marking note

25. (1) Where a ship transferring from the flag of a relevant British possession to the flag of the Islands has not previously been required by the registrar of its existing port of registration to have its name approved by the Registrar of Shipping in accordance with the First Schedule, the applicant shall propose a name for the ship.

(2) On being satisfied that the name complies with the requirements of the First Schedule the Registrar of Shipping shall issue a marking note.

(3) On receipt of a marking note the owner shall proceed as provided in regulation 21.

(4) On receipt of the completed marking note the Registrar of Shipping shall proceed as provided in section 48(3) of the Law.

#### **PART VI - DEMISE CHARTER REGISTRATION**

Applications for  
registration

26. (1) Every application for the registration of a demise chartered ship in the Islands shall be made to the Registrar of Shipping.

(2) Every application for registration of the ship shall be in a form approved by the Director and accompanied by-

- (a) the declaration referred to in section 30(2)(c) of the Law;
- (b) a copy of the charterparty showing -
  - (i) the name of the ship;
  - (ii) the name of the charterer and the name of the owner of the ship;
  - (iii) the date of the charterparty; and
  - (iv) the duration of the charterparty;

(c) the certificate of registry, or other document, issued by the authority responsible for the registration of ships in the country of primary registration showing the ownership of the ship; and

(d) where the charterer is a body corporate, the document or documents required by regulation 5.

Names

27. (1) On making an application for registration of a demise chartered ship the applicant shall propose a name by which the ship is to be called while so registered.

(2) If the Registrar of Shipping is satisfied that the name is in compliance with the provisions of the First Schedule he shall approve the name.

Allocation of  
identifying number

28. A ship which does not have a unique identifying number allocated by its primary register shall be allocated such a number by the Registrar of Shipping.

- Marking 29. (1) On being satisfied that the ship is eligible for registration and on production of any certificate for survey required under section 13 of the Law the Registrar of Shipping shall issue a carving and marking note.
- (2) On receipt of a carving and marking note the charterer shall, in accordance with section 14 of the Law-
- (a) where the ship is not already so marked, cause it to be marked with its name; and  
(b) where the ship is not already so carved, cause it to be carved with its identifying number and the number denoting its tonnage.
- Inspection of marks etc. 30. Regulations 9 and 11 shall apply to this Part and a reference to the owner in regulation 9 shall be deemed to be a reference to the charterer.
- Registration 31. (1) Where the Registrar of Shipping is satisfied in respect of an application that-
- (a) the ship has been duly carved and marked; and  
(b) where required, the appropriate certificate of survey has been provided; and  
(c) the other requirements preliminary to registration have been complied with,
- he shall enter in the register the details prescribed in the Third Schedule.
- (2) Upon registering a ship the Registrar of Shipping shall issue and send to the charterer a certificate of demise charter registry containing the particulars set out in the Fourth Schedule.
- (3) Upon registering a ship the Registrar of Shipping shall retain in his possession a copy of the declarations referred to in section 30(2)(c) of the Law, and if applicable, any documents required by regulation 5.
- Notification of changes 32. (1) If at any time there occurs, in relation to a demise chartered ship any change affecting the eligibility of the ship to be registered, the charterer of the ship shall, as soon as practicable after the change occurs, notify the Registrar of Shipping.
- (2) Notification made under paragraph (1) shall be made in writing, shall be signed by the charterer and shall specify the nature of the change and the name and the identifying number of the ship.
- (3) Any person who contravenes paragraph (1) is guilty of an offence and liable to a fine not exceeding level 5 on the standard scale.
- Application of other regulations to this Part 33. Regulations 20 and 21 shall apply to this Part as if any reference to the owner in these Regulations is a reference to the charterer.
- Notification to foreign registries by Registrar of Shipping 34. The Registrar of Shipping shall notify the responsible authority for registration of ships in the country of primary registration when-
- (a) the ship has been registered as a demise chartered ship on the Cayman Islands register, or  
(b) the ship's registration has been closed by the Registrar by reason of regulation 35.
- Termination of demise chartered ship's registration 35. Where by application of section 28(4) of the Law, the registration of a demise chartered ship is terminated under section 7 of the Law, the charterer shall forthwith surrender to the Registrar of Shipping the certificate of demise charter registry for cancellation.

## **PART VII - MISCELLANEOUS**

- Documents in other language to be accompanied by English translation and witnessing of documents 36. (1) A document which is not in the English language and is produced in support of an application under these Regulations shall be accompanied by a notarised translation of the document in the English language.

(2) Where the signature on any document made under these Regulations is required to be witnessed, a witness to the signature shall be a person of full age and shall not be the spouse of the signatory.

Dispensing with declarations

37. When under these Regulations-

(a) a person is required to make a declaration on behalf of himself or a body corporate, but is unable to do so and can satisfy the Registrar of Shipping that it is due to reasonable cause, the Registrar may on such terms as he thinks fit, dispense with the declaration; or

(b) evidence is required to be produced to the Registrar of Shipping but such evidence is unable to be produced and the Registrar is satisfied that it is due to reasonable cause, the Registrar may on production of such other evidence as he considers appropriate, dispense with the requirement.

Requirement for supplementary information

38. Where the Registrar of Shipping is not satisfied by the information provided on an application for registration of a ship that the ship is eligible for registration, or that the particulars or other information supplied is correct or sufficient, he may require such supplementary information or evidence as he considers appropriate for the purpose of satisfying himself that it is so eligible.

Fees

39. Where a fee is prescribed in respect of a service or other transaction to be carried out pursuant to these Regulations, the Registrar of Shipping shall not be required to carry out the service or other transaction unless the appropriate fee has been paid.

Dispensing with production of certificate

40. Where a certificate of registry is required by these Regulations to accompany an application and it is shown to the satisfaction of the Registrar of Shipping that for reasonable cause (which includes, but is not limited to, the ship being in a port outside the Islands, or the certificate being needed for an imminent voyage, at the time the application was made) the certificate cannot be produced, the Registrar may, subject to such conditions as he thinks fit, dispense with its production.

Issue of certificate of deletion and removal of marks on termination of registration

41. Where under the Law a ship's registration is terminated-

(a) the Registrar of Shipping may, at the request of the owner, issue a certificate confirming that the ship has been deleted from the register, and stating the status of any mortgage registered in respect of that ship; and

(b) the marking prescribed under these Regulations shall be removed from the ship by the owner and written confirmation of the removal shall be sent to the Registrar.

### **PART VIII - OFFENCES**

Offences

42. (1) A person who, with intent to deceive, uses or lends or allows to be used by another, a certificate of registry whether in force or not, is guilty of an offence.

(2) A person who fails, without reasonable cause to surrender a certificate of registry when required to do so under these Regulations is guilty of an offence.

(3) A person who intentionally alters, suppresses, conceals or destroys a document which he has been required by these Regulations to produce to the Registrar of Shipping is guilty of an offence.

(4) The offences specified in paragraphs (1), (2) and (3) shall be punishable on summary conviction as follows-

(a) for an offence under paragraphs (1) and (3), with a fine not exceeding level 5 on the standard scale; and

(b) for an offence under paragraph (2) with a fine not exceeding level 3 on the standard scale.

(5) It shall be a defence for a person charged under this section to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

**PART IX - TRANSITIONAL PROVISIONS**

Interpretation	<p>43. For the purposes of this Part-</p> <p>“existing certificate” means a certificate of registry, other than a provisional certificate issued under a previous law applicable in the Islands at the time of issue of such certificate; and</p> <p>“new certificate” means a certificate of registry issued in accordance with these Regulations.</p>
Validity of existing certificates	<p>44. (1) An existing certificate shall remain in force until a new certificate is issued under these Regulations.</p> <p>(2) A provisional certificate of registry issued under a previous law applicable in the Islands at the time of issue of the certificate shall remain in force until the date of its expiry in accordance with the legislation under which it was issued.</p>
Registered details	<p>45. The Third and Fourth Schedules shall not apply to any ship until a new certificate of registry is issued in respect of that ship.</p>
Repeal	<p>46. The Merchant Shipping (Metrication) (Cayman Islands) Regulations, 1988 are repealed.</p>

## **FIRST SCHEDULE**

Regulations S 21, 25 and 27

### **APPROVAL OF NAMES**

1. Every application to the Registrar of Shipping to approve a name shall specify a name which is in Roman letters; any numerals shall be in Roman or Arabic numerals.
2. In respect of an application to register a ship under Parts I or IV of the register, the Registrar of Shipping shall not approve the proposed name if it is-
  - (a) already the name of a registered Cayman Islands ship;
  - (b) a name so similar to that of a registered Cayman Islands ship as to be calculated to deceive or likely to confuse;
  - (c) a name which may be confused with a distress signal; or
  - (d) a name which is prefixed by any letters or a name which could be taken to indicate a type of ship or any word, pre-fix or suffix which might cause confusion as to the name of the ship.
3. Subject to paragraph 4, if the Registrar of Shipping is satisfied that a name does not fall within paragraph 2(a) to (d), he shall notify the applicant in writing that the name is approved and the ship may be registered with that name.
4. Notwithstanding that the Registrar is satisfied as to paragraph 2 he may refuse to approve a name-
  - (a) which might cause offence or embarrassment; or
  - (b) which has a clear and direct connection with the Royal family.
5. Any approval given under paragraph 3 shall be valid only for the period of 3 months beginning with the date it is notified to the applicant.
6. If the Registrar of Shipping is not satisfied as mentioned in paragraph 3, he shall notify the applicant accordingly.
7. Where the owner of a ship registered in the Islands intends to replace it with another ship to be registered under the same name, then, notwithstanding paragraph 5, the Registrar of Shipping may, on an application being made by the owner, reserve the name for a period of up to one year from the date of closure of the registration of the first-mentioned ship.
8. Applications for a reservation under paragraph 7 shall be accompanied by a full statement of the circumstances of the case.

## **SECOND SCHEDULE**

Regulations 8, 9,10, 13, 21 and 29

### **CARVING AND MARKING**

1. Every pleasure yacht under 24 metres in length shall, before it may be registered, be marked permanently and conspicuously to the satisfaction of the Director in accordance with paragraph 3.
- 2 The Director may exempt a pleasure yacht under 24 metres from all or any of the requirements of paragraph 3, subject to such conditions, if any, as he thinks fit.
3. A pleasure yacht which is under 24 metres in length shall be marked as follows:
  - (a) the official number and registered tonnage are-
    - (i) to be marked on a readily accessible visible permanent part of the structure of the pleasure yacht either by cutting in, centre punching or raised lettering; or
    - (ii) to be engraved on plates of metal, wood or plastic, secured to a readily

accessible visible permanent part of the structure with rivets, through bolts with the ends clenched, or screws with the slots removed;

(b) the name and port of registry (unless exempted under paragraph 2), are to be marked on a conspicuous and permanent part of the stern in letters of a contrasting colour so as to be clearly visible, the letters being not less than 5 centimetres high and of proportionate breadth, or where this is not possible by the alternative methods given below-

- (i) by engraving on plates of metal or of plastic or by cutting in on a shaped wooden chock. Where a shaped wooden chock is used it should be secured to the hull through bolts, the ends being clenched; or
- (ii) by individual glass reinforced plastic letters and numbers approximately 2 millimetres in thickness, fixed to the hull with epoxy adhesive, painted with suitable paint, and coated with translucent epoxy resin; and
- (iii) where metal or plastic plates have been used these must be fixed by the use of epoxy adhesives and coated with translucent epoxy resin after they have been fixed in position.

4. A scale of decimetres, or metres and decimetres, denoting a draught of water shall be marked on the pleasure yacht, other than one which is exempted, on each side of its stem and its stern post, as follows:

- (a) in figures in 2-decimetres intervals, if the scale is in decimetres; and
- (b) in figures at each metre interval and at intervening two-decimetre intervals, if the scale is in metres and decimetres,

the capital letter 'M' being placed after each metre figure; the top figure of the scale showing both the metre and (except where it marks a full metre interval) the decimetre figure; the lower line of the figures, or figures and letters, coinciding with the draught line denoted thereby; the figures and letters being not less than one decimetre in length and being marked by being cut in and painted in a contrasting colour so as to be clearly visible, or in such other way as the Director may approve.

5 The name of a ship shall be marked in Roman letters and any numerals shall be in Roman or Arabic numerals.

### **THIRD SCHEDULE**

Regulations 12, 31 and 45

#### **DETAILS TO BE ENTERED IN REGISTER**

1. The following information, where relevant, is to be included in the details to be recorded in the register in respect of ships registered or to be registered under Parts I and II of the register:

(a) ship's particulars:

- (i) name of ship;
- (ii) official number;
- (iii) port of registry;
- (iv) radio call sign;
- (v) IMO Number (if known);
- (vi) part of register under which the ship is being registered;
- (vii) number and year of current registry;
- (viii) number, year and port of previous registry (if any);
- (ix) where built;
- (x) name and address of builders;
- (xi) date keel laid or when built;
- (xii) type of ship (for example, dry cargo, oil tanker, chemical tanker, passenger, bulk carrier, pleasure yacht, etc.;



- (xiii) material used to construct the hull;
- (xiv) length of the ship (metric units);
- (xv) breadth of the ship (metric units);
- (xvi) depth of the ship (metric units);
- (xvii) overall length (metric units);
- (xviii) number of transverse bulkheads;
- (xix) number of masts;

(b) engine and boiler particulars:

- (i) method of propulsion, if any (for example, whether sail, steam, diesel-electric, motor or dumb, etc.);
- (ii) number of sets of engines;
- (iii) number of shafts;
- (iv) description of engines;
- (v) date engines made;
- (vi) name and address of engine makers;
- (vii) details of reciprocating engines;
  - (aa) number of cylinders in each set;
  - (bb) diameter of cylinders;
- (cc) length of stroke;
- (viii) details of other type of engine;
- (ix) power of engines in kilowatts (kW);
- (x) estimated speed of ship;
- (xi) description of boilers;
- (xii) number of boilers;
- (xiii) working pressure;
- (xiv) date boilers made;
- (xv) name and address of boiler makers;

(c) particulars of tonnage:

- (i) date ship last measured for tonnage;
- (ii) gross tonnage;
- (iii) net tonnage;
- (iv) register tonnage (ships under 24 metres in length);

(d) particulars of accommodation:

- (i) number of seamen (including apprentices) for whom accommodation is provided;
- (ii) number of passengers for whom accommodation is provided;

(e) particulars of owners:

- (i) name;
- (ii) address;
- (iii) nationality (individual);
- (iv) country of incorporation (body corporate);
- (v) managing owner;
- (vi) if a foreign company, the name and address of the person authorised to accept on its behalf service of process and notices required to be served on it;
- (vii) number of shares owned by the owner (individual or body corporate), and if held jointly, with whom the shares are held.

2. The following information, where relevant, is to be included in the details to be recorded in the register in respect of ships registered or to be registered under Part III of the register:

(a) ship's particulars:

- (i) name of ship;
- (ii) official number;
- (iii) port of registry;

- (iv) radio call sign;
- (v) IMO Number (if known);
- (vi) part of register under which the ship is being registered;
- (vii) number and year of current registry;
- (viii) where built;
- (ix) name and address of builders;
- (x) date keel laid or when built;
- (xi) type of ship (for example, dry cargo, oil tanker, chemical tanker, passenger, bulk carrier, pleasure yacht, etc.);
- (xii) material used to construct the hull;
- (xiii) length of the ship (metric units);
- (xiv) breadth of the ship (metric units);
- (xv) depth of the ship (metric units);
- (xvi) overall length (metric units);
- (xvii) number of transverse bulkheads;
- (xviii) number of masts;

(b) engine and boiler particulars:

- (i) method of propulsion, if any (for example, whether sail, steam, diesel-electric, motor or dumb, etc.);
- (ii) number of sets of engines;
- (iii) number of shafts;
- (iv) description of engines;
- (v) date engines made;
- (vi) name and address of engine makers;
- (vii) details of reciprocating engines;
  - (aa) number of cylinders in each set;
  - (bb) diameter of cylinders;
  - (cc) length of stroke;
- (viii) details of other type of engine;
- (ix) power of engines in kilowatts (kW);
- (x) estimated speed of ship;
- (xi) description of boilers;
- (xii) number of boilers;
- (xiii) working pressure;
- (xiv) date boilers made;
- (xv) name and address of boiler makers;

(c) particulars of tonnage:

- (i) date ship last measured for tonnage;
- (ii) gross tonnage;
- (iii) net tonnage;

(d) particulars of accommodation:

- (i) number of seamen (including apprentices) for whom accommodation is provided;
- (ii) number of passengers for whom accommodation is provided;

(e) other particulars:

- (i) name and address of charterer (that is, the person taking the vessel on demise charter);
- (ii) commencement and expiry dates of the demise charter;
- (iii) name and address of representative person, (if any);
- (iv) country of primary registration;
- (v) name of the ship under the primary registration;
- (vi) national identity number issued by the country of primary registration.

3. The following information, where relevant, is to be included in the details to be recorded in the register in respect of ships registered or to be registered under Part IV of the register-

(a) ship's particulars:

- (i) port of registry;
- (ii) number and year of current registry;
- (iii) part of register under which the ship is being registered;
- (iv) Cayman Islands Shipping Registry identity number;
- (v) where being built;
- (vi) name and address of builders;
- (vii) date keel laid;
- (viii) type of ship (for example, dry cargo, oil tanker, chemical tanker, passenger, bulk carrier, pleasure yacht, etc.);
- (ix) material used to construct the hull;
- (x) estimated length of the ship (metric units);
- (xi) estimated breadth of the ship (metric units);
- (xii) estimated depth of the ship (metric units);
- (xiii) estimated overall length (metric units);
- (xiv) number of transverse bulkheads;
- (xv) number of masts;
- (xvi) intended method of propulsion (for example, whether sail, steam, diesel-electric, motor or dumb etc.);

(b) particulars of tonnage:

- (i) estimated gross tonnage;
- (ii) estimated net tonnage;
- (iii) estimated register tonnage (ships under 24 meters in length);

(c) particulars of owners:

- (i) name and address of registered owner as agreed between builder and client;
- (ii) nationality (individual);
- (iii) country of incorporation (body corporate);
- (iv) if a foreign company, the name and address of the person authorised to accept on its behalf service of process and notices required to be served on it;
- (v) main particulars of the construction contract;
- (vi) yard number or other information identifying the ship.

4. (1) For ships registered or to be registered under Part V of the register (ships in respect of which a provisional certificate of registry is issued under section 27 of the Law), the particulars to be recorded in the register will vary according to circumstances.

(2) Such registrations will normally be effected abroad by the relevant proper officer who will ascertain what particulars of the ship are available, but the particulars shall include at least the name of the ship, the time and place of the purchase of the ship and the names of the purchasers.

5. The following information, where relevant, is to be included in the details to be recorded in the register in respect of ships registered or to be registered under Part VI of the register (submersible craft)

(a) particulars of the submersible craft:

- (i) name of the submersible craft;
- (ii) official number;
- (iii) port of registry;
- (iv) light weight displacement;
- (v) number of occupants the submersible craft is certified to carry (passengers and crew);
- (vi) part of register under which the submersible craft is being registered;
- (vii) number and year of current registry;

- (viii) number, year and port of previous registry (if any);
  - (ix) where built;
  - (x) name and address of builders;
  - (xi) date keel laid or when built;
  - (xii) description of the submersible craft (for example, passenger submersible craft);
  - (xiii) overall length;
- (b) particulars of owners and operators:
- (i) name and address of owner;
  - (ii) nationality (individual owner);
  - (iii) country of incorporation (body corporate);
  - (iv) if a foreign company, the name and address of the person authorised to accept on its behalf service of process and notices required to be served on it;
  - (v) number of shares owned by the owner (individual or body corporate and, if held jointly, with whom the shares are held);
  - (vi) name of operator (if different from owner).

#### **FOURTH SCHEDULE**

Regulations 14, 31 and 45

#### **DETAILS TO BE INCLUDED IN CERTIFICATE OF REGISTRY**

1. A certificate of registry for a ship registered or to be registered under Parts I and II of the register shall contain, where relevant, the following information:

- (a) ship's particulars:
- (i) name of ship;
  - (ii) official number;
  - (iii) port of registry;
  - (iv) radio call sign;
  - (v) IMO Number (if known);
  - (vi) part of register under which the ship is being registered;
  - (vii) number and year of current registry;
  - (viii) number, year and port of previous registry (if any);
  - (ix) where built;
  - (x) name and address of builders;
  - (xi) date keel laid or when built;
  - (xii) type of ship (for example, dry cargo, oil tanker, chemical tanker, passenger, bulk carrier, pleasure yacht, etc.);
  - (xiii) material used to construct the hull;
  - (xiv) length of the ship (metric units);
  - (xv) breadth of the ship (metric units);
  - (xvi) depth of the ship (metric units);
  - (xvii) overall length (metric units);
  - (xviii) number of transverse bulkheads;
  - (xix) number of masts;
- (b) engine and boiler particulars:
- (i) method of propulsion, if any (for example, whether sail, steam, diesel-electric, motor or dumb, etc.);
  - (ii) number of sets of engines;
  - (iii) number of shafts;
  - (iv) description of engines;
  - (v) date engines made;
  - (vi) name and address of engine makers;
  - (vii) details of reciprocating engines;

- (aa) number of cylinders in each set;
- (bb) diameter of cylinders;
- (cc) length of stroke;
- (viii) details of other type of engine;
- (ix) power of engines in kilowatts (kW);
- (x) estimated speed of ship;
- (xi) description of boilers;
- (xii) number of boilers;
- (xiii) working pressure;
- (xiv) date boilers made;
- (xv) name and address of boiler makers;

(c) particulars of tonnage:

- (i) date ship last measured for tonnage;
- (ii) gross tonnage;
- (iii) net tonnage;
- (iv) register tonnage (ships under 24 metres in length);

(d) particulars of accommodation:

- (i) number of seamen (including apprentices) for whom accommodation is provided;
- (ii) number of passengers for whom accommodation is provided;

(e) particulars of owners:

- (i) name;
- (ii) address;
- (iii) number of shares owned by the owner (individual or body corporate), and if held jointly, with whom the shares are held.

2. A certificate of registry for a ship registered or to be registered under Part III of the register shall contain, where relevant, the following information:

(a) ship's particulars:

- (i) name of ship;
- (ii) official number;
- (iii) port of registry;
- (iv) radio call sign;
- (v) IMO Number (if known);
- (vi) part of register under which the ship is being registered;
- (vii) number and year of current registry;
- (viii) where built;
- (ix) name and address of builders;
- (x) date keel laid or when built;
- (xi) type of ship (for example, dry cargo, oil tanker, chemical tanker, passenger, bulk carrier, pleasure yacht, etc.);
- (xii) material used to construct the hull;
- (xiii) length of the ship (metric units);
- (xiv) breadth of the ship (metric units);
- (xv) depth of the ship (metric units);
- (xvi) overall length (metric units);
- (xvii) number of transverse bulkheads;
- (xviii) number of masts;
- (xix) date of expiry of certificate of registry.

(b) engine and boiler particulars:

- (i) method of propulsion, if any (for example, whether sail, steam, diesel-electric, motor or dumb, etc.);
- (ii) number of sets of engines;

- (iii) number of shafts;
  - (iv) description of engines;
  - (v) date engines made;
  - (vi) name and address of engine makers;
  - (vii) details of reciprocating engines;
    - (aa) number of cylinders in each set;
    - (bb) diameter of cylinders;
    - (cc) length of stroke;
  - (viii) details of other type of engine;
  - (ix) power of engines in kilowatts (kW);
  - (x) estimated speed of ship;
  - (xi) description of boilers;
  - (xii) number of boilers;
  - (xiii) working pressure;
  - (xiv) date boilers made;
  - (xv) name and address of boiler makers;
- (c) particulars of tonnage:
- (i) date ship last measured for tonnage;
  - (ii) gross tonnage;
  - (iii) net tonnage;
- (d) particulars of accommodation:
- (i) number of seamen (including apprentices) for whom accommodation is provided;
  - (ii) number of passengers for whom accommodation is provided;
- (e) other particulars:
- (i) name and address of charterer (that is, the person taking the vessel on demise charter);
  - (ii) commencement and expiry dates of the demise charter;
  - (iii) country of primary registration;
  - (iv) name of the ship under the primary registration;
  - (v) name and address of owner under the primary registration;
  - (vi) national identity number issued by the country of primary registration;
  - (vii) date of expiry of certificate of registry.
3. A certificate of registry for a ship registered or to be registered under Part IV of the register shall contain, where relevant, the following information:
- (a) ship's particulars:
- (i) port of registry
  - (ii) number and year of current registry;
  - (iii) part of register under which the ship is being registered;
  - (iv) Cayman Islands Shipping Registry identity number;
  - (v) where being built;
  - (vi) name and address of builders;
  - (vii) date keel laid;
  - (viii) type of ship (for example, dry cargo, oil tanker, chemical tanker, passenger, bulk carrier, pleasure yacht, etc.);
  - (ix) material used to construct the hull;
  - (x) estimated length of the ship (metric units);
  - (xi) estimated breadth of the ship (metric units);
  - (xii) estimated depth of the ship (metric units);
  - (xiii) estimated overall length (metric units);
  - (xiv) number of transverse bulkheads;
  - (xv) number of masts;

(xvi) intended method of propulsion (for example, whether sail, steam, diesel-electric, motor or dumb, etc.);

(b) particulars of tonnage:

- (i) estimated gross tonnage;
- (ii) estimated net tonnage;
- (iii) estimated register tonnage (ships under 24 meters in length);

(c) particulars of owners:

- (i) name and address of registered owner as agreed between builder and client;
- (ii) yard number or other information identifying the ship.

4. A certificate of registry for a ship registered or to be registered under Part V of the register shall contain, as a minimum, the following information:

- (a) the name of the ship;
- (b) the time and place of purchase of the ship and the names of the purchasers; and
- (c) the best particulars respecting the tonnage, build and description of the vessel which the person granting the certificate is able to obtain.

5. A certificate of registry for a ship registered or to be registered under Part VI of the register shall contain, where relevant, the following information:

(a) particulars of the submersible craft:

- (i) name of the submersible craft;
- (ii) official number;
- (iii) port of registry;
- (iv) light weight displacement;
- (v) number of occupants the submersible craft is certified to carry (passengers and crew).
- (vi) part of register under which the submersible craft is being registered;
- (vii) number and year of current registry;
- (viii) number, year and port of previous registry (if any);
- (ix) where built;
- (x) name and address of builders;
- (xi) date keel laid or when built;
- (xii) description of the submersible craft (for example, passenger submersible craft);
- (xiii) overall length;

(b) particulars of owners:

- (i) name and address of owner;
- (ii) number of shares owned by the owner (individual or body corporate) and, if held jointly, with whom the shares are held;
- (iii) name of operator (if different from owner).

Made in Executive Council the 11th day of June , 2002.

Carmena H. Watler

Clerk of the Executive Council