

CAYMAN ISLANDS



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**THE MERCHANT SHIPPING (SUBMERSIBLE CRAFT OPERATIONS) (CAYMAN ISLANDS)
REGULATIONS 1991**

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THE MERCHANT SHIPPING (SUBMERSIBLECRAFT) LAW, 1991

**THE MERCHANT SHIPPING (SUBMERSIBLE CRAFT OPERATIONS)
(CAYMAN ISLANDS) REGULATIONS 1991**

In exercise of the powers conferred upon the Governor by section 16 of the Merchant Shipping (Submersible Craft) Law, 1991, the following regulations are made

1 These regulations may be cited as the Merchant Shipping (Submersible Craft Operations) (Cayman Islands) Regulations, 1991, and shall be deemed to have come into force on the 1st day of June, 1991.

(2) In these regulations, unless the content otherwise requires

"approved doctor" means a doctor approved by the Governor as competent to examine pilots and crew;

"co-pilot" means the person appointed as second in command of a submersible craft;

"crew" means the person or persons within the submersible craft required to operate the craft or its equipment;

"diving chamber operator" means a person specially trained and qualified in the use of diving recompression chambers;

"diver lock-out submersible craft" means a submersible craft, a compartment of which allows underwater access for personnel and with a means of controlling the differential pressure between the inside and outside environment;

"master" means the person in charge of the parent craft; and interpretation.

"operations controller" means the person appointed by the owner pursuant to regulation 5(1)(d);

"operations manual" means the manual referred to in regulation 5(1)(h) and Schedule 1;

"parent craft" means any vessel, structure or place from which a submersible craft is launched or recovered or from which it is supported or operated;

"passenger" means a person who is not crew;

"pilot" means the person appointed to command the submersible craft or, in the case of a submersible craft which is an atmospheric diving suit, to operate that diving suit;

"the Law" means the Merchant Shipping (Submersible Craft) Law, 1991;

"submersible operation" means any operation of a submersible craft and its supporting equipment to which these regulations apply;

"supporting equipment" means the launching and recovery gear used in connection with a submersible craft.

(3) References in these regulations to the owner of a submersible craft or supporting equipment, are, for the purpose of the application of any provision of these regulations in relation to any particular submersible craft or supporting equipment, references to the person who at the relevant time has the management of that submersible craft or supporting equipment.

2. (1) Subject to paragraph (2), these regulations apply to any submersible craft which

(a) is registered in the register of submersible craft; and

(b) is required to be registered in the register of submersible craft under section 5(2) of the Law, whether it is so registered or not.

(2) These regulations apply to any supporting apparatus which is used in connection with a submersible craft to which these regulations apply.

Citation,
Commencement and
Interpretation

Application

3. The master of a parent craft shall

- (a) ensure that no operation or activity which is likely to be a danger to any person engaged in the submersible operation is carried on from or on the parent craft;
- (b) before commencing any activity which in his opinion might affect the safety of the submersible operation, advise the operations controller;
- (c) ensure that the area of the parent craft on or from which any part of the submersible operation is carried out is maintained in a condition suitable and safe for that purpose;
- (d) before the submersible operation begins and at adequately frequent intervals during the course of such operation, ensure that the operations controller is provided with meteorological and oceanological forecasts for the relevant area;
- (e) warn the operations controller of the approach of any vessel which is or might become a hazard to the parent craft or the submersible craft;
- (f) take such steps as circumstances may require to warn vessels in the vicinity that a submersible operation is in progress from or near the parent craft;
- (g) in the event of a casualty, ensure notification by the operations controller to the owner as required under regulation 13.

4. The owner of a submersible craft shall take all practicable steps to ensure that these regulations are in all respects complied with by those persons upon whom duties are imposed by these regulations.

5. (1) The owner of a submersible craft which is engaged or about to engage in a submersible operation shall make adequate arrangements and submit proposals for the approval of the Chief Marine Surveyor for the safe conduct of the submersible operation, and in particular, but without prejudice to the generality of the foregoing, shall

- (a) ensure that there is a safe and suitable platform or other area of the parent craft from which the submersible craft can be launched, recovered or supported;
- (b) ensure that all plant and equipment necessary for the safe conduct of the submersible operation is available for use;
- (c) ensure that there are adequate and effective means of communication and means of recording communication between the submersible craft and the place from which the submersible operation is controlled;
- (d) appoint, in writing, a person to control the submersible operation; such person shall have adequate knowledge of the techniques to be used in the submersible operation;
- (e) appoint, in writing, to command the submersible craft one or more persons who are qualified under regulation 9 to pilot that submersible craft;
- (f) appoint sufficient personnel other than those required by sub-paragraphs (d) and (e) of this paragraph to enable the submersible operation to be carried out in a safe manner;
- (g) require all persons engaged in the submersible operation to obey the instructions of the operations controller;
- (h) issue an operations manual relating to the matters specified in this regulation and Schedule 1 for regulating the safety and conduct of all persons engaged in the submersible operation under his control;
- (i) where the submersible operation includes diving operations from a diver lock-out submersible craft, ensure that the operations controller is provided with a copy of an approved diving manual, also that a qualified diving chamber operator is present;
- (j) provide the operations controller with an operations log book;
- (k) prepare a contingency plan taking into account all rescue services which are readily available to be called upon in an emergency, and make copies of that plan available to the operations controller, the master, the pilot and to all the authorities and rescue services necessary for its effective execution;
- (l) where the submersible craft is a one-man submersible craft, provide
 - (i) a second fully operational submersible craft capable of operating in the maximum depth of water in which the craft is to be located together with a pilot, present at the work site; or
 - (ii) a second fully operational submersible craft and pilot capable, together with all necessary equipment, of being transported to the work site and being ready to dive within a period of not more than one third of the life-support time which would remain on completion of any planned operation of the submersible craft originally

Responsibilities of
master of parent craft

Responsibilities of
owners of
submersible craft

Owners to submit
proposals for safe
conduct of
submersible craft

taking part in the operation or within 24 hours of the emergency arising, whichever is the shorter; or

- (iii) an operational diving team, fully mobilised at the work-site, capable of diving into the depth in which the submersible craft is to operate within a period of 10 hours; or
- (iv) an equivalent, proven effective arrangement approved by the Chief Marine Surveyor available for immediate deployment and capable of effecting a recovery within the time limits prescribed in sub-paragraph (ii) of this paragraph;

(m) inform any harbour or marine traffic control authority whose authority extends to the area where the submersible operation is to take place, of the nature and proposed time and location of the submersible operation;

(n) ensure that there are in force in respect of the submersible craft and supporting equipment the safety certificates issued under section 13 of the Law¹;

(o) ensure that a list is maintained of all personnel involved in the submersible operation which shall include the following information about each person

- (i) his name;
- (ii) his address;
- (iii) the capacity in which he is employed if applicable.

(2) The owner of a submersible craft shall retain the operations log-book referred to in paragraph (1) (j) for at least two years after the date of the last entry made therein.

6. (1) Every operations controller shall ensure that the submersible operation for which he has been appointed is being carried out safely and in accordance with the operations manual issued by the owner of the submersible craft pursuant to regulation 5(1)(h).

(2) The operations controller shall not permit the submersible operations to begin unless

- (a) the master has confirmed in the light of his duties under regulation 3 that it is safe to do so;
- (b) there is produced to him a valid safety certificate issued by the Certifying Authority under the Law in respect of the submersible craft and its supporting equipment;
- (c) regulation 5(1)(m) has been complied with;
- (d) records show that post-dive checks carried out on the submersible craft and all its associated systems after its last previous dive and that any defects indicated by such checks have been made good and signed for by the person responsible for maintenance of the submersible craft and countersigned by the operations controller;
- (e) a pre-dive check on the submersible craft and its associated systems has been carried out within 6 hours of the commencement of the dive by the pilot and the pre-dive check list has been signed by the pilot and countersigned by the operations controller;
- (f) he has ensured that the pilot is familiar with the matters referred to in Schedule 1 and has been briefed on, and provided with, a copy of the emergency procedures laid down in the operational manual;
- (g) the pilot and the crew (if any) of the submersible craft have been fully briefed as to their duties and mission;
- (h) the wind, the state of the sea, visibility and predicted tidal currents are within the specified limits for safe operation as detailed in the operations manual ;
- (i) the submersible craft has adequate mid-water control, and the water depth is not greater than the maximum operating depth of the submersible craft;
- (j) the pilot and crew are fit to carry out their duties;
- (k) the supporting equipment has been checked and is in working order;
- (l) a sufficient number of competent persons are present to operate any plant, equipment, or other facilities necessary for the safe conduct of the submersible operation.

(3) The operations controller shall ensure that the communications systems referred to in regulation 5(1)(c) are tested at the earliest possible opportunity in the submersible operation and are in good order.

¹ The Law referred to here is the Merchant Shipping (Submersible Craft) Law, 1991, which has been replaced by the Merchant Shipping Law (2008 Revision). The reference therefore to section 13 of the Law is now to section 222 of the Merchant Shipping Law (2008 Revision).

Operations controller to ensure log book entries made

7. The operations controller shall ensure that an accurate record of the matters specified in Schedule 2 in respect of each dive made by the submersible craft shall be entered in the operations log book referred to in regulation 5(1)(j) and shall countersign the entries after each dive by the submersible craft has been completed.

Qualifications and training of pilots

8. A person shall not be qualified to be the pilot of a submersible craft unless he has

- (a) had previous experience in, and is competent in, the operation of the submersible craft which he is to pilot; or
- (b) (i) received adequate theoretical and practical instruction in the operation of that submersible craft under the supervision of a person who is himself qualified under subparagraph (a) above to operate that submersible craft; and
- (ii) demonstrated his ability to control the submersible craft and shown himself to have the necessary practical and theoretical knowledge of the submersible craft; and
- (c) a current medical certificate issued not more than 12 months previously by an approved doctor certifying that he is fit to perform the duties of a pilot in that type of submersible craft.

Co-pilot to be appointed when more than six passengers carried

9. In a submersible craft which carries more than 6 passengers a co-pilot shall be appointed who is capable of

- (i) safely surfacing the submersible craft;
- (ii) manoeuvring the submersible craft in the event of an emergency; and
- (iii) operating all emergency systems and equipment on board the submersible craft.

Pilot under instruction exempt from regulation 8(1)(b)

10. Notwithstanding regulation 8(1)(b), a pilot in a one-man submersible craft or atmospheric diving suit while undergoing instruction for the purpose of obtaining the practical experience referred to in regulation 8(1)(b) shall be exempt from the requirements of that paragraph provided that

- (a) the training dives are being carried out in suitable environmental conditions; and
- (b) during the training dives he is continuously under the direct supervision of a person qualified under regulation 8(1)(a) to operate that submersible craft.

Duties of pilot

11. The pilot of a submersible craft shall

- (a) so operate the submersible craft as to ensure its safe operation and the safety of any crew and passengers;
- (b) carry out the pre-dive and post-dive checks described in regulation 6(2);
- (c) be fully conversant with the operational and emergency procedures to be adopted and shall brief any passengers and crew accordingly;
- (d) ensure that the submersible craft has an adequate reserve of buoyancy and stability;
- (e) keep a pilot's log book, which shall contain his signature and photograph, and enter therein the matters specified in Schedule 3 which entries shall be countersigned after each dive by the operations controller;
- (f) retain that pilot's log book for a period not less than 2 years from the date of the last entry made therein.

Crew and passengers to obey orders etc.

12 (1) Every member of the crew of, and every passenger in or on, a submersible craft shall

- (a) obey the orders of the pilot;
- (b) observe all safety precautions; and
- (c) be conversant with emergency procedures.

Operations controller to record and report casualty, injury or death to owner

13. Where a casualty has occurred the operations controller shall

- (a) in the most expeditious manner practicable inform the owner of the submersible craft when and where it occurred giving him the name of any person killed, lost or injured
- (b) enter in the operations log book the particulars of the casualty as specified in Schedule 4 and shall sign that entry;
- (c) within three days of the casualty, deliver a copy of such particulars to the owner of the submersible craft.

Owner to report
casualty, injury or
death to Chief
Marine Surveyor

14. The owner of a submersible craft shall

- (a) upon being informed of a casualty, give to the Chief Marine Surveyor, as soon as possible, such information about the casualty as he may have;
- (b) within three days of receiving the copy particulars referred to in regulation 13(c) deliver a copy of those particulars together with his own name and address and the name and address of the pilot of the submersible craft to the Chief Marine Surveyor;
- (c) if it comes to his knowledge that any person has died as a result of the casualty, inform the Chief Marine Surveyor of the death notwithstanding, if such be the case, that he is required to send a return of the death to the Registrar of Shipping.

Returns of injuries

15. (1) The owner of a submersible craft shall make a return of every accident, injury or disease (other than an injury already notified under regulation 13) suffered by any person, in connection with or working from the submersible craft, who is injured in the course of any submersible operation and by reason of which such person is disabled from work for a continuous period of three days or more.

(2) A return under this regulation

- (a) shall relate to a period of three months ending on the last day of March, June, September or December;
- (b) shall be made to the Chief Marine Surveyor within 10 days after the end of the period to which it relates; and
- (c) shall contain particulars of the following
 - (i) the registration number, name or other designation of the submersible craft;
 - (ii) the name and address of the owner of the submersible craft;
 - (iii) the name of each person who suffered an accident, injury or disease and the name and address of his employer; and
 - (iv) the date and time of any accident or injury and the date when the symptoms of any disease were first observed;together with a brief description of the accident, injury or disease.

Offences

16. (1) A person who contravenes any provision of these regulations shall be guilty of an offence and liable upon summary conviction to a fine not exceeding ten thousand dollars in respect of anyone contravention.

(2) In any proceedings for an offence under these regulations it shall be a defence for the person charged to prove

- (a) that he exercised all due diligence to prevent commission of the offence; and
- (b) that the offence was committed without his consent, connivance or default.

SCHEDULE 1

Regulations 5(1)(h)
& 6(2)(f)

**MATTERS IN RESPECT OF WHICH WRITTEN PROCEDURES ARE TO BE
MADE IN THE OPERATIONS MANUAL**

Personnel:

1. Chain of command.
2. Responsibilities, authority and duties.

Operational Planning:

1. Mission planning.
2. Safety planning.
3. Movement and position reporting.
4. operational environmental limitations

Operational Procedures:

1. Planned maintenance.
2. Pre-dive and post-dive check-lists.
3. Maintenance of pilots. submersible operations. surface and underwater communications logbooks.
4. Pre-dive and post-dive briefings.
5. Routine operational procedures.
6. Submersible craft communications procedures.
7. Support craft position.
8. Estimation of stability and reserve of buoyancy.
9. In the case of diver lock-out submersible craft. particular aspects relating to diving from it.

Emergency Planning:

1. Problem identification.
2. Status of equipment and support services.
3. Self -help plan.
4. Outside help plan.
5. Diving or other medical services.

Emergency Procedures:

1. Position marking.
2. Initiation responsibilities.
3. Search procedures for lost submersible craft.
4. Recovery of disabled submersible craft.
5. Submersible craft emergency procedures.

Emergency Equipment:

1. Parent craft.
2. Submersible craft.
3. Launch and recovery.
4. Ancillary equipment.
5. Communications.

SCHEDULE 2

Regulation 7

**MATTERS IN RESPECT OF WHICH ENTRIES ARE TO BE MADE IN THE
SUBMERSIBLE CRAFT OPERATIONS LOGBOOK**

- (a) the name of the owner of the submersible craft;
- (b) the name or designation of the submersible craft;
- (c) the date or dates on which, and the period during which the submersible craft made its dive;
- (d) the name or other designation of the parent craft, offshore installation or work site from which the submersible operation is carried on and the location of that craft, offshore installation or work site;
- (e) the names of the submersible craft crew, and of any passengers, engaged in the dive and their respective duties;
- (f) the times of, the main events of the dive;
- (g) the maximum depth reached in the course of the dive;
- (h) the nature of the submersible operation with a description of the work carried out and problems encountered;
- (i) the weather and bottom conditions;
- (j) any other factors relevant to the safety or health of the persons engaged in the operation;
- (k) particulars of any emergency which occurred during operation and of any action taken;
- (l) particulars of any environmental factors affecting the operation;
- (m) particulars of any casualty which occurred during the operation.

SCHEDULE 3

Regulation 11(e)

**MATTERS IN RESPECT OF WHICH ENTRIES ARE TO BE MADE IN THE
SUBMERSIBLE CRAFT PILOTS LOGBOOK**

The following matters shall be entered in the pilot's logbook in respect of each submersible operation in which he takes part:

- (a) the name and address of the owner of the submersible craft;
- (b) the name or designation of the submersible craft;
- (c) the date and dive number of the submersible craft;
- (d) the name or other designation and the location of the parent craft;
- (e) the area of operation and the maximum depth reached;
- (f) the time from shutting the submersible craft hatch to opening the hatch on completion of the dive;
- (g) the task or tasks undertaken by the submersible craft;
- (h) details of any diving operations carried out from the submersible craft;
- (i) any other factors relevant to the safety or health of the crew or passengers of the submersible craft.

SCHEDULE 4

Regulation 13(b)

PARTICULARS OF A CASUALTY

1. The date and time of the casualty.
2. Where the casualty occurred on board the submersible craft, the place on board the craft where, and the position of the craft when, the casualty occurred.
3. Where the casualty occurred other than on board the submersible craft, the place where, and the position of the craft when, the casualty occurred.
4. A description of the casualty, and of any submersible operation being carried out, and any plant or equipment being used, at the time the casualty occurred.
5. A description of any damage sustained by the submersible craft or any plant or equipment at the time the casualty occurred and the name or other designation and port or place of registry (if any) of any other craft involved.
6. The name of any person killed, lost or injured in the casualty; the name and address of his employer; and a description of any injury, including an injury resulting in death, sustained by any person in the casualty.
7. The name and address of any witness to the casualty and the name and address of his employer.

Made in Council this 11th day of June, 1991

MONA N. BANKS.JACKSON

Clerk of the Executive Council.