

SHIPPING NOTICE 02/2017 Rev 03

THE NAIROBI INTERNATIONAL CONVENTION ON THE REMOVAL OF WRECKS, 2007

To: OWNERS, MANAGERS and MASTERS OF CAYMAN ISLANDS SHIPS (INCLUDING YACHTS AND PLEASURE YACHTS) AND ALL SHIPS OPERATING TO and FROM CAYMAN ISLANDS PORTS OF 300GT AND ABOVE

1. BACKGROUND

- 1.1 The Nairobi International Convention on the Removal of Wrecks, 2007, (the Convention) was adopted by an international conference held in Kenya in 2007. The Convention provides the legal basis for States to remove, or have removed, shipwrecks that may have the potential to affect adversely the safety of lives, goods and property at sea, as well as the marine environment.
- 1.2 On 07 February 2017 the Convention entered into force for the Cayman Islands and applies to all Cayman Islands ships and to ships visiting Cayman Islands waters.
- 1.3 The Convention is given legal effect through the Merchant Shipping (Wreck Removal Convention) Regulations, 2017 (the Regulations).
- 1.4 The purpose of this Shipping Notice is to give notice to the owners of Cayman Islands ships, and ships visiting Cayman Islands waters, of the requirements and obligations imposed under the Convention and to give details of the process the Maritime Authority of the Cayman Islands (MACI) will be following for issuing the certificates required under the Convention.

2. APPLICATION OF THE CONVENTION AND REGULATIONS

- 2.1 The Convention and Regulations apply to ships as follows:
 - 2.1.1 To Cayman Islands ships anywhere in the world;
 - 2.1.2 To non-Cayman Islands ships in the Cayman convention area; and
 - 2.1.3 To ships involved in an accident as a result of which either or both of them, or anything from them, has become a wreck in the Cayman convention area.

2.2 The “Cayman convention area” is defined as “*Cayman Islands ports, Cayman Islands waters and the area up to 25 nautical miles seaward from the baselines under the Cayman Islands (Territorial Sea) Order 1989.*”

3. OBLIGATION TO REPORT

3.1 The owner or master of every ship to which the Regulations apply is required to report any accident that results in a wreck to either:

3.1.1 The Cayman Islands Government, if the wreck is in the Cayman convention area;
or

3.1.2 The government of any other State or territory in whose convention area the wreck is in.

3.2 A failure to report as mentioned in section 3.1, above, is an offence under the Regulations.

4. IMPLICATIONS FOR SHIPS TO WHICH THE REGULATIONS APPLY

4.1 If a wreck occurs in the Cayman convention area the owner will be liable for the removal of the wreck and must remove the wreck if directed to do so by the Cayman Islands Government. This direction will be given by serving on the owner a “removal notice”.

4.2 It is an offence for an owner not to comply with the conditions set out in any removal notice.

4.3 If the owner does not remove a wreck in accordance with the conditions of a removal notice, the wreck may be removed by the Cayman Islands government and the owner will be liable for all costs incurred.

5. CERTIFICATION REQUIREMENTS

5.1 Owners¹ of all Cayman Islands ships (including yachts) of 300 GT and above to which the Regulations apply are required to maintain insurance or other financial security to cover the liability of the owner for the removal of wreck.

5.2 A certificate attesting that the insurance or other financial security required by the Convention will be issued by the Cayman Islands Shipping Registry upon application from the shipowner.

¹ From section 2 of the Merchant Shipping Act (2021 Revision) –
“owner” , [...] or “shipowner” means, in respect of a registered ship, the registered owner and includes a demise charterer and a managing owner or a managing agent;

- 5.3 All Cayman Islands ships and yachts of 300 GT and above require certification under the Convention regardless of their geographical location.
- 5.4 All non-Cayman Islands ships of 300 GT and above to which the Regulations apply must have wreck removal insurance in place which meets the requirements set out in the Convention. These ships must also hold a certificate issued by a State Party to the Convention attesting that the ship has wreck removal insurance that is deemed to meet the Convention requirements.

6. INSURANCE OR FINANCIAL SECURITY

- 6.1 Marine Insurers and P&I Clubs are familiar with the Convention requirements and are able to both arrange the required insurance and furnish evidence thereof. This evidence (The “Blue Card”) is required to enable the Cayman Islands Shipping Registry to issue the certification required by the Convention.
- 6.2 “Blue Cards” issued by P&I Clubs or insurers which are not members of the “International Group of P&I Clubs” (www.igpandi.org) may be subject to detailed investigations in order to ensure the provider of financial security is accepted by the United Kingdom’s financial services regulator.

7. OBTAINING THE CONVENTION CERTIFICATE

- 7.1 To apply for the issue of certificates in accordance with Article 12 of the Convention, applicants should send an electronic copy of the evidence of insurance (or “Blue Card”) issued by the insurer or other financial institution to

CaymanRegistry@cishipping.com

along with a [Request For Services](#) Form.

- 7.2 Certificates issued under Article 12 of the Convention will incur an administration fee.
- 7.3 The address shown on all “Blue Cards” should be:

The Maritime Authority of the Cayman Islands

PO Box 2256
Grand Cayman, KY1 – 1107.
Cayman Islands.

- 7.4 The details on the “Blue Card” must match the details on the vessel’s current Certificate of British Registry, especially with regard to the owner’s name and address.