

Yachtmaster's Handbook:

for commercially operated yachts and private yachts

December 2012

Introduction

This handbook is designed for all Masters and senior officers of Cayman Islands registered Commercial Yachts i.e. Large Yacht Code Compliant Yachts. However, Passenger Yachts built to the Code of Practice for Yachts carrying 13 to 36 passengers (The Passenger Yacht Code) should refer to the Shipmaster's Guide published by the Cayman Islands Shipping Registry (CISR) rather than this Guide as the requirements for these vessels are different to those for other yachts covered by this Guide.

Please read this document as it should answer most of your questions regarding Cayman Islands Merchant Shipping Laws and Regulations and the administrative processes required in running a Cayman Islands Commercial Yacht. These may differ from the procedures that you are familiar with in yachts of other flags and this guide attempts to provide simple guidance on the key areas. However, it should be noted that this document contains advice and Masters and Owners should always be aware that the onus is on them to comply with the requirements of the Conventions, Cayman Islands legislation and any local legislation in the areas you are operating (for example the United States, European Union).

It should be noted that the information in this document is not sufficient to pass the Cayman Islands Laws and Procedures (LAP) Exam. You should refer to the separately published LAP Manual and Questions and Answers Document for all of the guidance and information required to pass the Exam.

Masters and senior officers serving, or having served, on Cayman Islands yachts are invited and encouraged to participate in the continuous development of the Manual by submitting appropriate comments and suggestions to the CISR. As the day to day practitioners we view serving Masters and senior officers as a vital barometer in assessing the effectiveness of the Yachtmaster's Guide. Please forward all such comments and suggestions to the CISR via email cisrky@cishipping.com

Further information, including Shipping Notices and advice, can be obtained by accessing the CISR's web site at: www.cishipping.com.

NB

Please note that this guide covers the requirements prior to the implementation of the Maritime Labour Convention in August 2013, however, it is envisaged that a revision will be posted just before the Convention enters into force.

Contents

1. Manning and STCW requirements
2. Crew Agreements
3. Official Log Books
4. Other Log Books
 - 4.1 GMDSS Radio Log Books
 - 4.2 Oil Record Books
 - 4.3 Deck and Engine Room Log Books
5. Hours of Work and Rest
6. Drills and tests
7. Surveys and Audits
 - 7.1 Commercial Yacht Certification
 - 7.2 Surveys
 - 7.3 Audits
 - 7.4 Mini ISM
8. Issue of Certificates
9. Health and Safety
10. Accident Reporting
11. Recording of Births and Deaths
12. Port State Control
13. Continuous Synopsis Record
14. LRIT
15. Medical Stores Requirements
16. National Character and Flag
17. British Consular Services
18. Disputes – the role of the Shipping Master
19. Maritime Labour Convention

1. Manning and STCW requirements

Manning on board

All commercial yachts on the Cayman Islands Shipping Register over 500 gross tonnage must have a Minimum Safe Manning Document (MSMD) issued by the Cayman Islands Shipping Registry (CISR). It is Cayman Islands policy to provide a MSMD for all pleasure yachts of 24 metres and over certified in accordance with the Large Commercial Yacht (LY2) Code, MSMDs are only issued after consultation with the Owner or Manager. Your Classification Society and other organisations are not permitted to issue MSMDs for Cayman Islands yachts.

The MSMD will state the numbers and categories of officers and crew members that are required to be on board. Please see the Manning Policy Manual available on www.cishipping.com for more information.

The manning levels on board must never under normal circumstance be lowered below the minimum as stated in the Certificate. However, if due to exceptional circumstances a seafarer has to be removed from the yacht and a replacement cannot join in time it may be possible for the yacht to continue to operate with one less seafarer than is specified on the MSMD for a maximum period of 21 days. The final decision to proceed to sea short-handed rests with the Master, and in all cases the CISR must be notified. The Master should ensure that the Hours of Work Regulations¹ can be complied with at all times.

The CISR encourages owners and operators of pleasure vessels, and in particular the larger ones, to apply manning levels equal to those for a similar commercially operated pleasure vessel. To that aim CISR has prepared and on request may issue a Statement Regarding the Manning Levels for a Pleasure Yacht.

Certificates of Competency and Cayman Islands Endorsements

Officers on Cayman-registered yachts may hold any nationality or residency provided they are holders of Certificates of Competency issued by one of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended (STCW 1995) white list² countries recognised by the CISR.

The Master must ensure that all officers hold the Cayman Islands Endorsements required for their role and that they also hold their original national certificate of competency. If an officer does not hold a Cayman Islands Endorsement when he joins then the Master should check that an application ([Form CISR504](#)) has been made. Applications are usually made by the Owner/manager. A copy of the Confirmation of Receipt of Application (CRA) should be retained on board until such time as the officer's Cayman Islands Endorsement arrives on board. The officer can sail for a maximum period of 3 months with a Confirmation of Receipt of Application, after which the seafarer must hold a Cayman Islands Endorsement.

These procedures are important and must be followed to show any Port State Control Officer that the vessel is manned with suitably qualified officers.

Watch Keeping Ratings

The Minimum Safe Manning Document will state the grades of Deck and Engine Room Ratings required to be carried. All Deck and Engine Room Ratings assigned to watch keeping duties must be in possession of Watch Rating Certificates appropriate to their duties. Watch Rating Certificates issued by countries other than the Cayman Islands are acceptable on Cayman Islands yachts provided they are issued by countries which are parties to STCW 95 which are recognised by the CISR (see footnote 2 previous page).

¹ The Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations, 2004 Revision

² The following countries are STCW 1995 "white list" countries recognised by Cayman.

http://www.cishipping.com/portal/page?_pageid=1307,5649459&_dad=portal&_schema=PORTAL

Medical Fitness Certificates

A seafarer may not be employed on a commercially operated yacht unless he is the holder of a valid Medical Fitness Certificate (MFC) which must have been issued within the last two years. Where a MFC expires while a seafarer is on board in a location where a medical examination in accordance with the regulations is not practicable he may continue to be employed in the yacht for a period not exceeding three months from the date of expiry of his MFC.

A seafarer may not be employed in a capacity precluded by a restriction in his MFC. Seafarers under 18 years of age may not be employed on any ship type unless that seafarer is the holder of a valid MFC issued within the previous 12 months.

Recognised Medical Certificates

MFCs issued to seafarers by countries in accordance with the requirements of ILO Conventions No.147 or No.73 are acceptable for employment on Cayman Islands yachts. The MFCs for seafarers working on Cayman Islands Yachts must be provided in English. See also http://www.cishipping.com/portal/page?_pageid=1307,5649459&_dad=portal&_schema=PORTAL

Seaman's Discharge Book

Every seafarer, regardless of nationality, on a Cayman Islands registered yacht is eligible to be issued (upon request and submission of the required supporting documentation) with a Cayman Islands Seaman's Discharge Book. However, this is not mandatory as a Seaman's Discharge Book from another Flag is acceptable.

2. Crew Agreements³

Crew Agreement

Cayman Islands Laws and Regulations⁴ require that every commercially operated yacht must have an agreement in writing between each person employed and the company employing him. These are known as crew agreements and they are required to be in writing and of a form approved by the CISR.

There is a model crew agreement which may be found in the Manning Policy Manual found on the [CISR Website](#). If you wish to use clauses different to those in the model crew agreement please contact the CISR. However, a charge will be made for consideration of any alternative clauses. Crew Agreements are to be used for each commercially operated yacht in conjunction with the Official Log Book. It is a requirement of Cayman Islands law that it is properly used and completed.

A crew agreement must be used whether or not there is in place any other contract or agreement with the yacht's crew. Among the information to be included in the Agreement are the yacht's particulars as found on the Certificate of British Registry (COBR), the date of commencement of the Agreement and date of expiry when this is known.

This guidance sets out the main requirements for opening, maintaining, and subsequently closing a crew agreement, for the guidance of Masters and others who may be involved in this task and who may be unfamiliar with these requirements.

Front Cover - ALC1

The Master, on opening a crew agreement for the first time, should insert at the top of the Form ALC1 the name of the employer and his address. All the necessary information can be found in the yacht's COBR and the details should be entered exactly as found in that document.

Also recorded are the date and place of commencement and termination of the agreement. This defines the parties to the agreement and will normally be either the name of the owner or of the operator who is employing the crew of the yacht. Each seafarer who then signs on the list of crew becomes a party to this agreement between himself and the employer.

Within the contractual clauses there is a space for geographical limits, (normally 75° N/S) and the length for which the agreement will last.

There is a row requiring the notice period for termination of employment on arrival at a port to be entered. The figure entered should be the same notice period as any other notice period contained in any other contract of employment that applies. If there is no notice period specified in any other contract of employment then a reasonable figure should be entered, not normally more than 30 days. The country of the port should be entered (insert Cayman Islands).

At the end of this page is a space for the signature of the Master, or the employer. In almost all cases this will be signed by the Master as the person opening the agreement and dated as the day on which the agreement is opened.

Once an agreement is opened the appropriate entry should be made in the official log book.

Lists of crew - Forms ALC 1(a), (b) & (c)

Crew agreements are supplemented by a List of Crew (Form ALC1). These three official forms make up a part of the crew agreement (the Articles) and they will be supplied with each set of Articles.

³ Reflects the current information prior to the full implementation of the Maritime Labour Convention, 2006

⁴ Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) Regulations 1992

Form ALC1(a) is used to record the details of every member of the crew when they join the yacht. It makes up the official list of crew in Cayman Islands Law and it is important that it is completed correctly.

Form ALC1(b) is used for the same purpose but this one is reserved for the Master and for any non-crew members such as Superintendents, riding crews, wives and dependents.

Form ALC1(c) is for persons employed on the yacht who are under the age of 18. This is in addition to those entries for the same person on the Form ALC1 (a).

It is important, that the yachts' manager is able to provide details of crew on board each Cayman Islands yacht. Therefore a copy of the list of crew is to be maintained ashore by the yacht's managers or the owner as the case may be. Any changes to the crew list must be recorded on the yacht immediately and notified to and recorded in the shore-based copy within three days of the change.

The crew agreement during the voyage

Once the crew agreement is opened the Master is required to post up a copy of the Front Cover (ALC) and the basic employment clauses in a conspicuous place. The lists of crew ALC 1(a), (b) and (c) do not need to be posted up.

During the voyage crew members may leave and join the yacht. As each crew member leaves he needs to "sign off" by signing the shaded boxes on the ALC form. The reason for leaving will simply be – "Leave". You will also need to make an entry in the Official Log Book of each departure. New crew members will have their details entered on the ALC 1 form when they arrive so that the form remains a continuous record of seafarers employed in the yacht.

Terminating a crew agreement

At the end of the crew agreement it must be closed and all persons on it who have not already done so must sign off in section (b) of the final column.

The entry for 'Date and Place of leaving the ship' should be left blank if the crew member is to sign on another crew agreement immediately and is not therefore leaving the yacht and the reason for discharge in this case will be "agreement terminated".

Any seafarer is entitled to receive a record of his service on the yacht in accordance with the Regulations (see footnote 4 previous page). Such a record would normally be in the form of a discharge book.

Seafarers Employment Agreements

Notwithstanding the fact that Crew Agreements are still in use, it should be noted that we are in a transitional phase with the implementation of the forthcoming Maritime Labour Convention which will come into force on the 20th August 2013. The Merchant Shipping (Crew Agreements, List of Crew and Discharge of Seamen) (Cayman Islands) Regulations, 1992 will soon be replaced with the Merchant Shipping (MLC) (Seafarer Employment Agreement) Regulations 2013. Yachtmasters are advised that Seafarer Employment Agreements may be used in lieu of traditional crew agreements subject to these being approved by the Administration prior to implementation.

A revised copy of this guide will be published just before the MLC, 2006 enters into force but for further information please contact shipping.master@cishipping.com.

3. Official Log Books

Every commercially operated yacht is required to carry and maintain an official log book. The CISR has published an Official Log Book (OLB) specifically for use on Yachts which can be obtained directly from the CISR. The OLB is an important legal document required by our Merchant Shipping Law and Regulations. It is a record of activities carried out on board the yacht as required by the CISR. The OLB or extracts thereof may be submitted as evidence in courts of the Cayman Islands.

The following paragraphs provide guidance on the entries to be made, signed and witnessed, the time for making entries, how to amend or cancel an entry, and to whom the OLB must be produced.

All entries made must be timely and accurate. The Master may be guilty of an offence for any omission in this respect. The Master may be required to produce the log book to an Officer of the CISR or a customs officer on demand. Therefore, it is essential that the log book contains all the entries required by the Laws and Regulations of the Cayman Islands. Should the OLB be incomplete or not properly maintained, the absence of proper entries could prejudice the position of the Master in the event of an accident and any inquiry into that accident.

If it is not practicable by reason of its length, the circumstances in which it is to be made or for any other reason, for an entry to be contained in the OLB, it must be contained in a separate document annexed and referred to in an entry in the OLB; and references in the Regulations to an OLB include references to any document annexed to it.

The Master may delegate the responsibility for making certain entries to department heads or other competent persons; however no delegation of responsibility may be made where the attached schedule requires that an entry be made by the Master in person.

If it is necessary to amend or cancel an entry in the OLB this must be done by a further entry, not by altering the original entry. Anyone who intentionally destroys, mutilates or renders illegible any entry in any Log Book is guilty of an offence.

Log Book Section 1 - Cover

The first entries are the details of the yacht, name, port of registry, official number, gross tonnage, and net tonnage. The details should be taken from the yacht's COBR.

The second section is for the names of successive Masters of the yacht. The Master opening the OLB should enter his name and Certificate details on the first line, successive Masters should add their details when they take over command. If a Master has been on the yacht before and returns while the OLB is still in use, he does not need to add his name a second time.

The third section is for the details and address of the registered owner. The details should be taken from the COBR.

The final section is for the date and place at which the OLB is opened. As the OLB also serves as a record of seafarers employed on the yacht it will always be opened on the same day that a new crew agreement is opened. The closing date for the OLB will be the date on which the crew agreement is closed.

All the entries in this section must be made by the Master.

Log Book Section 2 - Record of seafarers employed on the yacht

This section records all the crew members. The first column "Reference number in list of crew" is for the consecutive number given to each entry in the crew list (ALC1 (a)), which is part of the articles. When each crew member signs the articles, the number opposite to his entry in the articles is entered in this first column, his name is in the second column and the capacity in which employed is in the third. These three parts should be filled in at the same time that the crew member signs the crew agreement.

If a crew member leaves the yacht and then returns while the OLB is still in use, he should be entered again with his new number from the list of crew. It may happen that the same crew member will have several entries in this section of the OLB.

Column 4 "If entry made in narrative section give relevant page." forms an index. If any entry in respect of a crew member is made in the narrative section of the log book (Log Book Section 10) then the narrative section page number is entered at the same time in column 4. If there are a number of entries then the page number of each is added, separated by a comma.

All entries in this section should be made by the master.

Log Book Section 3 – Returns and entries of births and deaths

Instructions for completion are at the top of the section. It should be noted that in the section for births, the signature of the mother is required while in the section for deaths, the signature of the master AND the signature of a member of the crew are both required. The crew member may be any crew member.

It is essential that the mother's signature is given in the case of a birth and it is essential that the entries in respect of deaths are signed by the master and by a crew member. A failure to sign and witness these entries can invalidate them and can give rise to major legal issues.

The forms SMA/FM/RB1 Issue 1 (for recording births) and SMA/FM/RD1 Issue 1 (for recording deaths) are available from the CISR.

Additional information on the procedures for recording and reporting births and deaths may be found in [section 10](#).

Log Book Section 4 - Record of musters, boat drills and fire drills, safety training, inspections of life-saving appliances and fire appliances

This section must be completed at the time of every drill. Attention is drawn to [shipping notices](#) which set out the current requirements for the frequency of drills and content.

Every entry MUST be signed by the Master and by one other crew member. If it is not signed by BOTH, the entry is invalid and will not be accepted as proof that the drills have been carried out.

If for any reason a muster or drill is not held then a statement as to the reason why should be entered in column 2. Valid reasons might include "vessel rolling and pitching heavily, unsafe to carry out drills".

If a drill is postponed or cancelled then it should take place at the next suitable opportunity which will be down to the discretion of the Master.

The Regulations⁵ state that, for large commercially operated yachts of 1000 gross tonnage and above, drills simulating the rescue of a crew member from a dangerous space are held at intervals not exceeding two months, and that a record of each such drill is entered in the OLB.

Log Book section 5 - Record of inspections of crew accommodation.

This section is for records of mandatory inspections of crew accommodation. The Regulations⁶ require that an inspection of the crew accommodation, is carried out every seven days, to ensure that it is being kept clean and that all the requirements of the crew accommodation regulations are being followed. The Master may delegate responsibility for inspections to department heads or other competent persons, but the Master or person so delegated by the Master must be accompanied by one other member of the crew. All entries must be signed by the Master (or person so delegated by

⁵ Merchant Shipping (Entry into Dangerous Spaces) Regulations, 2004

⁶ Merchant Shipping (Crew Accommodation) (Cayman Islands) Regulations, 1988

the Master) and a member of the crew, who will normally be the same person who accompanies the Master.

Log Book section 6 - Record of inspections of food and water provided for the crew

The UK's [MGN 397](#) contains guidelines and practical advice on the fundamental rules of food hygiene consistent with the catering and meat industry in general.

There are no minimum requirements regarding the minimum amount of food. The Regulations⁷ state:

- "4. It shall be the duty of the employer 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."

The records of inspections in this section are similar to those for Crew Accommodation. Our Regulations require that inspections are carried out at intervals not more than seven days.

The inspections in this section must be made by the Master and any member of the crew. In practice it will usually be possible to inspect refrigerated compartments, dry provisions, store rooms, galleys etc. with a member of the catering department during the course of the accommodation inspection.

Entries in this section must be signed by the Master and by the member of the crew making the inspection.

Log Book section 7 – Voyage Details and pre-departure checks.

This section records the date and location of departure and arrival, along with the freeboards acceptable for the yacht on departure for each voyage. It must be completed at departure. It also contains space for the recording of the test of the steering gear

Our Laws require steering gear to be tested within 12 hours before sailing (or once per week for yachts making one voyage or more per week from the same port) and emergency steering systems to be tested every 3 months on commercially operated yachts over 500 gross tonnage.

Log Book section 8 – Appointment of Safety Officers, Ship Security Officers etc.

This section is to record the appointment of Safety Officers as recommended by the Code of Safe Working Practices, and Ship Security Officers as required by the International Ship and Port Facility Security (ISPS) code.

Entries in this section must be signed by the Master and by the appointee.

Log Book section 8 - Narrative section

This section is for explanatory entries. In general terms this section should contain entries relating to:

- changes of Master
- the annexing of other documents to the official log book
- accidents
- casualties
- disciplinary matters

⁷ Merchant Shipping (Provisions and Water) (Cayman Islands) Regulations 1989

- discharge of crew members, i.e. when they sign off the articles (note: there is no need to make an entry when crew members sign on to the articles, this is covered above).
- details of crew left behind
- desertions
- complaints
- promotions and demotions
- criminal convictions during a voyage
- illness
- deaths
- appointments of Safety Officer, Representatives and Committees.
- meetings of Safety Committees.
- wages disputes
- closing of articles and Official Log Book.

Every entry must be signed by the Master and by a member of the crew. If it is not practicable due to its length, or for any other reason for an entry to be contained in the narrative section, it must be contained in a separate document annexed to the OLB and referred to in an entry in the narrative section.

The page number for every entry in the narrative section which refers to a crew member should be entered in column 4 of the list of crew section.

Full and completed Official Log Books

In the event that an OLB becomes full while the articles are still open, another OLB should be started. An entry should be made in the narrative section of the second or subsequent book should reflect that this is a continuation book.

Once the OLB is completed it should be kept onboard for three years after the last entry. There is no need to return it to the CISR.

4. Other Log Books

4.1 GMDSS Radio Log Book

All Cayman Islands yachts which are subject to SOLAS Chapter IV⁸ are required to carry a GMDSS Log Book. The purpose of the GMDSS Log Book is to keep records of communications relating to distress, urgency and safety radio traffic, regular positions of the yacht and results of tests on radio equipment. The tests are required to be carried out and recorded are found within the GMDSS Log Book.

If there is insufficient space to make a further entry in any section of the radio log, the log book should be closed and a new radio log opened. Closed GMDSS Log Books should be retained onboard for a period of at least 12 months after the last entry.

4.2 Oil Record Books

All yachts (including private yachts) of 400 gross tonnage and above must carry and use an Oil Record Book. They are regularly inspected by Port State Control Officers whilst checking for possible illegal discharges and it is very important that the Oil Record Books are accurately and carefully kept and incorrect or false entries may lead to an offence being committed in that port State and the punishments can be severe.

The Oil Record Book part 1 covers machinery space operations, and must contain entries relating to ballasting or cleaning of oil fuel tanks, discharge of ballast or cleaning water from oil fuel tanks, disposal of oily residues (sludge) and discharge overboard of bilge water which has accumulated in machinery spaces, bunkering operations and accidental discharges of oil. The operations requiring recording are listed in the front of the oil record book.

Oil record books can be obtained from the CISR and completed books must be kept for a period of three years after the last entry. They are not required to be returned to the CISR.

When a Cayman Islands registered yacht needs to open a new Oil Record Book and the Cayman Islands Oil Record Book is not readily available, the yacht may use other Oil Record Books as long as they comply with the layout and content as defined by the MARPOL Convention (MARPOL 73/78 Annex I Regulation 20(1)) and as long as they include an English translation.

If any of these documents are not on board then please contact the Designated Person Ashore for the vessel or a responsible officer in the company for further advice.

4.3 Deck and Engine Room Log Books

For day to day recording of wheelhouse and engine-room operations these may be in a format that the Company deems suitable for the type of operation that the vessel is engaged in and completed books must be kept for a period of three years after the last entry. They are not required to be returned to the CISR.

4.5 Garbage Record Books

Every yacht (including private yachts) of 400 gross tonnage and above and every yacht which is certified to carry more than 15 persons must carry and maintain a Garbage Record Book to record each discharge operation or completed incineration including discharges at sea, to reception facilities, or to other ships. Completed books must be kept for a period of three years after the last entry. They are not required to be returned to the CISR.

⁸ All ships over 300gt subject to SOLAS

5. Hours of work and rest

In accordance with the requirements of STCW 95, it is the duty of every company in respect of every Cayman Islands commercially operated yacht, and of every employer, to ensure, so far as is reasonably practicable, that seafarers do not work more hours than is safe in relation to the safety of the yacht and the seafarers' performance of their duties.

Rest

Every seafarer must be provided with not less than 10 hours rest in total in any 24 hour period provided that:

- The 10 hour period may be divided into not more than two periods one of which shall be not less than 6 hours; and
- The interval between consecutive periods of rest shall not exceed 14 hours; and
- The minimum hours of rest shall not be less than 77 hours in any 7 day period.

Situations where a seafarer is on call but is free to sleep may be counted as rest, but if at any time the normal period of rest is disturbed by call-outs to work, the Master, or a person authorised by him, has to ensure that the seafarer is provided with an adequate compensatory period of rest.

Unmanned Machinery Spaces

The time when the designated duty engineer officer in a yacht with an Unmanned Machinery Spaces (UMS) class notation is free to sleep may also be counted as "rest". However, anytime that the officer is called to answer an alarm must be considered as work and as a break in that rest and therefore the amount of rest due to him has to be recalculated.

Hours of Rest Schedule

Each yacht should have an "Hours of Rest Schedule". This is a document, or a computer display, that has been drawn up by the Operator in conjunction with the Master which shows the maximum watch periods and minimum rest periods to be observed by all crew members. The "hours of rest schedule" must be posted up in a prominent place on board accessible to all the crew.

The Operator cannot change this document without consulting with the Master. The Operator has a duty to ensure that sufficient personnel are provided so that the rest periods can be complied with. The hours of rest schedule must be made available to Port State Control Officers and Surveyors when requested.

Records

Accurate records of hours of rest should be maintained. One copy should be held by the Master and a copy given to the seafarer. Any deviations from the hours of rest in the schedule must be recorded with an explanation of why the deviation occurred. These records must be available for inspection onboard at anytime. You can decide where the deviations are recorded and you can use any method that is effective provided that the records are available.

The company's Safety Management System (SMS) should provide guidance on the keeping of appropriate records and the means of reporting of repeated periods where the statutory minimum rest periods are exceeded.

"Properly rested"

Cayman Islands Regulations⁹ place a duty on the Master to ensure that all crew involved in watch keeping are properly rested and that arrangements are adequate to maintain a safe watch at all times. The Master is required to ensure that the yacht does not sail from any port unless the officers in

⁹ The Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations, 2004 Revision

charge of the watch immediately after sailing have received sufficient rest to allow them to maintain a safe watch.

Exceptions

There may be times such as:

- Emergencies, and situations likely to become emergencies unless action is taken,
- Musters and drills,
- Essential work on board which cannot be delayed for safety or environmental protection reasons; and
- Factors beyond the control of the Master or the operator other than commercial needs.

It may therefore not be possible, under these exceptional circumstances, for crew members who are involved to miss be given their minimum rest as stated in the hours of rest schedule. The Master has the authority to permit this but must record the reason for the exceptions. This provision is to be invoked responsibly and should never be taken as a means of evading the hours of work and rest requirements.

In deciding what factors might come within “factors outside the control of the Master or the operator other than commercial needs” the Master must take into account all these circumstances. For example, an exceptional situation could be when a Port Authority requires at short notice that the ship vacates the berth or shifts berth early, and such a demand cannot be postponed because of safety related considerations. On the other hand a request by the charterer to sail earlier so that he may minimise port dues is not a valid factor under this definition this counts as a commercial need. The company's SMS should provide guidance on the keeping of appropriate records and the means of reporting of repeated periods where the statutory minimum rest periods are exceeded. Where repeated infringements of the hours of work and rest provisions occur this may well mean that the crew complement will have to be increased to enable better compliance.

6. Drills and tests

The following lists a sample of drills and tests required to be undertaken on the on yachts. However it should be noted that the list below depends on the size of the yacht and whether or not it is commercially operated. The list is not exhaustive and you should always make sure you are aware of the drills the yacht is required to undertake, the various international conventions and [shipping notices](#) provide guidance. Where required by regulations the drills and tests should be noted in the appropriate section of the Official Log Book:

- Fire
- Abandon Ship
- Steering Gear
- Emergency Steering Gear
- Ship Security Alarm System (SSAS)
- Company Exercise
- Main Engine Failure
- Steering Failure
- Collision
- Man Overboard
- Stranding / Grounding
- Flooding
- Search and Rescue
- Excessive List / Loss of Stability
- Rescue from an enclosed or dangerous space
- Helicopter Operations
- Cargo Shift
- Electrical Black Out
- Emergency Towing
- Medical Emergency
- Stowaway Search
- Pirates
- Bomb Search
- Oil Spill
- Lightering
- Passenger Ships: Other tests and drills which may be in the Master Decision Support System

Sources: include SOLAS, ISM Code, ISPS Code, SOPEP (MARPOL 73/78)

7. Commercial Certification, Surveys and Audits

7.1 Commercial Certification

All Commercial yachts of 24 metres or above are issued with a Certificate of Compliance with the Large Commercial Yacht Code for Large Commercial Sailing and Motor Vessels (LY2). In order for this status to be maintained an annual survey by the CISR must take place.

Even if the yacht switches to Pleasure Mode operation then these annual surveys must continue in order to maintain the yachts' Large Commercial Yacht Code Certification. If the annual survey is not completed within the window the Certificate of Compliance with the Large Commercial Yacht Code becomes invalid which may have repercussions on the yacht's insurance.

For example:

A yacht gains its' Certificate of Compliance with the Large Commercial Yacht Code on 12th May 2009 but then it is decided to operate the yacht in Pleasure Mode commencing 25th October 2008. In 2010 no annual yacht code survey takes place so that on 12th August 2009 (the end of the window for survey) that yacht loses its Certificate of Compliance with the Large Commercial Yacht Code.

Should the yacht want to regain its' Certificate of Compliance with the Large Commercial Yacht Code a CISR surveyor would have to revisit that yacht in order to carry out another survey to confirm compliance with the Large Commercial Yacht Code.

7.2 Surveys

Statutory surveys (Load Line, Safety Construction, MARPOL, Safety Equipment, Safety Radio etc.) should be arranged in a timely manner.

Annual surveys for the Large Commercial Yacht Code and periodical surveys must be completed within the six month window occurring three months before and after the anniversary date of the Certificate. The anniversary date is the day and month of the expiry date of the Certificate. If a periodical or an annual survey is not carried out within the "window" then the Certificate must be renewed after a renewal survey. This takes longer and often costs more than an annual or a periodical survey. A Certificate that has not been validated by an annual or a periodical survey within the "window" becomes invalid and the yacht risks detention or other possible sanction.

Renewal surveys must be carried out in the three month window prior to the expiry of the certificate.

As an example of this, if the Certificate had been issued on 30th October 2005 with an expiry date of 31st August 2010 then the survey may be effected between that dates of 31st May (i.e. 3 months before) and 30th November (i.e. 3 months after) in each of the following years i.e. 2006, 2007, 2008 and 2009. In the final year (2010) the surveys **must** be completed before the expiry date (in this example 31st August 2010) there is no 'period of grace' of three months after the expiry date, however, it is possible to have the survey completed in the three months preceding the expiry date without losing the validity data.

In the above example, the renewal survey can be completed in the period 31st May 2010 to 31st August 2010 so that when the new Certificate is issued the new expiry date would be 31st August 2015.

7.3 Audits

All Cayman Islands registered commercially operated yachts over 500 gross tonnage must adhere to the International Safety Management (ISM) code and the International Ship and Port Facility Security (ISPS) code. If possible ISM and ISPS audits should be carried out at the same visit and this may need to be planned to ensure that this will be at a port where enough time is available. However, as these can sometimes be quite complicated audits it may not be possible to complete both in a single day

DOC Audits

A Document of Compliance (DOC) will be issued to the Company following satisfactory audit to ensure compliance with the Code by the Company. An SMC cannot be issued without a valid DOC. The DOC is issued for up to five years, and is subject to annual audit, after which it must be renewed.

ISM and ISPS Shipboard Audits

In general, all shipboard audits for the ISM Code and the International Ship and Port Facility Security (ISPS) code¹⁰ will be carried out by Surveyors from the CISR (with the exception of the Interim Audit which may be delegated to Class). ISM and ISPS shipboard audits should be arranged in plenty of time via the yacht's Designated Person Ashore (DPA).

Interim ISM Code audits

On initial registration all relevant yachts must undergo an "interim" assessment to ascertain that a safety management system is in place. Following this interim assessment, which may, on application to the CISR, be delegated to Class, an interim Safety Management Certificate (SMC), valid for up to six months will be issued. Towards the end of the period of validity of the interim SMC an initial audit will be generally be conducted by the CISR to ascertain that the safety management system is being operated satisfactorily. Following a successful audit, the yacht will be issued with a full term International SMC valid for up to five years.

Interim ISPS Code audits

On initial registration all relevant yachts must undergo an "interim" assessment for compliance with the ISPS Code. Following this interim assessment, which may be delegated to Class, an interim Ship Security Certificate (SSC), valid for up to six months will be issued. Towards the end of the period of validity of the interim SSC an initial audit generally will be conducted by the CISR to ascertain that the ship security system is being operated satisfactorily. Following successful initial audit, the yacht will be issued with a full time International SSC valid for up to five years. Prior to issuing this Certificate the Ship Security Plan must be approved by the CISR.

Following successful initial audit, the yacht will be issued with a full term International SSC valid for up to five years.

Intermediate audits for the ISM/ISPS Codes

A 12 month window exists (between the second and third anniversary dates of the Certificate) in which to arrange intermediate audits. It is recommended that these are arranged as soon as the window opens to avoid problems later on when the time available is less and availability of surveyors commercial constraints, vessel itinerary or location may affect the ability to carry out the audit in the most convenient location.

Renewal audits for the ISM/ISPS Codes

Renewal Audits should be completed in the three months prior to the expiry of the SMC / SSC. These should be arranged early to ensure the Certificates do not expire which would almost certainly result in a major non-conformity and port state control intervention.

What is required for ISM audits?

When the vessel is due a shipboard audit for ISM, the CISR should be contacted giving as much advance notice as possible. A CISR Surveyor will visit the vessel at a time and place agreed with the operators of the yacht and will perform the audit of the yacht.

¹⁰ All Cayman Islands registered commercially operated yachts over 500 gross tonnage must adhere to the ISPS Code.

It is essential that:

- The company has conducted at least one internal audit between any two external audits by the CISR; and
- The request for the audit(s) is made within a reasonable time and not left until the last month of the 12 month intermediate audit window.

The renewal audit can be carried out up to three months prior to the expiry date of the existing certificate. A new Certificate will be issued for five years from the expiry of the existing Certificate and not from the date of the audit if it is carried out within the final three month window.

What is required for ISPS audits?

When the ship is due a shipboard audit for ISPS, the CISR should be contacted giving as much advance notice as possible. The CISR Surveyor will visit the yacht at a time and place agreed with the Operators and will perform the audit and carry out an inspection of the yacht and its operations.

It is essential that:

- The company has conducted at least one internal audit between external audits by the CISR; and
- The request for the audit(s) is applied for within a reasonable time and not being left until the last month of the 12 month intermediate audit window.

In the same way as for the renewal of an SMC, the renewal audit for the SSC can be carried out up to three months prior to the expiry date of the existing Certificate. A new Certificate will be issued five years from the expiry of the existing Certificate and not from the date of the audit if it is carried out within the final three month window.

7.4 Mini ISM

All commercial yachts under 500 gross tonnage must have a mini ISM system on board and working. As the name implies this is a simple version of an ISM system which outlines and records the safety management of the yacht and benefits all on board.

Annex 2 of the Large Commercial Yacht Code (LY2) gives a framework to work from when developing a mini ISM system although any format can be used.

- It must be simple.
- It can be developed by the yacht.
- It must be yacht specific.
- It is not auditable, however during annual surveys it will be checked to see if it is being used.
- It is reviewed by the Company/Owner at least once every three years

You must be able to demonstrate compliance with LY2 Annex 2 to the attending CISR surveyor.

8. Issue of certificates

The following lists the main full term Certificates issued to the yacht and by whom they are issued. However it should be noted that the list below is not exhaustive and you should always make sure you are aware of the Certificate the vessel is required to maintain to comply with international Conventions etc. In addition the issuing body may change over time as the CISR may delegate any of the following functions to an authorised Classification Societies either generally or on a case-by-case basis. Where a Certificate applies to “all yachts” this includes private as well as commercially operated vessels which exceed the tonnage requirements.

Certificate	Who surveys and certifies	To which yachts does it apply
Cargo Ship Safety Construction	Class	500GT or above
International Load Line Certificate	Class	24 metres or above
Anti-Fouling System - Certificate of Compliance	Class Owner	400GT or above (all yachts) Under 400GT
Cargo Ship Safety Equipment Certificate and Form E	Class	500GT or above
Cargo Ship Safety Radio Certificate and Form R	Class	300GT or above
International Oil Pollution Prevention Certificate and Form A	CISR	400GT or above (all yachts)
International Sewage Pollution Prevention Statement	Class	400GT or above or certifies to carry more than 15 persons (all yachts)
International Air Pollution Prevention Certificate + Record of construction ¹¹	Class	400GT or above (all yachts)
Engine International Air Pollution Prevention Certificate + Approved technical files	Class	Engines of 130 kW and above if engine installed after 1/1/2000 (all yachts)
ISM Safety Management Certificate (SMC)	CISR	500GT or above
International Ship Security Certificate (ISSC)	CISR	500GT or above
Copy of Document of Compliance (ISM) (to a company)	CISR	500GT or above
Minimum Safe Manning Document	CISR	500GT or above or carrying over 12 passengers (statutory) 24 metres or above (policy)
Certificate of Compliance for Large Commercial Sailing and Motor Vessels (LY2 Certificate) and Form Y	CISR	24 metres or above
Continuous Synopsis Record	CISR	500GT or above or carrying over 12 passengers
Certificate of British Registry	CISR	All yachts
International Tonnage Certificate	Class	24 metres and above
Certificate for the International Convention on Civil Liability for Bunker Oil Pollution Damage	CISR	Above 1000GT

¹¹ All vessels over 400 GT will require an International Energy Efficiency Certificate by the next (initial, intermediate or renewal) following 1st January 2013

If you have not received a full term Certificate before the expiry of any interim Certificate left on board by an attending Surveyor – please contact your Designated Person Ashore to chase up the relevant organisation.

Certificate Queries, extensions and exemptions

The Certificates listed above are statutory Certificates and are the responsibility of the CISR. Any queries or requests for an exemption/extension of the above Certificates must be made to the CISR and not to the Classification Society.

9. Health and Safety

Safety Officials and Committees

A yacht's safety culture is dependent upon the strong support and encouragement from senior management, however, every person on board a yacht has a responsibility for safety. The UK publishes the Code of Safe Working Practices which advises on specific responsibilities with respect to Health and Safety and requires the appointment of onboard safety officials, having designated duties to ensure the safety of those on the yacht. The CISR strongly advises all seafarers on Cayman Islands yachts to maintain an awareness of the Code.

Safety Official

In every yacht in which five or more persons are employed the owner or the manager should appoint a Safety Official. The master should record the appointment of a Safety Official in the Official Log Book.

The Safety Official should have suitable training, be familiar with responsibilities for Health and Safety and with the principles and practice of risk assessment. Included among the duties of the Safety Official is the responsibility to ensure that:

- The provisions of the Code of Safe Working Practices and the Company's/Operator's occupational Health and Safety policies are complied with;
- Investigate every accident or incident occurring onboard and any potential hazard to occupational health and safety;
- Occupational Health and Safety inspections are carried out of each accessible part of the ship in which the crew may be required to work at least once every three months or more frequently if there have been changes in the working conditions;
- Any work which the Safety Official reasonably believes may cause an accident is stopped and that the Master is fully informed; the Master shall be responsible for deciding when work can safely be resumed;
- The minutes of each Safety Committee meeting are accessible to all the crew and Inspectors, Surveyors or other authorised representatives of the CISR.

Safety Representative

On every yacht in which five or more persons are employed the Company/Operator should make rules and arrangements for the officers and ratings to elect Safety Representatives. A safety representative must be someone who has at least two years sea service since he was 18.

The Master is required to record the election of Safety Representatives to a Safety Committee in the narrative section of the Official Log Book. The following rules cover the number of Representatives that have to be elected depending on the total crew size:

- If the Yacht carries less than 16 crew, one Safety Representative elected by the officers and ratings together;
- If the Yacht carries 16 or more crew; one Safety Representative elected by the officers and one elected by the ratings;

Those who are elected as safety representatives do not have to stay in that role for the whole voyage. Others can be elected to take over. The master should record these appointments in the Official Log Book. A Safety Representative can:

- Participate in any investigations or inspections carried out by the Safety Official subject to the Safety Official's agreement, or after notification to the Master, undertake similar investigations or inspections himself, whether or not they have been carried out by the Safety Official;
- Consult with the master and Safety Officer on behalf of the crew on matters affecting occupational Health and Safety of crew members;

- Request through the Safety Committee an investigation by the Safety Official of any Health and Safety issue which the Safety Representative believes should be investigated;
- Inspect any of the records required to be kept by the Safety Official.

Safety Committee

Once the Safety Official has been appointed and the Safety Representative/s elected, a Safety Committee should be formed to include the Safety Officer and each Safety Representative. The Master is also a member of the Safety Committee as Chairman and the creation of this Committee must be recorded in the Official Log Book. The Safety Committee should meet whenever it chooses as long as the intervals between meetings are not greater than six weeks. A Safety Committee has to:

- Ensure that the provisions of the Code of Safe Working Practices, relevant legislation, and Shipping Notices are complied with in order to improve the standard of safety consciousness among the crew;
- Make representations and recommendations on behalf of the crew to the Company/Operator on matters relating to occupational Health and Safety of the crew;
- Ensure the owner's occupational Health and Safety policies are observed and to make recommendations for their improvement as necessary;
- Inspect any of the records required to be kept by the Safety Officer and ensure that any conclusions reached on matters of safety are followed up.

The company should strive to assist the Safety Committee to operate effectively by:

- Providing access to any necessary safety information, documents, Shipping Notices and relevant regulations;
- Informing the Safety Officer, Safety Representatives and Safety Committee of any hazards on board the Yacht known to them, which may endanger the ship or the crew;
- In response to representations from the Safety Committee order the cessation of any work which the Committee reasonably believes may cause an accident and inform the master who shall be responsible for deciding when work can be safely resumed;
- Permitting occupational health and safety inspections of any accessible part of the yacht where crew members may be required to work.

Master's Responsibility

It is very important that the master takes a close interest in the work of the Safety Officials, checking that the Safety Official is fulfilling his responsibilities effectively, whilst giving support and encouragement. The Master is the best person to ensure that the safety committee works successfully by encouraging all crew members to participate in the yacht's safety culture.

Risk Assessments

The Master should ensure that a risk assessment has been carried out to cover all work activities on board where there is a realistic risk of harm to personnel. Refer to the <http://www.dft.gov.uk/mca/coswp2010.pdf> and to paragraph 1.2.2 of the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code).

The aim of risk assessments is to minimise accidents and ill health on board. Masters should ensure that not only are risk assessments prepared, but work activities are carried out in accordance with the findings of the risk assessments.

10 Accident Reporting

Regulations place a duty on the Master or operator to report casualties and accidents by the quickest means possible and as soon as possible after the occurrence to the CISR. [Shipping Notice MACI 002/08](#) details the procedure for reporting accidents onboard Cayman Islands yachts. The circumstances under which an accident is to be reported to the CISR are summarized as follows:

- Any incident resulting in the loss or abandonment of the vessel must be reported by the Owner immediately upon becoming aware of the incident.
- When a vessel is involved in any collision the Owner and the Master should report as soon as practicable but not more than 24 hours after the collision.
- When a fire or explosion occurs onboard the Owner and the Master should report as soon as is practicable.
- When a vessel runs aground the Master and Owner should report as soon as is practicable even if the vessel is successfully refloated.
- When an accident results in a death or serious injury to a crew member or passenger onboard, ashore or elsewhere the Owner and Master must report this immediately.
- Any accident that results in a crew member being unfit to discharge their duties for more than 72 hours should be reported within 24 hours, and any accident that results in a crew member being unfit to discharge their duties for more than 24 but less than 72 hours should be reported within seven days of the incident.

When in doubt as to whether or not an accident or incident should be reported then it is always best to make a report.

For all incidents a report of the accident or damage should initially be submitted by email to survey.uk@cishipping.com.

Every report of an accident or damage must be signed by the Owner or Master of the ship, and state:

- (a) the name of the ship, the port to which the ship belongs, the official or IMO number, if any, of the ship and the place where the ship is located;
- (b) the nature and extent of the accident or damage incurred
- (c) the circumstances in which the accident or damage occurred;
- (d) the probable cause of the accident or damage.;
- (e) any pollution to the environment and;
- (f) any injuries or fatalities resulting from the accident.

On receipt of the initial report the company and Master of the ship will receive instructions from the CISR on any priority actions which are required to assist investigators and secure evidence.

The CISR will always carry out a full investigation into “very serious marine casualties”¹² and may investigate other casualties involving Cayman Islands registered vessels, depending on the nature of the casualty. However, the scale of an investigation depends on the seriousness of the casualty and whether or not a full investigation will lead to possible changes elsewhere in the fleet to prevent it happening again.

¹² A very serious marine casualty means a marine casualty involving the total loss of the ship or a death or severe damage to the environment. Severe damage to the environment means damage to the environment which, as evaluated by the State(s) affected, or the flag State, as appropriate, produces a major deleterious effect upon the environment.

11. Recording of Births and Deaths

Cayman Islands Regulations¹³ set out the requirements for the recording of Births and Deaths on board Cayman Island registered yachts or for any person who dies ashore when employed on a Cayman Islands registered yacht.

An inquiry into the cause of death may be held by the CISR at the next port where the yacht calls after the death or at such other place as may be directed.

In the case of a death on board caused by an accident the Master and Owner should initially notify the CISR immediately by email to survey.uk@cishipping.com and follow up with a detailed report setting out the circumstances.

In the case of any other death or a birth the Master should inform the CISR within seven days using Form SMA/FM/RB1 Issue 1 / SMA/FM/RD1 Issue 1 which is available from the CISR or at www.cishipping.com. With respect to a death, the notification is to allow the CISR to assist with making arrangements for an inquiry into the circumstances of a death.

Actions by the Master regarding a deceased seafarer

At the first opportunity the Master should also inform the CISR with details of estimated time of arrival and the contact details of his agents in the next port and send a copy of Form SMA/FM/RD1 Issue 1 and any statements to the CISR.

The Master should inform the next of kin of the deceased within three days if this is possible.

The cabin and personal belongings of the deceased should be secured. The Master should obtain signed and dated witness statements from any witnesses, duty officers, co-workers and supervising personnel of the deceased regarding the circumstances surrounding the death.

The Master should complete Form SMA/FM/RD1 Issue 1 along with the appropriate pages of section 3 of the OLB. The notes in the OLB provide the instructions as to how and what entries should be made in the OLB see [section 3](#) for more details. The attending proper officer will check entries.

The Master should ensure that no crewmember leaves the vessel until the formalities of the death inquiry are complete. In the case of a death occurring while the vessel is in port a copy of the doctors or coroner's report should be attached to the Form SMA/FM/RD1 Issue 1.

¹³ Merchant Shipping (Returns of Births and Deaths) Regulations, 2004

12. Port State Control

Port State Control (PSC) means the inspection of a ship or yacht registered in one country by the authorities of the State being visited by the ship or yacht, for example a Cayman Islands registered yacht visiting Italy.

In the past yachts have not been a focus for PSC however, in recent years there has been a marked increase in inspections and it is very important that you are aware of the implications of PSC/

Most Port States are grouped into a number of PSC Memoranda of Understanding (MoUs) which operate joint PSC regimes and will share information and target inspections according to the past record of the vessel and the Flag the vessel flies. The PSC MoUs regions are as follows-

NAME OF MOU	AREA COVERED/REMARKS ¹⁴
Black Sea	Bulgaria, Georgia, Romania, Russian Federation, Turkey, Ukraine.
Indian Ocean	Australia, Eritrea, La Reunion Island, India, Iran. Kenya, Maldives, Mauritius, Oman, Sri Lanka, South Africa, Sudan, Tanzania and Yemen.
Caribbean	Antigua and Barbuda; Aruba; Bahamas; Barbados; Belize; Cayman Islands; Cuba; Grenada; Guyana; Jamaica; Netherlands Antilles; Saint Kitts and Nevis; Suriname; Trinidad and Tobago.
West and Central Africa	Senegal; Nigeria, Guinea; Sierra Leone; Congo; Ghana; The Gambia and Benin.
Viña del Mar	Argentina; Bolivia; Brazil; Columbia; Chile; Cuba; Ecuador; Honduras, Mexico, Panama; Peru; Uruguay and Venezuela.
Tokyo	Some 18 countries forming the Pacific Rim are Members of this MOU, including Australia, Canada, Chile, China, Hong Kong, Japan. New Zealand, the Russian Federation, and Singapore.
Mediterranean	Algeria; Cyprus; Egypt; Israel; Jordan; Lebanon; Malta; Morocco; Tunisia and Turkey.
Paris	Includes all the European Union coastal States, Russian Federation, Canada, Norway and Iceland.
US Coast Guard	Includes all US ports. Though not strictly a MoU, the USCG operates as such in practical terms.
It should be noted that a State may be a Member of more than one PSC MoU.	

Cayman Islands yachts are therefore subject to inspections under PSC arrangements in any foreign port which they may visit and where a ship is found by a Port State Control Officer (PCSO) to be deficient then, depending on the nature of the deficiencies, the PCSO may take action, which when considered sufficiently serious may include detention of the ship. The authorities inspecting the ship under these arrangements may be the local Port Authority but need not necessarily be so.

Intervention by a PSC Authority is always potentially a serious matter and where detention is involved then it has undoubtedly become a serious matter. Masters, Owners and Operators should therefore make every effort to ensure the ship is properly maintained and in compliance with all the standards covered by their operational Certificates. There are a number of actions that can be taken to avoid Port State Control detentions for which there is much industry guidance and standards and some advice on these is contained in [Shipping Notice CISM 06/04](#).

Similarly, foreign ships visiting Cayman Islands waters are subject to PSC inspections and these are carried out by the CISR in coordination with the Cayman Islands Port Authority. Where the

¹⁴ For up to date information on any of the MoUs the relevant website should be consulted.

deficiencies during a Cayman Islands PSC Inspection are found to be serious enough the vessel will be detained' It is a serious offence if a ship under detention proceeds or attempts to proceed to sea before it is officially released from detention. Where a ship is considered unsafe by the Cayman Islands authorities it will not be released from detention until the deficiencies have been sufficiently rectified to allow the ship to proceed to sea, or, where the deficiencies cannot be permanently repaired or rectified, to a port where permanent repairs or rectification of the deficiencies can be carried out. Whilst the Cayman Islands cannot legislate for the penalties imposed on a Cayman Islands ship detained in a foreign port, most States would have similar provisions and penalties in place with respect to PSC and detention thereunder, and Masters of Cayman Islands ships need to be fully aware of this.

When a Cayman Islands ship is detained it is essential that MACI is informed immediately with the basic facts, including, where possible, photographs of all detainable deficiencies, particularly in cases where the detention appears unreasonable. Such photographs should in any case be retained for use by the CISR.

Following the justifiable detention of a Cayman Islands ship in a foreign port the CISR will usually undertake its own Flag State inspection of the vessel as soon as possible after the detention.

The CISR takes any detention of a Cayman Islands ship very seriously. Every detention damages the high reputation of the Cayman flag and increases the number of inspections of Cayman Islands ships undertaken by the PSC regime concerned (and may well have wider repercussions given the ready exchange of information between the various PSC MoU systems)

In some areas repeated detention can lead to a ship being banned from the area. This would be completely unacceptable for a Cayman Islands registered ship and would also have serious consequences for the Owners and severe hardship. It must not be allowed to happen.

13. Continuous Synopsis Record

Every commercially operated yacht over 500 gross tonnage will need to carry a document called a "Continuous Synopsis Record" (CSR), please refer to shipping notice [CISN 04/2007](#) for more details.

The CSR is a form of log book that stays with the yacht for its whole life and records all changes of owner, flag, name, Class, ISM etc. Whenever a change occurs a new section or a new document is issued and then each has a consecutive number. The numbers should show a complete record. If a yacht is sold this document must stay with the yacht. All documents must remain onboard, for example if the last Document is version 8 then versions 1 to 7 must be onboard.

The Master is responsible for the proper upkeep of the CSR on board Cayman Islands yachts. When the Master first receives a new CSR, or first joins the yacht, he should check that the details are correct. There is a process for amending details and it is important that the details are always correct. Port State Control will check the CSR as a matter of routine at inspections.

Making amendments to the CSR

When any entry in the CSR requires an amendment the master must act as quickly as possible. To do this he should fill in the changes on the Form 2 and send this to the CISR who will enter the new changes in the yacht's master record and issue a new CSR sheet with the next consecutive number to be attached to the record onboard. After this is done the master must ensure that the Index of Amendments (Form 3) is kept up to date and also attached to the current CSR in date order.

Receiving an amended CSR

When the Master receives a new CSR or an amendment sheet, the sequential number must be checked to ensure it is the correct number and review the data entries to make sure they are correct and they cover all amendments in the Index of Amendments.

If there are amendments that are not included in the CSR the master should:

- Complete a new Amendment Form 2 relating to each outstanding amendment and attach it to the latest CSR;
- List the amendments in the Index of Amendments (Form 3) attached to the latest CSR; and
- Forward copies of the original Amendment Form(s) to the CISR.

In case of loss of, or damage to, any document in the yacht's CSR file

If for any reason the yacht's CSR records are lost or damaged it is essential that they are restored as quickly as possible in order to avoid potential delays to the voyage or possible detention of the yacht. The Master should contact the CISR as quickly as possible who will provide signed and stamped duplicates.

14. LRIT

All commercially operated yachts of 300 gross tonnage are required to have a Long Range Identification and Tracking (LRIT) system fitted and operational at all times, except as indicated below. Further information is provided at [Shipping Notice No. MACI 06/2008](#).

When this has been commissioned the yacht must request a Conformance Test Report Certificate (not to be confused with a Conformance Test Report) and send a copy of this to the CISR so the yacht can be added to the system.

Instructions as to when it is permissible for a vessel to cease LRIT transmissions

The following information is given as guidance to owners, operators, managers and masters as to when they are authorised to vary the transmission of LRIT position information. In general all yachts should continue to transmit information at a rate of once every 360 minutes and should not under any circumstances switch off their LRIT units or reduce the frequency of transmission.

The only exceptions to this are as follows:

- (a) Where the yacht is in dry-dock or undergoing modification in a shipyard or port for a period where continued interruption of the system would cause undue problems and an application has been made to the CISR and agreement received;
- (b) Where the yacht is to be placed in long term lay-up and an application is made to the CISR by the Operator to reduce the transmission rate or to stop transmission for a set period and agreement received.

The CISR can be contacted at lrit@cishipping.com for any enquires regarding making an application to reduce or terminate transmissions under these circumstances.

In addition to this an entry is to be made in the Official Log Book indicating the time and date the unit was switched off and a corresponding entry made as to when the unit is re-started and transmissions recommenced.

15. Medical Stores Requirements

Medical equipment

Regulations¹⁵ require that medical stores are kept on all commercially operated yachts. A full list of medical equipment that should be carried on Cayman Islands yachts is contained in the UK's [MSN 1768](#).

Person in charge of medical care on board

Cayman Islands laws and international conventions require that where a Cayman Islands yacht carries 100 or more persons and is intended to be at sea on any occasion for a continuous period of more than three days then the yacht must carry a qualified medical doctor who is responsible for providing medical care.

Cayman Islands Laws require that where a yacht does not carry a doctor, the Master must make arrangements to ensure that any medical attention on board is given either by him or under his supervision by a person appointed by him for the purpose. Any person designated to take charge of or provide medical care on board the yacht, must have successfully completed an approved Medical Care training programme meeting the standards laid down in STCW Code A-VI/4-2 within the preceding five years.

¹⁵ [Merchant Shipping (Medical Stores Requirements) Regulations, 2011]

16. National Character and Flag

The undefaced red ensign or the red ensign bearing the Cayman Islands coat of arms are the proper national colours for all Cayman Islands ships. The shore-based Cayman Islands Blue Ensign is not permitted to be flown. Other specific Ensigns may be flown under warrant from Her Majesty or the Admiralty, for example the Royal Yacht Club can fly a Blue Ensign under warrant. Section 69 of the Merchant Shipping Law (2011 revision) provides for penalties for any person hoisting improper colours on board a Cayman Islands ship.

A Cayman Islands ship is required to hoist the national colours:

- (a) on a signal being made to it by one of Her Majesty's ships (including any vessel under the command of an officer of Her Majesty's navy on full pay);
- (b) on entering or leaving any foreign port; and
- (c) if of fifty gross tonnage or upwards, on entering or leaving a port in the Islands.

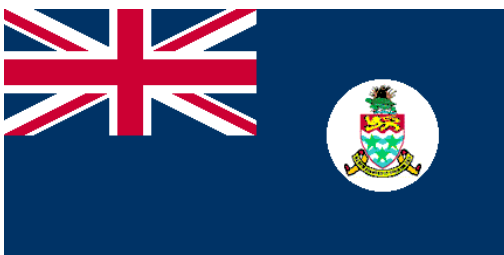
There are various customs and protocols established for proper times to hoist and lower the national colours, however in general the proper time for hoisting the flag is 08.00 or sunrise if later and for lowering the flag 21.00 or sunset if earlier.

If the master or owner does anything, or permits anything to be done, for the purpose of concealing the nationality of the ship, the ship is liable to forfeiture and each of the master, owner (including demise charterer), is guilty of an offence.

Shown below are the Red Ensign with the Cayman Islands Coat of Arms and the undefaced Red Ensign which are both acceptable to be used. (Please note however that the latest iteration of the defaced Red Ensign does not have the crest in a white disc, though the older version (with the white disc) may continue to be used until such time as it is replaced.)



Below is the Blue Ensign with the Cayman Islands Coat of Arms which is not permitted colours.



17. British Consular Services

Cayman Islands vessels, in common with other vessels registered in the United Kingdom or any other Red Ensign Group Member, are able to utilise the services available through any overseas British Consular Office. In addition, a Cayman Islands yacht may seek the assistance of a British Consular Office in case of local difficulties, in conjunction with appropriate input and liaison with the CISR. Please see [Shipping Notice 03/2006](#) for more details.

18. Disputes – the role of the Shipping Master

The Shipping Master is appointed under section 10 of the Maritime Authority Law, with responsibility, inter alia, for ensuring that the obligations under a crew agreement, and the statutory obligations under the Merchant Shipping Law in respect of crew matters, are upheld. It should be noted that the sanctions provided for in the Merchant Shipping Law for breach of obligation are essentially criminal, however, powers to decide on wages disputes are granted under section 96 of the Merchant Shipping Law 2011.

Crew members with any dispute may submit this to the Shipping Master for guidance on the most appropriate course of action according to the individual circumstances.

Any dispute relating to the amount payable to a seafarer employed under a crew agreement may be submitted to the Shipping Master for decision by the parties concerned. The Shipping Master is not bound to accept the submission or, if he has accepted it, to decide the dispute, if he believes it ought not to be decided by him. Any decision of the Shipping Master shall be final.

If three or more seafarers consider that the provisions or water provided for the seafarers employed onboard are not in accordance with our regulations whether because of bad quality, unfitness for use or deficiency in quantity they may complain to the Master, who must investigate the complaint. If the seafarers 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 complain to the Shipping Master and the Master shall make adequate arrangements to enable the seafarers to make their complaint as soon as the service of the yacht permits. The Shipping Master or proper officer to whom a complaint has been made shall investigate the complaint and may examine the provisions or water or cause them to be examined. A Master who fails without reasonable excuse to comply is guilty of an offence.

19. Maritime Labour Convention

What is the main thrust of Maritime Labour Convention?

The Maritime Labour Convention (MLC), 2006 sets out seafarers' rights to decent conditions of work and helps to create conditions of fair competition for shipowners. It is intended to be globally applicable, easily understandable, readily updatable and uniformly enforced. The MLC has been designed to become a global legal instrument that, once it enters into force, will be the "fourth pillar" of the international regulatory regime for quality shipping, complementing the key areas of Safety, Training and the Prevention of Pollution from Ships, as reflected in the main International Maritime Organization (IMO) Conventions such as the International Convention for the Safety of Life at Sea, 1974, (SOLAS 74), the International Convention on Standards of Training, Certification and Watchkeeping, 1978, (STCW 95) and the International Convention for the Prevention of Pollution from Ships, 73/78 (MARPOL 73/78).

When will the MLC enter into force internationally?

The MLC will come into force internationally on the 20th August 2013.

Who will it apply to?

The MLC applies to all persons who are employed, engaged or work in any capacity onboard a ship. Therefore all of the crew will be covered.

What ships will it apply to?

The MLC applies to all vessels engaged in commercial activities. Yachts of 500 gross tonnage and above will be issued with a Maritime Labour Certificate after inspection. Yachts under 500 gross tonnage will still be inspected but are not required to be certificated.

Like the ISM and ISPS Code regimes, MLC Certificates are valid for five years with one intermediate inspection therefore all relevant ships and yachts will be inspected every 2½ years.

What are the main changes that the MLC will impose?

The MLC broadly brings together other conventions, many of which Cayman Islands commercially operated yachts will already comply with but occasionally it contains new subjects, particularly in the area of occupational safety and health to meet current health concerns, such as strengthening of existing provisions relating to the effects of noise and vibration on workers, or other workplace risks.

The provisions relating to flag State inspections, the use of recognised organisations and the potential for inspections in foreign ports (Port State Control) in Title 5 are based on existing maritime (ILO) Labour Conventions; however, the MLC builds on them to develop a more effective and cohesive approach to these important issues, consistent with other international maritime (IMO) Conventions that establish standards for quality shipping with respect to issues such as ship safety and security and protection of the marine environment.

Other changes include:

- Crew Accommodation - major changes for new build vessels, an additional chapter will be inserted in the Large Commercial Yacht Code dealing specifically with accommodation yachts which will be used as a substantial equivalence to the MLC for Large Yachts;
- Annual Leave allowance – all seafarers will be entitled to a minimum of 2.5 days annual leave per month served, this must be taken as leave and not financial compensation;
- Complaints Procedure – there will need to be an onboard complaints procedure;
- Seafarer Employment Agreement – these will replace Crew Agreements and will be essential for all seafarers;
- Wages - must be paid monthly and a monthly account must be provided to each seafarer of wages and deductions;

- Health and Safety – there are a number of changes here many of which will simply formalise what many of you will already do;
- Social security – sickness benefit and injury benefit to seafarers are to be formally provided and backed up by a financial guarantee.

What will not change as a result of implementation of the MLC?

Looking through what is currently done in practice and comparing this against what needs to be done for MLC you will probably find that about 80% of the convention is already complied with by many owners and operators. However, many of you may not be aware of the degree of compliance that already exists until an in-house assessment among all the departments involved has been undertaken.

In particular the following will not be changing for MLC (though some smaller vessels might need to comply with requirements that they previously did not):

- The Hours of Work;
- The regulations for onboard food and water;
- The requirement for adequate manning levels;
- The requirements to have hospitals on vessels with more than 15 seafarers
- The requirement to provide free repatriation (though some elements of this will change) and free medical care;
- Crew accommodation requirements for existing ships and yachts.

What will you need to do?

Title 5 of the MLC highlights there are 14 specific areas that need to be inspected by flag states and port states. As the owner or master, when the time for an inspection arrives, you will need to show how you meet the requirements regarding:

Minimum age;
 Medical certification;
 Qualifications of seafarers;
 Seafarers' employment agreements;
 Use of any licensed or certified or regulated private recruitment and placement service;
 Hours of work or rest;
 Manning levels;
 Accommodation; (only for ships and yachts built after the MLC enters into force)
 On-board recreational facilities; (only for ships and yachts built after the MLC enters into force)
 Food and catering;
 Health and safety and accident prevention;
 On-board medical care;
 On-board complaint procedures, and
 Payment of wages

Our national requirements will not vary much from that of MLC so we would advise owners and masters to study a copy of the convention and decide what they will need to put into place to meet the 14 areas shown.



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