



Yachtmaster's Handbook

Yachts engaged in trade

24m and over

(Guidance for yachts not engaged in trade unless stated otherwise)

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Introduction

This handbook is intended for all masters and senior officers of Cayman Islands registered Yachts engaged in trade which are compliant with the Large Commercial Yacht Code (Red Ensign Group Yacht Code Part A).

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 Yacht engaged in trade. 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. It should be noted, however, 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 also 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.

The Cayman Islands Shipping Registry (CISR) strongly recommends that masters and officers of yachts not engaged in trade maintain an awareness of this Handbook. Some sections (such as Log Books, certification and MARPOL) are equally applicable to such yachts, the other sections maybe considered guidance.

Masters and senior officers serving, or having served, on Cayman Islands yachts are invited and encouraged to participate in the continuous development 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 Handbook. Please forward all such comments and suggestions to the CISR by email to shipping.master@cishipping.com.

Information on contacting the CISR is available in Guidance Note CIGN 04/2017 <https://www.cishipping.com/policy-advice/guidance-notes>

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

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1. Manning and STCW requirements

Manning on board

All yachts engaged in trade on the Cayman Islands Shipping Register of 500 gross tonnage and above 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 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 in the "Technical Compliance" section at <http://www.cishipping.com/forms> for more information.

The manning levels on board must never under normal circumstances 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 yacht engaged in trade. 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) white list countries recognised by the CISR, see Shipping Notice CISON 05/2011 (as amended).

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 available in "Technical Compliance" section <http://www.cishipping.com/forms>) 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 which are recognized by the CISR.

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

Medical Fitness Certificates

Every seafarer employed or engaged in any capacity on board a yacht engaged in trade shall hold a valid Medical Fitness Certificate, issued by, or on behalf, of a Government of a country recognised by the CISR. Shipping Notice CISN 05/2011 as amended contains an up to date list of approved countries. A medical certificate shall be valid for a maximum of two years unless the seafarer is under the age of 18, in which case the maximum period of validity shall be one year.

In urgent cases, the CISR may permit a seafarer to work without a valid medical certificate which expires during the course of a voyage until the next port of call where a recognized medical practitioner is available, provided that the period of such permission does not exceed three months and the seafarer concerned is in possession of the recently expired medical certificate.

Seafarer'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 and form which can be found in the "Technical Compliance" section on <http://www.cishipping.com/forms>) with a Cayman Islands Seafarer's Discharge Book. However, this is not mandatory as a Seafarer's Discharge Book from another Flag is acceptable.²

Ship's Cooks

Cayman Islands Regulations³ require Pleasure Yachts engaged in trade, with 10 or more seafarers, on voyages of more than 3 days or more than 36 hours from a safe port, to carry a certified ship's cook. Shipping Notice CISN 07/2014 details the experience required to work as a Ship's Cook.

All catering staff involved in the processing of food must be properly trained and instructed for their position and have evidence of completion of a training course or of being instructed in food and personal hygiene and handling and storage of food.

In addition to the requirements in Shipping Notice CISN 07/2014, the CISR offers an optional recognition statement for seafarers working on a Cayman Islands registered large yacht, who can demonstrate they have qualifications and experience equivalent to that required to obtain a ship's cook certificate. The application form and procedure for application for a 'Recognition of Qualification as a Ship's Cook' is located on the CISR website in the "Technical Compliance" section <http://www.cishipping.com/forms> and more information on this recognition statement is provided in the Guidance Note CIGN 02/2018.

² An updated Cayman Islands Guidance Note (CIGN) 06/2017 (as amended) is available at <http://www.cishipping.com/policy-advice/guidance-notes> for further information.

³ Merchant Shipping (Maritime Labour Convention) (Food and Catering) Regulations, 2014

2. Maritime Labour Convention and Seafarer's Employment Agreements

Yachts engaged in trade registered with the Cayman Islands, of any tonnage, are required to comply with the Cayman Islands legislation implementing the Maritime Labour Convention 2006 (MLC).

Yachts of 500 gross tonnage and above require an MLC inspection and following a successful inspection a Maritime Labour Certificate will be issued, which includes a Declaration of Maritime Labour Compliance (DMLC) Parts I and II. The inspection schedule follows the same format as ISM and ISPS audits – interim, initial, intermediate and renewal inspections on a five year cycle. Further information on the certificate cycle for ISM/ISPS/MLC inspections is provided in Section 7 of this handbook. Yachts of under 500 gross tonnage will be inspected for MLC as part of their Large Yacht Code surveys.

Specific areas covered during an MLC inspection include the following:

- Seafarers' minimum age, medical certification and qualifications
- Seafarers' employment agreements and the payment of wages
- use of any licensed, certified or regulated private recruitment and placement service
- manning levels and hours of rest
- accommodation, on board recreational facilities, food and catering
- health and safety, accident prevention and on board medical care
- on board complaint procedures

Interim MLC Inspections

A yacht may undergo an interim MLC inspection when the yacht is delivered or when a yacht is registered with the Cayman Islands.

A yacht may also require an interim MLC inspection when a new shipowner (or a new body appointed by the shipowner) assumes responsibility for the operation of the yacht.

On yachts of 500 gross tonnage and above the interim MLC inspection will be carried out alongside the interim ISM & ISPS audits. Following a successful interim inspection, the yacht will be issued with an interim MLC certificate which is valid for six months.

During the interim MLC inspection, the attending inspector checks that:

- there are adequate procedures in place on board which will ensure, as far as is reasonable and practical, compliance with the Articles, Regulations and Part A of the MLC Convention
- The Master is familiar with his/her associated duties and responsibilities.

The inspector will also verify that relevant information, including the Seafarer Employment Agreement in use onboard, has been submitted and accepted by the CISR.

Please note that unlike the ISM Code or ISPS Code there are no provisions in the MLC convention for an interim MLC Certificate to be extended or a further one issued.

Initial MLC Inspections

An initial MLC inspection must be completed within six months of the interim inspection. It is not possible to extend this deadline.

During the initial inspection the surveyor uses the yacht's DMLC Part II to verify the requirements and procedures stated in Part II have been implemented on board.

Following a successful initial inspection yachts of 500 gross tonnage or above, the DMLC II is endorsed and a DMLC I and MLC certificate will be issued. The MLC certificate is harmonised with the yacht's Safety Management Certificate unless the Shipowner requests that the dates not be harmonised.

Yachts of under 500 gross tonnage may request a voluntary MLC Certificate (and DMLC part I and part II) and in such case the yacht must follow the same inspection cycle as a vessel of 500 gross tonnage and above to continue to maintain the certificate. If a vessel does not request a voluntary MLC Certificate the vessel's MLC compliance is verified by the Large Yacht Code Certificate and ongoing compliance will be inspected during the annual Large Yacht Code surveys.

Shipowner

Under MLC, the Shipowner bears ultimate responsibility for all aspects of the working and living conditions of seafarers employed on board, irrespective of who may actually employ them or own the yacht on which they work. Under MLC, the term shipowner means:

- the owner of the vessel; or
- another organization or person (manager, agent etc.) who has assumed responsibility for the operation of the vessel from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with MLC, regardless of whether any other organisation or persons fulfil certain of the duties or responsibilities on behalf of the shipowner.

Declaration of Maritime Labour Compliance (DMLC)

A DMLC is issued to all Cayman Islands registered yachts engaged in trade, of 500 gross tonnage and above. This document specifies how MLC is applied on board the yacht. The attending flag and port State surveyors will use the DMLC as a starting point to verify that the yacht, its crew and MLC-related documents comply with requirements. The DMLC is divided into two parts:

- Part I is issued by the flag administration and details how the requirements of the Convention are interpreted and applied by the yacht's flag. A sample is available see Maritime Labour Convention section of: <http://www.cishipping.com/forms>
- Part II is issued by the shipowner and details how the shipowner complies with relevant requirements. The Part II must be accepted by the flag administration. As part of the MLC inspection process the CISR requires that the DMLC part II is submitted to the CISR for review and acceptance prior to an MLC inspection taking place onboard.

Please note that whilst a DMLC Part II is not required on a yacht of under 500 gross tonnage it is highly recommended that one be maintained onboard to ensure ongoing MLC compliance.

Seafarer

The MLC defines a seafarer as 'any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies.' Since 2006 the ILO has applied a further interpretation of this definition:

Seafarers are persons who regularly spend more than short periods on board.

Seafarers are not persons whose work is not part of the routine business of the yacht and whose principal place of work is ashore, e.g.: harbour pilots, inspectors, superintendents, scientists, researchers, divers and specialist offshore technicians.

The CISR recognises that due to the nature of the yachting industry there is often a need to carry persons who are in the direct employ of the guests providing services on-board who are not members of the crew in the traditional sense.

Such workers may be carried as either guests or crew. If they are carried as passengers, requirements for the protection of crew (e.g. familiarisation training, seafarer employment agreements, medical fitness certification) do not apply, however if they are not, they should normally be considered seafarers.

Exceptionally, if the individual normally works ashore, and is on board for a short period of time (for example two or three weeks), with no emergency duties, they may not fall within the definition of a

“seafarer” for the purposes of the MLC and in such cases, they may serve onboard providing the following conditions are met:

- They must have a contract of employment, providing broadly equivalent provisions to a Seafarer's Employment Agreement, taking into account, their duties, pattern of working, normal place of work, and other relevant factors.
- They must be medically fit to carry out their duties, although a seafarer's medical fitness certificate is not required.
- They must have a berth and access to mess areas and sanitary facilities of a standard all of which are broadly equivalent to Large Yacht Code crew accommodation requirements.
- They must be at least 16 years of age.
- They must not be required to meet the cost of food or medical care on board, or of their travel back from the vessel to their normal place of work/home.
- Health and safety legislation applies in full.
- The DMLC Part II for the vessel should include information on which groups of workers may be on board under these conditions, how frequently and for how long. It should explain how the Shipowner, as defined in the MLC, ensures that the above conditions are met for any temporary crew who are not seafarers.

If the arrangements are persistently or frequently invoked for the same workers, the individuals should be considered seafarers and full MLC requirements should be applied.

It is recommended the Master includes occasional workers on the crew list and visiting port officials may wish to see confirmation that such occasional workers are not passengers.

Seafarers Employment Agreement

Every seafarer (including the Master), employed on yacht engaged in trade must be employed under a Seafarers Employment Agreement (SEA), which sets out the principal terms and conditions of a seafarer's employment. This is a personal contract between the seafarer and the shipowner.

As part of the MLC inspection process the CISR requires that the SEA in use on the vessel (it should not be personalised) is submitted to the CISR for review and acceptance prior to an MLC inspection taking place onboard.

Whilst unusual on yachts collective bargaining agreements, which are contractual agreements between a shipowner and a seafarer's union, are acceptable and may be incorporated into an SEA.

A Model SEA has been developed (see Maritime Labour Convention section of <http://www.cishipping.com/forms>) taking into account the relevant requirements of the MLC and the Merchant Shipping Law (2016 Revision), and associated regulations. Please note that this is a model SEA indicating the minimum requirements for compliance with MLC and Cayman Islands requirements. If in doubt please contact the Shipping Master for the Cayman Islands for advice at shipping.master@cishipping.com.

MLC Amendments 2014

The 2014 Amendments to MLC entered into force on 18th January 2017. The amendments contain additional provisions for shipowner's insurance in respect of abandoned seafarers and shipowners' liability in respect of claims for sickness and injury. Shipping Notice CISN 01/2017 (<http://www.cishipping.com/policy-advice/shipping-notices>) contains further information.

Please note that the amendments make changes to the DMLC. As such if this has not already been updated a new DMLC part I and II will be required for all existing vessels (required to maintain one) at their next renewal inspection or inspection following change of shipowner. You should ensure that a revised DMLC part II is submitted to the CISR prior to the renewal inspection.

3. Official Log Books and List of Crew

3.1 Official Log Books

Every Cayman Islands yacht (including those not engaged in trade) is required to carry and maintain an official log book. The Official Log Book (OLB) can be obtained directly from the CISR (<https://www.cishipping.com/products-catalog>). 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 any 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.

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 list of crew. When each crew member joins, the number opposite to his entry in the list of crew 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 Seafarer Employment 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 OLB⁴.

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:

- RB1 http://www.cishipping.com/sites/default/files/others/RB1_Return_of_Births.pdf (for recording births); and
- RD1 http://www.cishipping.com/sites/default/files/others/RD1_Return_of_Deaths.pdf (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 12 of this handbook.

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 <http://www.cishipping.com/policy-advice/shipping-notices> which set out the current requirements for the frequency of drills and content. Section 6 of this handbook provides a non-exhaustive list of drills and tests.

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 yachts engaged in trade 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.

⁴ It is recognized that many vessels record the coming and going of crew on leave of a particular crew member in the narrative section of the OLB. If the narrative entry refers to the number on the list of crew this is acceptable.

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

Log Book Section 5 – Steering Gear Checks

Cayman Islands 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 yachts engaged in trade of 500 gross tonnage and above.

Log Book section 6 - 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 the master) and a member of the crew, who will normally be the same person who accompanies the master.

Log Book section 7 - Record of inspections of food and water provided for the crew

Shipping Notice CISM 07/2014 contains guidelines and practical advice on the fundamental rules of food hygiene consistent with the catering and meat industry in general.

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

It shall be the duty of the shipowner and master of every ship to ensure that there shall be provided on the ship, food and drinking water which –

- (a) are suitable in respect of quantity, nutritive value, quality and variety having regard to -
 - i. the number of seafarers on board and the character, nature and duration of the voyage; and
 - ii. the different religious requirements and cultural practices in relation to food of the seafarers on board;
- (b) do not contain anything which is likely to cause sickness or injury to health or which renders any food or water unpalatable; and
- (c) are otherwise fit for consumption.

The records of inspections in this section are similar to those for Crew Accommodation. Cayman Islands 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 8 - Load Line, Depth of Loading etc

This section is self-explanatory. The information must be completed and the necessary data can be found on the ship's load line certificate. The section should be completed by the master at the same time as the log book is opened.

Log Book section 9 – Voyage Details and pre-departure checks.

This section records the date and location of departure and arrival, along with the draughts and freeboards acceptable for the yacht on departure for each voyage. It must be completed at departure.

⁶ Merchant Shipping (Maritime Labour Convention) (Crew Accommodation) Regulations, 2014

⁷ Merchant Shipping (Maritime Labour Convention) (Food and Catering) Regulations, 2014

Log Book section 10 - 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
- discharge of crew members
- details of crew left behind
- desertions
- complaints
- promotions and demotions
- criminal convictions during a voyage
- illness
- deaths
- appointments of Safety Officers, Representatives and Committees
- meetings of Safety Committees
- wages disputes
- closing of articles and Official Log Book.
- Other entries pertaining to operation of the vessel that may have legal implications for the owner or master.

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, 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.

3.2 Lists of crew

All Cayman Islands registered yachts engaged in trade, are required to carry and maintain a List of Crew.

A List of Crew must contain the following information about the yacht:

- (a) name
- (b) port of registry
- (c) IMO number, or for yachts which don't have an IMO number the Official Number

The list of crew must contain the following information for each seafarer on board the yacht:

- (a) name and address
- (b) date of joining the yacht
- (c) name and relationship of next of kin and address of next of kin if different from the seafarer
- (d) capacity employed on board the yacht
- (e) date and place the seafarer left the yacht and the reason for leaving

The List of Crew may be completed in paper or electronic format. A template for a List of Crew (form CISR 3908) is located on the CISR website in the technical compliance section of <http://www.cishipping.com/forms>, this form can be filled in electronically or an paper format. A List of Crew in electronic format must have an adequate backup facility.

The List of Crew must be opened and closed at the same time as the Official Log Book.

Each seafarer's details must be entered on each occasion the seafarer joins and leaves the yacht. It is not permitted to have one entry for the duration of the seafarer's employment agreement. A master may refer to a seafarer in the Official Log Book by using the unique reference stated on the List of Crew. It is recommended that the details of non-seafarers contracted to be on the yacht when the yacht sails from the port as part of their work such as occasional workers, superintendents, riding squads, nannies and security personnel etc. are also included on the List of Crew so there is a record of their next of kin in case of emergency. The List of Crew should not be confused with the yacht's Crew List which is normally presented to port authorities on arrival.

4. Other Log Books and publications

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 not engaged in trade) 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.

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.

4.4 Garbage Record Books

Every yacht (including private yachts not engaged in trade) of 400 gross tonnage and above and every yacht which is certified to carry more than 15 persons (if under 400 gross tonnage) must carry and maintain a Garbage Record Book Part 1 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.

If any of the above 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.

⁸ All ships of 300gt and above subject to SOLAS

4.5 Publications to be carried

The following list is provided to masters and crew for guidance on documents, manuals and publications required to be carried on yachts registered with the Cayman Islands. Please note that the list is not to be considered exhaustive and masters and owners should ensure that they are aware of the requirements specific for their vessel as required by International Convention, Cayman Islands Laws or any other applicable laws.

Attention is drawn to the IMO's "List of Certificates and Documents to be carried on board ships, 2017" (FAL.2/Circ.131 / MSC.1 Circular 1586 as may be amended from time to time) <http://www.imo.org/en/OurWork/Facilitation/docs/FAL%20related%20nonmandatory%20instruments/FAL.2-Circ.131-MEPC.1-Circ.873-MS.C.1-Circ.1586-LEG.2-Circ.3.pdf> :

- Cayman Islands Shipping Notices and Guidance Notices
- Stability information booklet (intact – all yachts; damaged – all yachts except short range)
- Record of light ship check (required every 5 years)
- Garbage management plan (≥100GT or ≥15 persons) and Garbage Record Book Part I (≥400GT or ≥15 persons)
- Red Ensign Group Yacht Code
- SOPEP (yachts ≥400GT)
- GMDSS Radio Log Book
- Oil Record Book Part 1 (≥400GT)
- Nautical publications (paper or electronic) applicable to the area of operation:
 - o International Code of Signals (a statutory requirement)
 - o Navigation charts, sailing directions, Lists of Lights and Lists of Radio Signals, corrected as necessary (weekly when possible) with Notices to Mariners
 - o Mariners' Handbook
 - o Operational and maintenance instructions for navigational aids carried by the yacht
 - o IAMSAR Volume III Manual
 - o Nautical Almanac
 - o Tide tables
 - o Tidal stream atlas
 - o Navigational tables
- Official log book and list of crew
- Fire and LSA training manuals
- ITU publications (≥300GT)
- Instructions for the on board maintenance of life-saving and fire-fighting appliances
- Information for Radio Installation (GMDSS)
- Code of Safe Working Practices for Merchant Seafarers
- Compass deviation record book
- Record of last overhaul of LSA launching appliances (annual and 5 yearly inspection)
- Ship Energy Efficiency Management Plan (SEEMP) (yachts ≥400GT)
- Ballast Water Management Plan
- SOLAS Convention
- MARPOL Convention
- International Convention on Load Lines
- COLREGS
- STCW Convention
- Maritime Labour Convention
- Merchant Shipping (Maritime Labour Convention) (Repatriation) Regulations, 2014
- Certificates or other documentary evidence of the financial security required by MLC Standard A2.5.2 and Standard A4.2.1.
- Shipmaster's Medical Guide
- Cayman Islands Laws and Administrative Procedures Manual.

5. Hours of work and rest

In accordance with the requirements of STCW and the MLC, it is the duty of every company in respect of every Cayman Islands yacht engaged in trade, 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. More information is contained in Shipping Notice CISM 05/2014: <http://www.cishipping.com/policy-advice/shipping-notice>.

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.

Periodically Unattended Machinery Spaces (UMS)

The time when the designated duty engineer officer in a yacht with 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.

Table of shipboard working arrangements

A table (or tables for different departments) of shipboard working arrangements must be provided to each ship, tabulating the anticipated daily working periods scheduled for all seafarers. This is to ensure that expected routine working arrangements are made available for the awareness of the crew. Due to the nature of service at sea some deviation from the schedule is to be expected, and such deviations will not necessarily indicate non-compliance with the minimum rest periods required.

The table should be prepared by the shipowner and be vessel specific. A standard format has been established by the CISR based on ILO Guidelines and is attached as a schedule to Shipping Notice CISM 05/2014.

In order to ensure awareness by all seafarers of the shipboard working arrangements, the table, which should be in English, must be posted in a place or places easily accessible to the seafarers working onboard. The table must also be available for inspection by CISR surveyors and port state control officers. The table of shipboard working arrangements can be on a computer network that is available to all seafarers onboard if the ease of accessibility can be demonstrated to CISR surveyors during an MLC inspection.

Records

A record must be kept of seafarer's daily hours of rest to allow monitoring and provide documentary evidence of compliance with the minimum hours of rest requirements, and to record any deviations from the requirements. Any breaches or deviations of the hours of rest must be shown and also any compensatory rest periods given in lieu or in advance of any unavoidable minor deviations.

Records of daily hours of rest shall be maintained in English as it is necessary to ensure they are available for inspection by CISR surveyors and port state control officers. Each seafarer should receive a copy of his or her personal records, generally monthly, which must be endorsed by the master, or a person authorised by the master, and by the seafarer.

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

Compensatory Rest

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 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 in the Official Log Book. 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 the 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 and under this definition this counts as a commercial need. The company's Safety Management System 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.

⁹ The Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) (Amendment) Regulations, 2014

6. Drills and tests

The following lists a sample of drills and tests required to be undertaken on yachts. However, it should be noted that the list below depends on the size of the yacht. 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 <http://www.cishipping.com/policy-advice/shipping-notice> 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

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

7. Commercial Certification, Surveys and Audits

7.1 Surveys and Certification Cycle

Large Yacht Surveys

The CISR is responsible for ensuring that all vessels (including yachts) registered with the Cayman Islands comply with the applicable national and international requirements. To achieve this surveyors will need to attend the yacht periodically.

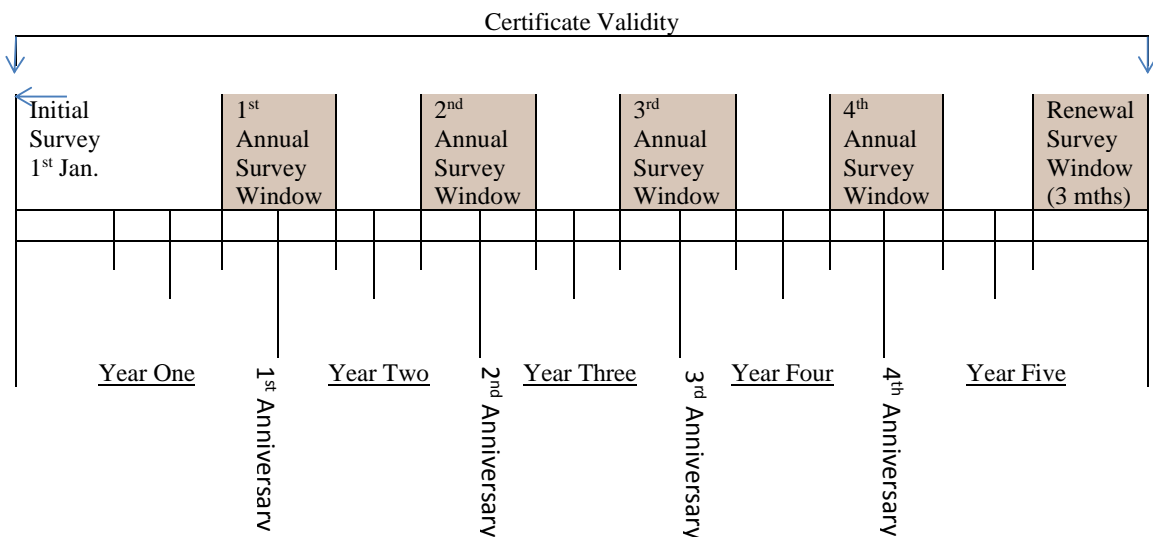
All Cayman Islands yachts engaged in trade of 24 metres or above are issued with a Certificate of Compliance with the Large Commercial Yacht Code. In order for this status to be maintained an annual survey by the CISR must take place. Surveys for Large Yachts follow the requirements of the Harmonised System and Certification in accordance with IMO Resolution A.1104(29)

Please note the following points:

- Some statutory certificates do not expire (such include the International Tonnage Certificate and the International Energy Efficiency Certificate)
- Certificates which do expire are issued predominantly on a 5 year cycle. This cycle is generally based on the certificate’s expiry date, not on the date it was issued
- A renewal survey is held at a maximum interval of 5 years
- Between renewal surveys, annual and intermediate surveys become due for most statutory certificates
- A ‘time window’ exists for completing all surveys. For example, renewal surveys must generally be completed within the last 3 months of the cycle (an exception is the Class renewal (or ‘Special’) survey, parts of which can commence earlier than this. Annual/periodical surveys must be completed within 3 months either side of the anniversary date
- If a periodical or an annual survey is not carried out within the “window” then the Certificate can be revalidated depending on circumstances but also may need to 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 or revalidated by an annual or a periodical survey within the “window” becomes invalid and the yacht risks detention or other possible sanction.

Certification cycle

Below is a graphical representation of a survey cycle and the annual survey windows. Each small box represents three months. In this example the vessel is delivered on 01 January of Year One.



If the renewal survey is completed within the renewal survey window the new certificate is valid from the date of expiry of the existing certificate e.g. 01 January of Year Six (not listed in the cycle above).

Even if the yacht switches to Private Pleasure Yacht (not engaged in trade) 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.

7.3 Audits

All Cayman Islands registered commercially operated yachts of 500 gross tonnage and above must adhere to the International Safety Management (ISM) Code and the International Ship and Port Facility Security (ISPS) Code and be issued with a Safety Management Certificate (SMC) and a Ship Security Certificate (SSC). 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. Audits may be combined with other surveys, and where this is case, a minimum of two days should be allocated to complete the surveys and Audits.

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. An interim DOC will be issued where the Company first takes operational control of a vessel over 500 GT. The Interim DOC is valid for a maximum of 12 months to facilitate development of the SMS and the records. Following an initial Audit, 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) code 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 SMC, valid for up to six months will be issued. Towards the end of the period of validity of the interim SMC, following an internal audit by the Company, an initial audit will generally be conducted by the CISR to ascertain that the safety management system is being implemented 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 or change of management all relevant yachts must undergo an "interim" assessment for compliance with the ISPS Code. Following this interim assessment, which may be delegated to Class, and provided that the SSP has been submitted for approval, an interim 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 implemented 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.

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. As the window for the intermediate Audit is 12 months, requests for extension cannot be considered.

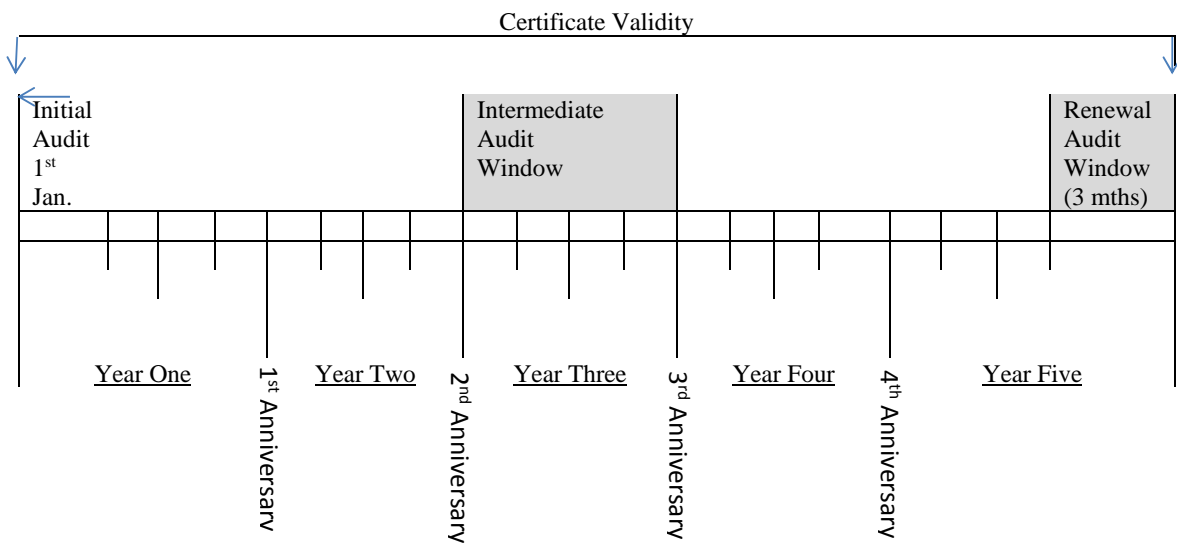
Renewal audits for the ISM/ISPS Codes

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.

If the renewal audit is completed within the renewal audit window the new full term certificate is valid from the date of expiry of the existing certificate e.g. 01 January of Year Six as per the below table

Audit Cycle

Below is a graphical representation of an audit cycle and the audit windows. Each small box represents three months. In this example the vessel is delivered on 01 January of Year One.



What is required for ISM/ISPS audits?

When the vessel is due a shipboard audit for ISM / ISPS, 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 and carry out an inspection of the yacht and its operations.

It is essential that:

- The company has conducted at least one internal audit prior to the CISR conducting an initial Audit;
- The Company should conduct annual shipboard Audits at intervals not exceeding 12 months;
- 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.

7.3 Inspections

MLC inspections for yachts of 500 gross tonnage and above follow the same survey and certification cycle as the Audits for ISM and ISPS. Please see section 2 of this guide for detailed information on the inspection regime.

Yachts under 500 gross tonnage should be inspected for MLC during their Annual Large Yacht Survey.

7.4 Mini ISM

All yachts engaged in trade under 500 gross tonnage must maintain 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.

Chapter 23A of Part A of the Red Ensign Yacht Code 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 Manager/Company/Owner at least once every three years

You must be able to demonstrate compliance with the Code 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 (please also see section 4.5 and the reference to the IMO's List of Certificates and Documents to be carried on board).

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 (not engaged in trade) as well as yachts engaged in trade which exceed the tonnage requirements.

NOTE: To assist the CISR has published a "Guide on the impact of changes in yacht details to certificates and documentation" which is located on the CISR website in the technical compliance section of <http://www.cishipping.com/forms>.

Certificate	Who surveys and certifies	To which yachts does it apply
Cargo Ship Safety Construction	Class	500GT and above
International Load Line Certificate	Class	24 metres and above
Anti-Fouling System - Statement of Compliance	Class	400GT and above (all yachts)
Anti-Fouling System – Declaration of Compliance	Owner	Under 400GT (all yachts)
Cargo Ship Safety Equipment Certificate and Form E	CISR ¹⁰	500GT and above
Cargo Ship Safety Radio Certificate and Form R	CISR ¹⁰	300GT and above
Long Range Identification and Tracking (LRIT) Conformance Test Report	Application Service Provider or CISR	300GT and above (all yachts to which SOLAS V 19/1 applies)
International Oil Pollution Prevention Certificate and Form A	CISR	400GT and above (all yachts)
International Sewage Pollution Prevention Statement of Compliance	Class	400GT and above or certifies to carry more than 15 persons (all yachts)
International Air Pollution Prevention Certificate + Record of construction	Class	400GT and above (all yachts)
International Energy Efficiency Certificate	Class	400GT and 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 and above
International Ship Security Certificate (ISSC)	CISR	500GT and above
Copy of Document of Compliance (ISM) (to a company)	CISR	500GT and above
Maritime Labour Certificate and Declaration of Maritime Labour Compliance Part I	CISR	500GT and above
Minimum Safe Manning Document	CISR	500GT and above or carrying over 12 passengers (statutory) 24 metres and above (policy)

¹⁰ Class may issue a short term for new construction vessels on delivery.

Certificate of Compliance for Large Commercial Sailing and Motor Vessels (LY2 Certificate) and Form Y	CISR	24 metres and above
Continuous Synopsis Record	CISR	500GT and 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	1000GT and above (all yachts)
Wreck Removal Certificate	CISR	300GT and above (all yachts)
Ballast Water Management Convention Statement of Compliance	Class	400GT and above (all yachts)

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. Flagging In to the Cayman Islands

The procedure for flagging in a yacht depends on whether the vessel is transferring in from another Red Ensign Administration¹¹ or from another Flag outside of the Red Ensign Group (REG). A vessel flagging in from another Red Ensign Flag is considered to be a transfer of port rather than a Registration anew. Further details on the Registration process can be found at: <https://www.cishipping.com/registration/matrix>

9.1 Flagging in from a Red Ensign Flag

The registration and survey procedures for vessels flagging in from another Red Ensign Administration are generally very straightforward as the REG Administrations operate within the same broad regulatory framework. It is a fundamental principle that the REG Administrations do not compete on standards. Accordingly, the REG Administrations also operate under a mutual recognition clause in that standards applied and Certificates issued by one REG Administration are generally recognised by another.

During the transfer of port process, all documentation issued by the losing Administration will be reviewed by CISR for accuracy and validity and replacement Certificates will normally be reissued for the same period of validity. Surveyor attendance will normally be required for documentation verification purposes only and full survey would not normally be required provided that owner/operator details have not changed.

Classification

In addition to recognition of Flag documentation the vessel documentation issued by the vessel's Class Society will be recognised provided that this has been issued for vessels in commercial use. The survey cycle will remain the same.

9.2 Flagging from a non Red Ensign Flag

The process of transferring from a non-Red Ensign Flag differs significantly from a Transfer of Port and this process is ostensibly the same as a complete new Registration. There is generally no mutual recognition clause for Flags outside of the Red Ensign Group, and a full Flag-In survey will be required. It may be possible to recognise certain Certification issued on behalf of a European Union Administration on a short term basis, but all non REG vessels will require a survey prior to Certification being issued.

Compliance with commercial standards of a non-Red Ensign Administration, may be accepted as indicative of compliance, but this will always subject to review by the attending CISR or Class Surveyor designated to undertake the survey. Compliance with non-REG Flag requirements cannot be guaranteed for commercial yachts operating under the Cayman Islands Flag. Notwithstanding the requirement for a Compliance Survey the CISR will take a pragmatic view during Flag in Surveys and will consider equivalence where it is appropriate to do so.

Before a vessel can be considered for commercial activity under the Cayman Islands Flag, the vessel must be surveyed and confirmed as complying with the Large Yacht Code as applicable to the year of build of the vessel.

Unlike the transfer of port all vessel registration particulars will be issued anew although the vessel will retain its original IMO number as this is not Flag specific.

¹¹ <http://www.redensigngroup.org/> - The Red Ensign Group is comprised of the United Kingdom, Crown Dependencies (Isle of Man, Guernsey and Jersey) and UK Overseas Territories (Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and the Turks & Caicos Islands) which operate shipping registers. These registers are divided into two categories: **Category 1** - register ships of unlimited tonnage and type. **Category 2** - register commercial ships and yachts of up to 150 gross tons (this limit can be extended to 400GT with an agreement in place with the UK); and vessels which are not operated commercially of up to 400 GT.

Classification.

The vessel's Classification status will generally be recognised, provided that the vessel is in Class with one of the International Association of Classification Societies (IACS) Class Societies recognised by Cayman and provided that the Class notation and requirements are in accordance with vessels in commercial use. As per transfer of port the survey cycle will generally remain the same.

10. 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. Cayman Islands regulations¹² provide for 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. In addition the regulations require all shipowners and seafarers on Cayman Islands yachts to maintain an awareness of the Code of Safe Working Practices published by the UK MCA: <https://www.gov.uk/government/publications/code-of-safe-working-practices-for-merchant-seafarers-coswp>.

Safety Officer

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

The Safety Officer 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 Officer 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 and cannot also be the safety officer.

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 whole crew together;
- If the Yacht carries 16 or more crew; one Safety Representative elected by the officers and one elected by the ratings¹³;

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:

¹² Merchant Shipping (Maritime Labour Convention) (Health and Safety) Regulations, 2014

¹³ The Code of Safe Working Practices uses merchant shipping terminology for yachts. We would suggest that ratings are all crew not listed as officers on the Minimum Safe Manning Document.

- Participate in any investigations or inspections carried out by the Safety Officer subject to the Safety Officer'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 Officer;
- 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 Officer 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 Officer.

Safety Committee

Once the Safety Officer 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, Guidance Notes 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 Officer 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.

11. Accident and Incident 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 CISM 02/2015 details the procedure for reporting incidents onboard Cayman Islands yachts. The circumstances under which an incident 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/Company¹⁴ immediately upon becoming aware of the incident.
- When a vessel is involved in any collision the Company/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 Company/Owner and the master should report as soon as is practicable.
- When a vessel runs aground the Master and Company/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 Company/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.
- Any loss of main propulsion, steering or "station keeping" ability should be reported by the Company/Owner within 24 hours of becoming aware of the failure.
- The discharge of any substance from the yacht, whether intentional or otherwise, not in accordance with the MARPOL Convention should be reported by the Company / Owner and master within 24 hours of the discharge.
- Any reportable disease or illness under the regulations¹⁵ or as detailed in the Annex to Shipping Notice CISM 02/2015 should be reported by the Company/Owner immediately upon confirmed diagnosis.

When in doubt as to whether or not an accident or incident should be reported then it is always best to make a report. Shipping Notice CISM 02/2015 also covers reporting requirements for other issues which do not fall in the above including births and deaths (not accidents), maritime security and Port State Control

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

Every report of an accident or damage must be signed by the Company/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/Owner and master of the ship will receive instructions from the CISR on any priority actions which are required to assist investigators and secure evidence.

¹⁴ "Company" has the same meaning as given in SOLAS. Where a yacht does not have a "company" the reporting requirement falls to the owner and master of the ship.

¹⁵ Regulation 21 of the Merchant Shipping (Maritime Labour Convention) (Health and Safety) regulations

The CISR will always carry out a full investigation into “very serious marine casualties”¹⁶ 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.

¹⁶ 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

12. Recording of Births and Deaths

Cayman Islands Regulations¹⁷ 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 Company/Owner should initially notify the CISR immediately by email to reporting@cishipping.com and follow up with a detailed report setting out the circumstances. See section 11 for more details.

In the case of any other birth or death the Master should inform the CISR within seven days for a birth using Form RB1: http://www.cishipping.com/sites/default/files/others/RB1_Return_of_Births.pdf; and within three days for any death.

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. In addition, a copy of Form RD1 (http://www.cishipping.com/sites/default/files/others/RD1_Return_of_Deaths.pdf) filled in as far as practicable along with any statements should be sent 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 RD1 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 Shipping Master will check entries as part of the inquiry.

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 RD1 along with the death certificate when available.

¹⁷ Merchant Shipping (Returns of Births and Deaths) Regulations, 2004

13. 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 engaged in trade visiting Italy.

In the past yachts have not always 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 ¹⁸
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 yachts¹⁹ 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 PSCO 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.

In the Paris MoU (which is the MoU that many yachts are likely to be in for most of their operational activity) there are specific reporting requirements for PSC. A yacht has to report 24 hours before arriving at a port or anchorage of the Paris MoU region or before leaving the previous port of anchorage if the voyage is expected to be less than 24 hours. Where the yacht is subject to an expanded inspection 72 hours' notice of arrival is required to be given (please refer to the Paris MoU website for more information on when to expect and expanded inspection). Other MoUs will have their own reporting requirements.

¹⁸ For up to date information on any of the MoUs the relevant website should be consulted.

¹⁹ Yachts engaged in trade will always be subject to Port State Control inspection as if they are merchant ships. Yachts not engaged in trade should not normally be subject to Port State Control inspection, however may be inspected for MARPOL and other Convention requirements, along with any local requirements, that apply to all vessels.

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 Guidance Note CIGN 06/2004.

Where the deficiencies during a 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 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 yachts need to be fully aware of this.

When a Cayman Islands ship is detained the master and Company/Owner should initially notify the CISR immediately by email to reporting@cishipping.com the basic facts, in 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 yacht or 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 Islands 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 yacht engaged in trade of 500 gross tonnage and above, is subject to the ISPS Code and 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 yachts²⁰ of 300 gross tonnage and above 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 Guidance Notes CIGN 05/2008 and CIGN 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 of 300 gross tonnage and above 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 reporting@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. The master should also inform the local Port State Authority of the yacht's intent to cease transmitting LRIT information.

²⁰ Yachts of 300 gross tonnage and above which are certified under the Red Ensign Group Yacht Code / "Large Yacht Code" or hold a Cargo Ship Safety Radio Certificate are considered subject to the provisions of SOLAS Chapter V/19-1 and must comply with the requirements for LRIT.

15. Medical Stores Requirements

Medical equipment

Regulations²¹ require that medical stores are kept on all yachts engaged in trade. A full list of medical equipment that should be carried on Cayman Islands yachts is contained in the Shipping Notice CISN 06/2014.

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. Currently no refresher training is required for updating proficiency in medical care under the STCW but is strongly recommended.

²¹ Merchant Shipping (Maritime Labour Convention) (Medical Care) Regulations, 2014

16. MARPOL

The purpose of this section is to provide information and clarity on the provisions of the MARPOL Convention and on related international conventions. Unless stated otherwise these requirements apply to all yachts **including** those not engaged in trade. All surveys referred to in this section, with the exception of those for MARPOL Annex I, will normally be carried out by your Classification Society.

Annex I – Prevention of Pollution by Oil

MARPOL Annex I applies to all yachts, however only those of 400 gross tonnage and above are required to be surveyed and hold an International Oil Pollution Prevention Certificate and Record of Equipment, Form A. These vessels are also required to use a type approved oily water separator and oil content meter and must hold type approval certificates on board.

Yachts of 400 gross tonnage and above are also required to carry a yacht specific Ship Oil Pollution Emergency Plan (SOPEP) specifying the yacht's procedures in the event of an oil spill.

Additionally, an Oil Record Book part 1 is required for yachts that of 400 gross tonnage and above. This is available from the CISR: <http://www.cishipping.com/products-catalog>.

Annex II & III

Do not apply to yachts.

Annex IV – Prevention of Pollution by Sewage

MARPOL Annex IV applies to all yachts which are 400 gross tonnage and above, and all yachts less than 400 gross tonnage that are certified to carry more than 15 persons. The number of persons shown on your Cargo Ship Safety Certificate, or Large Yacht Code Certificate for vessels under 500GT, should be used to determine the number of persons that you are certified to carry.

Yachts to which Annex IV applies are required to be surveyed and carry a Statement of Compliance for International Sewage Pollution Prevention²² and to operate a type approved Sewage Treatment System and should hold the type approval certificate on board. Vessels subject to MARPOL Annex IV must also be provided with a calculation indicating the maximum discharge rate of untreated sewage. This can be obtained from the vessel's Class society.

Annex V – Prevention of Pollution by Garbage

MARPOL Annex V applies to all yachts but there is no certificate issued to demonstrate compliance.

A garbage management plan is required for yachts that are either 100 gross tonnage and above and those certified to carry 15 or more persons (if less than 100 gross tonnage). A Garbage Record Book part 1 is required for yachts of either 400 gross tonnage and above or certified to carry more than 15 persons (if less than 400 gross tonnage) this is available from the CISR: <http://www.cishipping.com/products-catalog>.

Annex VI – Prevention of Air Pollution

MARPOL Annex VI generally applies to all yachts, except for certain sections of the Annex where exclusions to each regulation are shown. Yachts under 400 gross tonnage are exempt from a large portion of the requirements. Yachts of 400 gross tonnage and above required to be surveyed and carry the following documents:

- An International Air Pollution Prevention Certificate (IAPP)
- An International Energy Efficiency Certificate

²² The Cayman Islands has not yet had MARPOL Annex IV extended to it by the United Kingdom and therefore International Sewage Pollution Prevention Certificates cannot yet be issued, rather a Statement of Compliance is issued by Class. Upon extension of Annex IV these Statements of Compliance should be changed to Certificates on the next attendance by Class.

- An Ozone Depleting Substance Record Book
- 3 years of Bunker Delivery Notes
- A Ship Energy Efficiency Management Plan (SEEMP)

In addition to the documentation requirements, the vessel must maintain samples of fuel for each instance of bunkering. These bunker samples must be retained on board for 12 months.

An International Engine Air Pollution Certificate is required for each engine of 130kW or above and installed after 1 January 2000, with the exception of generators provided for emergency purposes only

Other Conventions

The ***International Convention on the Control of Harmful Anti-fouling Systems on Ships*** (AFS Convention), which entered into force in 2008 and applies in many countries, applies to all vessels. The Convention regulates Anti-fouling systems which are used to keep the hulls of ships clean and free from fouling organisms to enable them to travel faster through the water and consume less fuel. Scientific studies have shown that some of the most active ingredients used in widespread anti-fouling systems are organotin compounds. These have been shown to have adverse effects on the marine environment. Under the AFS Convention all yachts of 400 gross tonnage and above need to be inspected and certified for compliance. All yachts under 400 gross tonnage must have a Declaration of Compliance signed by the Owner or authorised agent. As with MARPOL Annex IV this Convention has not yet been extended to the Cayman Islands and therefore Class will attend to carry out the survey but will issue a Statement of Compliance.

The ***International Convention for the Control and Management of Ships' Ballast Water and Sediments*** (the Ballast Water Management Convention) entered into force for a number of countries on 8 September 2017. The Convention is designed to prevent the spread of non-native invasive species to vulnerable ecosystems by regulating the discharge of ballast water. The Convention requires ships to treat or manage their ballast water in accordance with a ship specific ballast water management plan that meets the requirements of the Convention. The Convention applies to all vessels that carry ballast water. All yachts of 400 gross tonnage and above need to be inspected and certified by Class. As with MARPOL Annex IV this Convention has not yet been extended to the Cayman Islands and therefore Class will attend to carry out the survey but will issue a Statement of Compliance. More information on the requirements is contained in Guidance Note CIGN 02/2017.

17. Disputes – Onboard Complaints and the role of the Shipping Master

The yacht's onboard complaints procedure

All yachts engaged in trade must have an onboard procedure for the fair and effective handling of seafarers' complaints alleging breaches of any MLC regulation. This mechanism should be used in the first instance of any grievance. In general grievance cases, seafarers should use the standard Company's Complaint procedure which should be available on board at all times. The onboard complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints.

More information on what should be included in an onboard complaints procedure can be found in Shipping Notice CISR 04/2014 (as amended).

All seafarers must be provided with a copy of this procedure along with their seafarer employment agreement, which must include contact information of the Cayman Islands Shipping Registry, along with contact information for the MLC Competent Authority in the seafarer's country of residence, in the event that the grievance cannot be resolved using this procedure.

In the first instance, complaints should be addressed to the head of the seafarers' department or to their superior officer. Complaints regarding health and safety matters should also be reported to the safety officer. If the complaint cannot be resolved by either the head of department or the superior officer to the satisfaction of the seafarer then the seafarer may refer the matter to the master who should personally handle the complaint. If a complaint cannot be resolved on board, the matter should be referred ashore to the shipowner (as defined under MLC regulations, please check your seafarer employment agreement or MLC Certificate if held) who should be given an appropriate time limit for resolving the matter.

In all cases seafarers should have the right to lodge complaints directly with the master and/or the shipowner if felt appropriate, however this should only be done when necessary and complaints should normally be dealt with and resolved at the lowest level possible.

If none of these procedures are effective in resolving the complaint, the Master or any seafarer may take the matter to the Cayman Islands Shipping Registry. This may be done by telephone, letter²³ or by email. The preferred means of receiving a complaint is by e-mail to shipping.master@cishipping.com.

Any complaints made to the CISR will be treated in strict confidence and will be given serious consideration. If appropriate a Surveyor will visit the ship to investigate the complaint. It is however essential that the person making any complaint is identified to the CISR who will not reveal the source of its information when investigating but cannot deal with any anonymous complaints.

Seafarers also have the right to lodge a complaint with any Port State Authority, however we would urge seafarers to contact the CISR before contacting a Port State Authority.

The Shipping Master

The Shipping Master is appointed under section 10 of the Maritime Authority Law, with responsibility for ensuring that the obligations under a Seafarer Employment Agreement (or any contract or other working agreement for yachts not engaged in trade), and the statutory obligations under the Merchant Shipping Law in respect of crew matters, are upheld. The Shipping Master primarily deals with crew issues including complaints regarding things such as accommodation, food, repatriation, working hours, payment of medical expenses and mediating on wage disputes. The Shipping Master plays an active role in disputes to protect the interests of both the ship-owner and the seafarer and strives to ensure that both parties can reach a mutually satisfactory solution to any dispute.

²³ The Shipping Master, Maritime Authority of the Cayman Islands, Vanbrugh House, Grange Drive, Hedge End, Hampshire, UK. Tel: +44 (0)1489 799203; email: shipping.master@cishipping.com

The Shipping Master is available to all crew on all Cayman Islands registered vessels, even those that are not engaged in trade (fully private) where the Maritime Labour Convention (MLC) may not apply. Seafarers with any dispute may submit this to the Shipping Master for guidance on the most appropriate course of action according to the individual circumstances. When reporting a complaint or a dispute, it is important to provide the Shipping Master with as much information as possible including:

- full details of the dispute,
- the name of the vessel,
- a copy of the contract (or other written evidence if available),
- any supporting information,
- a contact to speak to on your behalf and express permission to do so.

This may be done by telephone, letter or by email. The preferred means of receiving complaint is by e-mail to shipping.master@cishipping.com. Please see footnote 23 for contact details.

Any complaints made to the Shipping Master will be treated in strict confidence and will be given serious consideration. However, should the seafarer wish this to be raised with the master / shipowner / management, depending on the nature of the complaint, the Shipping Master may have to name the complainant for the complaint to be acted upon. This will only be done if strictly necessary and only if the complainant has expressly given permission to be named.

Whilst mediation by the Shipping Master is generally successful, sometimes a resolution cannot be found. In this case, there are two options. One is a legal route. The second alternative is that both parties request the Shipping Master to make a binding decision regarding the dispute under section 96 of the Merchant Shipping Law (2016 Revision). In these cases, the Shipping Master reviews submissions from both parties and then makes a ruling. Under the Law this ruling is legally binding.

In addition to complaints about wages etc if three or more seafarers consider that the food or water provided for the seafarers employed onboard is not in accordance with our regulations²⁴ 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 shall investigate the complaint and may examine the food or water or cause them to be examined. A master who fails without reasonable excuse to comply is guilty of an offence.

²⁴ Merchant Shipping (Maritime Labour Convention) (Food and Catering) Regulations, 2014

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