

SHIPPING NOTICE 02/2017 (Rev 2)

NAIROBI INTERNATIONAL CONVENTION ON THE REMOVAL OF WRECKS, 2007

This Shipping Notice replaces and supersedes Guidance Notice 05/2016 with effect from 7 February 2017 and Shipping Notice 02/2017 Rev 1 from 10 February 2017.

**To: OWNERS, MANAGERS, OPERATORS AND MASTERS OF CAYMAN ISLANDS SHIPS
AND SHIPS CALLING IN THE CAYMAN ISLANDS**

1. BACKGROUND

- 1.1 The Nairobi International Convention on the Removal of Wrecks, 2007, (the Convention) was adopted by an international conference held in Kenya in 2007. The Convention provides the legal basis for States to remove, or have removed, shipwrecks that may have the potential to affect adversely the safety of lives, goods and property at sea, as well as the marine environment.
- 1.2 The United Kingdom has extended the Convention to the Cayman Islands on 7 February 2017 and it will apply to all Cayman Islands ships and to ships visiting Cayman Islands waters.
- 1.3 The Convention is given legal effect through the Merchant Shipping (Wreck Removal Convention) Regulations, 2017 (the Regulations).
- 1.4 The purpose of this Shipping Notice is to give notice to the owners of Cayman Islands ships, and ships visiting Cayman Islands waters, of the requirements and obligations imposed under the Convention and to give details of the process the Maritime Authority of the Cayman Islands (MACI) will be following for issuing the certificates required under the Convention.

2. APPLICATION OF THE CONVENTION AND REGULATIONS

- 2.1 The Convention and Regulations apply to ships as follows:

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

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

3. OBLIGATION TO REPORT

- 3.1 The owner or master of every ship to which the Regulations apply is required to report any accident that results in a wreck to either:
 - 3.1.1 The Cayman Islands Government, if the wreck is in the Cayman convention area; or
 - 3.1.2 The government of any other State or territory in whose convention area the wreck is in.
- 3.2 A failure to report as mentioned in section 3.1, above, is an offence under the Regulations.

4. IMPLICATIONS FOR SHIPS TO WHICH THE REGULATIONS APPLY

- 4.1 If a wreck occurs in the Cayman convention area the owner will be liable for the removal of the wreck, and must remove the wreck if directed to do so by the Cayman Islands Government. This direction will be given by serving on the owner a “removal notice”.
- 4.2 It is an offence for an owner not to comply with the conditions set out in any removal notice.
- 4.3 If the owner does not remove a wreck in accordance with the conditions of a removal notice, the wreck may be removed by the Cayman Islands government and the owner will be liable for all costs incurred.

5. INSURANCE REQUIREMENTS

- 5.1 The following insurance requirements will apply from 20 February 2017.
- 5.2 Owners of all Cayman Islands ships (including yachts) of 300 GT and above are required to maintain insurance or other financial security to cover the liability of the owner for costs of wreck removal. All such ships will require certification under the Convention regardless of their geographical location.

5.3 From 20 February 2017, all non-Cayman Islands ships of 300 GT and above to which the Regulations apply must have wreck removal insurance in place which meets the requirements set out in the Convention. These ships must also hold a certificate issued by a State Party to the Convention attesting that the ship has wreck removal insurance that is deemed to meet the Convention requirements.

6. OBTAINING THE CERTIFICATE

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

6.2 As the Convention has now been extended to the Cayman Islands, it is no longer acceptable for Cayman Islands ships to obtain certificates under the Convention from other Governments who are Parties to the Convention. Certificates for Cayman Islands ships issued by other Red Ensign Group Administrations (i.e. United Kingdom, Isle of Man, Gibraltar) which are currently in force will remain valid until their date of expiry and do not need to be replaced. These certificates must be re-issued by MACI upon their expiry.

6.3 Marine Insurers and P&I Clubs are familiar with the Convention requirements and are able to both arrange the required insurance and furnish evidence thereof. This evidence is required to enable the Cayman Islands Shipping Registry to issue the certification required by the Convention.

6.4 To apply for the issue of certificates in accordance with Article 12 of the Convention, applicants should send the original evidence of insurance (or "Blue Card") issued by the insurer or other financial institution to either the George Town or European Regional Offices of the Cayman Islands Shipping Registry. "Electronic Blue Cards", if issued directly by the P&I Club, will be accepted as "original". Certificates issued under Article 12 of the Convention will incur an administration fee.

6.5 The address shown on all "Blue Cards" should be:

The Maritime Authority of the Cayman Islands.

3rd Floor, Government Administration Building,
133 Elgin Avenue, PO Box 2256,
Grand Cayman, KY1-1107, Cayman Islands

6.6 "Blue Cards" issued by P&I Clubs or insurers which are not members of the "International Group of P&I Clubs" (www.igpandi.org) may be subject to detailed investigations in order to ensure the provider of financial security is approved by the United Kingdom's Financial Services Authority (FSA).

6.7 "Original Blue Cards" in hard copy can be sent to either:

Cayman Islands Shipping Registry, 1st Floor, Vanbrugh House, Grange Drive, Hedge End, Southampton SO30 2AF United Kingdom; or

Cayman Islands Shipping Registry, 3rd Floor, Government Administration Building,
133 Elgin Avenue, PO Box 2256, Grand Cayman, KY1-1107, Cayman Islands.

“Electronic Blue Cards” should be sent to: bunkers@cishipping.com.