

CAYMAN ISLANDS



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**THE MERCHANT SHIPPING LAW
(2011 REVISION)**

**THE MERCHANT SHIPPING (CERTIFICATION, SAFE MANNING,
HOURS OF WORK AND WATCHKEEPING) (AMENDMENT)
REGULATIONS, 2014**

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HOURS OF WORK AND WATCHKEEPING) (AMENDMENT)
REGULATIONS, 2014**

The Cabinet, in exercise of the powers conferred by sections 110 and 463 of the Merchant Shipping Law (2011 Revision), makes the following Regulations -

PART I - Introductory

1. These Regulations may be cited as the Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) (Amendment) Regulations, 2014. Citation

2. The Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations, 2004, referred to as the “principal Regulations” are amended in regulation 2(1) as follows - Amendment of
regulation2 - Definitions

(a) by repealing the definition of “seafarer” and substituting the following definition -

“ “seafarer” means any person, including a master, who is employed, or engages in work in any capacity, on board a ship and whose normal place of work is on the ship;” and

(b) by inserting after the definition of “chemical tanker”, the following definition -

“ “CISN 05/2014” means Shipping Notice CISN 05/2014 published by the Maritime Authority of the Cayman Islands regarding requirements and guidance for recording hours of work and rest on Cayman Islands Ships;”.

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

Repeal and replacement
of regulation 30 -
schedules of duties and
need to maintain records

3. The principal Regulations are amended by repealing regulation 30 and substitution the following regulation -

“Schedules of
duties and need
to maintain
records

30. (1) A company shall produce a schedule of duties complying with this regulation.

(2) Where the company is not also the employer of all the seafarers, it shall consult any other person who is an employer of any of the seafarers before production of the schedule.

(3) The company may arrange with any company referred to in paragraph (1) that the employer is to produce a schedule of duties complying with this regulation and in such a case that employer shall also be subject to the duties of the company under this regulation.

(4) Before producing a schedule, the company shall seek the views of the master, and the master shall seek, and convey to the company, the views of the seafarers or their representatives.

(5) Subject to paragraph (6), a schedule complies with this regulation if -

- (a) a table with the schedule is posted in an easily accessible place and for every position contains -
 - (i) the schedule of service at sea and service in port; and
 - (ii) the minimum hours of rest required in accordance with this Part or any applicable collective agreement;
- (b) the schedule is established using the form specified in CISN 05/2014; or
- (c) the schedule required by paragraph (b) is provided in any other standardised format provided it contains the same information as CISN 05/2014; and as a minimum -
 - (i) it sets out the hours of work for -
 - (aa) seafarers whose work includes regular watchkeeping duties or ship handling; and
 - (bb) the ship's master, chief engineer,

chief officer and second engineer
officer,

so as to provide that they do not work
more hours than is safe in relation to
the safety of the ship and the seafarers'
performance of their duties;

- (ii) it specifies the maximum period of
continuous watchkeeping, the
minimum rest period between watches,
and the total daily, weekly and monthly
hours of work;
- (iii) it provides a minimum of ten hours of
rest in any twenty-four hour period,
which may be divided into no more
than two periods, one of which shall be
at least six hours in length; and
- (iv) it provides a minimum of seventy-
seven hours' rest in any seven-day
period.

(6) The company shall consider the nature of the
shipping operation and the voyages to be undertaken in
arranging hours of work at sea and in port.

(7) The schedule may be changed by the company, or
by an employer who, by virtue of paragraph (3), is subject to
the duties of the company, on condition that -

- (a) other employers and the company, as the
case may be, have been consulted;
- (b) the company or the employer has sought the
views of the master on the proposed changes
and the master has sought and conveyed to
the company the views of the seafarer or
their representatives; and
- (c) the schedule, as changed, complies with
paragraph (5).

(8) The company shall ensure that the schedule is
displayed prominently in the crew accommodation for the
information of all the seafarers and that it is in a standardised
format in the working language of the ship and in English.

(9) It shall be the duty of the master to ensure, as far

as reasonably practicable, that the hours of work specified in the schedule are not exceeded.

(10) The following requirements apply with respect to the schedule produced in accordance with paragraph (1) -

- (a) the company and the master shall maintain on the ship a copy of the schedule, and a record of all deviations from its requirements;
- (b) the company shall ensure that a copy of the schedule and of the record of all deviations from its requirements are preserved for five years from the date the schedule was introduced, and that they are available for inspection by the Shipping Master, a proper officer or a “surveyor of ships” as defined in section 2(1) of the Law, or an inspector appointed under section 419 of the Law;
- (c) if during the five-year period there ceases to be a company in relation to the ship, the duty to preserve the copies of the schedule and of the record shall remain with the last such company; and
- (d) the master shall give to every seafarer a copy of the schedule pertaining to that seafarer, which copy shall be signed by the master or a person authorised by the master, and by the seafarer.

(11) Musters, fire-fighting and lifeboat drills shall be conducted in a manner that minimises the disturbance of the rest periods and does not induce fatigue.

(12) Where a seafarer is on call, such as where a machinery space is unattended, an adequate compensatory rest period shall be given to such seafarer if the normal period of rest is disturbed by call-outs to work.

(13) In this regulation and regulation 31 -

“schedule” means the schedule of duties referred to in paragraph (1).

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

Made in Cabinet the 19th day of August, 2014.

Meredith Hew

Acting Clerk of the Cabinet.