

CAYMAN ISLANDS



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**THE MERCHANT SHIPPING (BCH CODE) (CAYMAN ISLANDS) REGULATIONS, 1988**

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**THE MERCHANT SHIPPING (BCH CODE) (CAYMAN ISLANDS) REGULATIONS 1988**

The Governor in Council, after consultation with the Secretary of State for Transport of the United Kingdom, in exercise of the powers conferred on him by section 59 of the Merchant Shipping (Applicable Conventions) Law 1987 and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement  
interpretation

1.(1) These Regulations may be cited as the Merchant Shipping (BCH Code) (Cayman Islands) Regulations 1988 and shall come into operation in accordance with the provisions of the Merchant Shipping (Control of Pollution) (Cayman Islands) (Commencement) Regulations 1988.

(2) In these Regulations the following expressions have the following meanings-

"1974 SOLAS Convention" means the International Convention for the Safety of Life at Sea, 1974, as amended;

"Annex II" means Annex II to MARPOL 1973/78 as amended by the amendments adopted by the Marine Environment Protection Committee of the International Maritime Organization on 5th December 1985;

"BCH Code" means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (1986 Edition) published by the International Maritime Organization;

"Cargo Ship Safety Construction Certificate", "Cargo Ship Safety Equipment Certificate", "Cargo Ship Safety Radiotelegraphy Certificate" and "Cargo Ship Safety Radiotelephony Certificate" mean respectively the certificates so entitled issued in conformity with the 1974 SOLAS Convention and, in the case of a United Kingdom ship, under or pursuant to the Merchant Shipping (Safety Provisions) Regulations 1988;

"Category A", Category "B" and Category "C" mean respectively, in relation to a substance, the category to which a substance listed in column "a" of the table in Chapter VI of the BCH Code is assigned by having against it in column "c" of that table an entry "A", "B" or "C" respectively;

"Cayman Islands ship" means a ship which is registered in the Cayman Islands or a ship which is not registered under the law of any country but is wholly owned by persons each of whom is a citizen of the Cayman Islands or a body corporate which is established under the law of Cayman Islands and has its principal place of business in the Cayman Islands;

"Cayman Islands trading" means engaged solely on voyages between ports or terminals in the Cayman Islands;

"Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk" means, in relation to a Cayman Islands ship, a certificate issued pursuant to regulation 5 and, in relation to any other ship, a certificate issued in conformity with chapter 1 of the BCH Code by or on behalf of the government of the state in which the ship is registered;

"chemical tanker" means a self-propelled cargo ship constructed or adapted and used for the carriage in bulk of any liquid substance listed in Chapter VI of the BCH Code; but does not include offshore support vessels or dry cargo ships with deep tanks;

"Chief Marine Surveyor" means the Chief Marine Surveyor appointed by the Governor under the Merchant Shipping (Applicable Conventions) Law 1987 or any person duly appointed to act on his behalf;

"constructed" on the expressions "constructed on or after" and "constructed before" means, in relation to a ship, having its keel laid or being at a similar stage of construction; and "similar stage of construction" means the stage at which-

- (a) construction identifiable with the ship begins; and
- (b) assembly of that ship has commenced, comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material. Whichever is the less;

"Control of Pollution by Noxious Liquid Substances Regulations" means the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) (Cayman Islands) Regulations 1988;

"Governor" means the Governor in Council;

"in bulk" means directly and without intermediate form of containment in a tank forming an integral part of, or permanently located on, a ship;

"internationally-trading" means engaged otherwise than as a Cayman Islands trading ship; and

"MARPOL 1973/78" means the International Convention for the Prevention of Pollution from Ships, 1973, as amended;

(3) In interpreting the BCH Code-

- (a) the provisions of the BCH Code having been made mandatory under regulation 3 the language thereof shall be construed accordingly;
- (b) the definitions set out in Chapter I, paragraph 1.4 thereof, shall apply;
- (c) the footnotes to Part A of Chapter II, to paragraphs 2.14.1, 2.15.6(b), 3.13, 3.14, 3.15.2, 3.16.4 and Chapter VI shall be construed as an integral part of the BCH Code;
- (d) references to the Administration shall, in relation to Cayman Islands ships, be references to the Chief Marine Surveyor and references to the Port Administration shall in relation to all ships in the United Kingdom be references to the Chief Marine Surveyor;
- (e) for the second sentence of the footnote to paragraph 3.13 there shall be substituted: "All chemical tankers constructed after 20th May 1980 but before 1st September 1984 are to comply with section 3.13 of the 1980 edition of this Code.";
- (f) each of the references to regulations of the 1974 SOLAS Convention listed in column 2 of the table in the Schedule hereto shall be construed as a reference to the corresponding provision contained in Regulations applied in the Cayman Islands by the Merchant Shipping (Safety Provisions) (Application) Order 1988 and listed opposite to it in column 3 of that table.

Application

- 2 (1) These Regulations apply, subject to the following provisions of this regulation, to chemical tankers constructed before 1st July 1986 which are carrying Category A, Category B or Category C substances.

(2) These Regulations apply to all ships specified in paragraph (1) which are Cayman Islands ships wherever they may be and to other such ships while they are within a port in the Cayman Islands; provided that in the case of a ship registered in a state which is not a party to MARPOL 1973/78 they shall not apply by reason of its being in a port in the Cayman Islands if it would not have been there but for stress of weather or any circumstances which could not have been prevented by the owner, the master or the charterer (if any).

(3) These Regulations shall not apply to any ship to which the Merchant Shipping (IBC Code) (Cayman Islands) Regulations 1988 apply by virtue of regulation 2(1)(b) or (c) thereof (ships converted or undergoing major modifications after 1st July 1986).

Compliance with Code

3. Chemical tankers to which these Regulations apply shall comply with the requirements of the BCH Code as follows-

- (1) (a) every-
  - (i) internationally-trading chemical tanker for which the building contract was placed on or after 2nd November 1973; and

(ii) Cayman Islands-trading chemical tanker which was constructed on or after 1st July 1983, shall be constructed, fitted, equipped, arranged and operated in accordance with the requirements relevant to it of Chapters II-VI inclusive of the BCH Code;

(b) every-

(i) internationally-trading chemical tanker for which the building contract was placed before 2nd November 1973 and

(ii) Cayman Islands-trading chemical tanker of 1,600 tons gross tonnage or over which was constructed before 1st July 1983,

shall be constructed, equipped and operated in accordance with the requirements relevant to it of the BCH Code except to the extent provided in subparagraph 1.7.3 (a)-(f) thereof; and

(2) (a) every Cayman Islands trading tanker of less than 1600 tons gross which was constructed before 1<sup>st</sup> July 1983 shall be operated in accordance with the requirements of Chapters V and VA of the BCH Code.

Survey requirements

4. (1) The structure, equipment, fittings, arrangements and materials (other than items in respect of which a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate, Cargo Ship Safety Radiotelegraphy Certificate or Cargo Ship Safety Radiotelephony Certificate is issued) of a chemical tanker shall be subjected to the following surveys-

(a) an initial survey before the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk is issued for the first time, which shall include a complete examination of its structure, equipment, fittings, arrangements and materials in so far as the ship is covered by the BCH Code; an initial survey shall be such as to ensure that the structure, equipment, fittings, arrangements and materials fully comply with the relevant provisions of the BCH Code;

(b) a periodical survey at intervals not exceeding 5 years which shall be such as to ensure that the structure, equipment, fittings, arrangements and materials comply with the relevant provisions of the BCH Code;

(c) a minimum of one intermediate survey during the period of validity of the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk; in cases where only one such intermediate survey is carried out in any one certificate validity period, it shall be carried out not before 6 months prior to, nor later than 6 months after, the half-way date of the certificate's period of validity; intermediate surveys shall be such as to ensure that the equipment and associated pumps and piping systems comply with the relevant provisions of the BCH Code and are in good working order and condition; a record of such surveys in the form appropriate to an intermediate survey included in the form entitled "Endorsement for Annual and Intermediate Surveys" set out in the appendix to the BCH Code shall be endorsed by the surveyor on the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;

(d) an annual survey within 3 months before or after the anniversary date of the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk which shall include a general examination to ensure that the structure, equipment, fittings, arrangements and materials remain in all respects satisfactory for the service for which the ship is intended; a record of such survey in the form appropriate to an annual survey included in the form entitled "Endorsement for Annual and Intermediate Surveys" set out in the appendix to the BCH Code shall be endorsed by the surveyor on the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;

(e) an additional survey, either general or partial according to the circumstances, shall be made when it has been determined under regulation 6(3) to be necessary, or whenever any important repairs or renewals are made; such a survey shall ensure that the necessary repairs or renewals have been effectively made, that the materials and workmanship of such repairs or renewals are satisfactory, and that the ship is fit to proceed to sea without danger to the ship or persons on board; a record of such survey shall be endorsed by the surveyor on the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk certifying that on completion of the survey the ship complied with the relevant provisions of the Code.

(2) Every such survey in the case of a Cayman Islands ship shall be carried out by a surveyor appointed by the Chief Marine Surveyor; and application for such a survey shall be made by or on behalf of the owner to the Chief Marine Surveyor.

Issue of Certificate of  
Fitness

5.(1) Upon satisfactory completion of an initial or periodical survey under regulation 4 of these Regulations and under regulation 23 of the Control of Pollution by Noxious Liquid Substances Regulations the Chief Marine Surveyor shall issue to a ship which complies with the relevant requirements of the BCH Code and of the Control of Pollution by Noxious Liquid Substances Regulations a certificate called a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk in the form so entitled set out in the appendix to the BCH Code. Such certificate shall be issued for a period not exceeding 5 years beginning on the date of completion of the survey in question.

(2) A certificate shall cease to be valid-

(a) if any survey required by regulation 4(1)(c) or (d) is not completed within the period specified for that survey; or

(b) if any survey required by regulation 4(I)(e) is not completed within such reasonable time as the surveyor may specify; or

(c) upon transfer of the ship to registry in another state.

(3) In either of the cases specified in sub-paragraph (2)(a) or (b) the owner shall deliver up the certificate issued in relation to the ship to the Chief Marine Surveyor on demand.

(4) In the case of a ship which has transferred from registry in another state to registry in the Cayman Islands the Chief Marine Surveyor may, subject to such requirements as to survey or otherwise as he may think fit, if he is satisfied, notwithstanding that the surveys were not carried out by a surveyor appointed by the Chief Marine Surveyor as required by regulation 4(2), that-

(a) the ship has already been subjected to a satisfactory initial or periodical survey and to any intermediate, annual or additional surveys required; and

(b) the ship was issued by or on behalf of the government of that other state with a certificate of fitness which would, but for the change of registry, have remained valid; and

(c) the condition of the ship and its equipment has been maintained in conformity with the provisions of the BCH Code; and

(d) since completion of the surveys referred to in sub-paragraph (a) no change has been made in the structure, equipment, fittings, arrangements and materials covered by those surveys without the sanction of the government of that other state or of the Chief Marine Surveyor, except by direct replacement;

issue to that ship a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk for a period to be determined by the Chief Marine Surveyor, but expiring not later than the expiry date of the certificate referred to in sub-paragraph (b).

(5) The Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk shall be kept on board the ship and shall be available for inspection at all reasonable times.

Maintenance of  
conditions after  
survey

6. (1) The condition of the ship and its equipment shall be maintained so as to conform to the provisions of the BCH Code.

(2) After any survey of the ship under regulation 4 has been completed, no change shall be made in the structure, equipment, fittings, arrangements and materials covered by the survey, without the sanction of the Chief Marine Surveyor, except by direct replacement.

(3) Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety or integrity of the ship, the safety of the crew or the efficiency or completeness of the equipment required by Part IV of the Control of Pollution by Noxious Liquid Substances Regulations, the master or owner of the ship shall report at the earliest opportunity to the Chief Marine Surveyor, who shall determine whether an additional survey is necessary. If the ship is in a port of another state the master or owner shall also report

immediately to the appropriate authority of the government of the state in which the port is situated.

- Equivalents 7. Where the BCH Code requires that a particular fitting, material, appliance, apparatus, item of equipment or type thereof should be fitted or carried in a ship, or that any particular provision should be made, or any procedure or arrangement should be complied with, the Chief Marine Surveyor may allow any other fitting, material, appliance, apparatus, item of equipment or type thereof to be fitted or carried, or any other provision, procedure or arrangement to be made in that ship, if he is satisfied by trial thereof or otherwise that such fitting, material, appliance, apparatus, item of equipment or type thereof, or particular provision, procedure or arrangement is at least as effective as that required by the BCH Code.
- Exemptions 8. The Chief Marine Surveyor may exempt any ship or class or description of ship from any of the requirements of the BCH Code, subject to such conditions as he may specify, and may alter or cancel any exemption so granted.
- Loading and carriage in bulk of listed chemicals 9. No ship to which these Regulations apply shall load in bulk or carry in bulk any Category A, Category B or Category C substance unless-
- (a) unless-
    - (i) there is in force in respect of that ship a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk covering the substance which the ship is loading or carrying; and
    - (ii) the loading and carrying is carried out in accordance with the terms of that certificate; or
  - (b) either the Chief Marine Surveyor or the government of a state party to MARPOL 1973/78 has given specific approval to its carriage and any conditions relevant to loading or carriage subject to which that approval was given are complied with.
- Penalties 10.(1) If there is a breach of -
  - (a) Regulation 3,5(5), 6 or 9 then the owner and master of the ship shall each be guilty of an offence.
  - (b) Regulation 4(2) of these Regulations then the owner of the ship shall be guilty of an offence punishable on summary conviction by a fine not exceeding ten thousand dollars.

(2) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to ensure that the regulations in question were complied with.

Power to detain 11. In any case where a ship does not comply with the requirements of these Regulations the ship shall be liable to be detained and sections 74, 75 and 76 of the Merchant Shipping (Applicable Conventions) Law 1987 shall have effect in relation to the ship, subject to the modification that for the words "this Law", wherever they appear, there shall be substituted the words "The Merchant Shipping (BCH Code) (Cayman Islands) Regulations 1988.

Regulation 1(3)(f)

**SCHEDULE 1**

**TABLE OF CORRESPONDING REGULATIONS**

Interpretation

1. In these Tables:

"Cargo Ship Regulations 1981" means The Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1981;

"Cargo Ship Regulations 1984" means The Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1984;

"Fire Appliances Regulations 1980" means The Merchant Shipping (Fire Appliances) Regulations 1980;

"Fire Protection Regulations 1984" means The Merchant Shipping (Fire Protection) Regulations 1984;

"Fire Protection pre-1980 Ships Regulations" means The Merchant Shipping (Fire Protection) (Ships Built Before 25th May 1980) Regulations 1985.

In Table 1, references to the 1974 SOLAS Convention Regulations are, except where otherwise stated, references to those regulations as amended in 1981 and 1983.

In Table 2, reference to the 1974 SOLAS Convention Regulations are references to those regulations in the original Convention of 1974 without amendments.



**Table 1**

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
<b>Paragraph in BCH Code (1986 Edition)</b>	<b>1974 SOLAS Convention Regulations as amended</b>	<b>Corresponding United Kingdom Regulations</b>
3.13.1	II-2, requirements for tankers	Pt IIB Cargo Ship Regulations 1984 and Pt IV Fire Protection Regulations 1984
3.13.1(a) 3.13.1(d)	II-2/60, 61 and 62	Regulation 49 Fire Protection Regulations 1984
3.13.1(a) 3.13.1(e)	II-2/63	Regulation 51 Fire Protection Regulations 1984
3.13.1(b)	II-2/56.2	Regulation 10(3) Cargo Ship Regulation 1984
3.13.1(c)	II-2/4 II-2/7	Regulation 29 Fire Protection Regulations 1984 Regulation 33 Fire Protection Regulations 1984
3.13.2	II-2 Part D	Parts IV and VIII Fire Protection Regulations 1984 Regulations 10, 11, 12 and 13 Cargo Ship Regulations 1984
	II-2 Part C	Part VII Fire Protection Regulations 1984;
	II-2/53	Regulations 31 and 32 Fire Protection Regulations 1984 Regulation 50 Cargo Ship Regulations 1984
3.13.3(a)	II-2/5.1	Fire Protection Regulations 1984, Schedule (10)(2)
3.13.3(b)	II-2/5.1.6	Fire Protection Regulations 1984, Schedule (10)(1)(f)
3.13.3(a)	II-2/5.2	Fire Protection Regulations 1984, Schedule (10)(2)
3.13.3(b)	II-2/5.3	Fire Protection Regulations 1984, Schedule (10)(3)
3.15.2	II-2/52 (Unamended version)	Regulations 29, 30, 32, 33, 34, 35, 37 and 49 Fire Protection pre-1980 Ships Regulations
3.16.4 3.16.6	II-2/17	Regulation 53 Fire Protection Regulations 1984

**Table 2**

COLUMN 1	COLUMN 2	COLUMN 3
<b>Paragraph in BCH Code 1980 Edition referred to in footnote to 3.13 of BCH Code (1986 Edition)</b>	<b>1974 SOLAS Convention Regulations (unamended version)</b>	<b>Corresponding United Kingdom Regulations</b>
3.13.1	II-2/52(b) (c) (d) (e) (g) (h) (i) (j)	Regulations 31, 32, 34, 35, 39 and 40 Fire Appliances Regulations 1980
3.13.1	II-2/56	Regulations 54, 55 and 56 Cargo Ship Regulations 1981
	II-2/57	Regulations 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68 Cargo Ship Regulations 1981
	II-2/58	Regulation 58 Cargo Ship Regulations 1981
	II-2/51	Regulations 11, 12, 13, 14, 15, 16, 17 and 18 Cargo Ship Regulations 1981
	II-2/53	Regulation 36 Cargo Ship Regulations 1981
	II-2/54	Regulation 37 Cargo Ship Regulations 1981
3.13.1(a)	II-2/8	Fire Appliance Regulations 1980, Schedule 9
Interim Recommendation on page 117 referred to in footnote 3.13.1(b)	I-5	Regulation 76 Fire Appliances Regulations 1980
3.16.4 3.16.6	II-2/17	Regulation 53 Fire Protection Regulations 1984

Made in Council this 20th day of April, 1988.

MONA N. BANKS-JACKSON

Clerk of the Executive Council.

**EXPLANATORY NOTE**

*(This note is not part of the Regulation)*

These Regulations require chemical tankers which carry noxious liquid substances of category A, B or C in bulk and which were built before 1st July 1986, to comply with the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk which was adopted by the Marine Environment Protection Committee of the International Maritime Organization on 5th December 1985. The Regulations give effect to regulation 13(3) of Annex II to the International Convention for the Prevention of Pollution from Ships, 1973, as set out in the amendments to that Annex which were adopted by the Marine Environment Protection Committee on the same date as the Code. Annex II came into force internationally on 6th April 1987.

Copies of the Code as adopted, and of the earlier editions which are referred to in it, are obtainable from the International Maritime Organization, 4 Albert Embankment, London SRI. 7S