

CAYMAN ISLANDS



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THE MERCHANT SHIPPING (MARINE POLLUTION) LAW, 2001
**THE MERCHANT SHIPPING (MARINE POLLUTION) (REPORTING OF
INCIDENTS INVOLVING HARMFUL SUBSTANCES) REGULATIONS 2004**

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THE MERCHANT SHIPPING (MARINE POLLUTION) (REPORTING OF INCIDENTS INVOLVING HARMFUL SUBSTANCES) REGULATIONS 2004

The Governor, in exercise of the powers conferred on him by section 34 of the Merchant Shipping (Marine Pollution) Law, 2001, makes the following Regulations:

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| Citation | 1. These Regulations may be cited as the Merchant Shipping (Marine Pollution) (Reporting of Incidents Involving Harmful Substances) Regulations, 2004. |
| Interpretation | 2. In these Regulations, unless the context otherwise requires, words and expressions have the meanings given in The Merchant Shipping (Marine Pollution) Law, 2001, hereinafter referred to as “the Law”. |
| Application | 3. These Regulations apply to-
(a) all Cayman Islands ships; and
(b) all ships operating within Cayman Islands protected waters. |
| Requirements | 4. The systems and requirements for reporting from ships, incidents involving dangerous goods, harmful substances and marine pollutants shall be in accordance with the general principles and guidelines set out in the First Schedule and the reporting procedures and guidelines set out in the Second Schedule. |
| Repeal | 5. The Merchant Shipping (Reporting of Pollution Incidents) (Cayman Islands) Regulations, 1988 are repealed. |

FIRST SCHEDULE

GENERAL PRINCIPLES AND GUIDELINES FOR REPORTING FROM SHIPS

General Principles

- 1.(1) Ship reporting systems and reporting requirements are used to provide, gather or exchange information through radio reports, which information is used to provide data for many purposes including search and rescue, vessel traffic services, weather forecasting and prevention of marine pollution.
- (2) Ship reporting systems and reporting requirements should, as far as practicable, comply with the following principles:
 - (a) reports should contain only information essential to achieve the objectives of the system;
 - (b) reports should be simple and use the standard international ship reporting format and procedures; where language difficulties may exist, the languages used should include English, using where possible the Standard Marine Navigational Vocabulary, or alternatively, the International Code of Signals. The standard reporting format and procedures to be used are set out in the Second Schedule;
 - (c) the number of reports should be kept to a minimum;
 - (d) no charge should be made for communication of reports;
 - (e) safety or pollution related reports should be made without delay; however, the time and place of making non-urgent reports should be sufficiently flexible to avoid interference with essential navigational duties;
 - (f) information obtained from the system should be made available to other systems when required for distress, safety and pollution purposes;
 - (g) basic information (ship's particulars, on-board facilities and equipment, etc.) should be reported once, be retained in the system and be updated by the ship when changes occur in the basic information reported;
 - (h) the purpose of the system should be clearly defined;
 - (i) the Director should notify mariners of full details of the requirements to be met and procedures to be followed. Details of types of ships and areas of applicability, of times and geographical positions for submitting reports, of shore establishments responsible for operation of the system and of the services provided should be clearly specified. Chartlets depicting boundaries of the system and providing other necessary information should be made available to mariners;
 - (j) the establishment and operation of a ship reporting system should take into account:
 - (i) international as well as national responsibilities and requirements;
 - (ii) the cost to ship operators and responsible authorities;
 - (iii) navigational hazards;
 - (iv) existing and proposed aids to safety; and
 - (v) the need for early and continuing consultation with interested parties including a sufficient period to allow for trial, familiarisation and assessment to ensure satisfactory operation and to allow necessary changes to be made to the system;
 - (k) the Director should ensure that shore establishments responsible for operation of the system are manned by properly trained persons;
 - (l) the Director should consider the interrelationship between ship reporting systems and other systems;
 - (m) the ship reporting systems should preferably use a single operating radio frequency; where additional frequencies are necessary, the number of frequencies should be restricted to the minimum required for the effective operation of the system;
 - (n) information provided by the system to ships should be restricted to that necessary for the proper operation of the system and for safety;

- (o) ship reporting systems and requirements should provide for special reports from ships concerning defects or deficiencies with respect to their hull, machinery, equipment or manning, or concerning other limitations which could adversely affect navigation and for special reports concerning incidents of actual or probable marine pollution;
- (p) the Director should issue instructions to the shore establishments responsible for the operation of ship reporting systems to ensure that any reports involving pollution, actual or probable, are relayed without delay to the officer or agency nominated to receive and process such reports, and to ensure that such an officer or agency relays these reports without delay to the flag State of the ship involved and to any other State which may be affected;
- (q) where the Islands are affected or likely to be affected by pollution incidents and information relevant to the incident may be required, the Director should take into account the circumstances in which the master is placed, and should endeavour to limit requests for additional information; and
- (r) the Second Schedule does not apply to danger messages referred to under regulation V/2 of the Safety Convention. The current practice of transmitting such messages should remain unchanged.

Guidelines For Reporting Incidents Involving Dangerous Goods

- 2. (1) The intent of these Guidelines and those contained in the Second Schedule is to enable coastal States and other interested parties to be informed without delay when any incident occurs involving the loss, or likely loss, overboard of packaged dangerous goods into the sea.
- (2) Reports should be transmitted to the nearest coastal State. When the ship is within or near an area for which a ship reporting system has been established, reports should be transmitted, to the designated shore station of that system.

Guidelines For Reporting Incidents Involving Harmful Substances and/or Marine Pollutants

- 3. (1) The intent of these Guidelines and those contained in the Second Schedule, is to enable coastal States and other interested parties to be informed without delay of any incident giving rise to pollution, or threat of pollution, of the marine environment, as well as of assistance and salvage measures, so that appropriate action may be taken.
- (2) In accordance with section 34 of the Law a report shall be made to the nearest coastal State.
- (3) Whenever a ship is engaged in or requested to engage in an operation to render assistance to, or undertake salvage of, a ship involved in an incident referred to in section 34(2)(a)(i) or (ii) of the Law, the master of the former ship should report, without delay, the particulars of the action undertaken or planned, and the coastal States should also be kept informed of developments.
- (4) The probability of a discharge resulting from damage to the ship or its equipment is a reason for making a report.

SECOND SCHEDULE

REPORTING PROCEDURES AND GUIDELINES

Procedures

1. Reports should be sent as follows:

- (1) Sailing plan (SP) - Before or as near as possible to the time of departure from a port within a system or when entering the area covered by a system.
- (2) Position report (PR) - When necessary to ensure effective operation of the system.
- (3) Deviation report (DR) - When the ship's position varies significantly from the position that would have been predicted from previous reports, when changing the reported route, or as decided by the master.
- (4) Final report (FR) - On arrival at destination and when leaving the area covered by a system.
- (5) Dangerous goods report (DG) - When an incident takes place involving the loss or likely loss overboard of packaged dangerous goods, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges, into the sea.
- (6) Harmful substances report (HS) - When an incident takes place involving the discharge or probable discharge of oil or noxious liquid substances in bulk.
- (7) Marine pollutants report (MP) - In the case of loss or likely loss overboard of harmful substances in packaged form including those in freight containers, portable tanks, road and rail vehicles and shipborne barges, identified in the International Maritime Dangerous Goods Code as marine pollutants.
- (8) Any other report - Any other report should be made in accordance with subparagraph 1(1)(i) of the First Schedule.

Standard Reporting Format and Procedures

2. (1) Sections of the ship reporting format which are inappropriate should be omitted from the report.
- (2) Where language difficulties may exist, the languages used should include English, using where possible the Standard Marine Navigational Vocabulary. Alternatively, the International Code of Signals may be used to send detailed information. When the International Code is used, the appropriate indicator should be inserted in the text, after the alphabetical index.
- (3) For route information, latitude and longitude should be given for each turn point, expressed as in C below, together with type of intended track between these points, for example "RL" (rhumb line), "GC" ((great circle) or "coastal", or, in the case of coastal sailing, the estimated date and time of passing significant points expressed by a six-digit group as in B below.

TELEGRAPHY	TELEPHONE (ALTERNATIVE)	FUNCTION	INFORMATION REQUIRED
Name of System (e.g.) AMVER/ AUSREP/ MAREP/ ECAREG/ JASREP	Name of System (e.g.) AMVER/ AUSREP/ MAREP/ ECAREG/ JASREP	System Identifier	Ship reporting system or nearest appropriate coast radio station
	State in full	Type of report	Type of report
SP			Sailing Plan
PR			Position Report
DR			Deviation Report
FR			Final Report
DG			Dangerous Goods Report
HS			Harmful Substances Report
MP			Marine Pollutants Report
Give in full			Any other report
A	Ship (alpha)	Ship	Name, call sign or ship station identity, and flag
B	Time (bravo)	Date and time of event	A 6 digit group giving day of month (first two digits), hours and minutes (last four digits). If other than UTC state time zone used
C	Position (charlie)	Position	A 4 digit group giving latitude in degrees and minutes suffixed with N (north) and S (south) and a 5 digit group giving longitude in degrees and minutes suffixed with E (east) or W (west); or
D	Position (delta)	Position	True bearing (first 3 digits) and distance (state distance) in nautical miles from a clearly identified landmark (state landmark)
E	Course (echo)	True course	A 3 digit group
F	Speed (fox-trot)	Speed in knots and tenths of knots	A 3 digit group
G	Departed (golf)	Port of departure	Name of last port of call
H	Entry (hotel)	Date, time and point of entry into system	Entry time expressed as in (B) and entry position expressed as (C) or (D)

I	Destination and ETA (india)	Destination and expected time of arrival	Name of port and date time group expressed as in (B)
J	Pilot (juliet)	Pilot	State whether a deep-sea or local pilot is on board
K	Exit (kilo)	Date, time and point of exit from system	Exit time expressed as in (B) and exit position expressed as in (C) or (D)
L	Route (lima)	Route information	Intended track
M	Radio-communications (mike)	Radio-communications	State in full names of stations/frequencies guarded
N	Next report (November)	Time of next report	Date time group expressed as in (B)
O	Draught (Oscar)	Maximum present static draught in metres	4-digit group giving metres and centimetres
P	Cargo (papa)	Cargo on board	Cargo and brief details of any dangerous cargoes as well as harmful substances and gases that could endanger persons or the environment (See detailed reporting requirements)
Q	Defect, damage, deficiency, limitations (Quebec)	Defects/damage/ deficiencies/ other limitations	Brief details of defects, damage, deficiencies or other limitations (See detailed reporting requirements)
R	Pollution/dangerous goods lost overboard (Romeo)	Description of pollution or dangerous goods lost overboard	Brief details of type of pollution (oil, chemicals, etc.) or dangerous goods lost overboard; position expressed as in (C) or (D) (See detailed reporting requirements)
S	Weather (sierra)	Weather conditions	Brief details of weather and sea conditions prevailing
T	Agent (tango)	Ship's representative and/or owner	Details of name and particulars of ship's representative or owner or both for provision of information (See detailed reporting requirements)
U	Size and type (uniform)	Ship size and type	Details of length, breadth, tonnage, and type, etc., as required

V	Medic (victor)	Medical personnel	Doctor, physician's assistant, nurse, personnel without medical training
W	Person (whiskey)	Total number of persons on board	State number
X	Remarks (x-ray)	Miscellaneous	Any other information - including as appropriate, brief details of incident and of other ships involved either in incident, assistance or salvage (See detailed reporting requirements)

Guidelines For Detailed Reporting Requirements

3. (1) Dangerous goods reports (DG)

(a) Primary reports should contain items A, B, C (or D), M, Q, R, S, T, U, X of the standard reporting format; details for R should be as follows:

- (i) correct technical name or names of goods;
- (ii) UN number or numbers;
- (iii) IMO hazard class or classes;
- (iv) names of manufacturers of goods when known, or consignee or consignor;
- (v) types of packages including identification marks. Specify whether portable tank or tank vehicle, or whether vehicle or freight container or other cargo transport unit containing packages. Include official registration marks and numbers assigned to the unit;
- (vi) an estimate of the quantity and likely condition of the goods;
- (vii) whether lost goods floated or sank;
- (viii) whether loss is continuing; and
- (ix) cause of loss.

(b) Where the condition of the ship is such that there is danger of further loss of packaged dangerous goods into the sea, items P and Q of the standard reporting format should be reported; and details for P should be as follows:

- (i) correct technical name or names of goods;
- (ii) UN number or numbers;
- (iii) IMO hazard class or classes;
- (iv) names of manufacturers of goods when known, or consignee or consignor;
- (v) types of packages including identification marks. Specify whether portable tank or tank vehicle, or whether vehicle or freight container or other cargo transport unit containing packages. Include official registration marks and numbers assigned to the unit; and
- (vi) an estimate of the quantity and likely condition of the goods.

(c) Particulars not immediately available should be inserted in a supplementary message or messages.

(2) Harmful substances reports (HS)

(a) In the case of actual discharge, primary HS reports should contain items A, B, C (or D), E, F, L, M, N, Q, R, S, T, U, X of the standard reporting format. In the case of probable discharge (see subparagraph (4), item P should also be included. Details for P, Q, R, T and X should be as follows:

Details for P

- (i) type of oil or the correct technical name of the noxious liquid substances on board;
- (ii) UN -number or numbers;
- (iii) pollution category (A, B, C or D), for noxious liquid substances;
- (iv) names of manufacturers of substances, where appropriate, when known, or consignee or consignor; and
- (v) quantity.

Details for Q

- (i) condition of the ship as relevant; and
- (ii) ability to transfer cargo/ballast/fuel.

Details for R

- (i) type of oil or the correct technical name of the noxious liquid discharged into the sea;
- (ii) UN number or numbers;
- (iii) pollution category (A, B, C or D), for noxious liquid substances;
- (iv) names of manufacturers of substances, where appropriate, when known, or consignee or consignor;
- (v) an estimate of the quantity of the substances;
- (vi) whether lost substances floated or sank;
- (vii) whether loss is continuing;
- (viii) cause of loss;
- (ix) estimate of the movement of the discharge or lost substances, giving current conditions where known; and
- (x) estimate of the surface area of the spill where possible.

Details for T

- (i) name, address, telex and telephone number of the ship's owner and representative (charterer, manager or operator of the ship or their agent).

Details for X

- (i) actions being taken with regard to the discharge and the movement of the ship;
- (ii) assistance or salvage efforts which have been requested or which have been provided by others; and
- (iii) the master of an assisting or salvaging ship should report the particulars of the action undertaken or planned.

(b) After the transmission of the information referred to above in the initial report, as much as possible of the information essential for the protection of the marine environment as is appropriate to the incident should be reported in a supplementary report as soon as possible. That information should include items P, Q, R, S and X.

(c) The master of any ship engaged in or requested to engage in an operation to render assistance or undertake salvage should report, as far as practicable, items A, B, C (or D), E, F, L, M, N, P, Q, R, S, T, U, and X of the standard reporting format. The master should also keep the coastal State informed of developments.

(3) Marine pollutants reports

(a) In the case of actual discharge, primary MP reports should contain items A, B, C, (or D), M, Q, R, S, T, U, and X of the standard reporting format. In the case of probable discharge (see subparagraph (4), item P should also be included. Details for P, Q, R, T and X should be as follows:

Details for P

- (i) correct technical name or names of goods;
- (ii) UN number or numbers;
- (iii) IMO hazard class or classes;
- (iv) names of manufacturers of goods when known, or consignee or consignor;
- (v) types of packages including identification marks. Specify whether portable tank or tank vehicle, or whether vehicle or freight container or other cargo transport unit containing packages. Include official registration marks and numbers assigned to the unit; and
- (vi) an estimate of the quantity and likely condition of the goods.

Details for Q

- (i) condition of the ship as relevant; and
- (ii) ability to transfer/cargo/ballast/fuel.

Details for R

- (i) correct technical name or names of goods;
- (ii) UN number or numbers;
- (iii) IMO hazard class or classes;
- (iv) name of manufacturer of goods when known, or consignee or consignor;
- (v) types of packages including identification marks. Specify whether portable tank or tank vehicle, or whether vehicle or freight container or other cargo transport unit containing packages. Include official registration marks and numbers assigned to the unit;
- (vi) an estimate of the quantity and likely condition of the goods;
- (vii) whether lost goods floated or sank;
- (viii) whether loss is continuing; and
- (ix) cause of loss.

Details for T

- (i) Name, address, telex and telephone number of the ship's owner and representative (charterer, manager or operator of the ship or their agent).

Details for X

- (i) action being taken with regard to the discharge and movement of the ship;
- (ii) assistance or salvage efforts which have been requested or which have been provided by others; and
- (iii) the master of an assisting or salvaging ship should report the particulars of the action undertaken or planned.

(b) After the transmission of the information referred to above in the initial report, as much as possible of the information essential for the protection of the marine environment as is appropriate to the incident should be reported. That information should include items P, Q, R, S and X.

(c) The master of any ship engaged in or requested to engage in an operation to render assistance or undertake salvage should report, as far as practicable, items A, B, C (or D), M, P, Q, R, S, T, U, and X of the standard reporting format. The master should also keep the coastal State informed of developments.

(4) Probability of discharge

(a) The probability of a discharge resulting from damage to the ship or its equipment is a reason for making a report. In judging whether there is such a probability and whether the report should be made, the following factors, among others, should be taken into account:

- (i) the nature of the damage, failure or breakdown of the ship, machinery or equipment; and
- (ii) sea and wind state and also traffic density in the area at the time and place of the incident.

(b) It is recognised that it would be impracticable to lay down precise definitions of all types of incidents involving probable discharge which would warrant an obligation to report. Nevertheless, as a general guideline the master of the ship should make reports in cases of:

- (i) damage, failure or breakdown which affects the safety of ships; examples of such incidents are collision, grounding, fire, explosion, structural failure, flooding and cargo shifting; and
- (ii) failure or breakdown of machinery or equipment which results in, impairment of the safety of navigation; examples of such incidents are failure or breakdown of steering gear, propulsion plant, electrical generating system and essential shipborne navigational aids.

Made in Cabinet the 6th day of January, 2004.

Meridith Hew

Acting Clerk of the Cabinet.