

**CAYMAN ISLANDS**



**Merchant Shipping Act, 2024**

**(Act 1 of 2024)**

**MERCHANT SHIPPING (MANNING,  
HOURS OF REST AND STCW)  
REGULATIONS, 2025**

**(SL 1 of 2025)**

Supplement No. 1 published with Legislation Gazette No. 5 dated 22nd January, 2025.

# PUBLISHING DETAILS

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**Arrangement of Regulations**

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## CAYMAN ISLANDS



### Merchant Shipping Act, 2024

(Act 1 of 2024)

# MERCHANT SHIPPING (MANNING, HOURS OF REST AND STCW) REGULATIONS, 2025

(SL 1 of 2025)

In exercise of the powers conferred by sections 84 and 457 of the Merchant Shipping Act, 2024, the Cabinet makes the following Regulations —

## PART 1 – PRELIMINARY

### Citation

1. These Regulations may be cited as the Merchant Shipping (Manning, Hours of Rest and STCW) Regulations, 2025.

### Definitions

2. (1) In these Regulations —
  - “**2010 STCW Conference**” means the Conference of Parties to the STCW Convention held in Manila on the 21 to 25 June 2010;
  - “**Act**” means the *Merchant Shipping Act, 2024*;
  - “**Annex to the STCW Convention**” means the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, adopted by resolution 1 of the 2010 STCW Conference (“the



Manila Amendments”) as amended, modified or replaced and as extended to the Islands;

“**authorized person**” means a person authorized by the CEO to carry out inspections for the purposes of these Regulations and includes any surveyor of ships appointed under section 414 of the Act;

“**certificate of competency**” means a certificate issued and endorsed for masters, officers and GMDSS radio operators in accordance with the provisions of chapters II, III, IV or VII of the Annex to the STCW Convention and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein;

“**certificate of proficiency**” means a certificate, other than a certificate of competency issued to a seafarer, stating that the relevant requirements of training, competencies or seagoing service in the STCW Convention have been met;

“**company**” has the meaning assigned by section 156 of the Act;

“**gross tonnage**” means the gross tonnage calculated in accordance with the Regulations for Determining Gross and Net Tonnages of Ships contained in Annex I to the International Convention on Tonnage Measurement of Ships 1969;

“**international voyage**” means a voyage from a country to a port outside that country;

“**seagoing ship**” means a ship other than one which navigates exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;

“**Shipping Notice**” means a Shipping Notice published in accordance with section 459 of the Act;

“**ship owner**” includes a ship manager and a “company” as defined in Chapter IX of the Safety Convention;

“**STCW Code**” means the Seafarers’ Training, Certification and Watchkeeping Code adopted by resolution 2 of the 2010 STCW Conference as amended, modified or replaced and as extended to the Islands; and

“**valid dispensation**” means a dispensation issued in accordance with Article VIII of the STCW Convention.

- (2) An expression not otherwise defined in these Regulations has the meaning given by the STCW Convention.

## Application

3. (1) Subject to paragraph (3), Parts 2, 4 and 5 apply to a Cayman Islands ship which is subject to the Maritime Labour Convention and which is —



- (a) engaged on international voyages; or
  - (b) operating from a port, or between ports in a country other than the Islands.
- (2) Parts 2, 4 and 5 do not apply to a Cayman Islands ship which is a —
- (a) fishing vessel;
  - (b) pleasure vessel;
  - (c) warship, naval auxiliary or other ship owned or operated by a State and engaged only on governmental non-commercial service; or
  - (d) ship not propelled by mechanical means.
- (3) Part 3 applies to —
- (a) a Cayman Islands ship which is a pleasure vessel; and
  - (b) a pleasure vessel which is a foreign ship while in Cayman Islands waters.
- (4) Part 6 applies to a foreign ship in a port in the Cayman Islands or in the territorial sea of Cayman Islands.

### **Ship owner responsibility**

4. (1) A ship owner shall ensure that ship owned by that person complies with such of the requirements of Parts 2, 4 and 5 as apply in relation to a ship of its description.
- (2) The owner of a pleasure vessel shall ensure that pleasure vessel owned by that person complies with Part 3.
- (3) Paragraphs (1) and (2) apply whether or not these Regulations impose an obligation on another person.
- (4) A ship owner which fails to comply with paragraphs (1) or (2) commits an offence and is liable —
- (a) on summary conviction to a fine of ten thousand dollars; or
  - (b) on conviction on indictment to a fine of twenty-five thousand dollars, to imprisonment for a term of two years, or to both.

## **PART 2 – MINIMUM SAFE MANNING**

### **Interpretation in Part 2**

5. In this Part —

“**minimum safe manning document**” means for a ship of —

- (a) five hundred gross tonnage or over and other ships subject to Chapter I of the Safety Convention, the minimum safe manning document required by Chapter V, regulation 14 of the Safety Convention; or



- (b) less than five hundred gross tonnage and, subject to the Maritime Labour Convention, a Cayman Islands minimum safe manning document issued by the CEO in accordance with the provisions of regulation; and

“**Resolution A.1047(27)**” means IMO Assembly Resolution A.1047(2) on the Principles of Minimum Safe Manning, adopted on 30 November 2011 as may be amended, modified or replaced.

### Minimum safe manning

6. (1) A ship shall not proceed to sea unless it carries a valid minimum safe manning document issued in accordance with regulation 7.
- (2) A minimum safe manning document issued under paragraph (1) is only valid —
- (a) if it is issued in accordance with regulation 7;
  - (b) for the period stated in it;
  - (c) for the operational area stated in it;
  - (d) if any conditions stated in it are complied with; and
  - (e) if it has not been withdrawn under regulation 9.
- (3) A master who fails to comply with paragraph (1) commits an offence and is liable on —
- (a) summary conviction to a fine of ten thousand dollars; or
  - (b) on conviction on indictment to a fine of twenty-five thousand dollars, to imprisonment for a term of two years, or to both.

### Issue of a minimum safe manning document

7. A minimum safe manning document may be issued by the CEO to a ship if —
- (a) a proposal has been submitted by or on behalf of, the ship owner to the CEO for the minimum safe manning for a ship;
  - (b) the CEO has evaluated and approved the proposal for the minimum safe manning of the ship; and
  - (c) the CEO took Resolution A.1047(27) into account in making his or her decision.

### Changes which affect minimum safe manning

8. A change shall not be made to a ship’s operational area, construction, machinery, equipment, operation or maintenance which affects a ship’s minimum safe manning unless —
- (a) a new proposal for a ship’s minimum safe manning has been submitted has been submitted by or on behalf of, the ship owner to the CEO in accordance with regulation 7(a);





- (b) the new proposal for a ship's minimum safe manning has been evaluated and approved by the CEO in accordance with regulation 7(b); and
- (c) a new minimum safe manning document has been issued by the CEO.

### **Withdrawal of minimum safe manning document**

- 9.** (1) The CEO may withdraw a minimum safe manning document if —
- (a) a new minimum safe manning document has not been issued in accordance with regulation 8 and a change in operational area, construction, machinery, equipment, operation or maintenance has taken place that affects a ship's minimum safe manning; or
  - (b) the master fails to ensure that all seafarers comply with the minimum hours of rest requirements in Part 4.
- (2) For the purposes of paragraph (1), a minimum safe manning document is withdrawn if —
- (a) the CEO has withdrawn the minimum safe manning document from the ship; or
  - (b) the CEO has notified the master and company in writing that the minimum safe manning document is withdrawn.

## **PART 3 – PLEASURE VESSEL MANNING**

### **Pleasure vessel manning**

- 10.** (1) The master of a pleasure vessel shall ensure that the manning of that vessel is sufficient to safely execute every voyage undertaken.
- (2) A master who fails to comply with paragraph (1) commits an offence and is liable on —
- (a) summary conviction to a fine of ten thousand dollars; or
  - (b) conviction on indictment to a fine of twenty-five thousand dollars, or imprisonment for a term of two years, or to both.

## **PART 4 – HOURS OF REST**

### **Minimum hours of rest**

- 11.** (1) A ship owner and master shall ensure that a seafarer is given minimum hours of rest in accordance with the requirements of this Part.
- (2) Subject to regulations 16 and 17 —



- (a) a seafarer's minimum hours of rest shall not be less than —
  - (i) ten hours in any twenty-four-hour period; and
  - (ii) seventy-seven hours in any seven-day period.
- (b) a seafarer's hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed fourteen hours.

### **Shallers, firefighting and lifeboat drills**

- 12.** Shallers, fire-fighting and lifeboat drills, or drills prescribed by statute or by international instrument shall be conducted in a manner that minimises the disturbance of rest periods and does not induce fatigue.

### **Compensatory rest**

- 13.** When a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

### **Shipboard working arrangements**

- 14.** (1) A ship owner, in consultation with the master, shall produce a schedule of duties for a ship as may be specified by a Shipping Notice.
- (2) A schedule of duties for every position containing the shipboard working arrangements shall be posted in an easily accessible place and shall include —
- (a) the schedule of service at sea and service in port; and
  - (b) the minimum hours of rest required in accordance with this Part or any applicable collective agreement.
- (3) A schedule of shipboard working arrangements shall be in English.
- (4) Where a ship owner is not also the employer of all the seafarers, the ship owner shall consult any other person who is an employer of any of the seafarers before the production or amendment of a schedule.
- (5) A ship owner may arrange with any employer referred to in paragraph (4) that the employer is to produce a schedule of duties complying with this regulation and, in such a case, that employer is also subject to the duties of the ship owner under this regulation.

### **Records of daily hours of rest**

- 15.** (1) A ship owner shall ensure records of daily hours of rest are maintained for every seafarer, retained for a period of three years and made available for inspection purposes.
- (2) A record of daily hours of rest shall include —



- (a) the date applicable to the record;
  - (b) the name and position on board of the seafarer; and
  - (c) the start time, end time and duration of each period of rest.
- (3) A record of daily hours of rest shall be in English.
- (4) Each seafarer shall be given a copy of the records pertaining to him or her on a monthly basis and the copy shall be endorsed by the master or a person authorised by the master, and by the seafarer.

### **Special circumstances**

- 16.** (1) Nothing in this Part limits the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on-board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.
- (2) A master may suspend the schedule of hours of rest and require a seafarer to perform any hours of work necessary in accordance with paragraph (1), until the normal situation has been restored.
- (3) A master shall ensure that any seafarer who has performed work in a scheduled rest period is provided with an adequate period of rest as soon as practicable after the normal situation has been restored.

### **Exceptions**

- 17.** (1) The CEO may authorise or register collective agreements permitting exceptions to the minimum hours of rest required by regulation 11.
- (2) Any exception permitted in accordance with paragraph (1) shall, as far as possible, follow the provisions of regulation 11, but may take account of more frequent or longer leave periods or the granting of compensatory leave for a watchkeeping seafarer, or a seafarer working on-board a ship on short voyages.

### **Master's responsibility**

- 18.** (1) In addition to the responsibility of the ship owner to ensure compliance with the requirements of this Part, it is also the responsibility of the master to ensure —
- (a) each officer in charge of a watch or rating forming part of a watch is sufficiently rested before taking up any watchkeeping duties;
  - (b) the watchkeeping arrangements are adequate for the maintenance of a safe watch at all times; and
  - (c) the ship does not sail from any port unless those seafarers who will be in charge of a watch immediately after sailing have received rest sufficient to allow them to maintain a safe watch.

- (2) A master who fails to comply with paragraph (1) commits an offence and is liable on —
- (a) summary conviction to a fine of ten thousand dollars; or
  - (b) conviction on indictment to a fine of twenty-five thousand dollars, to imprisonment for a term of two years, or to both.

## PART 5 – STCW CONVENTION

### Interpretation in Part 5

19. In this Part —

“**Cayman Islands endorsement**” means an endorsement issued by the CEO attesting to the recognition of a certificate of competency issued in accordance with STCW regulation I/10; and

“**CRA**” means the confirmation of receipt of application for a Cayman Islands endorsement.

### Requirement to comply with the STCW Convention

20. (1) Seafarers shall be assigned for service on a ship in accordance with the requirements of the STCW Convention.
- (2) Without limiting paragraph (1), a seafarer assigned to a ship shall —
- (a) hold a certificate of competency in accordance with the requirements of Chapters II, III, IV or VII of the Annex to the STCW Convention;
  - (b) hold a certificate of proficiency in accordance with the requirements of the STCW Convention;
  - (c) receive refresher and updated training as required by the STCW Convention; and
  - (d) be familiarised with their specific duties and with all shipboard arrangements, installations, equipment, procedures and ship characteristics that are relevant to their routine or emergency duties in accordance with the requirements of the STCW Code, section A-1/14 and section B-1/14.

### Master's responsibility

21. (1) In addition to the responsibility of a ship owner to ensure compliance with the requirements of this Part, it is the responsibility of a master to ensure that —
- (a) any person engaged to serve on board holds an appropriate certificate required by the STCW Convention;



- (b) a person who performs a function or service in any capacity on board by a person holds —
  - (i) an appropriate certificate for that function or service or a valid dispensation; and
  - (ii) a Cayman Islands endorsement or CRA;  
as required by the STCW Convention and these regulations; and
- (c) watchkeeping arrangements are adequate for maintaining a safe watch or watches, taking into account the prevailing circumstances and conditions and that, under the master's general direction —
  - (i) officers in charge of the navigational watch are responsible for navigating the ship safely during their periods of duty, when they shall be physically present on the navigating bridge or in a directly associated location such as the chartroom or bridge control room at all times;
  - (ii) radio operators are responsible for maintaining a continuous radio watch on frequencies specified by international instruments extended to the Islands during their periods of duty;
  - (iii) officers in charge of an engineering watch, as defined in the STCW Code, under the direction of the chief engineer officer, shall be immediately available and on call to attend the machinery spaces and, when required, shall be physically present in the machinery space during their periods of responsibility;
  - (iv) effective watch or watches are maintained for the purpose of safety at all times, while the ship is at anchor or moored and, if the ship is carrying hazardous cargo, the organisation of such watch or watches takes full account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions prevailing on board, afloat or ashore; and
  - (v) appropriate and effective watches are maintained for the purpose of security.
- (2) A master who fails to comply with paragraph (1) commits an offence and is liable on —
  - (a) summary conviction, to a fine of ten thousand dollars; or
  - (b) on conviction on indictment, to a fine of twenty-five thousand dollars, to imprisonment for a term of two years, or to both.

**Fraud or forged documents**

- 22.** A person who obtains or attempts to obtain by fraud or by forged documents an engagement to perform any function or to serve in any capacity required by the STCW Convention which is to be performed or filled by a person holding a certificate or dispensation and the person does not have the certificate or dispensation, commits an offence and is liable on —
- (a) summary conviction to a fine of ten thousand dollars; or
  - (b) conviction on indictment to a fine of twenty-five thousand dollars, or to imprisonment for a term of two years, or to both.

**Cayman Islands Endorsement**

- 23.** (1) In accordance with STCW regulation I/10, a master, officer or radio operator serving on a Cayman Islands ship shall hold a Cayman Islands endorsement issued by the CEO.
- (2) A Cayman Islands endorsement may be issued by the CEO to a seafarer if that seafarer holds —
- (a) a valid certificate of competency issued by a country specified in a Shipping Notice; and
  - (b) a valid seafarer's medical certificate issued by, or on behalf of, a country specified in a Shipping Notice and issued under STCW regulation I/9 appropriate to the seafarer's intended service on board.
- (3) In addition to the requirements in paragraph (2), the CEO may issue a Cayman Islands endorsement to —
- (a) a seafarer who presents for endorsement, certificates issued under the provisions of STCW regulations II/2, III/2 or III/3, or issued under regulation VII/1 at the management level, if the seafarer has sufficient knowledge of maritime legislation and administrative procedures relevant to the functions the seafarer is permitted to perform;
  - (b) a master or officer serving on an oil, gas or chemical tanker if the seafarer holds a certificate of proficiency issued in accordance with STCW regulations V/1-1 or V/1-2 (as appropriate) by a country specified by a Shipping Notice; and
  - (c) any other seafarer holding a certificate of competency or certificate of proficiency issued by a country specified by a Shipping Notice that requires recognition by endorsement under the STCW Convention.
- (4) A master, officer or radio operator may serve on board a ship without a Cayman Islands endorsement for a period not exceeding three months if —
- (a) an application for a Cayman Islands endorsement has been made to the CEO;



- (b) the CEO has issued a CRA which shall be made available on board; and
  - (c) the seafarer holds an appropriate certificate issued and endorsed by a country specified by a Shipping Notice as required by the STCW Convention.
- (5) A Cayman Islands endorsement ceases to be valid as soon as —
- (a) the certificate endorsed expires;
  - (b) the certificate endorsed is withdrawn, suspended or cancelled by the party which issued it; or
  - (c) is suspended or cancelled in accordance with section 118 of the Act.

### **Documentation to be maintained by the Company**

- 24.** Documentation and data relevant to a seafarer employed on a ship shall be maintained by the ship owner, be readily accessible and include documentation and data on a seafarer’s experience, training, medical fitness and competency in assigned duties.

### **Emergency situations**

- 25.** The seafarers serving on a ship shall be able to effectively coordinate their activities in an emergency situation and perform functions vital to safety, security and to the prevention or mitigation of pollution.

### **Safety and security familiarisation training, basic training or instruction**

- 26.** (1) A seafarer, before being assigned to any shipboard duties, shall receive safety familiarisation and basic training and instruction in accordance with the STCW Code, section A-VI/1 and meet the standard of competence specified in the STCW Code, Tables A-VI/1-1 to A-VI/1-4.
- (2) A seafarer, before being assigned to any shipboard duties on a ship required to comply with the provisions of the ISPS Code, shall receive security-related familiarisation training and instruction in accordance with the STCW Code, section A-VI/6 and meet the standard of competence specified in the STCW Code, Tables A-VI/6-1.

### **Mandatory minimum requirements for personnel on passenger ships**

- 27.** (1) For the purposes of STCW regulation V/2, paragraph 1 which permits the CEO to determine the applicability of STCW regulation V/2 to personnel serving on a passenger ship engaged on domestic voyages, subject to paragraph (2), the requirements of STCW regulation V/2 do not apply to personnel serving on a passenger ship engaged on domestic voyages.
- (2) Personnel serving on a passenger ship engaged on domestic voyages shall comply with the training requirements of the country where the domestic voyage takes place.

- (3) In this regulation “**domestic voyage**” means a voyage, in the territorial waters of a country, from a place in that country to another place in that country or back to that same place in the country.

### **Certificate of proficiency for ship security officers**

- 28.** (1) A ship security officer serving on a ship to which the *Merchant Shipping (Maritime Security) Regulations 2007* applies shall hold a certificate of proficiency issued in accordance with STCW regulation VI/5.
- (2) In this regulation, “**ship security officer**” means the person on board a ship, accountable to the master, designated by the ship owner as responsible for the security of the ship including —
- (a) the implementation and maintenance of the ship security plan; and
  - (b) the liaison with the company security officer and port facility security officers.

### **Certificate to be kept onboard**

- 29.** A certificate required by the STCW Convention shall be kept available on board the ship on which the holder is serving in its original form.

### **Prevention of drug or alcohol abuse**

- 30.** (1) The company shall establish measures for preventing drug or alcohol abuse on board a ship.
- (2) The measures referred to in paragraph (1) shall include —
- (a) a clearly written policy for the prevention of drug or alcohol abuse; and
  - (b) procedures to ensure a seafarer does not exceed the alcohol limits specified by a Shipping Notice while the seafarer is performing designated safety, security or marine environmental duties.
- (3) The written policy for the prevention of drug or alcohol abuse shall be made available to all seafarers on board.

### **Dispensation**

- 31.** (1) In accordance with Article VIII of the STCW Convention, in circumstances of exceptional necessity, the CEO may issue a dispensation permitting a specified seafarer to serve on a specified ship for a specified period not exceeding six months in a capacity, other than that of radio officer or radiotelephone operator, for which he or she does not hold the appropriate certificate.
- (2) A dispensation under paragraph (1) shall be issued by the CEO only in accordance with the provisions of Article VIII of the STCW Convention.





### **Equivalents**

- 32.** (1) In accordance with Article IX of the STCW Convention, the CEO may retain or adopt equivalent educational and training arrangements including those involving seagoing service and shipboard organisation especially adapted to technical developments and to special types of ships and trades.
- (2) The equivalent arrangements in paragraph (1) may only be permitted if the level of seagoing service, knowledge and efficiency as regards navigational and technical operation of ship and the cargo ensures a degree of safety at sea and has a preventative effect as regards pollution that is equivalent to the requirements of the STCW Convention.

### **Exemption**

- 33.** (1) In accordance with the STCW Convention regulation II/3, paragraph 7 the CEO may exempt the master and the officer in charge of a navigational watch on a ship or class of ships from some of the requirements of STCW regulation II/3 and STCW Code, section A-II/3.
- (2) An exemption under paragraph (1) may be issued by the CEO only in accordance with the provisions of STCW regulation II/3, paragraph 7.

### **Conduct of trials**

- 34.** In accordance with STCW regulation I/13 and section 106 (3) of the Act, the CEO may authorise a ship to participate in trials.

### **Register of endorsements and dispensations**

- 35.** (1) The CEO shall maintain a register of —
- (a) endorsements issued in accordance with regulation 23; and
  - (b) dispensations issued in accordance with regulation 31.
- (2) The register required by paragraph (1) shall be maintained in accordance with the requirements of STCW Convention regulation I/2, paragraphs 14, 15 and 16.

## **PART 6 – INSPECTION OF FOREIGN SHIPS**

### **Inspection of foreign ship**

- 36.** (1) An authorized person may inspect a foreign ship calling in the normal course of its business or for operational reasons to a port in the Islands to do one or more of the following —
- (a) to verify that a seafarer serving on board who is required to be certified in accordance with the STCW Convention —

- (i) holds an appropriate certificate or a valid dispensation; and
    - (ii) has an endorsement or provides documentary proof that an application for an endorsement has been submitted to the ship's flag State in accordance with STCW regulation I/10, paragraph (5);
  - (b) verify that the numbers and certificates of the seafarers serving on board are in conformity with the applicable safe manning requirements of the ship's flag State;
  - (c) assess, in accordance with the STCW Code, section A-I/4 the ability of seafarers on the ship to maintain watchkeeping and security standards, as required by the STCW Convention if there are clear grounds for believing that the standards are not being maintained.
- (2) The clear grounds referred to in paragraph (1)(c) are if any of the following have occurred —
- (a) the ship has been involved in a collision, grounding or stranding;
  - (b) there has been discharge of substances from the ship when underway, at anchor or at a berth which is illegal under any international convention;
  - (c) the ship has been manoeuvred in an erratic or unsafe manner whereby routing measures adopted by the International Maritime Organization or safe navigation practices and procedures have not been followed; or
  - (d) the ship is otherwise being operated in such a manner as to pose a danger to persons, property, the environment, or a compromise to security.
- (3) Deficiencies which may be deemed to pose a danger to persons, property or the environment include the following —
- (a) failure of a seafarer to —
    - (i) hold an appropriate certificate or a valid dispensation; or
    - (ii) to have an endorsement or provide documentary proof that an application for an endorsement has been submitted to the ship's flag State in accordance with STCW regulation I/10, paragraph 5;
  - (b) failure to comply with the applicable safe manning requirements of the ship's flag State;
  - (c) failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the ship's flag State;
  - (d) absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radiocommunications or the prevention of marine pollution; and
  - (e) inability to provide, for the first watch at the commencement of the voyage and for subsequent relieving watches, persons who are sufficiently rested and otherwise fit for duty.



- (4) In this regulation “flag State” means the Government of the Party to the STCW Convention whose flag the ship is entitled to fly.

### **Detention of ships**

**37.** (1) In any case where it is found —

- (a) in relation to a Cayman Islands ship, that there is a contravention of these regulations; or
- (b) in relation to a foreign ships, that there is —
  - (i) a contravention of regulation 36(1)(a) or
  - (ii) an authorized person is of the opinion that a deficiency, or deficiencies, pose a danger to persons, property, the environment, or a compromise to security,

the ship may be detained.

- (2) In determining whether or not a deficiency poses a danger to persons, property, the environment, or a compromise to security, the authorized person shall take into account the size and type of the ship and the length and nature of the voyage.
- (3) If an inspection is conducted in accordance with regulation 36 or when measures are taken in accordance with paragraph (1), all reasonable efforts shall be made to avoid the ship being unreasonably detained or delayed.
- (4) Where a ship is liable to be detained or is detained under this regulation, section 422 of the Act applies as if references to the detention of a ship under the Act were references to detention of the ship in question under this regulation.
- (5) Where a foreign ship is detained under this regulation, the CEO shall immediately inform the Consul or a diplomatic representative of the State whose flag the ship is entitled to fly, or the appropriate maritime authorities of that State, of the detention and the grounds for the detention.

## **PART 7 – REPEALS AND TRANSITIONAL PROVISIONS**

### **Repeals**

- 38.** *The Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations (2004 Revision)* are repealed.

**Transitional provisions**

- 39.** A certificate or document issued under the *Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations (2004 Revision)* which is in force on the date of commencement of these Regulations remains valid after such date until it expires in accordance with the terms and conditions which applied to that certificate or document when the certificate or document was issued under the *Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations (2004 Revision)*.

**Made in Cabinet the 14th day of January, 2025.**

**Kim Bullings**  
*Clerk of the Cabinet*

