

GUIDANCE NOTE 05/2005

MISUSE OF DRUGS ON CAYMANISLANDS SHIPS AND YACHTS

To: OWNERS, MANAGERS, MASTERS AND MANNING AGENTS OF CAYMAN ISLANDS SHIPS

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Shipping Notice CISN 05/05

Misuse of Drugs on Cayman Islands Ships¹ and Yachts

To: OWNERS, MANAGERS, MASTERS AND MANNING AGENTS of CAYMAN ISLANDS SHIPS

1. Background

- 1.1. The purpose of this notice is to remind all of the severe penalties associated with the misuse of drugs onboard Cayman Islands ships. It also gives general advice on policies and procedures that may be put in place to help prevent drug related offences being committed onboard.
- 1.2. Although this Shipping Notice primarily focuses on large private and commercial yachts, those involved with other types of Cayman Islands ships should take note of the content as it is applicable to all Cayman Islands ships.

2. Legislation

- 2.1. The Cayman Islands "Misuse of Drugs Law (1999 Revision)" applies both within the territory of the Cayman Islands and onboard all Cayman Islands ships. Penalties for offences under this Law are severe and include unlimited fines and life imprisonment.
- 2.2. In addition, for offences committed onboard ships, this law includes provisions for the seizure and forfeiture of the ship itself.
- 2.3. Ships are also subject to the local laws of countries being visited. Many countries impose capital sentences for some drug related offences.

3. Offences

- 3.1. Under the "Misuse of Drugs Law" it is an offence to import, export, produce, sell purchase, supply, distribute, possess or posses with intent to supply any of the controlled drugs listed in the schedules to the Law.
- 3.2. It is also an offence to possess "*drug paraphernalia*"² or certain "*substances useful for manufacturing controlled drugs*".

¹ Unless specified within the text, the term "ship" is used in this Shipping Notice to refer to both "ships" and "yachts".

3.3. The owner and / or master of a Cayman Islands ship would also be guilty of an offence if they knowingly allowed any of the above offences to be committed onboard the ship.

4. Policies and Procedures

4.1. Adopting the following policies may help to prevent drug related offences being committed onboard:

4.1.1. Adopt a “zero tolerance” policy with regard to the misuse of controlled drugs. Make sure that this policy is know and understood by all onboard. The zero tolerance policy should equally apply to all onboard and not only to permanent and temporary crew.

4.1.2. Instigate a thorough program of drug testing onboard. Include drug testing as part of the pre-employment process.

4.1.3. Ensure that charter parties contain sufficient protection for owners should an offence under the “Misuse of Drugs Law” be committed by a charter guest. Remember that the ship or yacht may be subject to seizure and forfeiture.

4.1.4. Do not “turn a blind eye” to any drug related offence onboard. Doing so constitutes an offence in itself.

4.1.5. Instruct all members of the crew in the recognition of common types of illegal drugs and drug paraphernalia.

4.1.6. Should an illegal drug, or suspected illegal drug, be discovered onboard it should be reported immediately to the master and to the company.

4.2. As well as helping to prevent drug related offences, adopting policies such as those above may help to demonstrate that due diligence has been exercised with regard to the misuse of drugs onboard the ship.

5. Required Actions

5.1. Owners and managers of Cayman Islands ships should seek professional legal advice to assist in the development of policies aimed at preventing the misuse of drugs onboard and procedures to be followed should illegal drugs be brought onboard by any person.

5.2. Owners, managers and masters of Cayman Islands ships should be aware of the provisions of the “Misuse of Drugs Law (1999 Revision)” and should take all reasonable steps to prevent any offence under this law being committed.

² “*Pipe, utensil or thing used in the preparation or consumption of any controlled drug*”