

CAYMAN ISLANDS



Merchant Shipping Law

**MERCHANT SHIPPING (CARRIAGE OF
PACKAGED IRRADIATED NUCLEAR
FUEL ETC.) (INF CODE) REGULATIONS,
2003**

(SL 7 of 2003)

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The Governor in Council, in exercise of the powers conferred on him by sections 174 and 459 of the Merchant Shipping Law (2001 Revision) makes the following Regulations:

Citation

1. These Regulations may be cited as the Merchant Shipping (Carriage of Packaged Irradiated Nuclear Fuel etc.) (INF Code) Regulations, 2003.

Interpretation

2. (1) In these Regulations —

“**Certificate of Fitness**” means the International Certificate of Fitness for the Carriage of INF Cargo, as provided for in the INF Code;

“**high-level radioactive wastes**” means liquid wastes resulting from the operation of the first stage extraction system or the concentrated wastes from subsequent extraction stages, in a facility for reprocessing irradiated nuclear fuel, or solids into which such liquid waste have been converted;

“**IMDG Code**” means the 2000 Edition of the IMO International Maritime Dangerous Goods Code;

“**INF cargo**” means packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes carried as cargo;

“**INF Code**” means the *International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships* adopted on 27th May, 1999 by the Maritime Safety Committee of the IMO by resolution MSC 88(71) and set out in the Annex thereto;

“**irradiated nuclear fuel**” means material containing uranium, thorium or plutonium isotopes, which has been used to maintain a self-sustaining nuclear chain reaction;

“**operator**” in relation to a ship includes any owner, charterer, manager and agent of the ship;

“**packaged**” means contained in packagings complying with the requirements of Class 7 of the IMDG Code, Schedules 10, 11, 12, 13 or 14;

“**plutonium**” means the resultant mixture of isotopes of that material extracted from the reprocessing of irradiated nuclear fuel; and

“**ship**” includes hovercraft.

- (2) A reference in these Regulations to the IMDG Code, INF Code or the Safety Convention shall include a reference to any document amending that publication which is applicable to the Islands.
- (3) In interpreting the INF Code —
 - (a) compliance with the requirements of the INF Code having been made mandatory under regulation 4, the language thereof shall be construed accordingly, and in particular “should” shall be construed as “shall”;
 - (b) references to the Administration shall, in relation to Cayman Islands ships, be construed as references to the Director.

Application

3. These Regulations apply to —

- (a) Cayman Islands ships wherever they may be; and
- (b) other ships which are in Cayman Islands waters, carrying INF cargo.

Duty to comply with the INF Code

4. (1) Every ship to which these Regulations apply shall be constructed, equipped, inspected and surveyed in accordance with the requirements of the INF Code.
- (2) The operator and master shall ensure that a ship carrying INF cargo complies with the requirements of the INF Code.
- (3) The Director shall, on the application of the operator of a ship registered in the Islands, if he is satisfied that the ship complies with the requirements of the INF Code, issue to the operator a Certificate of Fitness certifying compliance with the INF Code.



Duty to hold a Certificate of Fitness

5. An operator or master shall not accept INF cargo for carriage in a ship which has not been issued with a Certificate of Fitness by the Director under regulation 4(3), or by the administration of the State whose flag the ship is entitled to fly.

Offences and penalties

6. (1) Where there is a contravention of regulation 4(2) or 5, the operator and master is each guilty of an offence.
- (2) A person who is guilty of an offence under these Regulations is liable on conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for two years.
- (3) It shall be a defence for a person charged under these Regulations to show that he took all reasonable steps to avoid the commission of the offence.

Power to detain

7. In any case where a ship does not comply with the requirements of these Regulations the ship shall be liable to be detained and section 439 of the *Merchant Shipping Law (2001 Revision)* shall have effect in relation to the ship as if for the words “this Law” wherever they appear in that section, there were substituted the words “the Merchant Shipping (Carriage of Packaged Irradiated Nuclear Fuels etc.) (INF Code) Regulations, 2003.

Offences due to the fault of another person

8. Where the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first- mentioned person.

Made in Cabinet the 1st day of July , 2003.

Carmena Watler
Clerk of Cabinet.