

CAYMAN ISLANDS



Merchant Shipping Law

MERCHANT SHIPPING (FEES) REGULATIONS, 2014

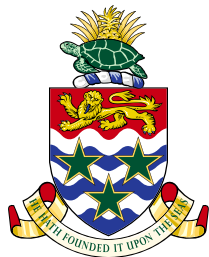
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Arrangement of Regulations

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(SL 38 of 2014)

The Cabinet, in exercise of the powers conferred by section 459 of the Merchant Shipping Law (2011 Revision), makes the following Regulations —

Citation

1. These Regulations may be cited as the Merchant Shipping (Fees) Regulations, 2014.

Definitions

2. (1) In these Regulations —

“**Authority**” means the Maritime Authority of the Cayman Islands established under section 3 of the *Maritime Authority Law (2013 Revision)*;

“**Chief Executive Officer**” means the Chief Executive Officer of the Authority appointed under section 9 of the *Maritime Authority Law (2013 Revision)*;

“**gross tonnage**” means the gross tonnage or gross tons as shown on the ship’s tonnage certificate except that, for the purpose of these Regulations —

- (a) where a ship claims a lower gross tonnage with respect to the application of safety requirements to that ship, such lower gross tonnage shall not be used for calculating the registration fees payable; and
- (b) where a ship is assigned only one tonnage, that tonnage shall be taken as its gross tonnage for calculating registration fees payable; and

“**non-coercive revenue**” means any revenue not categorised as coercive revenue under the Financial Regulations (2013 Revision).

Application and level of fees

3. (1) Registration fees shall be payable for any registration matters handled by or on behalf of the Authority with respect to ships or their owners or operators.
- (2) The registration fees are payable by the applicant for registration on application.
- (3) Any certificate or other document for which a registration fee is payable under these Regulations may be withheld until such fee, plus any late interest penalty under regulation 4 has been paid.

Surcharges for late payment

4. (1) Where registration fees remain unpaid beyond the due date the following late payment penalties shall apply —
 - (a) a 10% surcharge on the amount outstanding shall be applied for amounts due and not paid within 30 days of the due date; and
 - (b) an additional 5% surcharge on the amount outstanding shall be applied for each period of 30 days or part thereof for amounts due and not paid within 60 days of the due date.
- (2) For the purposes of this regulation the due date shall be the date of issue of the invoice.

Fees and charges for services not in the Schedule

5. (1) The Chief Executive Officer may, in accordance with the policies of the Authority, and in relation to non-coercive revenue, fix the fees and charges for services, and make any dispositions in relation thereto in accordance with the policies of the Authority.
- (2) The fees and charges referred to in paragraph (1) shall be published by the Authority.

Payments to the Authority

6. All fees are payable to the Authority, which shall retain such fees and use for the performance of its functions.

Costs of inquiries, investigations, proceedings and notices

7. Costs and expenses incurred by the Authority in respect of —
 - (a) casualty inquiries and investigations; and
 - (b) improvement and prohibition notices,



are recoverable as charges from the parties who are the subjects of the inquiries, notices, investigations or proceedings, as the case may be, and the Schedule shall apply in respect of the calculation of costs and expenses.

Repeal

8. The Merchant Shipping (Registration Fees) Regulations, 2006 are repealed.

SCHEDULE

(Regulation 7)

CALCULATION OF CHARGEABLE COSTS AND EXPENSES

1. Where a cost or expense is incurred by the Authority under regulation 7 the charge to the parties concerned shall, in addition to the cost of any legal services involved, be calculated taking into account the following -
 - (a) for inquiries or investigations involving travel to an establishment, including to a ship, charges shall include -
 - (i) the time spent conducting the visit, charged at the applicable published hourly rate, such time to include both in-office and out-of-office time;
 - (ii) travelling time between the office and the establishment, charged at the applicable published hourly rate, subject to a maximum charge of sixteen hours for any one occasion;
 - (iii) the cost of transport to and from the establishment and any costs incidental thereto;
 - (iv) the cost of accommodation and subsistence for the persons conducting the inquiry or investigation; and
 - (v) any additional costs incurred in relation to the work involved, including reasonable out of pocket expenses.
 - (b) for inquiries and investigations not involving travel to an establishment, charges shall include -
 - (i) the time spent conducting the inquiry or investigation, charged at the applicable published hourly rate; and
 - (ii) reasonable out-of-pocket expenses.
2. Time shall be charged to the nearest tenth of an hour.

Made in Cabinet the 15th day of July, 2014.

Meredith Hew
Acting Clerk of the Cabinet.

