

CAYMAN ISLANDS



Merchant Shipping Law

MERCHANT SHIPPING (MEDICAL EXAMINATION) REGULATIONS, 2002

(SL 1 of 2002)

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**MERCHANT SHIPPING (MEDICAL
EXAMINATION) REGULATIONS, 2002****(SL 1 of 2002)**

The Governor in Council, in exercise of the powers conferred on him by sections 111 and 459 of the Merchant Shipping Law (2001 Revision) makes the following Regulations:

Citation

1. These Regulations may be cited as the Merchant Shipping (Medical Examination) Regulations, 2002.

Interpretation

2. (1) In these Regulations unless the context otherwise requires —
“**chemical**” means any liquid product listed in Chapter 17 of the *International Code* for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk and includes products not so listed but which have been accepted for carriage in chemical tankers under International Maritime Organization guidelines, pending their inclusion in Chapter 17 of the Code;
“**gross tonnage**” means the gross tonnage as determined under the International Convention on Tonnage Measurement of Ships, 1969, as amended, or under any regulations relating to tonnage measurement made under the Law, as the case may be and where a ship has alternative gross tonnages, means the larger of those tonnages;
“**Law**” means the *Merchant Shipping Law (2001 Revision)*;

“**medical fitness certificate**” means a certificate issued by or under the authority of a country listed in the Schedule;

“**non-Cayman Islands ship**” means a ship that is not a Cayman Islands ship;

“**offshore installation**” has the meaning given in the United Nations Convention on the Law of the Sea 1982; and

“**seafarer**” includes an officer and a rating.

- (2) An approval in pursuance of these Regulations shall be given in writing and shall specify the date on which it takes effect and the conditions, if any, on which it is given.

Application

3. (1) Subject to paragraph (2), these Regulations apply to sea-going Cayman Islands ships being ships which are of 1,600 gross tonnage or over, other than fishing vessels, pleasure vessels and offshore installations whilst on their working station.
- (2) Regulations 8 and 9 apply to non-Cayman Islands ships of the descriptions provided in paragraph (1) when they are in a Cayman Islands port or Cayman Islands waters.

Prohibition on employment

4. (1) Subject to paragraph (5), no person shall employ a seafarer in a ship to which these Regulations apply unless that seafarer is the holder of a valid medical fitness certificate.
- (2) Notwithstanding paragraph (1) any seafarer, the validity of whose certificate expires while he is in a location where medical examination in accordance with these Regulations is impracticable, may continue to be employed without such a certificate for a period not exceeding three months from the date of expiry of such medical certificate.
- (3) Subject to paragraph (5), no person shall employ a seafarer in a ship in a capacity or in a geographical area precluded by any restriction in that seafarer’s medical fitness certificate.
- (4) Subject to paragraph (5), no person shall employ a seafarer in a ship carrying chemicals in bulk unless that seafarer is the holder of a valid medical fitness certificate issued in respect of a medical examination undertaken not more than twelve months previously, notwithstanding that the period of validity specified in the certificate may exceed twelve months.
- (5) Paragraphs (1), (2), (3) and (4) shall not apply to the employment of —
- (a) a pilot (who is not a member of the crew);



- (b) a person employed in a ship solely in connection with the construction, alteration, repair or testing of the ship, its machinery and equipment, and not engaged in the navigation of the ship;
- (c) a person solely employed in the work directed to —
 - (i) the exploration of the seabed or subsoil or the exploitation of their natural resources;
 - (ii) the storage of gas in or under the seabed or the recovery of gas so stored;
 - (iii) the laying, inspection, testing, repair, alteration, renewal or removal of any submarine telegraph cable; or
 - (iv) pipe-line works, including the assembling, inspection, testing, maintaining, adjusting, repairing, altering, renewing, changing the position of, or dismantling a pipeline or length of pipe-line;
- (d) a person employed in a port who is not ordinarily employed at sea; or
- (e) a person employed in a ship solely to provide goods, personal services or entertainment on board and who is not employed by the owner or the person employing the master of the ship and who has no emergency safety responsibilities.

Certificates equivalent to a medical fitness certificate

5. (1) Subject to paragraph (2), any certificate of medical and visual fitness for seafaring employment issued by or on behalf of a country listed in the Schedule to a seafarer in respect of a medical examination conducted before the date on which these Regulations come into force shall be deemed for the purposes of these Regulations to be equivalent to a medical fitness certificate issued under these Regulations.
- (2) Any such certificate as referred to in paragraph (1) shall remain valid from the date of the medical examination only for the maximum period specified in the certificate.

Employment of persons under 18 years of age

6. A person under the age of 18 shall not be employed in any capacity in a ship unless that person is the holder of a valid medical fitness certificate issued in respect of a medical examination undertaken not more than twelve months previously, notwithstanding that the period of validity specified in the certificate may exceed twelve months.

Frequency of medical examination of seafarers

7. Subject to regulation 4(4) and regulation 6, for continued service at sea —
- (a) seafarers below the age of eighteen years and seafarers on chemical tankers are required to undergo a medical examination at intervals not exceeding one year;
 - (b) seafarers aged eighteen years or more and less than forty years are required to undergo a medical examination at intervals not exceeding five years; and
 - (c) seafarers aged forty years or more are required to undergo a medical examination at intervals not exceeding two years.

Inspection and detention of a Cayman Islands ship

8. A person duly authorised by the Director may inspect a Cayman Islands ship to which these Regulations apply and if he is satisfied that a seafarer, whose employer is required by regulation 4 to ensure that he is the holder of a medical fitness certificate, is unable to produce a certificate which meets the requirement of that regulation and the state of his health is such that the ship could not sail without serious risk to the safety and health of those on board, he may detain the ship but shall not in the exercise of these powers detain or delay the ship unreasonably.

Inspection, detention and other measures in respect of non-Cayman Islands ships

9. (1) A person duly authorised by the Director may inspect a non-Cayman Islands ship to which these Regulations apply when the ship is in a Cayman Islands port, and if he is satisfied that a seafarer is unable to produce a valid medical fitness certificate he may —
- (a) send a report to the government of the country in which the ship is registered, and a copy thereof to the Director General of the International Labour Organisation; and
 - (b) subject to subparagraph (c), where conditions on board are clearly hazardous to safety or health —
 - (i) take such measures as are necessary to rectify those conditions; and
 - (ii) detain the ship: —
 - (c) the measures referred to in subparagraph (b) may be taken only when the ship has called at a Cayman Islands port in the normal course of business or for operational reasons.
- (2) Where he takes either of the measures specified in paragraph (1)(b), the person duly authorised shall forthwith notify the nearest maritime, consular or diplomatic representative of the flag state of the ship.



- (3) The person duly authorised shall not in the exercise of his powers under this regulation unreasonably detain or delay the ship.

Application of detention provisions of the law

- 10.** Sections 263 and 439 of the Law shall have effect in relation to a ship detained under these Regulations as if for the words “the Law” whenever they appear there were substituted the words “the Merchant Shipping (Medical Examination) Regulations 2002”.

Offences

- 11.** (1) An employer who contravenes regulation 4 is guilty of an offence and on summary conviction is liable to a fine not exceeding level 5 on the standard scale.
- (2) In any proceedings for an offence under these Regulations it shall be a defence for the employer to show that all reasonable steps had been taken by him to ensure compliance with the Regulations.

Repeals

- 12.** The Merchant Shipping (Medical Fitness) (Cayman Islands) Regulations, 1989 are repealed.

SCHEDULE

COUNTRIES WHOSE CERTIFICATES ARE ACCEPTABLE FOR THESE REGULATIONS

1. Certificates issued by the following countries in compliance with the requirements of article 2(a)(iii) of ILO Convention no. 147 of 1976 (concerning minimum standards in merchant ships) are acceptable under these regulations:

Algeria	Djibouti	Liberia	Slovenia
Angola	Egypt	Lithuania	South Africa
Argentina	Finland	Luxembourg	Spain
Australia	France	Macedonia (the former Republic of Yugoslavia)	Sweden
Azerbaijan	Germany	Malta	Tajikistan
Bangladesh	Greece	Morocco	Tunisia
Barbados	Guinea-Bissau	Netherlands	Ukraine
Belgium	Hong Kong	New Zealand	United Kingdom
Bosnia & Herzegovina	India	Norway	United States
Brazil	Iraq	Pakistan	Uruguay
Bulgaria	Ireland	Panama	Yugoslavia
Canada	Italy	Peru	
Costa Rica	Japan	Poland	
Croatia	Korea – Republic of	Portugal	
Cyprus	Kyrgyzstan	Russian Federation	
Denmark	Lebanon	Singapore	

2. This list of countries is subject to being updated from time to time as and when additional information becomes available.

Made in Executive Council the 8th day of January, 2002.

Carmena H. Watler
Clerk of the Executive Council

