STATUTORY INSTRUMENTS

1988 No. 790

MERCHANT SHIPPING

The Merchant Shipping Act 1979 (Cayman Islands) Order 1988

Made - - - -	*27th April 1988*
Laid before Parliament	*5th May 1988*
Coming into force	*1st June 1988*

At the Court of Saint James, the 27th day of April 1988

Present,

The Counsellors of State in Council

Whereas Her Majesty in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 28th day of March 1988, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required;

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, and in exercise of the powers conferred by section 47(1) of the Merchant Shipping Act 1979(**a**) and of all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:

1. This Order may be cited as the Merchant Shipping Act 1979 (Cayman Islands) Order 1988 and shall come into force on 1st June 1988.

2. It is hereby provided that, subject to the modifications specified in the Schedule to this Order, sections 23 to 25, 29, 30, 32, 37(1) to (7), 45 and 50(4) of the Merchant Shipping Act 1979 and Part II of Schedule 7 to that Act, insofar as it relates to the Merchant Shipping Act 1970(**b**) and the Merchant Shipping Act 1974(**c**) , shall extend or apply, as the case may be, to the Cayman Islands as part of the law thereof and shall apply to ships registered there and to masters and seamen employed in the ships as they apply to ships registered in the United Kingdom and to masters and seamen employed in them.

3. The provisions of the Schedule to this order shall come into force on such day as the Governor in Council may appoint by order, and different days may be appointed for different provisions or for different purposes of the same provision.

(**a**) 1979 c.39. (**b**) 1970 c.36. (**c**) 1974 c.43.

G. I. de Deney
Clerk of the Privy Council

SCHEDULE

Article 2

MODIFICATION IN THE EXTENSION OR APPLICATION, AS THE CASE MAY BE, TO THE CAYMAN ISLANDS OF SECTIONS 23 TO 25, 29, 30, 32, 37(1) TO (7), 45 AND 50(4) OF THE MERCHANT SHIPPING ACT 1979 AND PART II OF SCHEDULE 7 TO THAT ACT INSOFAR AS IT RELATES TO THE MERCHANT SHIPPING ACT 1970 AND THE MERCHANT SHIPPING ACT 1974

General

1. Any reference to the Merchant Shipping Act 1970 shall be construed as a reference to that Act as it extends to the Cayman Islands.

2. For any reference to the United Kingdom there shall be substituted a reference to the Cayman Islands.

3. For any reference to the Secretary of State there shall be substituted a reference to the Governor in Council.

4. For any reference to the Registrar General of Shipping there shall be substituted a reference to the Registrar of Shipping.

5. For any reference to a superintendent or a mercantile marine superintendent there shall be substituted a reference to a shipping master.

Other Modifications

6. In section 23–

(a) in subsection (1)(f) for the word "Parliament" there shall be substituted the words "the Legislative Assembly" and the words "with the consent of the Minister for the Civil Service" shall be omitted; and

(b) in subsection 6 for the words "£1000" there shall be substituted the words "level 5 on the standard scale".

7. In section 25(1) for the words "£1000" there shall be substituted the words "level 5 on the standard scale".

8. In section 29(1)(b), in section 61(1A) and (1B) of the Merchant Shipping Act 1970 as inserted by that section, the words "Subject to subsection (4) of this section," shall be omitted in each case.

9. In section 30(1) in section 72(1)(c) of the Merchant Shipping Act 1970 as inserted by that section–

(a) in paragraph (i) the words "or in pursuance of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976" shall be omitted;

(b) in paragraph (ii) the words ", or a preliminary investigation in Northern Ireland," and the word ", or" at the end of the paragraph shall be omitted; and

(c) paragraph (iii) shall be omitted.

10. In section 37(4) after the word "by" onwards there shall be substituted the words "section 72 of the Merchant Shipping (Applicable Conventions) Law, 1987"(a).

11. In section 50(4) after the word "of" in each instance there shall be inserted the words "Part II of" and all the words after the word "Schedule" where it second appears shall be omitted.

12. In Part II of Schedule 7 the references to sections 6(4) and 99(1) of the Merchant Shipping Act 1970 and the reference to section 1(6) and (7) of the Merchant Shipping Act 1974 shall be omitted.

(a) Laws of the Cayman Islands, No. 23 of 1987.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order permits the extension to the Cayman Islands of certain provisions of the Merchant Shipping Act 1979 which amend the provisions of the Merchant Shipping Act 1970 (c.36). Level 5 of the standard scale of fines is at present five thousand Cayman dollars.