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STATUTORY INSTRUMENTS

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**1988 No. 1841**

**MERCHANT SHIPPING**

**The Merchant Shipping Act 1988 (Cayman Islands) Order 1988**

*Made - - - - 26th October 1988*

*Laid before Parliament 3rd November 1988*

*Coming into force 24th November 1988*

**THE MERCHANT SHIPPING ACT 1988  
(CAYMAN ISLANDS) ORDER 1988**

1. This Order may be cited as the Merchant Shipping Act...
  2. Subject to the modifications specified in Schedule 1 to this...
  3. Subject to the modifications specified in Schedule 1 to this...
  4. Subject to the modifications specified in Schedule 1 to this...
  5. Subject to the modifications specified in Schedule 1 to this...
  6. Subject to the modifications specified in Schedule 2 to this...
  7. The provisions as extended and modified shall come into force...
- Signature

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SCHEDULE 1 — MODIFICATIONS IN THE EXTENSION TO THE CAYMAN ISLANDS OF SECTIONS 1—8, 30—32, 34—35, 44, 46, 48, 50, 51, 54, 57 AND 58 OF AND SCHEDULE 4 AND PARTS OF SCHEDULES 5, 6 AND 7 TO THE MERCHANT SHIPPING ACT 1988

*General*

1. Any reference to the Merchant Shipping Acts shall be construed...
2. In any case for the words “British Islands” or “British”...
3. For any reference to the Registrar General of Shipping and...
4. In any case for the words “United Kingdom” there shall...
5. For any reference to the “Secretary of State” or to...

*Fines*

6. In section 5(6) for the words “the third level on...”
7. In section 8(1)(i) and in section 27(5)(a) of the Merchant...

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8. In sections 30(4)(a) and 31(3)(a) and in section 10(6) of...
9. In section 35(3) for the words “£25,000”, in each case...
10. In section 44(3)(b) for the words “£1,000”, there shall be...

*Other Modifications*

11. For section 2, there shall be substituted the following provision:—...
12. In section 3: (a) in subsection (2) the words “Subject...
13. In section 4, subsections (6) and (8) shall be omitted....
14. In section 5: (a) subsection (3) shall be omitted; and...
15. In section 6, in subsections (2) and (3) for the...
16. In section 7: (a) in subsection (5) for the words...
17. In section 30(5)(a) the words “(or, in Scotland, which are...
18. In sections 30(8) and 31(5) for all after the word...
19. In section 27(7) of the Merchant Shipping Act 1970 as...
20. In section 34(2) for the references to Her Majesty and...
21. In section 44: (a) in subsection (4) for the words...
22. For section 48, there shall be substituted the following provision:...
23. In section 50: (a) in subsection (1) for the words...
24. In section 54: (a) in subsections (1) and (2) the...
25. In section 57: (a) in subsection (2) as it relates...
26. In section 58: (a) subsections (2), (3) and (5) shall...
27. In Schedule 4 in section 1(8) of the Merchant Shipping...
28. In Schedule 4 in section 4 of the Merchant Shipping...
29. In Schedule 4 in section 20 of the Merchant Shipping...
30. In Schedule 4 in section 1(6) of the Merchant Shipping...
31. In Schedule 5 as it relates to the Merchant Shipping...
32. In Schedule 5 as it relates to the Merchant Shipping...
33. In Schedule 6 as it relates to the Merchant Shipping...
34. In the third column of Schedule 7:

SCHEDULE 2 — MODIFICATIONS IN THE EXTENSION TO THE CAYMAN ISLANDS OF SECTION 10 OF AND SCHEDULE 1 TO THE MERCHANT SHIPPING ACT 1988

1. In section 10: (a) for subsection (1) there shall be...
2. For Schedule 1 there shall be substituted the following provisions:...

SCHEDULE 1 — PART I OF MERCHANT SHIPPING ACT 1894 AND PART II OF THE FIRST SCHEDULE THERETO

part i — registry

*Procedure for Registration*

4. Registrar of Shipping.
5. Register.
6. Survey and measurement of ship.
7. Marking of ship.
8. Application for registry.
9. Declaration of ownership on registry.
10. Evidence on first registry.
11. Entry of particulars in register.
12. Documents to be retained by Registrar of Shipping.
13. Port of registry.

### *Certificate of Registry*

14. Certificate of registry.
15. Custody of certificate.
16. Penalty for use of improper certificate.
17. Power to grant new certificate.
18. Provision for loss of certificate.
20. Endorsement of change of ownership. Ownership on certificate.
21. Delivery up of certificate of ship lost or ceasing to be Cayman Islands owned.
22. Provisional certificate for ship becoming entitled to be registered while abroad.
23. Temporary passes in lieu of certificates of registry.

### *Transfers and Transmissions*

24. Transfer of ships or shares.
25. Declaration of transfer.
26. Registry of transfer.
27. Transmission of property in ship on death, bankruptcy, marriage, etc.
28. Order for sale on transmission to unqualified person.
29. Transfer of ship or sale by order of court.
30. Power of court to prohibit transfer.
31. Mortgage of ship or share.
32. Entry of discharge of mortgage.
33. Priority of mortgages.
34. Mortgagee not treated as owner.
35. Mortgagee to have power of sale.
36. Mortgage not affected by bankruptcy.
37. Transfer of mortgages.
38. Transmission of interest in mortgage by death, bankruptcy, etc.

### *Name of Ship*

47. Rules as to name of ship.

### *Registry of Alterations, Registry Anew, and Transfer of Registry*

48. Registry of alterations.
49. Regulations for registry of alteration.
51. Registry anew on change of ownership.
52. Procedure for registry anew.
- 53A Transfer of registry.
- 53B (1) Where a ship is registered under this Part of...

### *Trusts and Equitable Rights*

56. Notice of trusts not received.
57. Equities not excluded by Act.

### *Liability of Beneficial Owner*

58. Liability of owners.

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*Declarations, Inspection of Register, and Fees*

- 60. Power of Registrar of Shipping to dispense with declarations and other evidence.
- 61. Mode of making declarations.
- 62. Application of fees.

*Returns, Evidence, and Forms*

- 63. Returns to be made by Registrar of Shipping.
- 64. Evidence of register, certificate of registry, and other documents.
- 65. Forms of documents, and instructions as to registry.

*Forgery and False Declarations*

- 66. Forgery of documents.
- 67. False declarations.

*National Character and Flag*

- 68. National character of ship to be declared before clearance.
- 69. Penalty for unduly assuming Cayman Islands character.
- 70. Penalty for concealing Cayman Islands character of a ship.
- 72. Liabilities of unregistered ships.
- 73. National colours for ships, and penalty on carrying improper colours.
- 74. Penalty on ship not showing colours.
- 75. Saving for Admiralty.

*Forfeiture of Ship*

- 76. Proceedings on forfeiture of ship.
- 82. Tonnage once ascertained to be the tonnage of ship.
- 83. Fees for measurement.
- 86. Surveyors and Regulations for measurement of ships.

first schedule —  
part ii

*Documents of which the forms are to be prescribed by the Governor in Council.*

Certificate of surveyor. Declaration of ownership by individual owner.  
Declaration...

Explanatory Note