

CAYMAN ISLANDS



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**THE MERCHANT SHIPPING LAW
(2004 REVISION)**

**THE MERCHANT SHIPPING (RETURNS OF BIRTHS AND DEATHS)
REGULATIONS, 2004**

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**THE MERCHANT SHIPPING (RETURNS OF BIRTHS AND DEATHS)
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The Governor, in exercise of the powers conferred on him by sections 331, 430 and 460 of the Merchant Shipping Law (2004 Revision) makes the following Regulations:

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| 1. These Regulations may be cited as the Merchant Shipping (Returns of Births and Deaths) Regulations, 2004. | Citation |
| 2. In these Regulations “Caymanian” has the same meaning as in the Immigration Law, 2003. | Interpretation |
| 3. Subject to regulations 6, 9, 12 and 13, these regulations apply to all Cayman Islands ships wherever they may be and to all other ships while in Cayman Islands waters. | Application |
| 4. Where a child is born in a Cayman Islands ship the master shall make a return of the birth in accordance with regulations 7 and 8. | Birth in ship registered in the Islands |
| 5. Where- | Death in ship registered in the Islands and death of a person employed in such a ship |
| (a) a person dies in a Cayman Islands ship; or
(b) a person employed in any such ship dies outside the Islands, | |
| the master shall- | |
| (i) make a return of the death in accordance with regulations 7 and 8; and
(ii) as soon as practicable but not more than three days after the death, notify the death to such person, if any, as the deceased may have named to him as his next of kin. | |
| 6. Where- | Birth and death in ship not registered in the Islands |
| (a) a Caymanian is born or dies in a ship not registered in the Islands; and
(b) the ship thereafter calls at a port in the Islands in the course of or at the end of the voyage, during which the birth or death occurs, | |

the master shall make a return of the birth or of the death in accordance with regulations 7 and 8.

Returns of births and deaths

7. (1) A return of birth or of a death required to be made under regulation 4 or 5 shall be made by the master as soon as practicable, but within six months of the birth or death to which it relates and shall be made to the Shipping Master.

(2) A return of a birth or of a death required to be made under regulation 6 shall be made by the master to the Shipping Master.

(3) Without prejudice to paragraph (1) and (2) and to regulation 14, a return of a birth or of a death required to be made under regulation 4, 5 or 6 which is not made within the prescribed period shall not be invalid by reason only that it is not made within that period.

Contents of returns

8. A return of a birth or of a death required to be made under these regulations-

- (a) shall be in writing;
 - (b) shall be signed by the master as informant; and
 - (c) shall contain-
 - (i) (in the case of a birth) the particulars specified in Schedule 1; or
 - (ii) (in the case of a death) the particulars specified in Schedule 2,
- or so many of those particulars as the master may reasonably be able to obtain, having regard to the circumstances of the birth and the death.

Records of deaths where master unable to act

9. Where it appears to the Shipping Master that the master of the ship cannot perform the duty imposed on him by virtue of regulation 5 in respect of a death because the master of the ship has died or is incapacitated or missing, or either -

- (a) that the death in question has been the subject of an inquest held by the coroner or an inquiry held in pursuance of section 429 of the Merchant Shipping Law (2004 Revision) and the findings of the inquest or inquiry include a finding that a death occurred; or
- (b) a post-mortem examination of the body of the deceased person has been made and in consequence the coroner is satisfied that an inquest is unnecessary,

the Shipping Master shall record such of the information of the death specified in Schedule 2 as he may be able to obtain in the circumstances.

10. Where-

- (a) an inquest is held on a dead body or relating to a death or post-mortem examination; and
- (b) it appears to the coroner that the death in question is such as is mentioned in regulation 5(a) or (b), as extended by regulation 13(1),

Particulars of deaths to be supplied by coroners

it is the duty of the coroner to send to the Shipping Master particulars in respect of the deceased of the kind specified in Schedule 3.

11. When a return made in accordance with regulations 7 and 8 has been transmitted to him, or a record in accordance with regulation 9 has been made by him, the Shipping Master shall send a copy, certified by him, or by a person authorised by him for that purpose, to be a true copy of that return or record, to the Registrar General.

Certified copies of these returns or records to be sent to the Registrar General

12. (1) This regulation applies to the following births and deaths occurring outside the Islands in circumstances where no return or record is required to be made under the preceding provisions of these regulations:

- (a) a birth or death of a Caymanian which occurs in a ship not registered in the Islands;
- (b) a death of a Caymanian who has been employed in such a ship which occurs elsewhere than in the ship; and
- (c) a death of a person who has been employed in a ship registered in the Islands, which occurs elsewhere than in the ship.

Other births and deaths outside the Islands

(2) Where he is satisfied that a birth or a death to which this regulation applies has occurred, the Registrar General may record in the marine register-

- (a) in the case of a birth, such of the particulars specified in Schedule 1; or
- (b) in the case of a death, such of the particulars specified in Schedule 2,

as he thinks fit.

13. (1) The provisions of section 331 of the Merchant Shipping Law (2004 Revision) and of these regulations (except regulations 6 and 12(1)(a) and (b)) shall extend to ships which are not registered either in the Islands or elsewhere and which are sea-going ships owned by a person resident in, or by a body corporate having a principal place of business in, the Islands, and to masters and seamen employed in them.

Extensions to certain unregistered ships

(2) Paragraph 1 of Schedule 1 and paragraph 1 of Schedule 2 as extended by paragraph (1) shall have effect with the modification that for subparagraphs (a) and (b) of each of those paragraphs there shall be substituted-

- “(a) the name of the ship and sufficient description to identify the ship;
- (b) the name of the owner; and
- (c) the address of his residence in the Islands, or, if the owner is a body corporate having a principal place of business in the Islands, the address of that place of business.”.

Offences

14. A master who fails to comply with regulation 4, 5, 6, 7 or 8 or of regulation 4, 5, 7, or 8 as extended by regulation 13 is guilty of an offence and liable on summary conviction to a fine.

SCHEDULE 1

PARTICULARS REQUIRED TO BE CONTAINED IN RETURNS OF
BIRTHS UNDER REGULATIONS 4, 6, 7 AND 8 OR AUTHORISED TO BE
RECORDED IN THE MARINE REGISTER UNDER REGULATION 11

1. Ship in which birth occurred

- (a) name of ship; and
- (b) (i) wherever it is registered, its port of registry and official number or other distinguishing number or letters or, in the case of a fishing vessel, letters and numbers; and
- (ii) if it is not registered in the Islands, the name of its owner and his address.

2. Child

- (a) date of birth;
- (b) if the birth took place at sea, the position of the ship by latitude and longitude at the time of the birth;
- (c) name (if any) and surname; and
- (d) sex.

3. Father

- (a) name and surname;
- (b) usual residence;

- (c) nationality; and
- (d) occupation, rank or profession,

but if the child is illegitimate, no particulars of the father shall be given except at the joint request of the mother and of the person acknowledging himself as the father, given to the informant in writing and signed by both the mother and that person.

4. Mother

- (a) name and surname;
- (b) (i) maiden surname (being the name under which she contracted her marriage or, where she has been married more than once, her first marriage); and
 - (ii) surname at marriage, if different from maiden surname;
- (c) usual residence; and
- (d) nationality.

5. Informant

- (a) name and surname of master; or
- (b) in the case of a birth authorised to be recorded in the marine register under regulation 12 -
 - (i) name and surname;
 - (ii) usual address; and
 - (iii) qualification.

SCHEDULE 2

PARTICULARS REQUIRED TO BE CONTAINED IN RETURNS OR
RECORDS OF DEATHS UNDER REGULATION 5, 6, 7, 8 AND 9 OR
AUTHORISED TO BE RECORDED IN THE MARINE REGISTER UNDER
REGULATION 11

1. Ship in which death occurred or in which the deceased was employed

- (a) name of ship;
- (b) (i) wherever the ship is registered, its port of registry and official number or other distinguishing number or letters or, in the case of a fishing vessel, letters and number; and

- (ii) if the ship is not registered in the Islands, the name of its owner and his address.

2. The deceased

- (a) date of death or loss;
- (b) (i) if the death took place in the ship or in a ship's boat or if the deceased was lost from the ship or a ship's boat, the place of death or, if at sea the position of the ship or ship's boat by latitude and longitude at the time of the death or loss; and
 - (ii) in any other case, the place of death;
- (c) name and surname;
- (d) sex;
- (e) date of birth (if known) or age;
- (f) (if known) maiden surname of woman who has been married (being the name under which she contracted her marriage or, where she has been married more than once, her first marriage);
- (g) occupation, rank or profession;
- (h) usual residence at time of death or loss;
- (i) nationality; and
- (j) cause of death or loss (certified if possible by ship's doctor or other medical practitioner).

3. Informant

- (a) name and surname of master; or
- (b) in the case of death authorised to be recorded in the marine register under regulation 12-
 - (i) name and surname;
 - (ii) usual address; and
 - (iii) qualification; or
- (c) in the case of a death authorised to be recorded under regulation 9 and where no informant is notified, the name and office of the proper officer or superintendent who conducted the enquiry or of the coroner who held the inquest or was satisfied that no inquest was necessary.

SCHEDULE 3

PARTICULARS REQUIRED TO BE SENT BY THE CORONER IN RESPECT
OF DEATHS UNDER REGULATION 10

1. Ship in which death occurred or in which the deceased was employed
 - (a) name of ship; and
 - (b) (i) where it is registered, its port of registry and official number or, in the case of a fishing vessel, letters and number; and
 - (ii) where it is unregistered, its type and the name of its owner and his address.
2. The deceased
 - (a) date of death or loss;
 - (b) (i) if the death took place in the ship or in a ship's boat or if the deceased lost from the ship or a ship's boat, the place of death or, if at sea, the position of the ship or ship's boat by latitude and longitude at the time of the death or loss (as the case may require); and
 - (ii) in any other case, the place of death;
 - (c) name and surname;
 - (d) sex;
 - (e) date of birth (if known) or age;
 - (f) (if known) maiden surname of woman who has been married (being the name under which she contracted her marriage or, where she has been married more than once, her first marriage);
 - (g) occupation, rank or profession;
 - (h) usual residence at time of death or loss; and
 - (i) nationality.
3. Coroner's Certificate

Certification by the coroner that -

- (a) an inquest was held; or
- (b) a post-mortem examination/preliminary investigation was held; and

(c) the cause of death.

Made in Cabinet the 30th day of November, 2004.

Carmena H. Watler

Clerk of the Cabinet.