

1976 No. 1152

MERCHANT SHIPPING

CIVIL AVIATION

The Consular Relations (Merchant Shipping and Civil Aviation) (German Democratic Republic) Order 1976

<i>Made - - - - -</i>	<i>23rd July 1976</i>
<i>Laid before Parliament</i>	<i>2nd August 1976</i>
<i>Coming into Operation</i>	<i>On a date to be notified in the London, Edinburgh and Belfast Gazettes.</i>

At the Court of Saint James, the 23rd day of July 1976

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 29th day of June 1976, 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 pursuance of the powers conferred by sections 4, 5, 6 and 16(2) of the Consular Relations Act 1968(a) or otherwise in Her Majesty vested, 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 Consular Relations (Merchant Shipping and Civil Aviation) (German Democratic Republic) Order 1976. It shall come into operation on the date on which the Consular Convention between the United Kingdom of Great Britain and Northern Ireland and the German Democratic Republic(b), signed at Berlin on the 4th of May 1976, enters into force. This date shall be notified in the London, Edinburgh and Belfast Gazettes.

2.—(1) For the purposes of Articles 3 and 4 of this Order and for the purposes of section 6 of the Consular Relations Act 1968 as applied by virtue of Article 5 of this Order a ship shall be treated as belonging to the

(a) 1968 c. 18.

(b) Cmnd. 6501.

German Democratic Republic if it is registered in the German Democratic Republic in accordance with the laws and regulations of the German Democratic Republic.

(2) For the purposes of this Order an aircraft shall be treated as belonging to the German Democratic Republic if it is registered in the German Democratic Republic.

(3) Nothing in this Order shall apply to any ship of war or military aircraft.

(4) In this Order, references to the German Democratic Republic shall be deemed to include references to Berlin (East).

(5) The Interpretation Act 1889(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Proceedings relating to the remuneration or any contract of service of the master or commander or a member of the crew of any ship or aircraft belonging to the German Democratic Republic shall not be entertained by any court in the United Kingdom unless a consular officer of the German Democratic Republic has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of two weeks from the date of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

4. Where an offence is alleged to have been committed on board any ship belonging to the German Democratic Republic by the master or a member of the crew, proceedings for the offence instituted otherwise than at the request or with the consent of a consular officer of the German Democratic Republic shall not be entertained by any court in the United Kingdom, unless—

(a) the offence is alleged to have been committed—

(i) by or against a person who is a citizen of the United Kingdom and Colonies, a British subject by virtue of sections 2, 13 or 16 of the British Nationality Act 1948(b) or the British Nationality Act 1965(c), or a British protected person within the meaning of the said Act of 1948 ; or

(ii) against a person other than the master or a member of the crew ; or

(b) the offence is one involving the tranquillity or safety of the territory or territorial waters of the United Kingdom, or the law relating to safety of life at sea, public health, oil pollution, wireless telegraphy, immigration or customs ; or

(c) the offence is one in respect of which the master of a ship belonging to the German Democratic Republic has given his consent to the institution of proceedings ; or

(d) the offence is one punishable (on a first conviction) with imprisonment for a term that may extend to five years or with a more severe sentence.

5. The German Democratic Republic is designated for the purposes of section 6 of the Consular Relations Act 1968 (which relates to detention on board ship for disciplinary offences).

N. E. Leigh

(a) 1889 c. 63.

(b) 1948 c. 56.

(c) 1965 c. 34.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which is made pursuant to the Consular Relations Act 1968, provides, in relation to ships and aircraft (other than ships of war and military aircraft) of the German Democratic Republic, for limiting the jurisdiction of the courts of the United Kingdom to entertain proceedings relating to the remuneration or any contract of service of the master or commander or a member of the crew. In relation to ships (other than ships of war) of the German Democratic Republic it also provides,

- (i) for limiting the jurisdiction of such courts over offences committed on board by the master or a member of the crew ;
- (ii) for the detention on board of a member of the crew for a disciplinary offence to be treated as not unlawful except in certain cases.

It gives effect to the relevant provisions of the Consular Convention between the United Kingdom and the German Democratic Republic which was signed at Berlin on the 4th May 1976 (Cmnd. 6501).

SI 1976/1152
ISBN 0-11-061152-7



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