

1980 No. 570

MERCHANT SHIPPING

The Merchant Shipping Act 1979 (Jersey) Order 1980

<i>Made - - - -</i>	21st April 1980
<i>Laid before Parliament</i>	29th April 1980
<i>Coming into Operation</i>	22nd May 1980

At the Court at Windsor Castle, the 21st day of April 1980

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 15(1), 19(2) and 47(1) of the Merchant Shipping Act 1979 (a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Merchant Shipping Act 1979 (Jersey) Order 1980 and shall come into operation on 22nd May 1980.

2. In this Order and the Schedule hereto, the expression "Jersey" means the Bailiwick of Jersey and the territorial waters adjacent thereto.

3.—(1) The provisions of the Merchant Shipping Act 1979 referred to in paragraph (2) below shall extend to Jersey with such modifications as are specified in the Schedule to this Order.

(2) The provisions referred to in paragraph (1) above are sections 14, 17, 18, 19(1), 50 and 52 of, and Schedules 3, 4, 5 and Part I of Schedule 7 to, the said Act.

N. E. Liegh,
Clerk of the Privy Council.

SCHEDULE

MODIFICATIONS TO THE PROVISIONS OF THE MERCHANT SHIPPING ACT 1979 AS EXTENDED TO JERSEY BY THIS ORDER

1. In section 14:—

- (i) in subsection (1), for the words “the United Kingdom” there shall be substituted the word “Jersey”;
- (ii) after subsection (5), there shall be inserted the following provision:—
“(5A) An Order in Council made under subsection (4) or (5) above shall have effect in Jersey if registered by the Royal Court of Jersey and from the date of such registration.”; and
- (iii) in subsection (7), after the words “the Crown”, in both places where they occur, there shall be inserted the words “and the States of Jersey”.

2. In section 17(1), for the words “the United Kingdom” there shall be substituted the word “Jersey”.

3. In section 50:—

- (i) after subsection (1), there shall be inserted the following provision:—
“(1A) Nothing in sections 17 and 18 of, or Schedule 4 to, this Act shall apply in relation to any liability arising out of an occurrence which took place before the coming into force of those provisions and section 19(1) of, and Schedule 5 to, this Act shall not affect the operation of any enactment in relation to such an occurrence.”;
- (ii) subsections (2) and (3) shall be omitted, and
- (iii) in subsection (4), for the words “section 19(4)” there shall be substituted the words “subsection (1A) of this section”.

4. For section 52(2), there shall be substituted the following provision :—

“(2) Any provision of this Act which is extended to Jersey by the Merchant Shipping Act 1979 (Jersey) Order 1980 shall come into force either on the coming into operation of that Order or on the coming into force of that provision in the United Kingdom, whichever is the later.”.

5. In Part II of Schedule 3:—

- (i) for the words “the United Kingdom”, wherever they occur, there shall be substituted the word “Jersey”;
- (ii) for paragraph 3 there shall be substituted the following provision:—
“3. The reference to the law of the court in article 6 shall be construed as a reference to the Law Reform (Miscellaneous Provisions) (Jersey) Law 1960, as amended.”;
- (iii) in paragraph 7, the words from “and section 27(3)” to the end of the paragraph shall be omitted;
- (iv) in paragraph 11, for the words “Secretary of State” there shall be substituted the words “Harbours and Airport Committee” and in subparagraph (b) the words “on summary conviction” shall be omitted;
- (v) in paragraph 12, after the words “section 18 of this Act” there shall be inserted the words “ as extended to Jersey”;
- (vi) in paragraph 13, after the words “section 17 of this Act” there shall be inserted the words “as extended to Jersey”, and

- (vii) after paragraph 13, there shall be inserted the following provision:—
“14. Any Order in Council or any order of the Secretary of State made under this Schedule, as it has effect in the United Kingdom, shall have effect in Jersey if registered by the Royal Court of Jersey and from the date of such registration.”.

6. In Part II of Schedule 4:—

- (i) any reference to an enactment of Parliament shall be construed as a reference to that enactment as it extends to Jersey;
- (ii) for paragraph 3, there shall be substituted the following provision:—
“3. Paragraph 1(d) of article 2 shall not apply in Jersey.”;
- (iii) in paragraph 4(2), for the words “any of sections 7 to 11” there shall be substituted the words “section 10 or 11”;
- (iv) in paragraph 5:—
(a) in sub-paragraph (2), for the words “Secretary of State” there shall be substituted the words “Harbours and Airport Committee”, and
(b) sub-paragraph (3) shall be omitted;
- (v) in paragraph 6:—
(a) in sub-paragraph (1), for the words “Part III of the Merchant Shipping Act 1894” there shall be substituted the words “Part II of the Merchant Shipping (Jersey) Act 1916” and for the words “section 274” there shall be substituted the words “section 8”; and
(b) in sub-paragraph (2), for the words from “Fatal Accidents Act 1976” to the end of the sub-paragraph, there shall be substituted the words “Fatal Accidents (Jersey) Act 1962”;
- (vi) after paragraph 7, there shall be inserted the following provision:—
“7A. Where an action is brought in Jersey, the reference in paragraph 3 of article 10 to the national law of the State Party shall be construed as a reference to the law of Jersey.”;
- (vii) for paragraph 8(1) there shall be substituted the following provision:—
“(1) The Harbours and Airport Committee may from time to time by order prescribe the rate of interest to be applied for the purposes of paragraph 1 of article 11, but if at any time no such order exists the said rate of interest shall be the rate of interest applicable in the United Kingdom in pursuance of an order made by the Secretary of State for the purposes of the said paragraph 1 of article 11.”;
- (viii) in paragraph 10 the words “(or, in Scotland, prorogated)” shall be omitted;
- (ix) after paragraph 10, there shall be inserted the following provision:—
“10A. In article 14, the reference to the law of the State Party shall, where the fund is constituted in Jersey, be construed as a reference to the law of Jersey.”;
- (x) for paragraph 11, there shall be substituted the following provision:—
“11. References in the Convention and the preceding provisions of this Part of this Schedule to the court are references to the Royal Court of Jersey.”; and
- (xi) at the end of paragraph 13, there shall be inserted the following words:—
“Provided that any such Order in Council shall only have effect in Jersey if registered by the Royal Court of Jersey and from the date of such registration.”.

7. In Schedule 5:—

(i) paragraphs 2, 3, 4 and 5, together with the cross-headings, shall be omitted; and

(ii) in paragraph 6:—

(a) any reference to the Merchant Shipping Act 1979 shall be construed as a reference to that Act as extended to Jersey, and

(b) in sub-paragraph (1), after the words "Act 1971" there shall be inserted the words "(as extended to Jersey by the Merchant Shipping (Oil Pollution) (Jersey) Order 1975(a))".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends to the Bailiwick of Jersey those provisions of the Merchant Shipping Act 1979 which give effect to the Convention relating to the Carriage of Passengers and their Luggage by Sea and to the Convention on Limitation of Liability for Maritime Claims 1976. The Schedule to the Order modifies the said Act, in its extension to Jersey, so that its provisions will conform to the particular administrative and other conditions prevailing there. In addition, the effect of paragraph 4 of the Schedule to the Order is that any provision of the Act which is extended to Jersey will come into force there either on the coming into operation of this Order or on the coming into force of that provision in the United Kingdom, whichever is the later.

(a) S.I. 1975/2184.