

1984 No. 356

MERCHANT SHIPPING

**The Merchant Shipping Act 1979 (Hong Kong)
(Amendment) Order 1984**

<i>Made</i>	- - - -	14th March 1984
<i>Laid before Parliament</i>		22nd March 1984
<i>Coming into Operation</i>		12th April 1984

At the Court at Buckingham Palace, the 14th day of March 1984

Present,
The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 47(1) of the Merchant Shipping Act 1979(a) and all other powers enabling Her in that behalf, 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 (Hong Kong) (Amendment) Order 1984 and shall come into operation on 12th April 1984.

2. The Merchant Shipping Act 1979 (Hong Kong) Order 1980(b) is hereby amended by adding in Article 2 thereof between the figures "19(1)" and "50" the figure "31" and by adding in the Schedule thereto between section 19(1) and section 50 of the Merchant Shipping Act 1979 the provisions of section 31 of the said Act of 1979, modified as in the Schedule hereto; and the reference in that section to the Merchant Shipping Act 1965(c) shall be to that Act as extended to Hong Kong by the Merchant Shipping (Tonnage) (Hong Kong) Order 1967(d).

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

(a) 1979 c. 39.
(c) 1965 c. 47.

(b) S.I. 1980/1514.
(d) S.I. 1967/1764.

SCHEDULE

Article 2

SECTION 31 OF THE MERCHANT SHIPPING ACT 1979, AS MODIFIED IN ITS
EXTENSION TO HONG KONG*Miscellaneous*

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31.—(1) In section 85 of the Merchant Shipping Act 1894^(a) (which relates to dues for space occupied by deck cargo) for subsection (3) (which among other things makes provision about the way in which the space is to be ascertained and recorded) there shall be substituted the following subsection—

- (3) The Governor in Council may, by regulations, make provision—
- (a) as to the manner in which (including the persons by whom) the tonnage of the space is to be ascertained, recorded and verified;
 - (b) as to the occasions on which and the persons by whom and to whom records of the said tonnage are to be produced;
 - (c) for a contravention of the regulations to be an offence punishable on summary conviction by a fine not exceeding 5,000 Hong Kong dollars or such less sum as is prescribed by the regulations;
 - (d) for such incidental and supplemental matters as the Governor considers appropriate in connection with the regulations,

and may make different provision by the regulations for different circumstances.

(2) Accordingly in section 1(2)(c) of the Merchant Shipping Act 1965^(b) (under which tonnage regulations may provide for the ascertainment of the space to be taken into account for the purposes of the said section 85 and may exempt any space from being taken into account for those purposes) for the words from “provide” to “be” there shall be substituted the words “exempt any space from being”, and the words from “and may” to “those purposes” shall cease to have effect.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Merchant Shipping Act 1979 (Hong Kong) Order 1980 by adding to the provisions of the Merchant Shipping Act 1979 extended to Hong Kong the provisions of section 31. Section 31 amends section 85(3) of the Merchant Shipping Act 1894 (which among other things makes provision about the way in which space occupied by deck cargo is to be ascertained and recorded) and section 1(2)(c) of the Merchant Shipping Act 1965 (under which tonnage regulations may provide for the ascertainment of the space to be taken into account for the purposes of section 85 of the 1894 Act and may exempt any space from being taken into account for those purposes).

^(a) 1894 c. 60.

^(b) 1965 c. 47; S.I. 1967/1764.

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