

1990 No. 2148

MERCHANT SHIPPING

**The Fishing Vessels (Safety Provisions) (Guernsey)
Order 1990**

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| <i>Made - - - -</i> | <i>31st October 1990</i> |
| <i>Laid before Parliament</i> | <i>8th November 1990</i> |
| <i>Coming into force</i> | <i>1st December 1990</i> |

At the Court at Buckingham Palace, the 31st day of October 1990

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 8 of the Fishing Vessels (Safety Provisions) Act 1970(a) and section 94 of the Merchant Shipping Act 1970(b), 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 Fishing Vessels (Safety Provisions) (Guernsey) Order 1990 and shall come into force on 1st December 1990.
2. In this Order, the expression "the Bailiwick" means the Bailiwick of Guernsey and the territorial waters adjacent thereto.
3. It is hereby directed that the provisions of—
 - (a) the Fishing Vessels (Safety Provisions) Act 1970(c);
 - (b) section 86 of the Merchant Shipping Act 1970(d), and
 - (c) Parts I, II, IV and V of and Schedules 1, 2, 3 and 25 to the Fishing Vessels (Safety Provisions) Rules 1975(e),

shall extend to the Bailiwick as part of its law, with the exceptions, adaptations and modifications specified in the Schedule to this Order.

G. I. de Deney
Clerk of the Privy Council

(a) 1970 c.27.

(b) 1970 c.36.

(c) Section 1(3) was repealed in part by section 28(6) of and Schedule 7 to the Merchant Shipping Act 1979 (c.39); sections 1(4) and 4(2) were amended by section 43(2) of and Part V of Schedule 6 to the Act of 1979 and by section 49(1) of the Criminal Justice Act 1982 (c.48); section 5(1) was amended by sections 38 and 46 of the Act of 1982; section 9(1) was amended by Schedule 6 to the Merchant Shipping Act 1988 (c.12).

(d) Section 86(2) was amended by section 43(1) of and Part III of Schedule 6 to the Merchant Shipping Act 1979 and section 46 of the Criminal Justice Act 1982.

(e) S.I. 1975/330, as amended by S.I. 1976/432, 1977/313 and 1978/1598.

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS
IN THE EXTENSION OF CERTAIN PROVISIONS
TO THE BAILIWICK OF GUERNSEY

PART I

THE FISHING VESSELS (SAFETY PROVISIONS) ACT 1970

1. Any reference to an enactment shall be construed, unless the contrary intention appears, as a reference to that enactment as it has effect in the Bailiwick.
2. For the words "United Kingdom" wherever they occur there shall be substituted the word "Bailiwick".
3. Except in sections 1(1) and 2(1), any reference to the Board of Trade shall be replaced by a reference to the States of Guernsey Board of Administration.
4. In section 2(2), for the words "Section 275 of the Merchant Shipping Act 1894"^(a) there shall be substituted the words "Section 9 of the Merchant Shipping (Guernsey) Law 1915".
5. In section 3(4), for the words "Sections 280 to 282 of the Merchant Shipping Act 1894" there shall be substituted the words "Sections 14 to 16 of the Merchant Shipping (Guernsey) Law 1915".
6. In section 4—
 - (a) in subsection (3), the words "of customs and excise or" shall be omitted, and
 - (b) in subsection (4), for the words "section 460(2) of the Merchant Shipping Act 1894" there shall be substituted the words "section 43(2) of the Merchant Shipping (Guernsey) Law 1915".
7. In section 6, the words "with the consent of the Treasury" and the words from "and any such fee" to the end shall be omitted.
8. For section 7 there shall be substituted the following section:

"7. Regulations made under section 6 of this Act—

 - (a) may make different provision for different cases and circumstances;
 - (b) may provide for the determination of any fee in accordance with a specified scale or other specified factors;
 - (c) may make provision as to the persons by and to whom, and the times at which, any fee is to be payable;
 - (d) shall be laid before a meeting of the States as soon as possible after being made; and if at that meeting or their next meeting the States resolve that the regulations be annulled they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations;
 - (e) may be varied or revoked by subsequent regulations so made."
9. Section 8 shall be omitted.
10. In section 9—
 - (a) in the definition of "collision regulations", for the words "section 418 of the Merchant Shipping Act 1894" there shall be substituted the words "section 21 of the Merchant Shipping Act 1979"^(b), and
 - (b) in the definition of "the Merchant Shipping Acts", after the words "the Merchant Shipping Act 1970" there shall be inserted the words ", the Merchant Shipping (Bailiwick of Guernsey) Laws 1915 to 1989".
11. Section 10 shall be omitted.
12. In section 11, subsections (4) and (5) shall be omitted.

(a) 1894 c.60.

(b) Section 21 was modified in its extension to the Bailiwick of Guernsey by S.I. 1981/1810.

PART II

SECTION 86 OF THE MERCHANT SHIPPING ACT 1970

In subsection (1), for the words "United Kingdom" in both places where they occur there shall be substituted the word "Bailiwick".

PART III

PARTS I, II, IV AND V OF AND SCHEDULES 1, 2, 3 AND 25 TO THE FISHING VESSELS (SAFETY PROVISIONS) RULES 1975

1. Any reference to an enactment shall be construed, unless the contrary intention appears, as a reference to that enactment as it has effect in the Bailiwick.

2.—(1) Rule 1 shall be modified in accordance with the following provisions of this paragraph.

(2) In paragraph (2)—

(a) for the words "United Kingdom" there shall be substituted the word "Bailiwick", and

(b) after the word "register" there shall be inserted the words "in the Bailiwick".

(3) For paragraphs (3) and (4) there shall be substituted the following paragraphs—

"(3) Parts I and IV of these Rules shall come into force on the date on which the Fishing Vessels (Safety Provisions) (Guernsey) Order 1990 comes into force.

(4) Parts II and V of these Rules shall come into force—

(a) in respect of fishing vessels to which these Rules apply which are first registered in the Bailiwick under Part I, or entered in the fishing boat register in the Bailiwick under Part IV, of the Merchant Shipping Act 1894 on or after the date on which the Fishing Vessels (Safety Provisions) (Guernsey) Order 1990 comes into force, on that date, and

(b) in respect of fishing vessels to which these Rules apply which are so registered or entered before the date mentioned in sub-paragraph (a) above, two years after that date."

(4) In paragraph (5)—

(a) for the definition of "Crew space" there shall be substituted the following definition:
" "Crew space" includes sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation, recreation accommodation, store rooms and catering accommodation provided for the use of seamen;"; and

(b) for the definition of "Sea-going" there shall be substituted the following definition:

" "Sea-going" means proceeding outside the following limits, that is to say—

(a) in the case of the districts of St. Peter Port and St. Sampson's, the harbour;

(b) in the case of the district of Braye, a line from the end of the Breakwater to Fort Albert;".

(5) Paragraphs (7), (8) and (9) shall be omitted.

3. In rule 52, for the words from "comply with" to the end there shall be substituted the words "be maintained in effective working order".

4. In rules 56(20), 57(11), 58(10) and 62, after the words "Rule 111 of these Rules" there shall be inserted the words "as they have effect in relation to British fishing vessels entered in the fishing boat register under Part IV of the Merchant Shipping Act 1894 by virtue of section 427 of that Act".

5. In rule 70(3)—

(a) for the words "the Navy" there shall be substituted the words "Her Majesty's Navy", and

(b) the reference to "the United Kingdom" includes a reference to the Bailiwick.

6. In rule 72, for the words "Merchant Shipping (Pilot Ladders) Rules 1965 as amended" there shall be substituted the words "Merchant Shipping (Pilot Ladders and Hoists) Regulations 1980(a) as they have effect in the United Kingdom".

7. In Part V and Schedules 1 and 2—

(a) any reference to the Secretary of State or to the Secretary of State for Trade shall be construed as a reference to the States of Guernsey Board of Administration;

(b) any reference to Part III of the Rules of 1975 shall be construed as a reference to that Part as it has effect in relation to British fishing vessels entered in the fishing boat register under Part IV of the Merchant Shipping Act 1894 by virtue of section 427 of that Act, and

(c) for the words "United Kingdom fishing vessel" wherever they occur there shall be substituted the words "Bailiwick of Guernsey fishing vessel".

(a) S.I. 1980/543, as amended by S.I. 1981/581.

8. In rule 124, all the words from "except that" to the end shall be omitted.
9. In rule 126A, for the words "275 of the Merchant Shipping Act 1894" there shall be substituted the words "9 of the Merchant Shipping (Guernsey) Law 1915", and the word "steamer's" shall be omitted.
10. In rule 129—
- (a) in sub-paragraph (d), for the words "United Kingdom" there shall be substituted the word "Bailiwick", and
 - (b) in sub-paragraph (e), all the words from "or has ceased" to the end shall be omitted.
11. In rule 130—
- (a) in paragraph (4), for the words "Rule 1(4)(a)(i) to (iv) inclusive, (b) and (c)" there shall be substituted the words "rule 1(4)(b)", and
 - (b) in paragraph (4A), for the words "Rule 1(4)(a)(v)" there shall be substituted the words "rule 1(4)(a)".
12. In Schedule 1—
- (a) the words "United Kingdom of Great Britain and Northern Ireland" shall be omitted, and
 - (b) for the words "Date on which Keel laid" there shall be substituted the words "Date on which vessel first registered or entered in the fishing boat register under the Merchant Shipping Act 1894".
13. In Schedule 25, for the words "the Navy" wherever they occur there shall be substituted the words "Her Majesty's Navy".
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Guernsey, with the exceptions, adaptations and modifications specified in the Schedule, the Fishing Vessels (Safety Provisions) Act 1970 and section 86 of the Merchant Shipping Act 1970 together with the Fishing Vessels (Safety Provisions) Rules 1975 made thereunder.

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