
STATUTORY INSTRUMENTS

1991 No. 2875

MERCHANT SHIPPING

The Merchant Shipping Act 1988 (Guernsey) Order 1991

Made - - - - - *19th December 1991*
Laid before Parliament *7th January 1992*
Coming into force - - *1st February 1992*

At the Court at Buckingham Palace, the 19th day of December 1991

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 738 of the Merchant Shipping Act 1894⁽¹⁾ and section 56 of the Merchant Shipping Act 1988⁽²⁾, 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 1988 (Guernsey) Order 1991 and shall come into force on 1st February 1992.
2. The provisions of the Merchant Shipping Act 1988 specified in Part I of the Schedule to this Order shall extend to the Bailiwick of Guernsey with the modifications specified in Part II of that Schedule.

G. I. de Deney
Clerk of the Privy Council

(1) 1894 c. 60.
(2) 1988 c. 12.

SCHEDULE

Article 2

PART I

Provisions of the Merchant Shipping Act 1988 Extended to the Bailiwick of Guernsey

Part I.

Sections 51, 53, 54, 57 and 58.

Schedule 1.

PART II

Modifications in the Extension of Provisions of the
Merchant Shipping Act 1988 to the Bailiwick of Guernsey

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

(2) Except in sections 5 and 53, and in paragraph 38 of Schedule 1, any reference to the Secretary of State shall be construed as a reference to the States of Guernsey Board of Administration.

(3) For the words “United Kingdom” wherever they occur, except in section 2, in the expression “Her Majesty’s Government in the United Kingdom” and unless the contrary intention appears from the following provisions of this Schedule, there shall be substituted “Bailiwick of Guernsey”.

2. In section 2—

- (a) in subsection (1)(a)(i), “or IV” shall be inserted after “Part I”;
- (b) in subsection (1)(d), “or of the Bailiwick of Guernsey” shall be inserted after “territory”,
and
- (c) subsection (2) shall be omitted.

3. In section 4, subsection (6) shall be omitted.

4.—(1) In section 54(1), “or II” shall be omitted.

(2) In section 54(2)—

- (a) “or II”,
- (b) “or registered fishing vessel”, and
- (c) in paragraph (b), “or in the case of a fishing vessel”,

shall be omitted.

(3) In section 54(3), for “the appropriate register” there shall be substituted “the register in which the ship is registered under Part I of the 1894 Act”.

(4) In section 54(4)—

- (a) the definitions of “the appropriate register” and “registered fishing vessel” shall be omitted, and
- (b) in the definition of “registered owner”, the words from “or Part II” to the end shall be omitted.

5.—(1) In section 57(2)—

- (a) the definition of “modifications” shall be omitted, and
- (b) in the definition of “relevant overseas territory”, for paragraphs (a) and (b) there shall be substituted—
 - “(a) the United Kingdom,
 - (b) the Isle of Man,
 - (ba) the Bailiwick of Jersey, or”.
- (2) For subsections (3) to (5) there shall be substituted the following subsection:
 - “(3) Sections 51 and 52 of the Merchant Shipping Act 1906(3) are hereby repealed.”.
- 6. In section 58, subsections (2) to (5) shall be omitted.
- 7.—(1) Without prejudice to paragraph 1 above, Schedule 1 shall have effect with the following modifications.
 - (2) In paragraph 2(a), for the words from “approved by” to the end of the sub-paragraph there shall be substituted “shall be any person appointed for the purpose by the States of Guernsey Board of Administration.”; and
 - (3) Paragraph 5(b) shall be omitted.
 - (4) In paragraphs 6(d) and 12(a)(i), for “the United Kingdom” there shall be substituted “the British Islands”.
 - (5) In paragraph 12(c), in section 21(7) as inserted thereby, sub-paragraph (a) shall be omitted.
 - (6) For paragraph 14 there shall be substituted:
 - “14. For section 23 substitute—
 - “23. Where it appears to the States of Guernsey Board of Administration that a ship is eligible to be registered as a British ship but by reason of special circumstances it would be desirable that permission should be granted to it to pass without being registered from one port in the British Islands to another, that Board may grant a pass accordingly and it shall, for the time being and within the limits therein mentioned, have the same effect as a certificate of registry.”.
 - (7) In paragraph 19, in the subsection substituted thereby, for paragraphs (a) and (b) there shall be substituted “the Ordinary Division of the Royal Court”.
 - (8) In paragraph 20, for the provisions substituted thereby there shall be substituted “the Ordinary Division of the Royal Court”.
 - (9) In paragraph 30, in subsection (5) of section 53A inserted thereby, for paragraphs (a) and (b) there shall be substituted:
 - “(a) the United Kingdom;
 - (b) the Isle of Man;
 - (ba) the Bailiwick of Jersey; or”.
 - (10) In paragraph 36, after “(application of fees)” there shall be inserted for “Treasury” substitute “States of Guernsey Treasurer” and
 - (11) In paragraph 38(c), for section 64(6) as substituted thereby there shall be substituted:
 - “(6) In this section “the prescribed fee” means—
 - (a) such fee as the States of Guernsey Board of Administration may by regulations prescribe for the purposes of subsections (3)(a) and (4); or

(3) 1906 c. 48.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) such fee as the Secretary of State may prescribe for the purposes of subsection (3) (b) by regulations made with the approval of the Treasury, as the case may require”.
- (12) Paragraph 46(b) shall be omitted.
- (13) In paragraph 47(2) for sub-paragraph (b) there shall be substituted:
“(b) for the words from “High Court” to “dominions” substitute “Royal Court in the Bailiwick of Guernsey”.”.
- (14) For paragraph 50 there shall be substituted the following paragraph:
- “**50.**—(1) Omit section 88.
(2) For section 89, substitute—
89. The States of Guernsey Board of Administration shall occupy the place of the Commissioners of Customs and Excise with regard to the performance of anything relating to the registry of a ship or of any interest in a ship registered in the Bailiwick of Guernsey.”.
- (3) Omit section 90.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the provisions of the Merchant Shipping Act 1988 specified in Part I of the Schedule to the Order to the Bailiwick of Guernsey subject to the modifications specified in Part II of that Schedule.