
STATUTORY INSTRUMENTS

2014 No. 265

MERCHANT SHIPPING

The Maritime Security (Jersey) Order 2014

Made - - - - 11th February 2014

Coming into force in accordance with Article 1

At the Court at Buckingham Palace, the 11th day of February 2014

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 51(1) of the Aviation and Maritime Security Act 1990⁽¹⁾ and section 30(3) of the Merchant Shipping and Maritime Security Act 1997⁽²⁾, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Maritime Security (Jersey) Order 2014 and shall come into force on the seventh day after the day on which it is registered by the Royal Court of Jersey.

(2) In this Order—

“the 1990 Act” means the Aviation and Maritime Security Act 1990 as amended by the Merchant Shipping and Maritime Security Act 1997 and by the British Overseas Territories Act 2002⁽³⁾;

“Jersey” means the Bailiwick of Jersey.

(3) The Interpretation (Jersey) Law 1954⁽⁴⁾ shall apply to this Order as though it were an enactment within the meaning of that Law.

Extension and modification

2.—(1) Sections 9 to 43, 45 to 46 and 50 of, and Schedule 2 to, the 1990 Act shall extend to Jersey subject to the exceptions, adaptations and modifications specified in the right hand column of the Schedule to this Order.

(1) 1990 c.31.

(2) 1997 c.28.

(3) 2002 c.8.

(4) c.15.360.

Status: This is the original version (as it was originally made).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

(2) For the purpose of construing the provisions of the 1990 Act, as extended by this Order as part of the law of Jersey, any reference to an enactment which extends to Jersey shall, except where a contrary intention appears, be construed as a reference to that enactment as it has effect in Jersey.

Revocation of the Maritime Security (Jersey) Order 1996

3. The Maritime Security (Jersey) Order 1996(5) is revoked.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE

Article 2

Exceptions, adaptations and modifications of sections 9 to 32, 34 to 42, 45 to 46 and 50 of, and Schedule 2 to, the 1990 Act as they extend to Jersey

<i>Provision</i>	<i>Exception, adaptation and modification</i>
Section 9 (hijacking of ships)	<ul style="list-style-type: none"> (a) in subsections (1) and (2)(b) for “the United Kingdom” substitute “Jersey”; (b) in subsection (2)(c) after “United Kingdom” (in both places) insert “, any of the Channel Islands or the Isle of Man,”; and (c) in subsection (3) omit “on indictment”.
Section 10 (seizing or exercising control of fixed platforms)	<ul style="list-style-type: none"> (a) in subsection (1) for “the United Kingdom” substitute “Jersey”; and (b) in subsection (2) omit “on indictment”.
Section 11 (destroying ships or fixed platforms or endangering their safety)	<ul style="list-style-type: none"> (a) in subsection (3)(b) omit “, or being art and part in,”; (b) in subsections (4) and (5)(b) for “the United Kingdom” substitute “Jersey”; (c) in subsection (5)(c) after “United Kingdom” (in both places) insert “, any of the Channel Islands or the Isle of Man,”; (d) in subsection (6) omit “on indictment”; and (e) for subsection (7) substitute— <ul style="list-style-type: none"> “(7) In this section— “act of violence” means— <ul style="list-style-type: none"> (a) any act done in Jersey, which constitutes the offence of murder, attempted murder, manslaughter or assault or an offence under Article 2 of the Loi (1884) sur les matières explosives, and (b) any act done outside Jersey which, if done in Jersey, would constitute such an offence as is mentioned in paragraph (a) above, and “unlawfully”— <ul style="list-style-type: none"> (a) in relation to the commission of an act in Jersey, means so as (apart from this Act) to constitute an offence under the law of Jersey, and (b) in relation to the commission of an act outside Jersey, means so that the commission of the act would (apart from this Act) have been an offence

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

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	under the law of Jersey if it had been committed in Jersey.”.
Section 12 (other acts endangering or likely to endanger safe navigation)	<ul style="list-style-type: none"> (a) in subsections (5) and (6)(b) for “the United Kingdom” substitute “Jersey”; (b) in subsection (6)(c) after “United Kingdom” (in both places) insert “, any of the Channel Islands or the Isle of Man,”; and (c) in subsection (7) omit “on indictment”.
Section 13 (offences involving threats)	<ul style="list-style-type: none"> (a) in subsection (3) for “the United Kingdom” substitute “Jersey”; and (b) in subsection (5) omit “on indictment”.
Section 14 (ancillary offences)	<ul style="list-style-type: none"> (a) in subsection (1) (in both places) for “the United Kingdom” substitute “Jersey”; (b) for subsections (2) and (3) substitute— <ul style="list-style-type: none"> “(2) The offences falling within this subsection are murder, attempted murder, manslaughter and assault and offences under Article 2 of the Loi (1884) sur les matières explosives. (3) Subsection (1) above has effect without prejudice to the following provisions of the Shipping (Jersey) Law 2002— <ul style="list-style-type: none"> (a) Article 173 (jurisdiction in case of offences on board ship, etc.); (b) Article 174 (offences committed by Jersey masters and seamen); (c) Article 175 (offences by officers of bodies corporate); and (d) Article 176 (secondary offenders).”; (c) in subsection (4) (in both places) for “the United Kingdom” substitute “Jersey”; (d) in subsection (5) omit “on indictment”; and (e) for subsection (6) substitute— <ul style="list-style-type: none"> “(6) Subsection (4) above has effect without prejudice to the operation, in relation to any offence under section 9, 11, 12 or 13 of this Act, of any enactment or rule of law relating to aiding, abetting, counselling or procuring the commission of an offence.”.

<i>Provision</i>	<i>Exception, adaptation and modification</i>
Section 15 (master’s power of delivery)	<ul style="list-style-type: none"> (a) in subsection (1) for “the United Kingdom” substitute “Jersey”; (b) in subsection (2)— <ul style="list-style-type: none"> (i) in paragraph (c) omit “, or been art and part in,”; and (ii) for “the United Kingdom” substitute “Jersey”; (c) in subsection (3) for “the United Kingdom” substitute “Jersey”; (d) in subsection (6) omit “summary” and “not exceeding level 3 on the standard scale”; (e) in subsection (7) for “the United Kingdom” substitute “Jersey”; (f) in subsection (8)— <ul style="list-style-type: none"> (i) for the definition of “appropriate officer” substitute— <ul style="list-style-type: none"> ““appropriate officer” means— (a) in relation to Jersey, a police officer or immigration officer, and (b) in relation to any other Convention country, an officer having functions corresponding to the functions in Jersey either of a police officer or of an immigration officer,”; and (ii) for the definition of “master” substitute ““master” has the same meaning as in the Shipping (Jersey) Law 2002.”.
Section 16 (prosecution of offences and substitute— proceedings)	<p>“16. Prosecution of offences and proceedings</p> <p>Proceedings for an offence under any provision of this Part of this Act shall not be instituted except by, or with the consent of, Her Majesty’s Attorney General for Jersey.”.</p>
Section 17 (interpretation of Part II)	omit subsection (2).
Section 18 (purposes to which Part III applies)	for subsections (2) and (3) substitute— <ul style="list-style-type: none"> “(2) In this Part of this Act “act of violence” means any act (whether actual or potential, and whether done or to be done in Jersey or elsewhere) which either—

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

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	<ul style="list-style-type: none">(a) being an act done in Jersey, constitutes, or(b) if done in Jersey would constitute, the offence of murder, attempted murder, manslaughter or assault, or an offence under Article 2 of the Loi (1884) sur les Matières Explosives or any act to which subsection (2A) applies.
	(2A) This subsection applies to any act which involves— <ul style="list-style-type: none">(a) the destruction or damage without lawful excuse of any property belonging to another where the person doing the act intends to destroy or damage such property or is reckless as to whether such property would be destroyed or damaged; or(b) the destruction or damage without lawful excuse of any property whether belonging to the person doing the act or to some other person where the person doing the act—<ul style="list-style-type: none">(i) intends to destroy or damage any property or is reckless as to whether any property would be destroyed or damaged; and(ii) intends by the destruction or damage to endanger the life of another or is reckless as to whether the life of another would be thereby endangered.
	(3) In this Part of this Act “harbour area” means the aggregate of— <ul style="list-style-type: none">(a) any harbour as defined in the Harbours (Administration) (Jersey) Law 1961, and(b) any land which is adjacent to such a harbour and which is either land occupied by the Harbour Master or land in respect of which the Harbour Master has functions of improvement, maintenance or management.
	(4) In subsection (3)(b) above “functions” includes powers and duties.”.

<i>Provision</i>	<i>Exception, adaptation and modification</i>
Section 19 (power of Secretary of State to require information)	(a) for “Secretary of State” (in every place, including the headings) substitute “Minister”; (b) in subsection (1) omit paragraph (b); (c) omit subsection (6)(a); and (d) in subsection (6)(b) omit “on indictment”.

Section 20 (designation of restricted zones of harbour areas) substitute—

“20. Designation of restricted zones of harbour areas

(1) The Minister may designate the whole or any part of a harbour area as a restricted zone for the purposes of this Part of this Act.

(2) A harbour operator may, and shall if so requested in writing by the Minister, apply to the Minister for the designation of the whole or any part of the operating area as a restricted zone for the purposes of this Part of this Act.

(3) An application under subsection (2) above shall be in such form, and accompanied by such plans, as the Minister may require.

(4) If the Minister approves an application under subsection (2) above with or without modifications, he shall designate the restricted zone accordingly.

(5) Before approving an application with modifications, the Minister shall consult the applicant.

(6) If a person is requested in writing by the Minister to make an application under subsection (2) above within a specified period but fails to do so within that period, the Minister may designate the whole or any part of the harbour area or, as the case may be, of the operating area as a restricted zone.

(7) The whole or any part of a harbour area or, as the case may be, of an operating area may be designated as a restricted zone, or part of a restricted zone, for specified days or times of day only.

(8) The Minister shall give notice to the person who made, or was requested to make, the application of any designation under this section and the designation of

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

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	<p>the restricted zone shall take effect on the giving of the notice.</p> <p>(9) Where the whole or any part of a harbour area or, as the case may be, of an operating area has been designated under this section as a restricted zone—</p> <p>(a) subsections (1) to (8) above also have effect in relation to any variation of the designation, and</p> <p>(b) the designation may at any time be revoked by the Minister.</p> <p>(10) In this Part of this Act “harbour operator” means a person who—</p> <p>(a) carries on harbour operations in a harbour area, and</p> <p>(b) is designated for the purposes of this Part by a direction in writing made by the Minister; and “operating area” means, in relation to that person, so much of the harbour area as is under his control.</p> <p>(11) A direction under subsection (10) above may be revoked by a subsequent direction.”.</p>
Section 21 (power to impose restrictions in relation to ships)	<p>(a) in subsection (1)—</p> <p>(i) for “Secretary of State” substitute “Minister”;</p> <p>(ii) for “a harbour authority” substitute “the Harbour Master”; and</p> <p>(iii) for “constables” (in both places) substitute “police officers”;</p> <p>(b) in subsections (2) and (3) for “Secretary of State” substitute “Minister”;</p> <p>(c) in subsection (4) for “a harbour authority” substitute “the Harbour Master”;</p> <p>(d) in subsection (8)—</p> <p>(i) omit paragraph (a); and</p> <p>(ii) in paragraph (b) omit “on indictment”; and</p> <p>(e) in subsection (9) omit “summary” and “not exceeding one-tenth of level 5 on the standard scale”.</p>
Section 22 (power to require harbour authorities to promote searches in harbour areas)	<p>(a) for subsection (1) substitute—</p> <p>“(1) For purposes to which this Part of this Act applies, the Minister may give a direction in writing to—</p>

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	<ul style="list-style-type: none"> (a) the Harbour Master, or (b) a harbour operator, requiring that person to use his best endeavours to secure that such searches to which this section applies as are specified in the direction are carried out by police officers or by other persons of a description specified in the direction.”;
	<ul style="list-style-type: none"> (b) in subsection (3)— <ul style="list-style-type: none"> (i) for “a harbour authority” substitute “the Harbour Master”; and (ii) for “constable” substitute “police officer”;
	<ul style="list-style-type: none"> (c) in subsection (3A) for “a harbour authority” substitute “the Harbour Master”;
	<ul style="list-style-type: none"> (d) for subsection (4) substitute— <ul style="list-style-type: none"> “(4) In the case of premises used only as a private dwelling any power to search or enter conferred by subsection (3) above may not be exercised except— <ul style="list-style-type: none"> (a) under the authority of a warrant issued by the Bailiff; and (b) by a police officer.”;
	<ul style="list-style-type: none"> (e) in subsection (5)— <ul style="list-style-type: none"> (i) for “constable” (in both places) substitute “police officer”; and (ii) for “a justice of the peace” substitute “the Bailiff”;
	<ul style="list-style-type: none"> (f) in subsection (8)— <ul style="list-style-type: none"> (i) omit paragraph (a); and (ii) in paragraph (b) omit “on indictment”;
	<ul style="list-style-type: none"> (g) in subsection (9)— <ul style="list-style-type: none"> (i) omit “summary”; and (ii) omit “not exceeding one-tenth of level 5 on the standard scale”; and
	<ul style="list-style-type: none"> (h) for subsection (10) substitute— <ul style="list-style-type: none"> “(10) Subsection (3) above has effect without prejudice to the operation, in relation to any offence under this Act, of any enactment or rule of law relating to the power to arrest without warrant.”.
Section 23 (power to require other persons to promote searches)	<ul style="list-style-type: none"> (a) For subsections (1) and (1A) substitute— <ul style="list-style-type: none"> “(1) For purposes to which this Part of this Act applies, the Minister may give a direction in writing to any person who— <ul style="list-style-type: none"> (a) carries on harbour operations in a harbour area, or

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

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	<p>(b) is permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business carried on by him, requiring him to use his best endeavours to secure that such searches to which this section applies as are specified in the direction are carried out by police officers or by other persons of a description specified in the direction.</p> <p>(1A) A direction may not be given under this section to—</p> <p>(a) the Harbour Master, or (b) a harbour operator.”;</p> <p>(b) in subsection (3)—</p> <p>(i) omit paragraph (a); and (ii) in paragraph (b) omit “on indictment”; and</p> <p>(c) in subsection (4)—</p> <p>(i) omit “summary”; and (ii) omit “not exceeding one-tenth of level 5 on the standard scale”.</p>
Section 24 (general power to direct measures to be taken for purposes to which Part III applies)	<p>(a) omit subsection (1)(b);</p> <p>(b) in subsection (1)(c) omit “other than a harbour authority”;</p> <p>(c) in subsection (2)—</p> <p>(i) for “Secretary of State” substitute “Minister”; and (ii) omit paragraph (b);</p> <p>(d) omit subsection (3)(b);</p> <p>(e) in subsection (6) for “Secretary of State” substitute “Minister”;</p> <p>(f) in subsection (8)—</p> <p>(i) omit paragraph (a); and (ii) in paragraph (b) omit “on indictment”; and</p> <p>(g) in subsection (9)—</p> <p>(i) omit “summary”; and (ii) omit “not exceeding one-tenth of level 5 on the standard scale”.</p>
Section 25 (matters which may be included in directions under sections 21 to 24)	<p>(a) for subsection (4) substitute—</p> <p>“(4) Where a direction under any of the preceding provisions of this Part of this Act requires searches to be carried out, or other measures to be taken, by police officers, the direction may require the person to whom it is given to inform the Chief Officer of the States of Jersey Police Force that the Minister considers it</p>

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	appropriate that police officers should be duly authorised to carry, and should carry, firearms when carrying out the searches or taking the measures in question.”; and (b) omit subsection (7).
Section 26 (limitations on scope of directions under sections 21 to 24)	(a) in subsection (3) for “the United Kingdom” (in both places) substitute “the British Islands”; (b) in subsection (4) for “constable” substitute “police officer”; (c) in subsection (5) for “the United Kingdom” substitute “Jersey”; and (d) in subsection (6) omit “to a harbour authority or”.
Section 27 (general or urgent directions under sections 21 to 24)	in subsection (2) for “Secretary of State” substitute “Minister”.
Section 28 (objections to certain directions under section 24)	for “Secretary of State” (in every place) substitute “Minister”.
Section 29 (enforcement notices)	for “Secretary of State” (in every place) substitute “Minister”.
Section 30 (contents of enforcement notice)	for “Secretary of State” (in every place) substitute “Minister”.
Section 31 (offences relating to enforcement notices)	(a) in subsections (1) and (3)— (i) omit paragraph (a); and (ii) in paragraph (b) omit “on indictment”; and (b) in subsection (2)— (i) omit “summary”; and (ii) omit “not exceeding one-tenth of level 5 on the standard scale”.
Section 32 (objections to enforcement notices)	for “Secretary of State” (in every place) substitute “Minister”.
Section 34 (operation of directions under Part III in relation to rights and duties under other laws)	(a) in subsections (2), (3) and (4) for “the United Kingdom” and “United Kingdom” (in every place) substitute “Jersey”; and (b) for subsection (6) substitute— “(6) In this section “Jersey contract” means a contract which is either expressed to have effect in accordance with the law of Jersey or (not being so expressed) is a contract the law applicable to which is the law of Jersey.”.
Section 35 (detention of ships)	for subsection (4) substitute— “(4) Article 177 of the Shipping (Jersey) Law 2002 (Enforcing detention of ship) applies in the

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

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	case of detention under this section as if it were authorised or ordered under that Law.”.
Section 36 (inspection of ships and harbour areas)	<ul style="list-style-type: none"> (a) in subsection (1) for “Secretary of State” substitute “Minister”; (b) in subsection (2)(c) omit “the harbour authority”; and (c) in subsection (6)— <ul style="list-style-type: none"> (i) omit paragraph (a); and (ii) in paragraph (b) omit “on indictment”; and (d) after section 36, insert—

“36A. Maritime security services: approved providers

(1) In this section “maritime security service” means a process or activity carried out for the purpose of—

- (a) complying with a requirement of a direction under any of sections 21 to 24, or
- (b) facilitating a person’s compliance with a requirement of a direction under any of those sections.

(2) The Minister may make an Order under this section.

(3) An Order under this section may provide for the Minister to maintain a list of persons who are approved by him for the provision of a particular maritime security service.

(4) An Order under this section may—

- (a) prohibit the provision of a maritime security service by a person who is not listed in respect of that service;
- (b) prohibit the use or engagement for the provision of a maritime security service of a person who is not listed in respect of that service;

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

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	<ul style="list-style-type: none">(c) create a criminal offence;(d) make provision about application for inclusion in the list (including provision about fees);(e) make provision about the duration and renewal of entries on the list (including provision about fees);(f) make provision about training or qualifications which persons who apply to be listed or who are listed are required to undergo or possess;(g) make provision about removal from the list which shall include provision for appeal;(h) make provision about the inspection of activities carried out by listed persons;(i) confer functions on the Minister or on a specified person;(j) confer jurisdiction on a court.
	(5) An Order under subsection (4)
	(c)—
	<ul style="list-style-type: none">(a) may not provide for a penalty on conviction greater than a fine not exceeding level 4 on the standard scale, or imprisonment for a term not exceeding two years (or both); and(b) may create a criminal offence of purporting, with intent to deceive, to do something as a listed person or of doing something, with intent to deceive, which purports to be done by a listed person.

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

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	<p>(6) In subsection (5) above “the standard scale” means the standard scale of fines for the time being in the Schedule to the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993.</p> <p>(7) A direction under any of sections 21 to 24 may—</p> <ul style="list-style-type: none"> (a) include a requirement to use a listed person for the provision of a maritime security service; (b) provide for all or part of the direction not to apply or to apply with modified effect where a listed person provides a maritime security service. <p>(8) An Order under this section—</p> <ul style="list-style-type: none"> (a) may make different provision for different cases, (b) may include incidental, supplemental or transitional provision, and (c) shall not be made unless the Minister has consulted organisations appearing to him to represent persons affected by the Order. <p>(9) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders made by the Minister under this section.”.</p>
Section 37 (false statements relating to baggage, cargo, etc)	<ul style="list-style-type: none"> (a) in subsection (1)— <ul style="list-style-type: none"> (i) for “the United Kingdom” substitute “Jersey”; and (ii) for “constable” substitute “police officer”; (b) in subsection (2) for “a harbour authority” substitute “the Harbour Master”; and (c) in subsection (4)— <ul style="list-style-type: none"> (i) omit “summary”; and (ii) omit “not exceeding level 5 on the standard scale”.
Section 38 (false statements in connection with identity documents)	<ul style="list-style-type: none"> (a) in subsection (1) for “constable” (in both places) substitute “police officer”;

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	<ul style="list-style-type: none"> (b) in subsection (2) for “Secretary of State” substitute “Minister”; (c) for subsection (3) substitute— <ul style="list-style-type: none"> “(3) The persons referred to in subsection (1) above are— <ul style="list-style-type: none"> (a) the Harbour Master, (b) a harbour operator, (c) the owner, charterer or manager of any ship, and (d) any person who is permitted to have access to a restricted zone of a harbour area for the purposes of the activities of a business carried on by him.”; (d) in subsection (5) omit— <ul style="list-style-type: none"> (i) omit “summary”; and (ii) omit “not exceeding level 5 on the standard scale”.
Section 39 (unauthorised presence in restricted zone)	<p>for subsections (2A), (2B) and (3) substitute—</p> <p>“(3) A police officer or any person acting on behalf of the competent authority may use such force as is reasonable in the circumstances to remove from a restricted zone a person remaining in it in contravention of subsection (1) (b) above.</p> <p>(4) For the purposes of this section the competent authority in relation to a restricted zone is—</p> <ul style="list-style-type: none"> (a) if the zone was designated by the Minister otherwise than on the application of a harbour operator, the Harbour Master; and (b) if the zone was designated on the application of a harbour operator, that operator. <p>(5) A person who contravenes subsection (1) above without lawful authority or reasonable excuse is guilty of an offence and liable on conviction to a fine.”</p>
Section 40 (offences relating to authorised persons)	<ul style="list-style-type: none"> (a) omit subsection (2)(a); (b) in subsection (2)(b) omit “on indictment”; and (c) in subsection (3)— <ul style="list-style-type: none"> (i) omit “summary”; and (ii) omit “not exceeding level 5 on the standard scale”.

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

<i>Provision</i>	<i>Exception, adaptation and modification</i>
Section 41 (sea cargo agents)	<ul style="list-style-type: none"> (a) for “Secretary of State” (in every place) substitute “Minister”; (b) in subsection (1) for “regulations made by statutory instrument” substitute “Order”; (c) in subsection (2)— <ul style="list-style-type: none"> (i) for “Regulations” substitute “An Order”; and (ii) in paragraphs (a), (b), (d) and (f) for “regulations” (in every place) substitute “Order”; (d) in subsection (3) for “regulations” (in both places) substitute “Order”; (e) for subsection (4) substitute— <p style="margin-left: 40px;">“(4) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders made by the Minister under this section.”;</p> <p style="margin-left: 40px;">and</p> (f) in subsection (5) for “regulations” substitute “an Order”.
Section 42 (duty to report certain occurrences)	<ul style="list-style-type: none"> (a) in subsection (1)— <ul style="list-style-type: none"> (i) for “Secretary of State” substitute “Minister”; (ii) for “regulations” (in both places) substitute “Order”; and (iii) omit “made by statutory instrument”; (b) in subsection (2) for “regulations” (in both places) substitute “Order”; (c) in subsection (3)— <ul style="list-style-type: none"> (i) for “Regulations” substitute “An Order”; (ii) for paragraphs (a) and (b) substitute— <ul style="list-style-type: none"> “(a) provide that any person who, in making a report required by the Order, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, is to be guilty of an offence and liable on conviction to a fine or to imprisonment for a term not exceeding two years or to both; and (b) provide for persons to be guilty of an offence in

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	such other circumstances as may be specified in the Order and to be liable on conviction to a fine.”;
	(d) in subsection (4)—
	(i) for “Regulations” substitute “An Order”; and
	(ii) for “the United Kingdom” substitute “Jersey”; and
	(e) for subsection (5) substitute—
	“(5) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders made by the Minister under this section.”.
Section 45 (service of documents)	for subsections (2) to (10) substitute—
	“(2) Any such document may be given to or served on any person—
	(a) by delivering it to him, or
	(b) by leaving it at his proper address, or
	(c) by sending it by post to him at that address, or
	(d) by sending it to him at that address by email or other similar means by which a document is or is able to be produced containing the text of the communication; or
	(e) where—
	(i) an address for service using electronic communications has been given by that person and not withdrawn in accordance with subsection (2E), and
	(ii) that person has agreed to accept service by electronic communications of documents in a certain form and has not withdrawn that agreement in accordance with that subsection,
	by using electronic communications to send the document in that form to that person at that address.
	(2A) A document given to or served on a person in accordance with subsection (2)(e) must be in a form sufficiently permanent to be used for subsequent reference.
	(2B) Where a document is given to or served on a person in accordance with subsection (2)

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

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	<p>(e), the document is, unless the contrary is proved, to be deemed to have been given to or served on that person at the time at which the electronic communication is transmitted except where transmission is made outside that person’s normal business hours, in which case it is to be taken to have been given or served on the next working day, and in this subsection, “working day” means any day other than—</p> <ul style="list-style-type: none"> (a) a Saturday or a Sunday; (b) Christmas Day or Good Friday; or (c) a day which is a public or bank holiday under Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1951. <p>(2C) A document authorised or required to be given to or served on a person by the Minister or an authorised person is also to be treated as given or served where—</p> <ul style="list-style-type: none"> (a) that person and the Minister or (as the case may be) the authorised person have agreed to his having access to documents of a particular description and in a certain form on a web site (instead of their being given to or served on him in any other way specified in subsection (2)); (b) that person has not withdrawn his agreement in accordance with subsection (2F); (c) the document in question is a document to which the agreement applies; (d) the Minister or the authorised person has given that person a notice, in a manner agreed between them for the purpose— <ul style="list-style-type: none"> (i) stating that the document has been published on a web site maintained by or on behalf of the Minister; (ii) setting out the address of that web site; and (iii) setting out the place on that web site where the document may be accessed and how it may be accessed by that person; and

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	<p>(e) the published document is in a form sufficiently permanent to be used for subsequent reference.</p> <p>(2D) Where a document is given to or served on a person in accordance with subsection (2C), the document is, unless the contrary is proved, to be deemed to have been given to or served on that person at the same time as the notice required to be given under subsection (2C)(d) is given.</p> <p>(2E) A person who has supplied another person with an address for service using electronic communications and has agreed to accept service of documents in a certain form in accordance with subsection (2)(e) may give notice withdrawing that address or that agreement or both.</p> <p>(2F) A person who has an agreement with the Minister or an authorised person under subsection (2C)(a) may give notice withdrawing that agreement.</p> <p>(2G) A withdrawal under subsection (2E) or (2F) shall take effect on the later of—</p> <ul style="list-style-type: none">(a) the date specified by the person in the notice; and(b) the date which is fourteen days after the date on which the notice is given. <p>(2H) A notice under subsection (2E) or (2F) must be given to the person to whom the address was supplied or with whom the agreement was made.</p> <p>(2I) Oral notice is not sufficient for the purposes of subsection (2E) or (2F).</p> <p>(3) Any document authorised to be given to or served on a body corporate may be given to or served on the secretary, clerk or similar officer of that body.</p> <p>(4) For the purposes of this section and Article 7 of the Interpretation (Jersey) Law 1954 (meaning of service by post) in its application to this section, the proper address of any person to whom or on whom any document is to be given or served is his usual or last known address or place of business (whether in the Jersey or elsewhere), except that in the case of a body corporate or its secretary, clerk or similar officer it shall be the address of the registered or principal office of that body in Jersey (or, if</p>

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

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	<p>it has no office in Jersey, of its principal office, wherever it may be).</p> <p>(5) In the case of a person registered under any of the Jersey registration provisions as the owner of any ship so registered, the address for the time being recorded in relation to him in the register in which the ship is registered shall also be treated for the purposes of this section and Article 7 of the Interpretation (Jersey) Law 1954 as his proper address.</p> <p>(6) If the person to or on whom any document mentioned in subsection (1) above is to be given or served has notified the Minister of an address within Jersey, other than an address determined under subsection (4) or (5) above, as the one at which he or someone else on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this section and Article 7 of the Interpretation (Jersey) Law 1954 as his proper address.</p> <p>(7) Any document mentioned in subsection (1) above shall, where there are two or more owners registered under any of the Jersey registration provisions, be treated as duly served on each of those owners—</p> <ul style="list-style-type: none"> (a) in the case of a ship in relation to which a managing owner is for the time being registered under Regulations under the Shipping (Jersey) Law 2002, if served on that managing owner, and (b) in the case of any other ship, if served on any one of the registered owners. <p>(8) Where an enforcement notice is to be served under section 29 of this Act on the owner, charterer or manager of a ship, it shall be treated as duly served on him if it is served on the master of the ship in question, but (except as provided by section 29(3) of this Act) the master shall not be obliged by virtue of this subsection to comply with the notice.</p> <p>(9) Where any document mentioned in subsection (1) above is to be served (for the purposes of subsection (8) above or otherwise) on the master of a ship, it shall be treated as duly served if it is left on board that ship with the person being or appearing to be in command or charge of the ship.</p>

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	(10) In this section and in the definition of “British ship” in section 46 of this Act “the Jersey registration provisions” means Part 3 of the Shipping (Jersey) Law 2002.”.
Section 46 (interpretation of Part III)	<p>(a) in subsection (1)—</p> <p>(i) omit the definitions of “constable”, “harbour authority”, “hoverport” and “manager”;</p> <p>(ii) in the definition of “authorised person” for “Secretary of State” substitute “Minister”;</p> <p>(iii) in the definition of “British ship” for paragraphs (a) and (b) substitute—</p> <p style="padding-left: 40px;">“(a) is registered under the Jersey registration provisions; or</p> <p style="padding-left: 40px;">(b) is not registered under the law of any country outside the British Islands and is entitled to be registered under the Jersey registration provisions;”;</p> <p>(iv) after the definition of “British ship” insert—</p> <p style="padding-left: 40px;">““electronic communication” has the same meaning as in the Electronic Communications (Jersey) Law 2000,”;</p> <p>(v) for the definition of “harbour” substitute—</p> <p style="padding-left: 40px;">““harbour” has the same meaning as in the Harbours (Administration) (Jersey) Law 1961,”;</p> <p>(vi) in the definition of “harbour operator” for “20(9)” substitute “20(10)”;</p> <p>(vii) after the definition of “harbour operator” insert—</p> <p style="padding-left: 40px;">““Harbour Master” has the same meaning as in the Harbours (Administration) (Jersey) Law 1961,”;</p> <p>(viii) after the definition of “harbour operator” insert—</p> <p style="padding-left: 40px;">““Jersey” means the Bailiwick of Jersey,”;</p>

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

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	<ul style="list-style-type: none"> (ix) in the definition of “master” for “Merchant Shipping Act 1995” substitute “Shipping (Jersey) Law 2002”; (x) after the definition of “measures” insert— <ul style="list-style-type: none"> ““Minister” means the Minister for Economic Development of the States of Jersey.”; (xi) in the definition of “operating area” for “20(9)” substitute “20(10)”; (xii) in the definition of “owner” for “the United Kingdom” substitute “Jersey”; (xiii) after the definition of “owner” insert— <ul style="list-style-type: none"> ““police officer” means a member of the Honorary Police or a member of the States of Jersey Police Force and includes any person having the powers of a police officer.”; and (xiv) for the definition of “ship” substitute the following definitions— <ul style="list-style-type: none"> ““ship” includes every description of water craft, including a non-displacement craft, a WIG craft and a seaplane, that is used or is capable of being used as a means of transportation on, in or under water, “WIG craft” has the same meaning as in Article 49 of the Shipping (Jersey) Law 2002.”; and
Section 50 (offences by bodies corporate)	<ul style="list-style-type: none"> (b) in subsection (3) omit from “or if arrangements” to “that zone”. <p>in subsection (1)—</p> <ul style="list-style-type: none"> (a) after “offence under” insert “Part II or Part III of”; and (b) for “regulations” (in both places) substitute “an Order”.
Schedule 2 (provisions relating to compensation)	<ul style="list-style-type: none"> (a) in paragraph 2 for “regulations” substitute “an Order”; (b) in paragraph 5— <ul style="list-style-type: none"> (i) for “Regulations made by the Secretary of State by statutory

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

<i>Provision</i>	<i>Exception, adaptation and modification</i>
	<p>instrument may” substitute “The Minister may by Order”; and</p> <p>(ii) omit from “or, in Scotland” to “in the regulations,”;</p> <p>(c) omit paragraph 6;</p> <p>(d) for paragraph 7 substitute—</p> <p style="padding-left: 40px;">“7.—(1) Any dispute arising under the principal section or under this Schedule, whether as to the right to any compensation or as to the amount of any compensation, or otherwise, shall be referred to and determined by two arbitrators, one of whom shall be appointed by the Minister and the other by the person claiming the compensation save that, if an arbitrator is not appointed by the person claiming compensation, then he shall be nominated by the Minister and any arbitrator so nominated shall be deemed to be the arbitrator appointed by the person claiming the compensation.</p> <p style="padding-left: 40px;">(2) Arbitrators appointed under sub-paragraph (1) above shall, before commencing to determine any matter referred to them under this paragraph, nominate an umpire who shall determine the matter if the arbitrators disagree.</p> <p style="padding-left: 40px;">(3) The arbitrators or umpire, as the case may be, may refer to the Royal Court any question of law or of law mixed with fact arising in connection with any matter referred to them or him in such manner and within such time as may be prescribed by rules of court.</p> <p style="padding-left: 40px;">(4) Subject to sub-paragraph (3) above, the decision of the arbitrators or of the umpire, as the case may be, shall be final.”;</p> <p>(e) omit paragraphs 8 and 9; and</p> <p>(f) for paragraph 10 substitute—</p> <p style="padding-left: 40px;">“10. In this Schedule “mortgage” includes any charge or lien on any property for securing money or money’s worth, and any hypothec (hypothèque).”.</p>

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

EXPLANATORY NOTE

(This note is not part of the Order)

Various provisions of the Aviation and Maritime Security Act 1990 (“the 1990 Act”) were extended to Jersey by the Maritime Security (Jersey) Order 1996 (S.I. 1996/2881) subject to modifications. This Order revokes and replaces that Order. In doing so, it provides for certain of the provisions of the 1990 Act to extend to Jersey with fresh modifications, specified in the Part II of the Schedule to the Order, that reflect –

- (a) amendments to the 1990 Act made by the Merchant Shipping and Maritime Security Act 1997 in the United Kingdom; and
- (b) legislative provisions made in Jersey by the Shipping (Jersey) Law 2002.