STATUTORY INSTRUMENTS

1970 No. 1916

MERCHANT SHIPPING

The Consular Relations (Merchant Shipping) (Union of Soviet Socialist Republics) Order 1970

Made - - - - 17*th December* 1970
Laid before Parliament 23*rd December* 1970
Coming into Operation *On a date to be notified in the London, Edinburgh and Belfast Gazettes.*

At the Court at Buckingham Palace, the 17th day of December 1970

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers conferred on Her by sections 4, 5, 6 and 16(2) of the Consular Relations Act 1968(**a**) or otherwise in Her Majesty vested, 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 Consular Relations (Merchant Shipping) (Union of Soviet Socialist Republics) Order 1970, and shall come into operation on a date to be notified in the London, Edinburgh and Belfast Gazettes.

2.—(1) For the purposes of Articles 3 and 4 of this Order and for the purposes of section 6 of the Consular Relations Act 1968 as applied by virtue of Article 5 of this Order a ship shall be treated as belonging to the Union of Soviet Socialist Republics if it is registered at a port of the Union of Soviet Socialist Republics.

(2) Nothing in this Order shall apply to any ship of war.

(3) The Interpretation Act 1889(**b**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Proceedings relating to the remuneration or any contract of service of the master or a member of the crew of any ship belonging to the Union of Soviet Socialist Republics shall not be entertained by any court in the United Kingdom unless a consular officer of the Union of Soviet Socialist Republics has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of two weeks from the date of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

4. Where an offence is alleged to have been committed on board any ship belonging to the Union of Soviet Socialist Republics by the master or a member of the crew, proceedings for the offence instituted otherwise than

(**a**) 1968 c. 18. (**b**) 1889 c. 63.

at the request or with the consent of a consular officer of the Union of Soviet Socialist Republics shall not be entertained by any court in the United Kingdom, unless—

(*a*) the offence is alleged to have been committed—

(i) by or against a person who is a citizen of the United Kingdom and Colonies, a British subject by virtue of section 2, 13 or 16 of the British Nationality Act 1948(**a**) or the British Nationality Act 1965(**b**), or a British protected person within the meaning of the said Act of 1948 ; or

(ii) against a person other than the master or a member of the crew ; or

(*b*) the offence is one involving the tranquillity or safety of the territory or territorial waters of the United Kingdom, or the law relating to safety of life at sea, public health, oil pollution, wireless telegraphy, immigration or customs ; or

(*c*) the offence is one punishable (on a first conviction) with imprisonment for a term that may extend to five years or with a more severe sentence.

5. The Union of Soviet Socialist Republics is designated for the purposes of section 6 of the Consular Relations Act 1968 (which relates to detention on board ship for disciplinary offences).

W. G. Agnew.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order, which is made pursuant to the Consular Relations Act 1968, provides, in relation to ships (other than ships of war) of the Union of Soviet Socialist Republics,

(i) for limiting the jurisdiction of the courts of the United Kingdom to entertain proceedings relating to the remuneration or any contract of service of the master or a member of the crew ;

(ii) for limiting the jurisdiction of such courts over offences committed on board by the master or a member of the crew ;

(iii) for the detention on board of a member of the crew for a disciplinary offence to be treated as not unlawful except in certain cases.

It gives effect to the relevant provisions of the Treaty on Merchant Navigation between the United Kingdom and the Union of Soviet Socialist Republics which was signed at London on 3rd April 1968 (Cmnd. 3680).

(a) 1948 c. 56. (b) 1965 c. 34.

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