STATUTORY INSTRUMENTS

1981 No. 225

MERCHANT SHIPPING

The Merchant Shipping Act 1974 (Guernsey) Order 1981

Made - - - -	18*th February* 1981
Laid before Parliament	26*th February* 1981
Coming into Operation	20*th March* 1981

At the Court at Buckingham Palace, the 18th day of February 1981

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 20(1) of the Merchant Shipping Act 1974(**a**) and section 738(1) of the Merchant Shipping Act 1894(**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 Merchant Shipping Act 1974 (Guernsey) Order 1981 and shall come into operation on 20th March 1981.

2. In this Order and the Schedule hereto, the expression "Guernsey" means the Bailiwick of Guernsey and the expression the "Act of 1979" means the Merchant Shipping Act 1979 (**c**).

3. Part I of, together with sections 22, 23 and 24 of, and Schedule 1 to, the Merchant Shipping Act 1974, excluding the repeals thereto made by Schedule 7 to the Act of 1979, shall extend to Guernsey subject to the exceptions, modifications and adaptations specified in Part I of the Schedule to this Order and, as respects the amendments made by section 38(4) of the Act of 1979, to the provisions in Part II of the Schedule relating to the coming into force of those amendments.

4. The Merchant Shipping Act 1974 (Guernsey) Order 1975(**d**) and the Merchant Shipping Act 1974 (Guernsey) (Amendment) Order 1977(**e**) are hereby revoked.

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

(**a**) 1974 c.43; sections 1(6) and (7), 2(7) (*a*), 4, 5 and 6(5) (*a*) and Schedule 1 are amended by section 38(4) of the Merchant Shipping Act 1979 (c.39); section 2(9) is amended by Schedule 4 to the Customs and Excise Management Act 1979 (c.2); section 3(5) is amended by Part IV of Schedule 6 to the Merchant Shipping Act 1979; section 3(6) is amended by paragraph 18 of Part VI of that Schedule and section 20(1) is referred to in the declaration in section 38(5) of that Act.
(**b**) 1894 c.60. (**c**) 1979 c.39. (**d**) S.I. 1975/2182 as amended by S.I. 1977/1241.
(**e**) S.I. 1977/1241.

Article 3

SCHEDULE

PART I

EXCEPTIONS, MODIFICATIONS AND ADAPTATIONS IN THE EXTENSION OF THE MERCHANT SHIPPING ACT 1974 TO GUERNSEY

1. Unless the context otherwise requires, any reference to the Merchant Shipping Act 1974 or any other enactment shall be to that enactment as it has effect in Guernsey.

2. Unless the context otherwise requires or except in any reference to Her Majesty's Government in the United Kingdom, for any reference to the United Kingdom there shall be substituted a reference to Guernsey.

3. Unless the context otherwise requires, for any reference to a court there shall be substituted a reference:

(i) as respects the Islands of Guernsey, Herm and Jethou, the Royal Court sitting as an Ordinary Court;

(ii) as respects the Island of Alderney, the Court of Alderney;

(iii) as respects the Island of Sark, the Court of the Seneschal of Sark.

4. In section 2(8) for the words "Secretary of State" there shall be substituted the words "States Board of Administration" and paragraph (c) shall be omitted.

5. In section 2(9) for the definition of "company" and "group" there shall be substituted the following definitions:—

' "company" means a company registered in pursuance of—

(a) the Law of Guernsey entitled "Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée" registered on the Records of the Island of Guernsey on the 21st day of March, 1908; or

(b) the Law of Alderney entitled "Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée" registered on the Records of the Island of Guernsey on the 22nd day of May, 1894
or a body incorporated under the law of the United Kingdom or of any other country;

"group", in relation to companies, means a holding company and its subsidiaries as defined by section 154 of the Companies Act 1948(**a**), an Act of Parliament (or for companies in Northern Ireland, section 148 of the Companies Act (Northern Ireland) 1960(**b**) (an Act of the Parliament of Northern Ireland)) subject, in the case of a company incorporated in Guernsey or elsewhere outside the United Kingdom, to any necessary modifications of those definitions;'.

6. For section 2(10) there shall be substituted the following provision:—

"(10) In this section "sea" does not include any waters on the landward side of the baselines from which the territorial sea of the British Islands adjacent to Guernsey is measured."

7. In section 3(1) for the words "Secretary of State" there shall be substituted the words "States Board of Administration".

8. In section 5(6) paragraph (c) shall be omitted.

(**a**) 1948 c.38 (**b**) 1960 c.22 (N.I.).

9. For section 6(1) there shall be substituted the following provision:—

"(1) Paragraph (d) of section 1(1) of the Administration of Justice Act 1956(**a**) as extended to Guernsey by the Admiralty Jurisdiction (Guernsey) Order 1966(**b**), shall be construed as extending to any claim in respect of a liability falling on the Fund under this Part of this Act.".

10. For section 6(4) there shall be substituted the following provision:—

"(4) Part II of the Judgments (Reciprocal Enforcement)(Guernsey) Law, 1957 registered on the 6th day of April, 1957 shall apply whether or not it would so apply apart from this section, to any judgment given by a court in a Convention Country to enforce a claim in respect of a liability incurred under any provision corresponding to sections 4 or 5 of this Act, and in its application to such a judgment that Part shall have effect with the omission of subsections (2) and (3) of section 6 of that Law.".

11. In section 6(5) for the words "Act of 1933" there shall be substituted the words "Law of 1957".

12. For section 23(1) there shall be substituted the following subsection:—

"(1) This Act shall at any time be construed as one with such provisions of the Merchant Shipping Acts 1894 to 1977 as at that time have effect in Guernsey.".

13. In section 24 subsections (2), (3), (4) and (5) shall be omitted.

PART II

PROVISIONS AS TO THE COMING INTO FORCE OF AMENDMENTS

14. Subsections (6) and (7) of section 1 shall cease to have effect on the day when section 38(4)(*a*) of the Act of 1979 (which repeals those subsections) is brought into force in the United Kingdom by an order made under section 52(2) of the Act of 1979.

15. The amendments to sections 2(7)(*a*), 4(10), 5(1)(*a*) and (*b*), 6(5)(*a*) and Schedule 1 shall come into force on the day when section 38(4)(*b*) (as respects the amendments to sections 2(7)(*a*) and 4(10)), section 38(4)(*d*) (as respects the amendments to section 5(1)(*a*) and (*b*)), section 38(4)(*f*) (as respects the amendment to section 6(5)(*a*)) and section 38(4)(*g*) (as respects the amendments to Schedule 1) of the Act of 1979 are brought into force in the United Kingdom by an order made under section 52(2) of the Act of 1979.

16. Section 4(13) and section 5(8) shall come into force on the day when section 38(4)(*c*) (by which section 4(13) is inserted) and section 38(4)(*e*) (by which section 5(8) is inserted) of the Act of 1979 are brought into force in the United Kingdom by an order made under section 52(2) of the Act of 1979.

(**a**) 1956 c.46. (**b**) S.I. 1966/1186.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes and replaces the Merchant Shipping Act 1974 (Guernsey) Order 1975, by which Part I and part of Part V of, and Schedule 1 to, the Merchant Shipping Act 1974 were extended to the Bailiwick of Guernsey. This Order extends those provisions, as amended by section 38(4) of the Merchant Shipping Act 1979 (and other provisions) to the Bailiwick subject to the exceptions, modifications and adaptations specified in Part I of the Schedule to the Order. Part II of the Schedule provides for the coming into force of the amendments to those provisions made by section 38(4) of the Act of 1979.

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