STATUTORY INSTRUMENTS

1981 No. 1111

MERCHANT SHIPPING

The Merchant Shipping Act 1974 (Isle of Man) Order 1981

Made - - - -	31*st July* 1981
Laid before Parliament	10*th August* 1981
Coming into Operation	1*st September* 1981

At the Court at Buckingham Palace, the 31st day of July 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 (Isle of Man) Order 1981 and shall come into operation on 1st September 1981.

2. In this Order and the Schedule thereto, the expression "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 the Isle of Man 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 (Isle of Man) Order 1975**(d)** is 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. 1975/2183.

SCHEDULE Article 3

PART I

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

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 the Isle of Man.

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 the Isle of Man.

3. Unless the context otherwise requires, for any reference to the Secretary of State there shall be substituted a reference to the Isle of Man Harbour Board.

4. Subject to paragraph 16 below, in section 1(7)—

(*a*) for the words "Secretary of State" there shall be inserted the words "Finance Board after consultation with the Harbour Board";

(*b*) the words "made by statutory instrument" shall be omitted.

5. For section 2(8) there shall be substituted the following provisions:—

"(8) (*a*) The Isle of Man Harbour Board may by order apply to the Isle of Man as part of the law of that Island regulations made by the Secretary of State under this section as it has effect in the United Kingdom, with any necessary modifications or adaptations, or both, but no such order shall have effect until it has been approved by Tynwald.

(*b*) Applied regulations may impose on persons who are or may be liable to pay contributions under this section obligations to give security to the Treasurer of the Isle of Man, or to the Fund.

(*c*) In this section "applied regulations" means regulations applied to the Isle of Man in accordance with subsection (8)(*a*) above.".

6. In section 2(9), for the definition of "group" there shall be substituted the following definition:—

'"group", in relation to companies, means a holding company and its subsidiaries as defined in section 1 of the Companies Act 1974 (an Act of Tynwald), subject, in the case of a company incorporated outside the Isle of Man, to any necessary modification of those definitions;'.

7. 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 the Isle of Man is measured.".

8. In section 3(6) for the reference to conviction on indictment there shall be substituted a reference to conviction on information.

9. In section 5(4), for paragraph (*a*) there shall be substituted the following paragraph:—

"(*a*) the ship did not comply with the prescribed requirements, and".

10. For section 5(5) and (6) there shall be substituted the following provisions:—

"(5) The Isle of Man Harbour Board may by order apply to the Isle of Man as part of the law of that Island requirements prescribed by an order made by the Secretary of State under subsection (4) of this section as it has effect in the United Kingdom, with any necessary modifications or adaptations, or both, but no such order shall have effect until it has been approved by Tynwald.

(6) In this section, "prescribed requirements" means the requirements applied to the Isle of Man in accordance with subsection (5) of this section.".

11. Section 6(1) shall be omitted.

12. In section 6(4), for the words, "Foreign Jurisdiction (Reciprocal Enforcement) Act 1933" there shall be substituted the words "Judgments (Reciprocal Enforcement) (Isle of Man) Act 1968 (an Act of Tynwald)".

13. In section 6(4) and (5) for the words "Act of 1933" there shall be substituted in each case the words "Act of 1968".

14. For section 23(1) there shall be substituted the following provision:—

"(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 the Isle of Man.".

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

PART II

Provisions as to the Coming into Force of the Amendments

16. 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 under section 52(2) of the Act of 1979; and on that day paragraph 4 of Part I of this Schedule shall cease to have effect.

17. 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 by an order made under section 52(2) of the Act of 1979.

18. 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 by an order made under section 52(2) of the Act of 1979.

EXPLANATORY NOTE

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

This Order revokes and replaces the Merchant Shipping Act 1974 (Isle of Man) 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 Isle of Man. This Order extends those provisions, as amended by section 38(4) of the Merchant Shipping Act 1979 (and other provisions) to the Isle of Man, 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 the provisions made by section 38(4) of the Act of 1979.

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