STATUTORY INSTRUMENTS

1980 No. 1526

MERCHANT SHIPPING

The Merchant Shipping Act 1979 (Isle of Man) Order 1980

Made - - - -	13*th October* 1980
Laid before Parliament	21*st October* 1980
Coming into Operation	13*th November* 1980

At the Court at Buckingham Palace, the 13th day of October 1980

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 15(1), 19(2) and 47(1) of the Merchant Shipping Act 1979(a), 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 1979 (Isle of Man) Order 1980 and shall come into operation on 13th November 1980.

2.—(1) The provisions of the Merchant Shipping Act 1979 referred to in paragraph (2) below shall extend to the Isle of Man with such modifications as are specified in the Schedule to this Order.

(2) The provisions referred to in paragraph (1) above are sections 14, 17, 18, 19(1), 50 and 52 of, and Schedules 3, 4, 5 and Part I of Schedule 7 to, the said Act.

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

(a) 1979 c. 39.

SCHEDULE

MODIFICATIONS TO THE PROVISIONS OF THE MERCHANT SHIPPING ACT 1979 AS EXTENDED TO THE ISLE OF MAN BY THIS ORDER

1. In the Merchant Shipping Act 1979, as extended to the Isle of Man by this Order:—

(*a*) "Governor" has the same meaning as in the Interpretation Act 1976 (an Act of Tynwald);

(*b*) "Governor in Council" means the Governor acting on the advice and with the concurrence of the Executive Council of the Isle of Man; and

(*c*) any reference to an enactment of Tynwald shall be construed as a reference to that enactment as amended or replaced by or under any other enactment of Tynwald.

2. In section 14:—

(i) in subsection (1), for the words "United Kingdom" there shall be substituted the words "Isle of Man";

(ii) subsections (4) and (5) shall be omitted;

(iii) in subsection (6), the words "or in any modification made by virtue of subsection (4) or (5) of this section" and the words ", or as the case may be the modification," shall be omitted;

(iv) in subsection (7), after the words "the Crown", in both places where they occur, there shall be inserted the words "and the Government of the Isle of Man"; and

(v) after subsection (7) there shall be inserted the following provision:—

"(8) In this section, "Government of the Isle of Man" includes every Board of Tynwald and every Statutory Board; and the expression "Statutory Board" has the meaning assigned thereto by section 3 of the Interpretation Act 1976 (an Act of Tynwald).".

3. In section 17(1), for the words "United Kingdom" there shall be substituted the words "Isle of Man".

4. In section 50:—

(i) after subsection (1), there shall be inserted the following provision:—

"(1A) Nothing in sections 17 and 18 of, or Schedule 4 to, this Act shall apply in relation to any liability arising out of an occurrence which took place before the coming into force of those provisions and section 19(1) of, and Schedule 5 to, this Act shall not affect the operation of any enactment in relation to such an occurrence.";

(ii) subsections (2) and (3) shall be omitted; and

(iii) in subsection (4), for the words "section 19(4)" there shall be substituted the words "subsection (1A) of this section".

5. For section 52(2) there shall be substituted the following provision:—

"(2) Any provision of this Act which is extended to the Isle of Man by the Merchant Shipping Act 1979 (Isle of Man) Order 1980 shall come into force either on the coming into operation of that Order or on the coming into force of that provision in the United Kingdom, whichever is the later.".

6. In Part II of Schedule 3:—

(i) for the words "United Kingdom", wherever they occur, there shall be substituted the words "Isle of Man";

(ii) for the words "Secretary of State", wherever they occur, there shall be substituted the words "Governor in Council";

(iii) in paragraph 3, for the words from "Law Reform (Contributory Negligence) Act 1945" to the end of the paragraph there shall be substituted the words "Law Reform (Contributory Negligence) Act 1946 (an Act of Tynwald).";
and

(iv) in paragraph 7, the words from "and section 27(3)" to the end of the paragraph shall be omitted.

7. In Part II of Schedule 4:—

(i) any reference to an enactment of Parliament shall be construed as a reference to that enactment as it extends to the Isle of Man;

(ii) in paragraph 3, for the words "Secretary of State", wherever they occur, there shall be substituted the words "Governor in Council";

(iii) in paragraph 4(2), for the words "any of sections 7 to 11" there shall be substituted the words "section 10 or 11";

(iv) in sub-paragraphs (2) and (3) of paragraph 5, for the words "Secretary of State" there shall be substituted the words "Isle of Man Harbour Board";

(v) in paragraph 6:—

(*a*) at the end of sub-paragraph (1), insert the words "or the corresponding certificate issued under the corresponding enactment of Tynwald"; and

(*b*) in sub-paragraph (2), for the words from "Fatal Accidents Act 1976" to the end of the sub-paragraph there shall be substituted the words "Fatal Accidents Acts 1852 to 1961 (being Acts of Tynwald).";

(vi) after paragraph 7, there shall be inserted the following provision:—

"7A. Where an action is brought in the Isle of Man, the reference in paragraph 3 of article 10 to the national law of the State Party shall be construed as a reference to the law of the Isle of Man.";

(vii) in paragraph 8(1), for the words "Secretary of State" there shall be substituted the word "Deemsters" and the words ", with the concurrence of the Treasury," shall be omitted;

(viii) after paragraph 10, there shall be inserted the following provision:—

"10A. In article 14, the reference to the law of the State Party shall, where the fund is constituted in the Isle of Man, be construed as a reference to the law of the Isle of Man."; and

(ix) in paragraph 11, for the words from "are" to the end of the paragraph there shall be substituted the words "are references to Her Majesty's High Court of Justice of the Isle of Man.".

8. In Schedule 5—

(i) paragraphs 3, 4 and 6, together with the cross-headings, shall be omitted;

(ii) for paragraph 5, and the cross-heading, there shall be substituted the following provision:—

"*The Carriage of Goods by Sea Act 1974* (*an Act of Tynwald*)

5. In section 4(2) of the Carriage of Goods by Sea Act 1974 (an Act of Tynwald), for the words from "section 502" to "960," there shall be substituted the words "section 18 of the Merchant Shipping Act 1979 (an Act of Parliament) (which".".

9. In Part I of Schedule 7, the entry relating to the Merchant Shipping Act 1965 shall be omitted.

EXPLANATORY NOTE

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

This Order extends to the Isle of Man those provisions of the Merchant Shipping Act 1979 which give effect to the Convention relating to the Carriage of Passengers and their Luggage by Sea and to the Convention on Limitation of Liability for Maritime Claims 1976. The Schedule to the Order modifies the said Act, in its extension to the Isle of Man, so that its provisions will conform to the particular administrative and other conditions prevailing there. In addition, the effect of paragraph 5 of the Schedule to the Order is that any provision of the Act which is extended to the Isle of Man will come into force there either on the coming into operation of this Order or on the coming into force of that provision in the United Kingdom, whichever is the later.

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