STATUTORY INSTRUMENTS

1983 No. 1702

MERCHANT SHIPPING

The Merchant Shipping Act 1983 (Jersey) Order 1983

Made - - - -	*18th November* 1983
Laid before Parliament	*28th November* 1983
Coming into Operation	*1st January* 1984

At the Court of Saint James, the 18th day of November 1983

Present,
The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 3rd day of November 1983, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, and in pursuance of section 8(1) of the Merchant Shipping Act 1983(a), by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Merchant Shipping Act 1983 (Jersey) Order 1983 and shall come into operation on 1st January 1984.

2. In this Order, "Jersey" means the Bailiwick of Jersey and the territorial waters adjacent thereto.

3. It is hereby directed that sections 5, 6 and 7, section 9 so far as it relates to any ship registered under section 5, and sections 10 and 11 of, and the Schedule to, the Merchant Shipping Act 1983 shall extend to Jersey with the exceptions, adaptations and modifications specified in the Schedule to this Order.

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

(a) 1983 c.13.

Article 3. SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO THE MERCHANT SHIPPING ACT 1983 AS EXTENDED TO JERSEY

1. Unless the contrary intention appears, any reference to an enactment shall be construed as a reference to that enactment as it has effect in Jersey.

2. In section 5(1)—

(a) for the words "Secretary of State may by regulations" there shall be substituted the words "Harbours and Airport Committee may by Order";

(b) for the words "the United Kingdom" in the first place where they occur there shall be substituted the word "Jersey"; and

(c) after the words "the United Kingdom" in the second place where they occur there shall be added the words ", Jersey or the Bailiwick of Guernsey".

3. In section 5(3), for the words "the United Kingdom" there shall be substituted the word "Jersey".

4. In section 5(4)*(b)* and (5)*(a)*, for the word "regulations" there shall be substituted the words "an Order".

5. In section 5(6)—

(a) for the word "Regulations" there shall be substituted the words "An Order"; and

(b) the words "determined with the approval of the Treasury" shall be omitted.

6. In section 5(9), for the definition of "fishing vessel" there shall be substituted the following definition:—

" "fishing vessel" means a vessel which is for the time being used for or in connexion with sea fishing but does not include a vessel used for fishing otherwise than for profit".

7. For section 6 there shall be substituted the following provision:—

"6. In section 4(1) of the 1894 Act—

(a) in paragraph *(b)*, the words "and Jersey" are repealed; and

(b) after paragraph *(b)*, there is inserted the following paragraph:—

"*(bb)* In Jersey, any officer appointed for the purpose by the Harbours and Airport Committee, together with the governor:".".

8. For section 7 there shall be substituted the following provision:—

"7. The Subordinate Legislation (Jersey) Law 1960, as amended, shall apply to any Order under this Act.".

9. Sections 10(3) and 11(3) and (4) shall be omitted.

10. In paragraph 1 of the Schedule—

(a) for the definition of "regulations" there shall be substituted the following definition:—

" "Order" means an Order made under that section"; and

(b) in the definition of "specified", for the words "in regulations" there shall be substituted the words "by Order".

11. In paragraph 2 of the Schedule—

(a) for the words "Regulations may make provision" there shall be substituted the words "An Order may make provision";

(b) in sub-paragraph *(g)*, for the word "regulations" there shall be substituted the words "an Order";

(c) in sub-paragraph *(j)*, the words from "being fees" to the end of the sub-paragraph shall be omitted; and

(d) in sub-paragraph *(k)*, for the word "regulations" there shall be substituted the word "Order" and for the words "Secretary of State" there shall be substituted the words "Harbours and Airport Committee".

12. In paragraph 3 of the Schedule—

(a) in sub-paragraph (1), for the words "Regulations may provide" there shall be substituted the words "An Order may provide";

(b) in sub-paragraph (1), the words "on summary conviction" shall be omitted;

(c) in sub-paragraph (1)*(c)* and *(d)*, for the word "regulations" wherever it occurs there shall be substituted the word "Order";

(d) in sub-paragraph (2), for the word "Regulations" there shall be substituted the words "An Order"; and

(e) sub-paragraphs (3) and (4) shall be omitted.

13. In paragraph 4 of the Schedule—

(a) for the word "Regulations" in both places where it occurs there shall be substituted the words "An Order"; and

(b) in sub-paragraph (2), for the words "Secretary of State" there shall be substituted the words "Harbours and Airport Committee".

14. In paragraph 5 of the Schedule—

(a) for the words "Regulations may provide for their operation" there shall be substituted the words "An Order may provide for its operation"; and

(b) for the words "the United Kingdom" there shall be substituted the word "Jersey".

EXPLANATORY NOTE

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

This Order extends to the Bailiwick of Jersey provisions of the Merchant Shipping Act 1983 with exceptions, adaptations and modifications. The provisions extended are principally those concerned with setting up a special register for small ships.

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