STATUTORY INSTRUMENTS

2008 No. 1794

MERCHANT SHIPPING

OVERSEAS TERRITORIES

The Merchant Shipping (Liner Conferences) (Gibraltar) (Repeal) Order 2008

Made - - - - 9th July 2008

Coming into force in accordance with paragraphs (2), (3) and (4) of Article 1

Her Majesty makes the following Order in exercise of the powers conferred by section 15(4) of the Merchant Shipping (Liner Conferences) Act 1982(**a**).

Citation, commencement and extent

1.—(1)This Order may be cited as the Merchant Shipping (Liner Conferences) (Gibraltar) (Repeal) Order 2008.

(2) Article 3(1) and (3) come into force—

(a) As respects liner shipping conferences which, on 18th October 2006, satisfied the requirements of the 1986 Council Regulation, on 18th October 2008;

(b) As respects other liner shipping conferences, on 30th July 2008.

(3) Article 3(2) comes into force on 18th October 2008.

(4) The other provisions of this Order come into force on 30th July 2008.

Interpretation

2. In this Order—

"the 1986 Council Regulation" means Council Regulation (EEC) No. 4056/86 of 22nd December 1986 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport, and amending Regulation (EC) No 1/2003 as regards the extension of its scope to include cabotage and international tramp services(**b**);

"the Act" means the Merchant Shipping (Liner Conferences) Act 1982, as extended to Gibraltar by the Merchant Shipping (Liner Conferences) (Gibraltar) Order 1985(**c**) ("the 1985 Order");

(**a**) 1982 c.37.
(**b**) O.J. L378, 31.12.1986, p.4, as last amended by the Act of Accession. 16 April 2003 (Cm. 6312).
(**c**) S.I. 1985/447.

"the Code" means the Convention on a Code of Conduct for Liner Conferences signed at Geneva on 6th April 1974(**a**);

"the 1985 Regulations" means the Merchant Shipping (Liner Conferences) (Conditions for Recognition) Regulations 1985(**b**) and the Merchant Shipping (Liner Conferences) (Mandatory Provisions) Regulations 1985(**c**), as extended to Gibraltar by the 1985 Order.

Repeals

3.—(1) The provisions of the Code identified in the Merchant Shipping (Liner Conferences) (Mandatory Provisions) Regulations 1985, as extended to Gibraltar by the 1985 Order, cease to have effect.

(2) Sections 2, 3 and 4 of the Act (which make provision in relation to the application of, and the terms implied by, implementing regulations, and for restricting the operation of the Code for lack of reciprocity) are repealed.

(3) Section 11 of the Act (exclusion of restrictive practices law) is repealed.

(4) Nothing in this Order affects the operation of the Act or the 1985 Regulations in respect of anything relating to the operation of the Code in Gibraltar before paragraph (1) comes into force.

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the mandatory provisions of the United Nations Code of Conduct for Liner Conferences, as implemented in Gibraltar by the Merchant Shipping (Liner Conferences) (Gibraltar) Order 1985, to cease to have effect, and makes consequential repeals.

Council Regulation (EC) No. 1419/2006 of 25th September 2006 (O.J. L 269, 28.9.2006, p. 1) repealed Council Regulation (EEC) No. 4056/86 and thereby removed the block exemption from Articles 81 and 82 of the EC Treaty granted to liner conferences, subject to a transitional period of two years for conferences which complied with the requirements of Regulation 4056/86 on 18th October 2006. As a consequence, Council Regulation (EEC) No. 954/79 of 15th May 1979 (O.J. L 121, 17.5.1979, p. 1), which gave effect to the Code within the European Union, has become inapplicable. This Order repeals the provisions applicable in Gibraltar which give effect to Regulation 954/79.

(**a**) The text of the Code is set out in the Schedule to the Act.
(**b**) S.I. 1985/405.
(**c**) S.I..1985/406.

£3.00

© Crown copyright 2008

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

E2752 7/2008 182752T 19585