STATUTORY INSTRUMENTS

1975 No. 2184

MERCHANT SHIPPING

The Merchant Shipping (Oil Pollution) Act 1971 (Jersey) Order 1975

Made - - - -	19*th December* 1975
Laid before Parliament	6*th January* 1976
Coming into Operation	1*st February* 1976

At the Court at Buckingham Palace, the 19th day of December 1975
Present,
The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 18(1) of the Merchant Shipping (Oil Pollution) Act 1971**(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 (Oil Pollution) Act 1971 (Jersey) Order 1975 and shall come into operation on 1st February 1976.

2.—(1) In this Order "Jersey" means the Bailiwick of Jersey and the territorial waters adjacent thereto.

(2) The Interpretation Act 1889**(b)** shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. The Merchant Shipping (Oil Pollution) Act 1971 shall extend to Jersey subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

N. E. Leigh.

(a) 1971 c. 59. **(b)** 1889 c. 63.

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF THE MERCHANT SHIPPING (OIL POLLUTION) ACT 1971 TO JERSEY

1. Unless the context otherwise requires, any reference to the Merchant Shipping (Oil Pollution) Act 1971 or to any other enactment shall be to that enactment as it has effect in Jersey.

2. Unless the context otherwise requires, for any reference to the United Kingdom there shall be substituted a reference to Jersey.

3. For section 1(5) there shall be substituted the following provision:—

"(5) Article 6 of the Law Reform (Miscellaneous Provisions) (Jersey) Law, 1960, shall apply in relation to any damage or cost for which a person is liable under this section, but which is not due to his fault, as if it were due to his fault.".

4. In section 4(2) for paragraph (*d*) there shall be substituted the following paragraph:—

"(*d*) if the tonnage of the ship cannot be ascertained in accordance with the preceding paragraphs, the court may accept as evidence a certificate given at the court's request by the Chief Ship Surveyor of the Department of Trade certifying what, on the evidence specified in the request, would in his opinion, be the tonnage of the ship if ascertained in accordance with those paragraphs and the tonnage stated in the certificate shall be taken to be the tonnage of the ship.".

5. In section 4(4) the words "made by statutory instrument" shall be omitted.

6. In section 4(5) the words "(or in Scotland consigned in court)" shall be omitted.

7. In section 5(6) for the words "of any country outside the United Kingdom" there shall be substituted the words "outside Jersey".

8. In section 6—

(*a*) in paragraph (*b*) of subsection (1) the words "or decree" and the words "(or, in Scotland, expenses)" shall be omitted;

(*b*) subsection (2) shall be omitted.

9. In section 10(3) at the end of paragraph (*b*) there shall be inserted the words "or if that country is Guernsey, by the Secretary of State.".

10. In section 10(5) for the words following "by the master to" there shall be substituted the words "the Agent of the Impôts or any other officer of the Impôts".

11. In section 10(6) the words "on indictment" and the words "or on summary conviction to a fine not exceeding £35,000" shall be omitted.

12. In section 10(7) the words "on summary conviction" shall be omitted.

13. Section 10(9) shall be omitted.

14. In section 11(4) the words "on summary conviction" shall be omitted.

15. Section 11(6) shall be omitted.

16. For section 12(5) there shall be substituted the following provision:—

"(5) The Third Parties (Rights against Insurers) (Jersey) Law, 1948, shall not apply in relation to any contract of insurance to which such a certificate as is mentioned in section 10 of this Act relates.".

17. Section 13(1) shall be omitted.

18. For section 13(3) there shall be substituted the following provision:—

"(3) Part II of the Judgments (Reciprocal Enforcement) (Jersey) Law, 1960, 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 section 1 of this Act; and in its application to such a judgment that Part shall have effect with the omission of paragraphs (2) and (3) of Article 6 of that Law.".

19. In section 14(3) the words "or in Scotland the execution of diligence" shall be omitted.

20. Section 18 shall be omitted.

21. In section 20(1) for the definition of "the court" there shall be substituted the following definition:—

' "the court" means the Inferior Number of the Royal Court.'.

22. In section 21(1) the words following "1971" where it first occurs shall be omitted.

23. For section 21(2) there shall be substituted the following provision:—

"(2) This Act shall at any time be construed as one with such provisions of the Merchant Shipping Acts 1894 to 1970 as at that time have effect in Jersey.".

24. Section 21(3) and (4) shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends the Merchant Shipping (Oil Pollution) Act 1971 to the Bailiwick of Jersey subject to specified exceptions, adaptations and modifications. The Act as extended is subject to the amendment contained in section 9 of the Merchant Shipping Act 1974 (c.43) (extended to the Bailiwick of Jersey by the Merchant Shipping Act 1974 (Jersey) Order 1975 (S.I. 1975/2181)).

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