STATUTORY INSTRUMENTS

1981 No. 434

MERCHANT SHIPPING
The Merchant Shipping (Oil Pollution) Act 1971 (Jersey) Order 1981

Made - - - -	*18th March* 1981
Laid before Parliament	*26th March* 1981
Coming into Operation	*8th April* 1981

At the Court at Buckingham Palace, the 18th day of March 1981

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**) 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 (Oil Pollution) Act 1971 (Jersey) Order 1981 and shall come into operation on 8th April 1981.

2. In this Order and the Schedule hereto, the expression "Jersey" means the Bailiwick of Jersey and the territorial waters adjacent thereto and the expression "Act of 1979" means the Merchant Shipping Act 1979(**c**).

3. The provisions of the Merchant Shipping (Oil Pollution) Act 1971, excluding any amendments to that Act made by the provisions of the Act of 1979 except the amendments made by sections 38 and 43 of, and Part III of Schedule 6 to, that Act, shall extend to Jersey subject to the exceptions, modifications and adaptations specified in the Schedule to this Order.

4. The Merchant Shipping (Oil Pollution) Act 1971 (Jersey) Order 1975(**d**) is hereby revoked.

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

(**a**) 1971 c. 59; the amendments to the Act relevant to this Order are the insertion of section 8A by section 9 of the Merchant Shipping Act 1974 (c. 43), the amendments to section 4 made by section 38(1) of the Merchant Shipping Act 1979 (c. 39), the insertion of section 5(2A) by section 38(2) of that Act, the amendments to sections 10(2), 11(1) and 14(2) by section 38(3) of that Act, the amendment to section 10(7) by section 43 of, and Part III of Schedule 6 to, that Act and the reference to section 18(1) in the declaration in section 38(5) of that Act.

(**b**) 1894 c. 60. (**c**) 1979 c. 39. (**d**) S.I. 1975/2184.

Article 3 SCHEDULE

EXCEPTIONS, MODIFICATIONS AND ADAPTATIONS 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 5(6) for the words "of any country outside the United Kingdom" there shall be substituted the words "outside Jersey".

6. 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.

7. 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".

8. 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".

9. 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.

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

11. Section 10(9) shall be omitted.

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

13. Section 11(6) shall be omitted.

14. 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.".

15. Section 13(1) shall be omitted.

16. 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.".

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

18. Section 18 shall be omitted.

19. 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.'.

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

21. 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 1977 as at that time have effect in Jersey.".

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

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes and replaces the Merchant Shipping (Oil Pollution) Act 1971 (Jersey) Order 1975, by which the Merchant Shipping (Oil Pollution) Act 1971 was extended to the Bailiwick of Jersey. This Order extends that Act, as amended by section 9 of the Merchant Shipping Act 1974 and section 38 of the Merchant Shipping act 1979, to the Bailiwick subject to the exceptions, modifications and adaptations specified in the Schedule to the Order. Certain other amendments to the Act of 1971 which are made by the Act of 1979 will come into force in the Bailiwick under the Merchant Shipping Act 1979 (Jersey) Order 1980 (S.I. 1980/570), when the equivalent amendments come into force in the United Kingdom.

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