1965 No. 1307

MERCHANT SHIPPING

The Shipowners' Liability (New Hebrides) Order 1965

Made - - - -	24*th June* 1965
Laid before Parliament	30*th June* 1965
Coming into Operation	1*st July* 1965

At the Court at Buckingham Palace, the 24th day of June 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 11 of the Merchant Shipping (Liability of Shipowners and Others) Act 1958(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, interpretation and commencement.

1.—(1) This Order may be cited as the Shipowners' Liability (New Hebrides) Order 1965.

(2) In this Order "the Protocol" means the Protocol mentioned in section II of the New Hebrides Order in Council 1922(b) as interpreted or amended, as the case may be, in accordance with the agreements contained in the notes set out in the Schedules to the New Hebrides Order in Council 1923(c), the New Hebrides Order in Council 1955(d), the New Hebrides Order in Council 1961(e) and the New Hebrides Order in Council 1963(f).

(3) This Order shall come into operation on 1st July 1965.

Certain provisions of Merchant Shipping Acts extended to New Hebrides.

2.—(1) The provisions of the Merchant Shipping (Liability of Shipowners and Others) Act 1958 shall extend to the New Hebrides with the exceptions, adaptations and modifications specified in subsection (3) of this section and in Schedule 1 to this Order.

(2) The provisions of Part VIII of the Merchant Shipping Act 1894(g) and of section 2 of the Merchant Shipping (Liability of Shipowners and others) Act 1900(h) shall extend to the New Hebrides, with the exceptions, adaptations and modifications specified in subsection (3) of this section and in Schedule 2 to this Order.

(3) The persons whose liability in connection with a ship is excluded or limited by the provisions extended by subsections (1) and (2) of this section shall not include any person who, in accordance with the Protocol, is not subject to the jurisdiction of Her Majesty.

W. G. Agnew.

(a) 6 & 7 Eliz. 2. c. 62.
(b) S.R. & O. 1922/717 (Rev. VIII, p. 719: 1922, p. 324).
(c) S.R. & O. 1923/356 (Rev. VIII, p. 757: 1923, p. 337).
(d) S.I. 1955/553 (1955 II, p. 1700). (e) S.I. 1961/1831 (1961 III, p. 3456).
(f) S.I. 1963/1324 (1963 II, p. 2297).
(g) 57 & 58 Vict. c. 60. (h) 63 & 64 Vict. c. 32.

SCHEDULE 1

Section 2(1)

1. Any reference to the Merchant Shipping (Liability of Shipowners and Others) Act 1958 shall be construed as a reference to that Act as extended to the New Hebrides and the reference in section nine to the commencement of that Act shall be construed as a reference to the coming into force of this Order.

2. For any reference to the United Kingdom there shall be substituted a reference to the New Hebrides.

3. For any reference to the Minister of Transport and Civil Aviation there shall be substituted a reference to the High Commissioner for the Western Pacific.

4. The following provisions shall be omitted—

(*a*) subsections (2), (5), (6) and (7) of section 2, section 5(7), section 8(5) and section 10;

(*b*) in section 1(3) the words "made by statutory instrument";

(*c*) in section 5(1) the words "(or, in Scotland, to have prorogated that jurisdiction)".

SCHEDULE 2

Section 2(2)

References in Part VIII of the Merchant Shipping Act 1894 to a British possession shall be construed as references to the New Hebrides.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order applies to the New Hebrides the provisions of the Merchant Shipping (Liability of Shipowners and Others) Act 1958 so far as Her Majesty has authority to do so under the Protocol between the British and French Governments respecting the territory.

It similarly extends certain of the provisions of Part VIII of the Merchant Shipping Act 1894 and the Merchant Shipping (Liability of Shipowners and others) Act 1900.