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STATUTORY INSTRUMENTS

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**1986 No. 1163**

**MERCHANT SHIPPING**

**The Merchant Shipping (Distress Signals and  
Prevention of Collisions) (Guernsey) Order 1986**

<i>Made</i>	- - - -	<i>8th July 1986</i>
<i>Laid before Parliament</i>		<i>16th July 1986</i>
<i>Coming into Operation</i>		<i>1st October 1986</i>

At the Court at Buckingham Palace, the 8th day of July 1986

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 47(1) of the Merchant Shipping Act 1979, 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 (Distress Signals and Prevention of Collisions) (Guernsey) Order 1986 and shall come into operation on 1st October 1986:

Provided that it shall not come into operation in relation to any vessel until noon zone time on that date in the area in which the vessel is situated.

**2.** In this Order, “the Bailiwick” means the Bailiwick of Guernsey and the territorial waters adjacent thereto.

**3.** The Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1983<sup>(1)</sup> shall, subject to the modifications specified in the Schedule to this Order, extend to the Bailiwick as part of the law there and shall apply to ships registered in the Bailiwick and to masters and seamen employed in the ships as they apply to ships registered in the United Kingdom and to masters and seamen employed in them.

*G.I. de Deney*  
Clerk of the Privy Council

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(1) these Regulations are in force under sections 21 and 22 of the Merchant Shipping Act 1979 which were extended, with modifications, to the Bailiwick of Guernsey by the Merchant Shipping Act 1979 (Guernsey) Order 1981 (S.I. 1981/1810).

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SCHEDULE

Article 3

MODIFICATIONS TO THE MERCHANT SHIPPING (DISTRESS SIGNALS AND PREVENTION OF COLLISIONS) REGULATIONS 1983 AS EXTENDED TO THE BAILIWICK OF GUERNSEY

1. Any reference to an enactment shall be construed, unless the contrary appears, as a reference to it as it has effect in the Bailiwick.

2.—(1) In Regulation 1(1), the words from “and shall come into operation” to the end shall be omitted.

(2) In Regulation 1(2)—

(a) for the definition of “appropriate authority” there shall be substituted the following definition:—

““appropriate authority” means—

- (i) in relation to any part of the Bailiwick, the States of Guernsey, the States of Alderney or the Chief Pleas of Sark, as the case may be, or any other authority responsible under the law for the time being in force in that part of the Bailiwick for promoting the safety of life at sea and the avoidance of collisions;
- (ii) in relation to a place outside the Bailiwick, the authority responsible under the law for the time being in force in that place for promoting the safety of life at sea and the avoidance of collisions;”;

(b) in the definition of “date of entry into force of these Regulations”—

(i) in sub-paragraph (i), for the words “, 15th July 1977” there shall be substituted the words “and Guernsey vessels, the date on which the Collision Regulations and Distress Signals Order 1977 came into operation”;

and

(ii) in sub-paragraph (ii), after the words “United Kingdom” there shall be inserted the words “and the Bailiwick”;

(c) after the definition of “date of entry into force of these Regulations” there shall be inserted the following definition:—

““Guernsey vessel” means a ship which—

- (i) is registered in the Bailiwick, or
- (ii) is not registered under the law of any country but is wholly owned by persons each of whom either is a British citizen, a British Dependent Territories citizen or a British Overseas citizen who is resident in the Bailiwick or is a body corporate which is established under the law of any part of the Bailiwick and has its principal place of business in the Bailiwick;”;

(d) in the definition of “Notice to Mariners”, for the words “the Navy” there shall be substituted the words “Her Majesty's Navy”; and

(e) for the definition of “United Kingdom vessel” there shall be substituted the following definition:—

““United Kingdom vessel” means a ship (other than a Guernsey vessel) which—

- (i) is registered in the United Kingdom, or
- (ii) is not registered under the law of any country but is wholly owned by persons each of whom is either a British citizen, a British Dependent Territories citizen or a British Overseas citizen or a body corporate which is established under

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the law of a part of the United Kingdom and has its principal place of business in a part of the United Kingdom;”.

(3) For Regulation 1(5) there shall be substituted the following paragraph:—

- (a) “(5) Sections 420 and 424 of the Merchant Shipping Act 1894<sup>(2)</sup> are repealed.
- (b) The Collision Regulations and Distress Signals Order 1977, the Collision Regulations and Distress Signals (Amendment) Order 1977 <sup>(3)</sup>and the Safety (Collision Regulations and Distress Signals) Regulations 1979<sup>(4)</sup> are hereby revoked except in so far as they apply in relation to seaplanes.”.

3. For Regulation 2 there shall be substituted the following Regulation:—

“2. These Regulations apply to Guernsey vessels wherever they may be and to other vessels while they are within the Bailiwick but not to hovercraft or seaplanes.”.

4. For Regulation 5(1)(b) there shall be substituted the following sub-paragraph:—

“(b) in paragraph (1)(a)(ii) of this Regulation “statutory maximum” has the same meaning as it does for the time being in England and Wales, that is to say the sum prescribed as the maximum fine which may be imposed there in such a case.”.

5. In Schedule 1, Annex III, paragraph 1(g) for the word “pressure” there shall be substituted the word “presence”.

6. Schedule 2 shall be omitted.

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## EXPLANATORY NOTE

This Order extends to the Bailiwick of Guernsey, and applies to ships registered there and to masters and seamen employed in those ships, the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1983 with the modifications specified in the Schedule to the Order.

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(2) 1894 c.60.

(3) S.I. 1977/1301.

(4) S.I. 1979/1659.