
STATUTORY INSTRUMENTS

1996 No. 2881

MERCHANT SHIPPING

The Maritime Security (Jersey) Order 1996

Made - - - - 19th November 1996

Coming into force - - 1st January 1997

At the Court at Buckingham Palace, the 19th day of November 1996

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 51(1) of the Aviation and Maritime Security Act 1990⁽¹⁾, 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 Maritime Security (Jersey) Order 1996 and shall come into force on 1st January 1997.

2.—(1) The provisions of the Aviation and Maritime Security Act 1990 which are listed in Part I of the Schedule to this Order shall extend to the Bailiwick of Jersey with the exceptions, adaptations and modifications specified in Part II of that Schedule.

(2) Any reference in Part II of the Schedule to this Order to an enactment shall, unless the contrary intention appears, be construed as a reference to that enactment as it has effect in the Bailiwick of Jersey.

N.H. Nicholls
Clerk of the Privy Council

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SCHEDULE

Article 2

EXTENSION OF PROVISIONS OF THE AVIATION AND
MARITIME SECURITY ACT 1990 TO THE BAILIWICK OF JERSEY

PART I

PROVISIONS EXTENDED

Section 9	(Hijacking of ships).
Section 10	(Seizing or exercising control of fixed platforms).
Section 11	(Destroying ships or fixed platforms or endangering their safety).
Section 12	(Other acts endangering or likely to endanger safe navigation).
Section 13	(Offences involving threats).
Section 14	(Ancillary offences).
Section 15	(Master's power of delivery).
Section 16	(Prosecution of offences and proceedings).
Section 17	(Interpretation of Part II).
Section 18	(Purposes to which Part III applies).
Section 19	(Power of Secretary of State to require information).
Section 20	(Designation of restricted zones of harbour areas).
Section 21	(Power to impose restrictions in relation to ships).
Section 22	(Power to require harbour authorities to promote searches in harbour areas).
Section 23	(Power to require other persons to promote searches).
Section 24	(General power to direct measures to be taken for purposes to which Part III applies).
Section 25	(Matters which may be included in directions under sections 21 to 24).
Section 26	(Limitations on scope of directions under sections 21 to 24).
Section 27	(General or urgent directions under sections 21 to 24).
Section 28	(Objections to certain directions under section 24).

Section 29	(Enforcement notices).
Section 30	(Contents of enforcement notice).
Section 31	(Offences relating to enforcement notices).
Section 32	(Objections to enforcement notices).
Section 33	(Enforcement notices: supplementary).
Section 34	(Operation of directions under Part III in relation to rights and duties under other laws).
Section 35	(Detention of ships).
Section 36	(Inspection of ships and harbour areas).
Section 37	(False statements relating to baggage, cargo, etc.).
Section 38	(False statements in connection with identity documents).
Section 39	(Unauthorised presence in restricted zone).
Section 40	(Offences relating to authorised persons).
Section 41	(Sea cargo agents).
Section 42	(Duty to report certain occurrences).
Section 43	(Compensation in respect of certain measures taken under Part III).
Section 45	(Service of documents).
Section 46	(Interpretation of Part III).
Section 50	(Offences by bodies corporate).
Schedule 2	(Provisions relating to compensation).

PART II

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO THE AVIATION AND MARITIME SECURITY ACT 1990 IN ITS EXTENSION TO THE BAILIWICK OF JERSEY

1. In section 9 (hijacking of ships)—
 - (a) in subsection (1) and subsection (2)(b) for the words “the United Kingdom” there shall be substituted “Jersey”;
 - (b) in subsection (2)(c) after the words “United Kingdom”, wherever they occur, there shall be inserted “or Jersey”; and
 - (c) in subsection (3) the words “on conviction on indictment” shall be omitted.
2. In section 10 (seizing or exercising control of fixed platforms)—
 - (a) in subsection (1) for the words “the United Kingdom” there shall be substituted “Jersey”; and
 - (b) in subsection (2) the words “on conviction on indictment” shall be omitted.

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3. In section 11 (destroying ships or fixed platforms or endangering their safety)—
 - (a) in subsection (4) and subsection (5)(b) for the words “the United Kingdom” there shall be substituted “Jersey”;
 - (b) in subsection (5)(c) after the words “United Kingdom”, wherever they occur, there shall be inserted “or Jersey”;
 - (c) in subsection (6) the words “on conviction on indictment” shall be omitted; and
 - (d) for subsection (7) there shall be substituted—
 - “(7) In this section—
“act of violence” means—
 - (a) any act done in Jersey, which constitutes the offence of murder, attempted murder, manslaughter or assault or an offence under Article 2 of the Loi (1884) sur les Matieres Explosives, and
 - (b) any act done outside Jersey which, if done in Jersey, would constitute such an offence as is mentioned in paragraph (a) above, and“unlawfully”—
 - (a) in relation to the commission of an act in Jersey, means so as (apart from this Act) to constitute an offence under the law of Jersey, and
 - (b) in relation to the commission of an act outside Jersey, means so that the commission of the act would (apart from this Act) have been an offence under the law of Jersey if it has been committed in Jersey.”.
4. In section 12 (other acts endangering or likely to endanger safe navigation)—
 - (a) in subsection (5) and subsection (6)(b) for the words “the United Kingdom” there shall be substituted “Jersey”;
 - (b) in subsection (6)(c) after the words “United Kingdom”, wherever they occur, there shall be inserted “or Jersey”; and
 - (c) in subsection (7) the words “on conviction on indictment” shall be omitted.
5. In section 13 (offences involving threats)—
 - (a) in subsection (3) for the words “the United Kingdom” there shall be substituted “Jersey”; and
 - (b) in subsection (5) the words “on conviction on indictment” shall be omitted.
6. In section 14 (ancillary offences)—
 - (a) in subsections (1) and (4) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey”;
 - (b) in subsection (2) for the words from “culpable homicide” to “Act 1883” there shall be substituted “and assault and offences under Article 2 of the Loi (1884) sur les Matieres Explosives”;
 - (c) in subsection (3) all the words after “by British seamen)” shall be omitted;
 - (d) in subsection (5) the words “on conviction on indictment” shall be omitted; and
 - (e) subsection (6) shall be omitted.
7. In section 15 (master’s power of delivery)—
 - (a) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey”;

- (b) in subsection (6) the words “on summary conviction” and “not exceeding level 3 on the standard scale” shall be omitted; and
 - (c) in subsection (8) for the word “constable”, wherever it occurs, there shall be substituted “police officer”.
- 8.** For section 16 (prosecution of offences and proceedings) there shall be substituted—
- “**16.** Proceedings for an offence under any provision of this Part of this Act shall not be instituted in Jersey except by, or with the consent of, Her Majesty’s Attorney General for Jersey.”.
- 9.** In section 17 (interpretation of Part II) subsection (2) shall be omitted.
- 10.** In section 18 (purposes to which Part III applies) for subsections (2) and (3) there shall be substituted—
- “(2) In this Part of this Act “act of violence” means any act (whether actual or potential, and whether done or to be done in Jersey or elsewhere) which either—
- (a) being an act done in Jersey, constitutes, or
 - (b) if done in Jersey would constitute,
- the offence of murder, attempted murder, manslaughter or assault, or an offence under Article 2 of the Loi (1884) sur les Matières Explosives or any act which involves—
- (i) the destruction or damage without lawful excuse of any property belonging to another where the person doing the act intends to destroy or damage such property or is reckless as to whether such property would be destroyed or damaged; or
 - (ii) the destruction or damage without lawful excuse of any property whether belonging to the person doing the act or to some other person where the person doing the act—
 - (aa) intends to destroy or damage any property or is reckless as to whether any property would be destroyed or damaged; and
 - (bb) intends by the destruction or damage to endanger the life of another or is reckless as to whether the life of another would be thereby endangered.
- (3) In this Part of this Act “harbour area” means the aggregate of any harbour in Jersey as defined in the Harbours (Administration) (Jersey) Law, 1961, and any land which is adjacent to such a harbour and which is either land occupied by the Committee or land in respect of which the Committee has statutory powers or duties of improvement, maintenance or management.”.
- 11.** In section 19 (power of Secretary of State to require information)—
- (a) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”;
 - (b) in subsection (1) paragraph (b) shall be omitted, and for the word “his” there shall be substituted “its”;
 - (c) in subsection (4) the words “to him” shall be omitted; and
 - (d) in subsection (6) paragraph (a) shall be omitted; and in paragraph (b) the words “on conviction on indictment” shall be omitted.
- 12.** In section 20 (designation of restricted zones of harbour areas)—
- (a) for subsection (1) there shall be substituted—

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- “(1) The Committee may designate the whole or any part of a harbour area as a restricted zone for the purposes of this Part of this Act.”;
- (b) subsections (2), (3), (4), (5) and (7) shall be omitted; and
 - (c) in subsection (8) for all the words after “restricted zone” there shall be substituted “the Committee may vary or revoke the designation at any time.”.
- 13.** In section 21 (power to impose restrictions in relation to ships)—
- (a) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”;
 - (b) in subsection (1) for the words “a harbour authority” there shall be substituted “the Harbourmaster”, and for the word “constables”, wherever it occurs, there shall be substituted “police officers”;
 - (c) in subsection (3) for the word “him” there shall be substituted “the Committee”;
 - (d) in subsection (4) for the words “a harbour authority” there shall be substituted “the Harbourmaster”;
 - (e) in subsection (8) paragraph (a) shall be omitted; and in paragraph (b) the words “on conviction on indictment,” shall be omitted; and
 - (f) in subsection (9) the words “on summary conviction” and “not exceeding one-tenth of level 5 on the standard scale” shall be omitted.
- 14.** In section 22 (power to require harbour authorities to promote searches in harbour areas)—
- (a) in subsection (1) for the words “Secretary of State may give a direction in writing to a harbour authority requiring it to use its” there shall be substituted “Committee may give a direction in writing to the Harbourmaster requiring him to use his”; and for the word “constables” there shall be substituted “police officers”;
 - (b) in subsection (3) for the words “a harbour authority” there shall be substituted “the Harbourmaster”; and for the word “constable” there shall be substituted “police officer”;
 - (c) in subsection (4) for the words “a justice of the peace” there shall be substituted “the Bailiff”; and for all the words from “constable who” to the end of the subsection there shall be substituted “police officer”;
 - (d) in subsection (5) for the word “constable”, wherever it occurs, there shall be substituted “police officer”; and for the words “a justice of the peace” there shall be substituted “the Bailiff”;
 - (e) in subsection (8) paragraph (a) shall be omitted; and in paragraph (b) the words “on conviction on indictment,” shall be omitted;
 - (f) in subsection (9) the words “on summary conviction” and “not exceeding one-tenth of level 5 on the standard scale” shall be omitted; and
 - (g) in subsection (10) for all the words after “under this Act” there shall be substituted “, of any rule of law relating to the power to arrest without warrant.”.
- 15.** In section 23 (power to require other persons to promote searches)—
- (a) in subsection (1) for the words “Secretary of State” there shall be substituted “Committee”; for the words “a harbour authority” there shall be substituted “the Harbourmaster”; and for the word “constables” there shall be substituted “police officers”;
 - (b) in subsection (3) paragraph (a) shall be omitted; and in paragraph (b) the words “on conviction on indictment” shall be omitted; and
 - (c) in subsection (4) the words “on summary conviction” and “not exceeding one-tenth of level 5 on the standard scale” shall be omitted.

- 16.** In section 24 (general power to direct measures to be taken for purposes to which Part III applies)—
- (a) in subsection (1) paragraph (b) shall be omitted; and in paragraph (c) the words “other than a harbour authority” shall be omitted;
 - (b) in subsection (2) for the words “Secretary of State” there shall be substituted “Committee”; and paragraph (b) shall be omitted;
 - (c) in subsection (3) paragraph (b) shall be omitted;
 - (d) in subsection (6) for the words “Secretary of State” there shall be substituted “Committee”;
 - (e) in subsection (8) paragraph (a) shall be omitted; and in paragraph (b) the words “on conviction on indictment,” shall be omitted; and
 - (f) in subsection (9) the words “on summary conviction” and “not exceeding one-tenth of level 5 on the standard scale” shall be omitted.
- 17.** In section 25 (matters which may be included in directions under sections 21 to 24)—
- (a) in subsection (4) for the word “constables”, wherever it occurs, there shall be substituted “police officers”; for the words from “chief officer” to “measures taken” there shall be substituted “Chief Officer of the States of Jersey Police Force”; and for the words “Secretary of State” there shall be substituted “Committee”; and
 - (b) subsection (7) shall be omitted.
- 18.** In section 26 (limitations on scope of directions under sections 21 to 24)—
- (a) in subsection (3) after the words “United Kingdom”, wherever they occur, there shall be inserted “and Jersey”;
 - (b) in subsection (4) for the word “constable” there shall be substituted “police officer”;
 - (c) in subsection (5) for the words “the United Kingdom” there shall be substituted “Jersey”; and
 - (d) in subsection (6) the words “to a harbour authority or” shall be omitted.
- 19.** In section 27 (general or urgent directions) in subsection (2) for the words “the Secretary of State” and for the word “he”, wherever it occurs, there shall be substituted “the Committee”.
- 20.** In section 28 (objections) and in sections 29 and 30 (enforcement notices) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”.
- 21.** In section 31 (offences relating to enforcement notices)—
- (a) in subsections (1) and (3) paragraph (a) shall be omitted; and in paragraph (b) the words “on conviction on indictment” shall be omitted; and
 - (b) in subsection (2) the words “on summary conviction” and “not exceeding one-tenth of level 5 on the standard scale” shall be omitted.
- 22.** In section 32 (objections to enforcement notices) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”.
- 23.** In section 34 (operation of directions under Part III in relation to rights and duties under other laws)—
- (a) in subsections (2), (3) and (4) for the words “the United Kingdom” and “United Kingdom”, wherever they occur, there shall be substituted “Jersey”; and
 - (b) for subsection (6) there shall be substituted—
 - “(6) In this section “Jersey contract” means a contract which is either expressed to have effect in accordance with the law of Jersey or (not being so expressed) is a contract the law applicable to which is the law of Jersey.”.

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- 24.** In section 36 (inspection of ships and harbour areas)—
- (a) in subsection (1) for the words “Secretary of State” there shall be substituted “Committee”;
 - (b) in subsection (2)(c) the words “the harbour authority” shall be omitted; and
 - (c) in subsection (6) paragraph (a) shall be omitted; and in paragraph (b) the words “on conviction on indictment,” shall be omitted.
- 25.** In section 37 (false statements relating to baggage, cargo, etc.)—
- (a) in subsection (1) for the words “the United Kingdom” there shall be substituted “Jersey”; and for the word “constable” there shall be substituted “police officer”;
 - (b) in subsection (2) for the words “a harbour authority” there shall be substituted “the Harbourmaster”; and
 - (c) in subsection (4) the words “on summary conviction” and “not exceeding level 5 on the standard scale” shall be omitted.
- 26.** In section 38 (false statements in connection with identity documents)—
- (a) in subsection (1) for the word “constable”, wherever it occurs, there shall be substituted “police officer”;
 - (b) in subsection (2) for the words “Secretary of State” there shall be substituted “Committee”;
 - (c) in subsection (3) for the words “a harbour authority” there shall be substituted “the Harbourmaster”; and
 - (d) in subsection (5) the words “on summary conviction” and “not exceeding level 5 on the standard scale” shall be omitted.
- 27.** In section 39 (unauthorised presence in restricted zone)—
- (a) in subsection (1) for the words “harbour authority”, wherever they occur, there shall be substituted “Committee”; and
 - (b) in subsection (3) the words “on summary conviction” and “not exceeding level 5 on the standard scale” shall be omitted.
- 28.** In section 40 (offences relating to authorised persons)—
- (a) in subsection (2), paragraph (a) shall be omitted; and in paragraph (b) the words “on conviction on indictment,” shall be omitted; and
 - (b) in subsection (3) the words “on summary conviction” and “not exceeding level 5 on the standard scale” shall be omitted.
- 29.** In section 41 (sea cargo agents)—
- (a) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”;
 - (b) in subsection (1) for the words “regulations made by statutory instrument” there shall be substituted “Order”;
 - (c) in subsection (2) for the word “Regulations” there shall be substituted “An Order”;
 - (d) in subsection (2) in paragraph (a) for the word “him” and for the word “he” there shall be substituted “the Committee”;
 - (e) in subsection (2) in paragraphs (a), (b), (d) and (f) for the word “regulations”, wherever it occurs, there shall be substituted “Order”;
 - (f) in subsection (3) for the word “regulations”, wherever it occurs, there shall be substituted “Order”; and for the word “him” there shall be substituted “the Committee”;
 - (g) for subsection (4) there shall be substituted—

“(4) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders made by the Committee under this section.”; and

(h) in subsection (5) for the word “regulations” there shall be substituted “an Order”.

30. In section 42 (duty to report certain occurrences)—

(a) for the words “Secretary of State”, wherever they occur, there shall be substituted “Committee”;

(b) in subsection (1) for the word “regulations”, wherever it occurs, there shall be substituted “Order”; the words “made by statutory instrument” shall be omitted; and for the word “him” there shall be substituted “the Committee”;

(c) in subsection (2) for the word “regulations” there shall be substituted “Order”; and for the word “him” there shall be substituted “the Committee”;

(d) in subsection (3) for the word “Regulations” there shall be substituted “An Order”;

(e) in subsection (3) in paragraph (a) for the word “regulations” there shall be substituted “Order”; sub-paragraph (i) shall be omitted; and in sub-paragraph (ii) the words “on conviction on indictment” shall be omitted;

(f) in subsection (3) in paragraph (b) for the word “regulations” there shall be substituted “Order”; and the words “on summary conviction” and “not exceeding level 5 on the standard scale” shall be omitted;

(g) in subsection (4) for the word “Regulations” there shall be substituted “An Order”; and for the words “the United Kingdom” there shall be substituted “Jersey”; and

(h) for subsection (5) there shall be substituted—

“(5) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders made by the Committee under this section.”.

31. In section 45 (service of documents)—

(a) for the words “section 7 of the Interpretation Act 1978”, wherever they occur, there shall be substituted “Article 12 of the Interpretation (Jersey) Law 1954”;

(b) in subsection (4) for the words “the United Kingdom”, wherever they occur, there shall be substituted “Jersey”;

(c) in subsection (5) for the words “United Kingdom” there shall be substituted “Jersey”;

(d) in subsection (6) for the words “Secretary of State” there shall be substituted “Committee”; and for the words “the United Kingdom” there shall be substituted “Jersey”;

(e) in subsection (7) for the words “United Kingdom” there shall be substituted “Jersey”; and

(f) for subsection (10) there shall be substituted—

“(10) In this section “the Jersey registration provisions” means—

(a) Part I of the Merchant Shipping Act 1894,

(b) section 5 of the Merchant Shipping Act 1983, as extended to Jersey by the Merchant Shipping Act 1983 (Jersey) Order 1983(2), and

(c) Part IV of the Merchant Shipping Act 1894.”.

32. In section 46 (interpretation of Part III)—

(a) in the definition of “authorised person” for the words “Secretary of State” there shall be substituted “Committee”;

(b) in the definition of “British ship” for paragraphs (a) and (b) there shall be substituted—

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- (a) is registered in Jersey under Part I or Part IV of the Merchant Shipping Act 1894 or section 5 of the Merchant Shipping Act 1983, as extended to Jersey by the Merchant Shipping Act 1983 (Jersey) Order 1983, or
- (b) is not registered under the law of any country and is entitled to be registered in Jersey under Part I of the Merchant Shipping Act 1894,”;
- (c) after the definition of “British ship” there shall be inserted the following definition—
 - ““the Committee” means the Harbours and Airport Committee of the States of Jersey,”;
- (d) the definitions of “constable”, “harbour authority”, “hoverport” and “manager” shall be omitted;
- (e) for the definition of “harbour” there shall be substituted—
 - ““harbour” has the same meaning as in the Harbours (Administration) (Jersey) Law 1961,”;
- (f) after the definition of “harbour operations” there shall be inserted the following definition—
 - ““Jersey” means the Bailiwick of Jersey,”;
- (g) in the definition of “owner” for the words “the United Kingdom” there shall be substituted “Jersey”;
- (h) after the definition of “owner” there shall be inserted the following definition—
 - ““police officer” means a member of the Honorary Police or a member of the States of Jersey Police Force and includes any person having the powers of a police officer,”;
- (i) in subsection (3) the words from “or if arrangements” to “that zone” shall be omitted.

33.—(1) Section 50 (offences by bodies corporate), as originally enacted, shall have effect in its application to other provisions extended by this Order with the following modifications—

- (a) after the words “offence under” there shall be inserted “Part II or Part III of”;
- (b) for the word “regulations”, wherever it occurs, there shall be substituted “an Order”.

(2) This paragraph has effect notwithstanding anything in article 2(2) of, or paragraph 3 of Schedule 2 to, the Aviation Security (Jersey) Order 1993(3) (modification of section 50 for the purposes of that Order).

34. In Schedule 2 (provisions relating to compensation)—

- (a) in paragraph 2 for the word “regulations” there shall be substituted “an Order”;
- (b) in paragraph 5 for the words “Regulations made by the Secretary of State by statutory instrument may” there shall be substituted “The Committee may by Order”; and the words from “or, in Scotland” to “in the regulations,” shall be omitted;
- (c) paragraph 6 shall be omitted;
- (d) for paragraph 7 there shall be substituted—

“7.—(1) Any dispute arising under the principal section or under this Schedule, whether as to the right to any compensation or as to the amount of any compensation, or otherwise, shall be referred to and determined by two arbitrators, one of whom shall be appointed by the Committee and the other by the person claiming the compensation save that, if an arbitrator is not appointed by the person claiming compensation, then he shall

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be nominated by the Committee and any arbitrator so nominated shall be deemed to be the arbitrator appointed by the person claiming the compensation.

(2) Arbitrators appointed under sub-paragraph (1) above shall, before commencing to determine any matter referred to them under this paragraph, nominate an umpire who shall determine the matter if the arbitrators disagree.

(3) The arbitrators or umpire, as the case may be, may refer to the Royal Court, sitting as the Inferior Number, any question of law or of law mixed with fact arising in connection with any matter referred to them or him in such manner and within such time as may be prescribed by rules of court.

(4) Subject to sub-paragraph (3) above, the decision of the arbitrators or of the umpire, as the case may be, shall be final.”;

(e) paragraphs 8 and 9 shall be omitted; and

(f) in paragraph 10 for the words from “charge” to “Act 1970” there shall be substituted “hypothec”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends those provisions of the Aviation and Maritime Security Act 1990 which are set out in Part I of the Schedule to the Order to the Bailiwick of Jersey. The provisions are subject to the modifications specified in Part II of that Schedule.