

SCHEDULE 1

Article 2

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH PROVISIONS OF THE MERCHANT SHIPPING ACT 1995 EXTEND TO JERSEY

1. In section 152(1), in the definition of “Liability Convention country”, after “in force” add “, and includes the United Kingdom and any relevant British possession to which the Liability Convention has been extended”.
2. In section 153—
 - (a) in paragraphs (a), (b) and (c) of subsection (1), for “the United Kingdom” substitute “Jersey”;
 - (b) in paragraphs (a) and (b) of subsection (2), for “the United Kingdom” substitute “Jersey”;
 - (c) in subsection (5), for “the United Kingdom” substitute “Jersey”;
 - (d) in subsection (8), for the words from “The Law Reform (Contributory Negligence) Act 1945” to “1948” substitute “Article 6 of the Law Reform (Miscellaneous Provisions) (Jersey) Law 1960”.
3. In section 154—
 - (a) in paragraphs (a), (b) and (c) of subsection (1), for “the United Kingdom” substitute “Jersey”;
 - (b) in paragraphs (a) and (b) of subsection (2), for “the United Kingdom” substitute “Jersey”;
 - (c) in subsection (4), for the words from “the Law Reform (Contributory Negligence) Act 1945” to “1948” substitute “Article 6 of the Law Reform (Miscellaneous Provisions) (Jersey) Law 1960”.
4. In section 158—
 - (a) in subsection (3)(b), after “the Treasury” insert “of the United Kingdom”;
 - (b) in subsection (5), for “section 185 or 186” substitute “section 17 or 18 of the Merchant Shipping Act 1979 as extended to Jersey by the Merchant Shipping Act 1979 (Jersey) Order 1980(1)”;
 - (c) in subsection (7), for “the United Kingdom” substitute “Jersey”.
5. In section 159—
 - (a) in subsection 1(b), omit “(or in Scotland, expenses)”;
 - (b) omit subsection (2).
6. In paragraph (b) of section 160, for “section 185 or 186” substitute “section 17 or 18 of the Merchant Shipping Act 1979 as extended to Jersey by the Merchant Shipping Act 1979 (Jersey) Order 1980”.
7. In section 161, in the sidenote, for “United Kingdom” substitute “Jersey”.
8. In section 162, for “the United Kingdom” substitute “Jersey”.
9. In section 163—
 - (a) in subsection (2), for “the United Kingdom” substitute “Jersey” (in two places) and for “United Kingdom ship” substitute “ship registered in Jersey”;
 - (b) in subsection (3)(a), for “United Kingdom ship” substitute “ship registered in Jersey” and for “Secretary of State” substitute “Committee”;

(1) S.I.1980/570.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) in subsection (3)(b), for “the United Kingdom” substitute “Jersey”;
- (d) in subsection 3(c), for “Secretary of State” substitute “Committee”;
- (e) in subsection (4), for “any officer of customs and excise or of the Secretary of State and, if the ship is a United Kingdom ship, to any proper officer” substitute “the Agent of the Imports or any other officer of the Imports”;
- (f) in subsection (5), for the words from “liable” onwards substitute “guilty of an offence and liable to a fine”;
- (g) in subsection (6), for “liable on summary conviction to a fine not exceeding level 4 on the standard scale” substitute “guilty of an offence and liable to a fine not exceeding level 3 on the standard scale”;
- (h) in subsection (7), for “the United Kingdom” substitute “Jersey”.

10. In section 164—

- (a) in the sidenote, for “Secretary of State” substitute “Committee”;
- (b) in subsection (1), for “Secretary of State” substitute “Committee” and for “United Kingdom ship” substitute “ship registered in Jersey”;
- (c) in subsection (2), for “Secretary of State” substitute “Committee”;
- (d) in subsection (3), for “Secretary of State” substitute “the States”;
- (e) in subsection (4), for “liable on summary conviction to a fine not exceeding level 4 on the standard scale” substitute “guilty of an offence and liable to a fine not exceeding level 3 on the standard scale”;
- (f) for subsection (5) substitute—

“(5) The Committee shall send a copy of any certificate issued by it under this section in respect of a ship registered in Jersey to the Registrar of British Ships for Jersey, and the Registrar shall make the copy available for public inspection.”.

11. For section 165(5) substitute—

“(5) The Third Party (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 163 relates.”.

12. In section 166—

- (a) in the sidenote, for “United Kingdom” substitute “Jersey”;
- (b) omit subsection (1);
- (c) in subsection (2), for “the United Kingdom” substitute “Jersey” (in three places);
- (d) for subsection (4) substitute—

“(4) 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 Liability Convention country to enforce a claim in respect of a liability incurred under any provision corresponding to section 153; 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.”.

13. In section 167(3), for “the United Kingdom” substitute “Jersey” and omit “, or in Scotland the execution of diligence,”.

14. In section 168, for “section 185” substitute “section 17 of the Merchant Shipping Act 1979 as extended to Jersey by the Merchant Shipping Act 1979 (Jersey) Order 1980” and for “Convention in Part I of Schedule 7” substitute “Convention on Limitation of Liability for Maritime Claims 1976”.

15. In section 170—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in subsection (1), in the definition of “the court”, for “High Court or, in Scotland, the Court of Session” substitute “Inferior Number of the Royal Court”;
- (b) omit subsection (3);
- (c) for subsection (4) substitute—

“(4) References in this Chapter to the territory of any country include the territorial sea of that country and, in the case of any Liability Convention country other than Jersey, the exclusive economic zone of that country established in accordance with international law, or, if such a zone has not been established, such area adjacent to the territorial sea of that country and extending not more than 200 nautical miles from the baselines from which the breadth of that sea is measured as may have been determined by that State in question in accordance with international law.”.

16. In section 172(1)(d), after “is in force” add “, and includes the United Kingdom and any relevant British possession to which the Fund Convention has been extended”.

17. In section 173—

- (a) in subsection (1), for “the United Kingdom” substitute “Jersey” and for “its national waters” substitute “waters landward of the baselines for measuring the breadth of the territorial sea of Jersey”;
- (b) in subsection (3), for “the United Kingdom” substitute “Jersey”;
- (c) in subsection (4)(a), for “the United Kingdom” substitute “Jersey”;
- (d) in subsection (8), for “Secretary of State” substitute “States” (in two places);
- (e) in subsection (9)(a), for “Secretary of State” substitute “States”;
- (f) in subsection (9)(b), for “on summary conviction by a fine not exceeding level 5” substitute “on conviction by a fine not exceeding level 4”;
- (g) in subsection (10), in the definition of “company”, for “the United Kingdom” substitute “Jersey”;
- (h) in subsection (10), for the definition of “group” substitute—

““group” in relation to companies, means a holding company and its subsidiaries as defined by Article 2 of the Companies (Jersey) Law 1991, subject, in the case of a company incorporated outside Jersey, to any necessary modifications of those definitions;”.

18. In section 174—

- (a) in subsection (1), for “Secretary of State” substitute “Committee”;
- (b) in subsection (4), for “Secretary of State” substitute “Committee”;
- (c) in subsection (5), for “on summary conviction to a fine not exceeding level 5” substitute “on conviction to a fine not exceeding level 4”;
- (d) in subsection (6), for the words from “liable” onwards substitute “guilty of an offence and liable to a fine or to imprisonment for a term not exceeding twelve months, or to both”.

19. In section 175—

- (a) in subsection (1), for “the United Kingdom” substitute “Jersey”;
- (b) in subsection (2), for ““United Kingdom”” substitute ““Jersey””, omit paragraph (a), and for “the United Kingdom” substitute “Jersey” (in two places);
- (c) in subsection (3), for “the United Kingdom” substitute “Jersey”;
- (d) omit subsection (4).

20. In section 176(4)(b), after “the Treasury” insert “of the United Kingdom”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- 21.** In section 177—
- (a) omit subsection (1);
 - (b) in subsection (3), for “the United Kingdom” substitute “Jersey”;
 - (c) for subsection (4) substitute—

“(4) Subject to subsection (5) below, Part II of the Judgments (Reciprocal Enforcement) (Jersey) Law 1960 shall apply, whether or not it would so apply apart from this subsection, to any judgment given by a court in a Fund Convention country to enforce a claim in respect of liability incurred under any provision corresponding to section 175; and in its application to such a judgment the said Part shall have effect with the omission of paragraphs (2) and (3) of Article 6 of that Law.”;
 - (d) in subsection (5), for “Part I of the Act of 1933” substitute “Part II of the Law of 1960”;
 - (e) after subsection (5) insert—

“(6) Rules may be made in the manner prescribed by the Royal Court (Jersey) Law 1948 for the purposes of subsection (2) above.”.
- 22.** In section 178—
- (a) in subsection (1), for “the United Kingdom” substitute “Jersey”;
 - (b) in subsection (2), for “the United Kingdom” substitute “Jersey”.
- 23.** In section 179(2), for “the United Kingdom” substitute “Jersey”.
- 24.** In section 279—
- (a) in subsection (1), for “the United Kingdom” substitute “Jersey”;
 - (b) in subsection (2), for “the United Kingdom” substitute “Jersey”.
- 25.** In section 281—
- (a) in paragraph (a)(i), for “any United Kingdom ship” substitute “a ship registered in Jersey”;
 - (b) omit paragraph (a)(iii);
 - (c) in paragraph (b), for “any United Kingdom ship” substitute “a ship registered in Jersey”;
 - (d) for the words from “within the jurisdiction” to “that court” substitute “in Jersey, any court which would have had jurisdiction in relation to the offence had it been committed on board a ship registered in Jersey within the limits of its ordinary jurisdiction to try the offence”.
- 26.** In section 284—
- (a) for paragraphs (b) and (c) of subsection (1), substitute—
 - “(b) the Harbourmaster and any officer of the Committee,
 - (c) the Agent of the Imports or any officer of the Imports,
 - (cc) any fisheries officer.”;
 - (b) in subsection (2), for the words from “liable” onwards substitute “guilty of an offence and liable to a fine”;
 - (c) in subsection (4), omit paragraph (b) and, in paragraph (i), the words “or, surveyor”;
 - (d) in subsection (5), for the words from “liable” onwards substitute “guilty of an offence and liable to a fine”;
 - (e) in subsection (6), for “an officer of customs and excise” substitute “the Agent of the Imports or any officer of the Imports” (in two places);
 - (f) omit subsection (7);

(g) omit subsection (8).

27. In section 308, omit subsections (2) to (4).

28. In section 313—

(a) in subsection (1)—

(i) omit all the definitions apart from the definitions of “British citizen”, “commissioned military officer”, “commissioned naval officer”, “consular officer”, “contravention”, “harbour”, “master”, “port”, “relevant British possession” and “ship”;

(ii) after the definition of “commissioned naval officer”, insert—

““the Committee” means the Harbours and Airport Committee of the States of Jersey;”;

(iii) after the definition of “contravention”, insert—

““fisheries officer” has the same meaning as in Article 14 of the Sea Fisheries (Jersey) Law 1994;”;

(iv) after the definition of “harbour”, insert—

““Harbourmaster” has the same meaning as in Article 2 of the Harbours (Administration) (Jersey) Law 1961;”;

(v) after the definition of “port”, insert—

““registered” means, in relation to a ship registered in Jersey, registered under the provisions of the Merchant Shipping Act 1894(2);”;

(vi) after the definition of “ship”, insert—

““standard scale” means the standard scale of fines for the time being set out in the Schedule to the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993;”;

(b) omit subsections (2), (2A) and (3).

29. In section 316, omit subsection (2).

30. In Schedule 5, Part I, in the text of Article 4(4)(c) of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992, for “(c)” substitute “(b)”.