

STATES OF JERSEY



Jersey

DRAFT SHIPPING (REGISTRATION) (AMENDMENT NO. 2) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 7th March 2022
by the Minister for Economic Development, Tourism, Sport and Culture
Earliest date for debate: 25th April 2022**

STATES GREFFE

REPORT

Background

The Shipping Registration Regulations have been revised by the Economy Department in conjunction with the Ports of Jersey and the Law Officers' Department. These updated Regulations regularise the scope as to who can register a ship on the Jersey Shipping Register and enable the Registrar to request information in relation to the beneficial owner of a ship.

The changes to the existing [2004 Regulations](#) are set out in detail within the explanatory note however they are outlined in brief below:

Regulation 1 is an interpretation provision.

Regulation 2 amends Regulation 1 of the 2004 Regulations. It adds a definition of "beneficial ownership" of a ship and inserts a new interpretation of "body corporate".

Regulation 3 amends the list, in Regulation 4 of the 2004 Regulations, of the persons who may be registered as the owner of a ship other than a fishing vessel, or as the owner of a share in such a ship. The amendments include the addition of UK Economic Interest Groupings, and citizens of, and bodies corporate incorporated or registered in, the countries listed in the new Schedule A1.

Regulation 4 amends Regulation 7 of the 2004 Regulations and deletes the definition of "beneficial ownership".

Regulation 5 inserts new Schedule A1 into the 2004 Regulations.

Regulation 6 gives the citation and provides for the Regulations to come into force 7 days after being made.

Financial and manpower implications

There are no financial or manpower resource implications for the Government of Jersey.

EXPLANATORY NOTE

These Regulations would, if adopted, amend the Shipping (Registration) (Jersey) Regulations 2004 (the “2004 Regulations”), in particular by updating the list of persons who may be registered in the register of Jersey ships as the owner of a ship other than a fishing vessel, or as the owner of a share in such a ship.

Regulation 1 introduces the amendments.

Regulation 2 amends Regulation 1 of the 2004 Regulations. It adds a definition of “beneficial ownership” of a ship, for the purposes of the whole of the Regulations (the existing definition which applied only for the purposes of Regulation 7 is deleted by *Regulation 4(b)*). It also inserts a new interpretation of “body corporate” so that any reference to such a body in the 2004 Regulations will include any partnership or body which has separate legal personality, such as a separate limited partnership.

Regulation 3 amends the list, in Regulation 4 of the 2004 Regulations, of the persons who may be registered as the owner of a ship other than a fishing vessel, or as the owner of a share in such a ship. The effect of these amendments is to keep Jersey’s registration regime aligned with that of the United Kingdom, as the United Kingdom regime has been altered, most recently as a result of the United Kingdom’s exit from the European Union. In order to keep Jersey’s regime aligned in the future, the cross-reference to subordinate legislation of the United Kingdom includes future amendments to that legislation (the cross-reference to the British Nationality Act 1981 of the United Kingdom already includes future amendments because of the effect of Article 1(1) and (6) of the Shipping (Jersey) Law 2002 and Article 10 of the Interpretation (Jersey) Law 1954). The amendments include the addition of UK Economic Interest Groupings, and citizens of, and bodies corporate incorporated or registered in, the countries listed in the new Schedule A1.

Regulation 4 amends Regulation 7 of the 2004 Regulations, so that the Registrar of Shipping may require proof of beneficial ownership of a ship that is owned, wholly or partly, by a body corporate as part of the registration process. It also deletes the definition of “beneficial ownership”.

Regulation 5 inserts new Schedule A1 into the 2004 Regulations.

Regulation 6 gives the name of the Regulations and provides for them to come into force 7 days after they are made.



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Contents

Regulation

1	Shipping (Registration) (Jersey) Regulations 2004 amended.....	9
2	Regulation 1 (interpretation) amended	9
3	Regulation 4 (entitlement – other than fishing vessels) amended.....	9
4	Regulation 7 (application for registration) amended.....	10
5	Schedule A1 (specified countries) inserted.....	10
6	Citation and commencement.....	11



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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES make these Regulations under Article 13 of the [Shipping \(Jersey\) Law 2002](#) –

1 [Shipping \(Registration\) \(Jersey\) Regulations 2004](#) amended

These Regulations amend the [Shipping \(Registration\) \(Jersey\) Regulations 2004](#).

2 Regulation 1 (interpretation) amended

In Regulation 1, after the definition “bareboat charter ship” there is inserted –

““beneficial ownership”, in respect of a ship, is determined by reference to every beneficial interest in the ship, however arising (whether held by a trustee or a nominee or arising under a contract or otherwise), other than an interest held by a person as a mortgagee, and a reference to “beneficial title” is to be construed accordingly; “body corporate” includes any partnership or other body which has a legal personality separate from its partners or members (as the case requires), and a reference to the incorporation of a body corporate includes a reference to the establishment of such partnership or other body;”.

3 Regulation 4 (entitlement – other than fishing vessels) amended

In Regulation 4 –

(a) for paragraph (2) there is substituted –

“(2) Each of the following persons is entitled to be registered as an owner of a ship or a share in a ship –

- (a) an individual ordinarily resident in Jersey;
- (b) an individual carrying on a business in Jersey;
- (c) a British citizen;
- (d) a British overseas territories citizen;

- (e) a British Overseas citizen;
 - (f) a British subject;
 - (g) a British National (Overseas);
 - (h) a British protected person;
 - (i) an individual who is not mentioned in any of paragraphs (c) to (h) and who is settled in the United Kingdom;
 - (j) an individual who is a Commonwealth citizen;
 - (k) an individual who is a citizen of a country specified in Schedule A1;
 - (l) an individual who is a citizen of a member state of the European Economic Area;
 - (m) a Minister of the States of Jersey and any other corporation sole established under an enactment;
 - (n) a body corporate which is incorporated, or carrying on a business, in Jersey;
 - (o) a body corporate which is incorporated in, and under the law of –
 - (i) a British Island other than Jersey,
 - (ii) a British overseas territory,
 - (iii) a member state of the European Economic Area,
 - (iv) a Commonwealth country, or
 - (v) a country specified in Schedule A1;
 - (p) a UK Economic Interest Grouping under the European Economic Interest Grouping Regulations 1989 of the United Kingdom (S.I. 1989/638), as amended from time to time.”;
- (b) in paragraph (5) for “(2)(c)” there is substituted “(2)(o)”;
- (c) after paragraph 9 there is inserted –
- “(10) Expressions used in this Regulation which appear in the British Nationality Act 1981 of the United Kingdom have the meanings given in that Act.”.

4 Regulation 7 (application for registration) amended

In Regulation 7 –

- (a) after paragraph (6) there is inserted –
 - “(6A) If required by the Registrar, the declaration made under paragraph (3) must also include proof of the beneficial ownership of a ship that is owned, whether wholly or partly, by a body corporate (whether or not the body corporate is registered in Jersey).”;
- (b) paragraph (14) is deleted.

5 Schedule A1 (specified countries) inserted

Before Schedule 1 there is inserted –

“SCHEDULE A1

(Regulation 4)

SPECIFIED COUNTRIES

The specified countries are –

- (a) Argentina;
- (b) Aruba;
- (c) Bahrain;
- (d) Brazil;
- (e) the Canary Islands;
- (f) China;
- (g) the Faroe Islands;
- (h) Haiti;
- (i) Israel;
- (j) Japan;
- (k) Liberia;
- (l) Madeira;
- (m) the Marshall Islands;
- (n) Monaco;
- (o) Panama;
- (p) South Korea;
- (q) Suriname;
- (r) Switzerland;
- (s) the United Arab Emirates;
- (t) the United States of America.”.

6 Citation and commencement

These Regulations may be cited as the Shipping (Registration) (Amendment No. 2) (Jersey) Regulations 202- and come into force 7 days after the day on which they are made.