

STATES OF JERSEY

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DRAFT SHIPPING (AMENDMENT) (JERSEY) LAW 200

Lodged au Greffe on 6th May 2003
by the Harbours and Airport Committee

STATES GREFFE



Jersey

DRAFT SHIPPING (AMENDMENT) (JERSEY) LAW 200

European Convention on Human Rights

The President of the Harbours and Airport Committee has made the following statement –

In the view of the Harbours and Airport Committee the provisions of the Draft Shipping (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator L. Norman**

REPORT

The Committee wishes to ensure that ships currently on the Register of British Ships in Jersey should be able to remain so when the Shipping (Jersey) Law 2002 comes into force, to retain a Small Ships Register for local vessels and to remove an anomaly so that non-British individuals normally resident in Jersey may register their vessels on it. This amendment achieves these objectives.

There are no financial or manpower implications for the States arising from the adoption of this draft Law.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 18th March 2003 the Harbours and Airport Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Harbours and Airport Committee the provisions of the Draft Shipping (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This Law, if passed, will amend the Shipping (Jersey) Law 2002 to enable ships presently registered in Jersey under the Merchant Shipping Acts 1894 to 1983 of the United Kingdom, as amended, (“the 1894 to 1983 Acts”) to continue to be registered in Jersey.

Article 1 defines what is meant by “the principal Law” where that expression is used in this Law.

Article 2 provides for consequential amendments of the interpretation provision of the principal Law.

Article 3 will mean that small ships (those less than 24 metres in length) owned by persons ordinarily resident in Jersey will automatically be Jersey ships, and not just those owned by British citizens ordinarily resident in Jersey.

Article 4 provides for the establishment of a small ships register. Under the principal Law the establishment of such a register is at the Registrar’s discretion.

Article 5 amends the expression “Jersey connection” when used in the principal Law to “British connection”, the expression used in the 1894 to 1983 Acts. The expression “Jersey connection” could be interpreted to exclude from registration in Jersey many ships presently registered here under the 1894 to 1983 Acts.

Article 6 provides that ships presently registered in Jersey under the 1894 to 1983 Acts will be taken to have been registered under the principal Law when it comes into force, and the 1894 to 1983 Acts accordingly cease to apply to Jersey.

Article 7 repeals a provision which will be spent by the time the principal Law comes into force (i.e. the Harbours and Light Dues (Jersey) Law 1947 will have been repealed).

Article 8 provides for the citation and commencement of the Law.



Jersey

DRAFT SHIPPING (AMENDMENT) (JERSEY) LAW 200

Arrangement

Article

- 1 Interpretation
- 2 Article 1 amended
- 3 Article 2 amended
- 4 Article 11 amended
- 5 “British connection” substituted for “Jersey connection”
- 6 Schedule 9 amended
- 7 Schedule 10 amended
- 8 Citation and commencement



Jersey

DRAFT SHIPPING (AMENDMENT) (JERSEY) LAW 200

A LAW to amend the Shipping (Jersey) Law 2002.^[1]

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law “the principal Law” means the Shipping (Jersey) Law 2002^[2]

2 Article 1 amended

In the principal Law in Article 1^[3] –

(a) before the definition “certificate” there shall be inserted the following definition –

“ ‘British connection’ has the meaning given in Article 10(1)(a);”;

(b) the definition “Jersey connection” shall be deleted; and

(c) before the definition “surveyor of ships” there shall be inserted the following definition –

“ ‘small ship’ means a ship that is less than 24 metres in length when its ‘length’ is determined in accordance with the Tonnage Regulations;”.

3 Article 2 amended

(1) In Article 2(1)(b)(i) of the principal Law^[4] there shall be substituted for the expression “British citizens” the expression “a person”.

(2) Article 2(2) of the principal Law^[5] shall be repealed.

4 Article 11 amended

For Article 11(2)(a) of the principal Law^[6] there shall be substituted the following sub-paragraph –

“(a) shall so constitute the register as to distinguish, in separate parts, registration of fishing vessels and registration of small ships, and may otherwise divide the register into parts

so as to distinguish between classes or descriptions of ships;”.

5 “British connection” substituted for “Jersey connection”

- (1) In the provisions of the principal Law mentioned in paragraph (2) there shall be substituted for the expression “Jersey connection” the expression “British connection”.
- (2) Those provisions are –
 - (a) the heading to Article 17;^[7]
 - (b) Articles 10(1)(a) (where twice occurring), 12(2)(b), 12(3)(b), 13(1)(c), 13(1)(i), 13(2)(e), 17(1) 17(2) and 17(3);^[8] and
 - (c) in Schedule 1 to the principal Law, clauses 3(1), 3(2)(b), 4(1) (where twice occurring) and 5(1)^[9]

6 Schedule 9 amended

Schedule 9 to the principal Law^[10] is amended by adding at the end the following heading and clause –

“Registration of ships

- 4.-(1) A ship that immediately before the commencement of Part 3 of this Law was on a register maintained in Jersey under the Merchant Shipping Acts 1894 to 1983 of the United Kingdom, as those Acts at that time applied to Jersey (in this clause referred to as “the 1894 to 1983 Acts”), is to be taken, on that commencement, to have been registered under Part 3 of this Law.
- (2) Likewise, if immediately before the commencement of Part 3 of this Law a mortgage was registered in Jersey on a ship in accordance with the 1894 to 1983 Acts, the mortgage is to be taken, on that commencement, to have been registered in accordance with this Law and, subject to clause (3), shall have effect accordingly.
- (3) Clause 9 of Schedule 1 (which applies where two or more mortgages are registered in respect of the same ship) shall apply where sub-clause (2) has effect as if the mortgages had been registered on the date they were registered under the 1894 to 1983 Acts.
- (4) For the purposes of the Registration Regulations a ship to which sub-clause (1) applies is to be taken to have been registered on the date on which it was registered under the 1894 to 1983 Acts.
- (5) Despite sub-clause (1) –
 - (a) the Registrar may, in accordance with the Registrar’s powers to do so under this Law or the Registration Regulations, cancel the registration of a ship to which that sub-clause applies; and
 - (b) the Registrar shall cancel the registration of a ship to which sub-clause (1) applies if the ship is not owned to the prescribed extent by a person or persons qualified to own a Jersey ship.”.

7 Schedule 10 amended

Clause 3(2) of Schedule 10 to the principal Law^[11] is repealed

8 Citation and commencement

- (1) This Law may be cited as the Shipping (Amendment) (Jersey) Law 200-.
- (2) This Law shall come into force on such day or days as the States may by Act appoint.
- (3) Different days may be appointed under paragraph (2) for different purposes or for different provisions of this Law.

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- [1] *Volume 2002, page 801.*
- [2] *Volume 2002, page 801.*
- [3] *Volume 2002, page 815.*
- [4] *Volume 2002, page 820.*
- [5] *Volume 2002, page 821.*
- [6] *Volume 2002, page 827.*
- [7] *Volume 2002, page 835.*
- [8] *Volume 2002, pages 827, 829, 830, 831, 832 and 835.*
- [9] *Volume 2002, pages 1027 and 1028.*
- [10] *Volume 2002, page 1159.*
- [11] *Volume 2002, page 1160.*