

STATES OF JERSEY

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DRAFT SHIPPING (SOLAS) (JERSEY) REGULATIONS 200-

**Lodged au Greffe on 20th January 2004
by the Harbours and Airport Committee**

STATES GREFFE



Jersey

DRAFT SHIPPING (SOLAS) (JERSEY) REGULATIONS 200-

REPORT

Background

The Assembly adopted projet 144/2003 on 18th November last. The purpose of the projet was to approve the application of the International Convention for Safety of Life at Sea (SOLAS) to Jersey and the implementation of the associated Ship and Port Security Code. The Committee were charged with bringing forward for approval by the States the necessary legislation to give legal effect to the Convention and to enable the Shipping (Jersey) Law 2002 (“the Law”) to come into force. It was also charged with specific responsibilities concerning the security code.

The purpose of the Regulations

The Regulations address the traditional Safety matters which are at the heart of the Convention. Elsewhere in the primary law, wherever the Island wishes to implement a maritime convention, this has been made explicit. Likewise, the first Regulation achieves that purpose for the SOLAS Convention. Specific Safety Regulations will follow in due course.

The Law authorises the States to make a Regulation that allow the Committee to make safety Orders. The second Regulation does this. It will enable the Committee to maintain more up-to-date standards covering technical and professional maritime matters.

Consultation

Consultation was extensive prior to the introduction of the Law. Additionally, further consultation and presentations took place prior to the States debate in November.

Financial and manpower implications

These Draft Regulations have no implications for the financial or manpower resources of the States.

Conclusion

The draft SOLAS Regulations are essential as part of a range of Regulations and Orders that need to be made to allow the Law to come into force. The Committee recommends their adoption by the Assembly.

Explanatory Note

These Regulations will allow the provisions of the International Convention for Safety of Life at Sea, 1974 (generally known as the SOLAS Convention) to be implemented in Jersey and in Jersey waters.

Regulation 1 is made under Article 50(2)(a) of the Shipping (Jersey) Law 2002, which allows the States to make Regulations to amend that Law in anticipation of the making of Safety Regulations. The amendment will allow the States to make Safety Regulations to implement the SOLAS Convention.

Regulation 2 is made under Article 49(6)(a) of the Shipping (Jersey) Law 2002, which provides that Safety Regulations may authorize the making of Orders by the Committee for the purpose of safety on ships.

It will allow the Committee to prescribe by Orders the detailed technical safety provisions that will be required under the new Law, in particular, those needed to implement the SOLAS Convention in respect of Jersey ships wherever they are and other ships in Jersey waters.

Regulation 3 is the normal citation and commencement provision.



Jersey

DRAFT SHIPPING (SOLAS) (JERSEY) REGULATIONS 200-

Made

[date to be inserted]

Coming into force

in accordance with Regulation 3(2)

THE STATES, in pursuance of Articles 49(6)(a) and 50(2)(a) of the Shipping (Jersey) Law 2002,^[1] have made the following Regulations –

1 Article 49(1) of the Shipping (Jersey) Law 2002 amended

Article 49(1) of the Shipping (Jersey) Law 2002^[2] shall be amended –

(a) by deleting the full stop at its end and substituting a semicolon;

(b) by adding the following sub-paragraph –

“(e) to implement the International Convention for Safety of Life at Sea, 1974 in its application to Jersey.”.

2 Committee authorized to make Orders

The Committee may make Orders for the purposes of Article 49 of the Shipping (Jersey) Law 2002.^[3]

3 Citation and commencement

(1) These Regulations may be cited as the Shipping (SOLAS) (Jersey) Regulations 200-.

(2) They shall come into force on the same day as the Shipping (Jersey) Law 2002.^[4]

[1] *Recueil des Lois, Volume 2002, pages 867 and 869.*

[2] *Recueil des Lois, Volume 2002, page 864.*

[3] *Recueil des Lois, Volume 2002, page 864.*

[4] *Recueil des Lois, Volume 2002, page 801 and Volume 2003, page 457.*