

STATES OF JERSEY



DRAFT SHIPPING (LOCAL SMALL SHIPS REGISTRATION) (JERSEY) REGULATIONS 200-

**Lodged au Greffe on 16th March 2004
by Harbours and Airport Committee**

STATES GREFFE



Jersey

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REPORT

Background

The Shipping (Jersey) Law 2002 (“the Law”) is expected to come into force on 1st June 2004. This will include essential subordinate legislation that will replace repealed and out-dated provisions. To date, the Assembly has passed the Safety of Life at Sea and Load Line Regulations. Tonnage Regulations have been lodged. The Committee is also making a Training, Certification and Watchkeeping Order. These and others will come into effect with the Law on 1st June 2004.

As stated in Reports accompanying other subordinate legislation the aim is to ensure Jersey’s maritime regulatory regime reflects modern standards and that the Ship Registry is capable of expansion.

These Regulations are applicable only to local privately owned vessels, other than fishing vessels. They must be distinguished from those required for the registration of other Jersey ships. Such regulations are the subject of a separate project.

The purpose of the Local Small Ships Register

The concept of the small ships register was introduced in Jersey in 1983 to allow private owners of vessels under 24 metres in length to have some form of “ship passport.” This can prove essential for ships going into international waters and entering foreign ports. It provides a cheap and simple way of showing where the vessel was registered and by whom. It does not prove ownership and marine mortgages cannot be recorded in the register. Owners requiring these aspects register their vessels in the traditional and more detailed manner.

Particular Changes

The legislation that brought in the original Small Ships Register will be repealed and these Regulations essentially re-enact the provisions.

The nationality restriction that meant only British citizens resident in the Island could register their vessels, has been removed. Anyone ordinarily resident in Jersey may apply under the new Regulations.

The number of offences has been simplified. For example, previously there was an offence relating to a failure to mark a ship correctly. Instead, in Regulation 3(2), the Registrar can cancel the registration where an owner fails to comply.

Consultation

Consultation was extensive prior to the introduction of the Law. Nevertheless, further consultation has taken place, in particular with qualified marine consultants and yacht managers, all of whom are familiar with the recognised international standards.

There is one offence within the Regulation: That of failing to return the Certificate of Registry on termination of registration, as specified at Regulation 4(3). The Attorney General has been consulted and approved the penalty. Other offences concerning registration are embedded in the primary Law.

Manpower and Financial Implications

These Regulations update existing provisions so it is envisaged that no additional resources are required.

Conclusion

The draft Local Small Ship Registration Regulations are an important part of a range of Regulations and Orders that need to be lodged to allow the Law to come into force. The Committee recommends their adoption by the Assembly.

Explanatory Note

These Regulations provide for the voluntary registration of certain small ships that are automatically Jersey ships under the Shipping (Jersey) Law 2002. These are ships that are less than 24 metres in length, that are not fishing vessels, that are not registered elsewhere and that are owned by residents of Jersey.

Registration gives the owner of the ship the benefit of a certificate of registry showing it to be a Jersey registered ship that can be produced when the ship enters a foreign port or foreign waters.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, the standard scale of fines is –

Level 1	£50
Level 2	£500
Level 3	£2,000
Level 4	£5,000.



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Arrangement

Regulation

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Jersey

DRAFT SHIPPING (LOCAL SMALL SHIPS REGISTRATION) (JERSEY) REGULATIONS 200-

Made

[date to be inserted]

Coming into force

in accordance with Regulation 7(2)

THE STATES, in pursuance of Article 13 of the Shipping (Jersey) Law 2002^[1] have made the following Regulations –

1 Interpretation

In these Regulations –

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

“local small ship” means a small ship, other than a fishing vessel, that –

- (a) is not otherwise registered under Part 3 of the Law or under the law of a country outside Jersey; and
- (b) is wholly owned by an individual or individuals ordinarily resident in Jersey;

“local small ships register” means that part of the register mentioned in Regulation 3(1)(a) of the Shipping (Registration) (Jersey) Regulations 200.

2 Registration of local small ships

- (1) The owner of a local small ship may apply to the registrar to have the ship registered on the local small ships register.
- (2) The application must –
 - (a) be made on a form provided for the purpose by the Registrar; and
 - (b) be accompanied by the prescribed fee.
- (3) If the Registrar is satisfied that the ship may properly be registered and that its name is not inappropriate the Registrar shall register the ship.
- (4) The Registrar shall do so by entering on the local small ships register –
 - (a) the number of the registration of the ship;
 - (b) its date of registration;
 - (c) the date of expiration of its registration;
 - (d) a description of the ship;
 - (e) the overall length of the ship;
 - (f) the name of the ship;
 - (g) the name of the owner of the ship; and

- (h) the address of the owner of the ship.
- (5) On the registration of a local small ship the Registrar shall provide its owner with a certificate of registry that –
 - (a) certifies that the ship is registered as a Jersey ship in accordance with the Law; and
 - (b) contains the information entered in the local small ships register in respect of the ship in accordance with paragraph (4)(a) to (g).
- (6) Unless sooner determined the registration of a local small ship is valid for 5 years from the date of its registration but may be extended or further extended for periods of 5 years.
- (7) An application to extend the period of registration of a local small ship may be made by the owner of the ship at anytime before its expiry.
- (8) The application must –
 - (a) be made on a form provided for the purpose by the Registrar; and
 - (b) be accompanied by the prescribed fee.
- (9) If the Registrar is satisfied that the registration period of the ship may properly be extended the Registrar shall do so –
 - (a) by amending the local small ships register accordingly; and
 - (b) by sending a new certificate of registry to the owner of the ship.

3 Marking

- (1) The owner of a ship registered in accordance with these regulations must –
 - (a) within one month of the start of its period of registration clearly paint or affix on an external part of the ship the number of its registration preceded by SSR; and
 - (b) thereafter maintain the number so that it may be clearly seen.
- (2) The Registrar may cancel the registration of the ship if its owner fails to comply with paragraph (1).

4 Termination of registration

- (1) The registration of a ship registered in accordance with these Regulations terminates if –
 - (a) the ship ceases to be a local small ship;
 - (b) its ownership changes;
 - (c) its owner so requests; or
 - (d) the Registrar cancels its registration in accordance with Regulation 3(2).
- (2) On the termination of the registration of a ship by virtue of paragraph (1) the person named in its certificate of registry as its owner must return the certificate to the registrar.
- (3) A person who fails to comply with the requirement in paragraph (2) within one month of the termination of the registration is guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.
- (4) It is a defence for a person charged with an offence under paragraph (3) to show that the certificate of registry has been lost, stolen or destroyed.
- (5) The Registrar shall cancel an entry in the local small ships register in respect of a ship if –
 - (a) the registration of the ship is terminated in accordance with paragraph (1); or
 - (b) the period of registration of the ship expires and is not renewed.

5 Powers of Registrar

- (1) The Registrar may on payment of the prescribed fee issue a duplicate certificate of registry in place of one the Registrar is satisfied has been lost, stolen or destroyed.
- (2) The Registrar may amend an entry in the local small ships register –
 - (a) if satisfied that the entry is incorrect; or
 - (b) to correct a clerical error,and may issue a new certificate of registry after doing so.

6 Schedule 1 of Law not to apply to local small ships

The private law provisions set out in Schedule 1 to the Law shall not apply to local small ships registered in accordance with these Regulations.

7 Citation and commencement

- (1) These Regulations may be cited as the Shipping (Local Small Ships Registration) (Jersey) Regulations 200.
- (2) They shall come into force on the same date as Article 13 of the Law.

[1] *Recueil des Lois, Volume 2002, page 830, and Volume 2003, page 460.*

[2] *Recueil des Lois, Volume 2002, page 801, Volume 2003, page 457 and Nos. 9/2004 and 10/2004.*