

STATES OF JERSEY



DRAFT SHIPPING (AMENDMENT OF LAW) (JERSEY) REGULATIONS 201-

Lodged au Greffe on 27th May 2015
by the Minister for Economic Development

STATES GREFFE



Jersey

DRAFT SHIPPING (AMENDMENT OF LAW) (JERSEY) REGULATIONS 201-

REPORT

Convention on Limitation of Liability for Maritime Claims (LLMC)

The 1976 Convention and its subsequent 1996 Protocol have the force of law in Jersey. Together they allow ship-owners and salvors to limit their liability in the event of loss of life, personal injury or damage to property. However, such limitation would not apply if a loss is a result of reckless acts or omissions and that the person liable knew that such a loss would probably occur.

The limits of liability are modified from time to time by the Legal Committee of the International Maritime Organisation (IMO), and new limits will enter into force internationally on 8th June 2015. Amendments to the limits may then be brought into force in Jersey by Regulations made by the States under Article 119(4)(b) of the Shipping (Jersey) Law 2002.

Although this may appear a minor and routine matter, by raising the limits, the States keep any claim occurring in Jersey in line with rising levels of claims, and this in turn assists in maintaining the Island's reputation for good governance.

Crucially, the new limits help to offer a fair level of limitation to claimants such as passengers, seafarers and owners of goods, as well as protecting ship-owners or salvors from unreasonable claims.

Financial and manpower implications

For the States there are no new financial, property, ICT or human resources issues arising from the adoption of these draft Regulations and approval is recommended.

Explanatory Note

These Regulations amend the general limits of liability for maritime claims set out in Part 1 of Schedule 6 to the Shipping (Jersey) Law 2002. The amendments are to give effect to amendments made by the Legal Committee of the International Maritime Organisation to the Protocol of 1996 to the Convention on Limitation of Liability for Maritime Claims 1976. Those amendments to the Protocol come into force on 8th June 2015. The amendments made by these Regulations come into force on that date or, if these Regulations are made later than that date, they come into force on the day after they are made.



Jersey

DRAFT SHIPPING (AMENDMENT OF LAW) (JERSEY) REGULATIONS 201-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Articles 119(4)(b) and 196 of the Shipping (Jersey) Law 2002¹, have made the following Regulations –

1 Schedule 6 to the Shipping (Jersey) Law 2002 amended

In Part 1 of Schedule 6 to the Shipping (Jersey) Law 2002², for paragraph 1 of Article 6 there is substituted the following paragraph –

“1. The limits of liability for claims other than those mentioned in Article 7, arising on any distinct occasion, shall be calculated as follows:

- (a) in respect of claims for loss of life or personal injury,
 - (i) 3.02 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,
 - (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):
for each ton from 2,001 to 30,000 tons, 1,208 Units of Account;
for each ton from 30,001 to 70,000 tons, 906 Units of Account; and
for each ton in excess of 70,000 tons, 604 Units of Account,
- (b) in respect of any other claims,
 - (i) 1.51 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,
 - (ii) for a ship with a tonnage in excess thereof the following amount in addition to that mentioned in (i):
for each ton from 2,001 to 30,000 tons, 604 Units of Account;
for each ton from 30,001 to 70,000 tons, 453 Units of Account; and

for each ton in excess of 70,000 tons, 302 Units of Account.”.

2 Citation and commencement

These Regulations may be cited as the Shipping (Amendment of Law) (Jersey) Regulations 201- and shall come into force on 8th June 2015, or, if made on a day later than that date, they shall come into force on the day after they are made.

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- ¹ *chapter 19.885*
² *chapter 19.885*