

SCHEDULE 1

Article 2

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH PROVISIONS OF THE MERCHANT SHIPPING ACT 1995 EXTEND TO GUERNSEY

1. In section 152(1), in the definition of “Liability Convention country”, after “in force” add “, and includes the United Kingdom and any relevant British possession to which the Liability Convention has been extended”.
2. In section 153—
 - (a) in paragraphs (a), (b) and (c) of subsection (1), for “the United Kingdom” substitute “Guernsey”;
 - (b) in paragraphs (a) and (b) of subsection (2), for “the United Kingdom” substitute “Guernsey”;
 - (c) in subsection (5), for “the United Kingdom” substitute “Guernsey”;
 - (d) in subsection (8), for the words from “The Law Reform (Contributory Negligence) Act 1945” to “1948” substitute “Part I of the Law Reform (Tort) (Guernsey) Law, 1979”.
3. In section 154—
 - (a) in paragraphs (a), (b) and (c) of subsection (1), for “the United Kingdom” substitute “Guernsey”;
 - (b) in paragraphs (a) and (b) of subsection (2), for “the United Kingdom” substitute “Guernsey”;
 - (c) in subsection (4), for the words from “the Law Reform (Contributory Negligence) Act 1945” to “1948” substitute “Part I of the Law Reform (Tort) (Guernsey) Law, 1979”.
4. In section 158—
 - (a) in subsection (3)(b), after “the Treasury” insert “of the United Kingdom”;
 - (b) in subsection (5)(b), for “section 185 or 186” substitute “section 17 or 18 of the Merchant Shipping Act 1979 as extended to Guernsey by the Merchant Shipping Act 1979 (Guernsey) Order 1980(1)”;
 - (c) in subsection (7), for “the United Kingdom” substitute “Guernsey”.
5. In section 159—
 - (a) in subsection 1(b), omit “(or in Scotland, expenses)”;
 - (b) omit subsection (2).
6. In paragraph (b) of section 160, for “section 185 or 186” substitute “section 17 or 18 of the Merchant Shipping Act 1979 as extended to Guernsey by the Merchant Shipping Act 1979 (Guernsey) Order 1980”.
7. In section 161, in the sidenote, for “United Kingdom” substitute “Guernsey”.
8. In section 162, for “the United Kingdom” substitute “Guernsey”.
9. In section 163—
 - (a) in subsection (2), for “the United Kingdom” substitute “Guernsey” (in two places) and for “United Kingdom ship” substitute “ship registered in Guernsey”;
 - (b) in subsection (3)(a), for “United Kingdom ship” substitute “ship registered in Guernsey” and for “Secretary of State” substitute “Board”;

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- (c) in subsection (3)(b), for “the United Kingdom” substitute “Guernsey”;
 - (d) in subsection (3)(c), for “Secretary of State” substitute “Board”;
 - (e) in subsection (4), for “any officer of customs and excise or of the Secretary of State and, if the ship is a United Kingdom ship, to any proper officer” substitute “the Chief Officer of Customs and Excise or any other person authorised by the Board to act as an officer of Customs and Excise”;
 - (f) in subsection (6), for “standard scale” substitute “uniform scale”;
 - (g) in subsection (7), for “the United Kingdom” substitute “Guernsey”.
- 10.** In section 164—
- (a) in the sidenote, for “Secretary of State” substitute “Board”;
 - (b) in subsection (1), for “Secretary of State” substitute “Board” (in two places) and for “United Kingdom ship” substitute “ship registered in Guernsey”;
 - (c) in subsection (2), for “Secretary of State” substitute “Board”; and for “he may” substitute “it may”;
 - (d) in subsection (3), for “Secretary of State” substitute “Board”;
 - (e) in subsection (4), for “standard scale” substitute “uniform scale”;
 - (f) for subsection (5) substitute—

“(5) The Board shall send a copy of any certificate issued by it under this section in respect of a ship registered in Guernsey to the Registrar of British Ships for Guernsey, and the Registrar shall make the copy available for public inspection.”.
- 11.** For section 165 (5) substitute—
- “(5) The Third Party (Guernsey) Law, 1936 shall not apply in relation to any contract of insurance to which such a certificate as is mentioned in section 163 relates.”.
- 12.** In section 166—
- (a) in the sidenote, for “United Kingdom” substitute “Guernsey”;
 - (b) omit subsection (1);
 - (c) in subsection (2), for “the United Kingdom” substitute “Guernsey” (in three places);
 - (d) for subsection (4) substitute—

“(4) Part II of the Judgments (Reciprocal Enforcement) (Guernsey) Law, 1957 shall apply, whether or not it would so apply apart from this section, to any judgment given by a court in a Liability Convention country to enforce a claim in respect of a liability incurred under any provision corresponding to section 153; and in its application to such a judgment that Part shall have effect with the omission of section 6(2) and (3) of that Law.”.
- 13.** In section 167 (3), for “the United Kingdom” substitute “Guernsey” and omit “, or in Scotland the execution of diligence,”.
- 14.** In section 168, for “section 185” substitute “section 17 of the Merchant Shipping Act 1979 as extended to Guernsey by the Merchant Shipping Act 1979 (Guernsey) Order 1980” and for “Convention in Part I of Schedule 7” substitute “Convention on Limitation of Liability for Maritime Claims 1976”.
- 15.** In section 170—
- (a) in subsection (1), for the definition of “the court”, substitute—

““the court” means—

 - (a) in relation to Guernsey, the Royal Court sitting as an Ordinary Court;

- (b) in relation to Alderney, the Court of Alderney; and
 - (c) in relation to Sark, the Court of the Seneschal;”;
- (b) omit subsection (3);
- (c) for subsection (4) substitute—
 - “(4) References in this Chapter to the territory of any country include the territorial sea of that country and, in the case of any Liability Convention country other than Guernsey, the exclusive economic zone of that country established in accordance with international law, or, if such a zone has not been established, such area adjacent to the territorial sea of that country and extending not more than 200 nautical miles from the baselines from which the breadth of that sea is measured as may have been determined by that State in question in accordance with international law.”.
- 16.** In section 172(1)(d), after “is in force” add “, and includes the United Kingdom and any relevant British possession to which the Fund Convention has been extended”.
- 17.** In section 173—
 - (a) in subsection (1), for “the United Kingdom” substitute “Guernsey”; and for “its national waters” substitute “waters landward of the baselines for measuring the breadth of the territorial sea of Guernsey”;
 - (b) in subsection (3), for “the United Kingdom” substitute “Guernsey”;
 - (c) in subsection (4)(a), for “the United Kingdom” substitute “Guernsey”;
 - (d) in subsection (8), for “Secretary of State” substitute “Board” (in two places);
 - (e) in subsection (9)(a), for “Secretary of State” substitute “Board”;
 - (f) in subsection (9)(b), for “standard of scale” substitute “uniform scale”;
 - (g) in subsection (10), in the definition of “company”, for “the United Kingdom” substitute “Guernsey”;
 - (h) in subsection (10), for the definition of “group” substitute—
 - ““group” in relation to companies, means a holding company and its subsidiaries as defined by section 15 of the Amalgamation of Companies Ordinance, 1997, subject, in the case of a company incorporated outside Guernsey, to any necessary modifications of those definitions;”.
- 18.** In section 174—
 - (a) in subsection (1), for “Secretary of State” substitute “Board”;
 - (b) in subsection (4), for “Secretary of State” substitute “Board”;
 - (c) in subsection (5), for “standard scale” substitute “uniform scale”;
 - (d) in subsection (6), for “standard scale” substitute “uniform scale”; and for “the statutory maximum” substitute “level 5 on the uniform scale”.
- 19.** In section 175—
 - (a) in subsection (1), for “the United Kingdom” substitute “Guernsey”;
 - (b) in subsection (2), for ““United Kingdom”” substitute ““Guernsey””, omit paragraph (a), and for “the United Kingdom” substitute “Guernsey” (in two places);
 - (c) in subsection (3), for “The United Kingdom” substitute “Guernsey”;
 - (d) omit subsection (4).
- 20.** In section 176(4)(b), after “the Treasury” insert “of the United Kingdom”.

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- 21.** In section 177—
- (a) omit subsection (1);
 - (b) in subsection (3), for “the United Kingdom” substitute “Guernsey”;
 - (c) in subsection (4), substitute—
 - “(4) Subject to subsection (5) below, Part II of the Judgments (Reciprocal Enforcement) (Guernsey) Law, 1957 shall apply, whether or not it would so apply apart from this subsection, to any judgment given by a court in a Fund Convention country to enforce a claim in respect of liability incurred under any provision corresponding to section 175; and in its application to such a judgment the said Part shall have effect with the omission of section 6(2) and (3) of that Law.”;
 - (d) in subsection (5), for “Part I of the Act of 1933” substitute “Part II of the Law of 1957”;
- 22.** In section 178—
- (a) in subsection (1), for “the United Kingdom” substitute “Guernsey”;
 - (b) in subsection (2), for “the United Kingdom” substitute “Guernsey”.
- 23.** In section 179(2), for “the United Kingdom” substitute “Guernsey”.
- 24.** In section 279—
- (a) in subsection (1), for “the United Kingdom” substitute “Guernsey”;
 - (b) in subsection (2), for “the United Kingdom” substitute “Guernsey”.
- 25.** In section 281—
- (a) paragraph (a)(i), for “any United Kingdom ship” substitute “a ship registered in Guernsey”;
 - (b) omit paragraph (a)(iii);
 - (c) in paragraph (b), for “any United Kingdom ship” substitute “a ship registered in Guernsey”;
 - (d) for the words from “within the jurisdiction” to “that court” substitute—
 - “in Guernsey, any court which would have had jurisdiction in relation to the offence had it been committed on board a ship registered in Guernsey within the limits of its ordinary jurisdiction to try the offence”.
- 26.** In section 284—
- (a) for paragraphs (b) and (c) of subsection (1), substitute—
 - “(b) the Harbourmaster,
 - (bb) any officer of the Board (other than the Harbourmaster) authorised in writing to detain the ship, whether generally or specially,
 - (c) the Chief Officer of Customs and Excise or any other person authorised by the Board to act as an officer of Customs and Excise,
 - (cc) any sea-fishery officer.”;
 - (b) in subsection (5), for “the statutory maximum” substitute “level 5 on the uniform scale”;
 - (c) in subsection (6), for “an officer of customs and excise” substitute “the Chief Officer of Customs and Excise or any other person authorised by the Board to act as an officer of Customs and Excise” (in two places);
 - (d) omit subsection (7);
 - (e) after subsection (8), add—

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“(9) In subsection (4) above, “surveyor of ships” means a surveyor appointed under section 727 of the Merchant Shipping Act 1894(2).”.

27. In section 308, omit subsections (2) to (4).

28. In section 313—

(a) in subsection (1)—

(i) omit all the definitions apart from the definitions of “British citizen”, “commissioned military officer”, “commissioned naval officer”, “consular officer”, “contravention”, “harbour”, “master”, “port”, “relevant British possession”, and “ship”;

(ii) after the definition of “British citizen”, insert—

““the Board” means the States Board of Administration;”;

(iii) after the definition of “harbour”, insert—

““the Harbourmaster” means the States Harbourmaster and any States Deputy Harbourmaster, and includes any person acting under the authority of the States Harbourmaster, upon production, if so required, of his authority so to act;”;

(iv) after the definition of “port”, insert—

““registered” means, in relation to a ship registered in Guernsey, registered under the provisions of the Merchant Shipping Act 1894;”;

(v) after the definition of “relevant British possession”, insert—

““sea-fishery officer” has the same meaning as in section 9(1) of the Fishing (Bailiwick of Guernsey) Law, 1989;”;

(b) omit subsections (2), (2A) and (3).

29. In section 316, omit subsection (2).

30. In Schedule 5, Part I, in the text of Article 4(4)(c) of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992, for “(c)” substitute “(b)”.