

1975 No. 2182

MERCHANT SHIPPING

**The Merchant Shipping Act 1974
(Guernsey) Order 1975**

<i>Made - - - -</i>	<i>19th December 1975</i>
<i>Laid before Parliament</i>	<i>6th January 1976</i>
<i>Coming into Operation</i>	<i>1st February 1976</i>

At the Court at Buckingham Palace, the 19th day of December 1975

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 20(1) of the Merchant Shipping Act 1974(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Merchant Shipping Act 1974 (Guernsey) Order 1975 and shall come into operation on 1st February 1976.

2.—(1) In this Order “Guernsey” means the Bailiwick of Guernsey.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Part I and sections 22, 23 and 24 of and Schedule 1 to the Merchant Shipping Act 1974 shall extend to Guernsey subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

N. E. Leigh.

(a) 1974 c. 43.

(b) 1889 c. 63.

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF THE
MERCHANT SHIPPING ACT 1974 TO GUERNSEY

1. Unless the context otherwise requires, any reference to the Merchant Shipping Act 1974 or any other enactment shall be to that enactment as it has effect in Guernsey.

2. Unless the context otherwise requires or except in any reference to Her Majesty's Government in the United Kingdom for any reference to the United Kingdom there shall be substituted a reference to Guernsey.

3. Unless the context otherwise requires for any reference to a court there shall be substituted a reference:

- (i) as respects the Islands of Guernsey, Herm and Jethou, the Royal Court sitting as an Ordinary Court;
- (ii) as respects the Island of Alderney, the Court of Alderney;
- (iii) as respects the Island of Sark, the Court of the Seneschal of Sark.

4. In section 2(8) for the words "Secretary of State" there shall be substituted the words "States Board of Administration" and paragraph (c) shall be omitted.

5. In section 2(9) for the definition of "company" there shall be substituted the following definition:—

“company” means—

- (a) as respects the Island of Guernsey, a company registered in pursuance of the Law entitled "Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée" registered on the Records of the Island of Guernsey on the 21st day of March, 1908;
- (b) as respects the Island of Alderney, a company registered in pursuance of the Law entitled "Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée" registered on the Records of the Island of Guernsey on the 22nd day of May, 1894;.

and in the definition of "group" paragraph 2 above shall not apply.

6. For section 2(10) there shall be substituted the following provision:—

“(10) In this section "sea" does not include any waters on the landward side of the baselines from which the territorial sea of the British Islands adjacent to Guernsey is measured.”.

and in the definition of "group" for the words in brackets there shall be substituted the words "an Act of Parliament”.

7. In section 3(1) for the words "Secretary of State" there shall be substituted the words "States Board of Administration”.

8. In section 5(6) paragraph (c) shall be omitted.

9. For section 6(1) there shall be substituted the following provision:—

“(1) Paragraph (d) of section 1(1) of the Administration of Justice Act 1956 as extended to Guernsey by the Admiralty Jurisdiction (Guernsey) Order 1966 shall be construed as extending to any claim in respect of a liability falling on the Fund under this part of this Act.”.

10. For section 6(4) there shall be substituted the following provision:—

“(4) Part II of the Judgements (Reciprocal Enforcement) (Guernsey) Law, 1957 registered on the 6th day of April, 1957 shall apply whether or not it would so apply apart from this section, to any judgement given by a court in a Convention Country to enforce a claim in respect of a liability incurred under any provision corresponding to sections 4 or 5 of this Act, and in its application to such a judgement that Part shall have effect with the omission of subsections (2) and (3) of section 6 of that Law.”.

11. In section 6(5) for the words “Act of 1933” there shall be substituted the words “Law of 1957”.

12. For section 23(1) there shall be substituted the following subsection:—

“(1) This Act shall at any time be construed as one with such provisions of the Merchant Shipping Acts 1894 to 1971 as at that time have effect in Guernsey.”.

13. In section 24(2) at the beginning there shall be inserted the words “With the exception of sections 3, 9, 22 and 23, which shall come into operation forthwith,”.

14. In section 24 subsections (4) and (5) shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends Part I and part of Part V of and Schedule 1 to the Merchant Shipping Act 1974 to the Bailiwick of Guernsey with specified exceptions, adaptations and modifications.

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