

1989 No. 2400

MERCHANT SHIPPING

**The Merchant Shipping Act 1979 (Overseas Territories)
Order 1989**

Made - - - - 19th December 1989

Laid before Parliament 8th January 1990

Coming into force 30th January 1990

At the Court at Buckingham Palace, the 19th day of December 1989

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 47(1) of the Merchant Shipping Act 1979(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 1979 (Overseas Territories) Order 1989 and shall come into force on 30th January 1990.

2. Sections 21 and 22 of the Merchant Shipping Act 1979 and the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989(b) in force thereunder are hereby extended to the territories specified in Schedule 1 to this Order (any one of which is in this Order referred to as "the Territory"), as part of the law thereof, subject to the modifications specified in Schedules 2 and 3 to this Order.

3. Save as may be expressly provided otherwise therein, any reference in Schedules 2 and 3 to this Order to any enactment of the United Kingdom shall be construed as a reference to that enactment as applying or extended to the Territory.

4. The Merchant Shipping (Distress Signals and Prevention of Collisions) (Overseas Territories) Order 1983(c) and the Merchant Shipping (Distress Signals and Prevention of Collisions) (Overseas Territories) (Amendment) Order 1984(d) are hereby revoked save that regulations 1(3) and 4(b) of the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1983(e) as extended to the Territory by those Orders shall continue to apply to the Territory.

G. I. de Deney
Clerk of the Privy Council

SCHEDULE 1

Article 2

TERRITORIES

Bermuda
Falkland Islands
Montserrat
St. Helena and Dependencies
Turks and Caicos Islands

SCHEDULE 2

Article 2

MODIFICATIONS TO SECTIONS 21 AND 22 OF THE MERCHANT SHIPPING ACT 1979.

1. Section 21 shall have effect with the substitution for the words "United Kingdom" or "United Kingdom ship" (wherever they appear) of the words "Territory" or "ship registered in the Territory" as the case may be.

2. Section 22 shall have effect with the omission of subsections (1), (2) and (3) thereof.

SCHEDULE 3

Article 2

MODIFICATIONS TO THE MERCHANT SHIPPING (DISTRESS SIGNALS AND PREVENTION OF COLLISIONS) REGULATIONS 1989.

1. Regulation 1(1) shall have effect subject to the substitution therein of the date of 30th January 1990 for the date 19th November 1989.

2. Regulation 1(2) shall have effect –

- (a) subject to the omission of the definitions of "air cushion vehicle" and "United Kingdom vessel";
- (b) with the insertion after "Admiralty Board" and "Department of Transport" of the words "of the United Kingdom";
- (c) with the substitution of the following for the definition of "appropriate authority":
" "appropriate authority" means in relation to the Territory the authority responsible under the law of the Territory, or in relation to any other country the authority responsible under the law of that country, for promoting the safety of life at sea and the avoidance of collisions";
- (d) with the substitution for the words "United Kingdom" or "United Kingdom vessels" of the words "Territory" or "vessels registered in the Territory" as the case may be.

3. Regulation 1(3) shall be omitted.

4. Regulation 2 shall have effect –

- (a) subject to the omission of paragraph (2) thereof;
- (b) with the substitution, for the words "United Kingdom" or "United Kingdom vessels" in paragraph (1) thereof, of the words "Territory" or "vessels registered in the Territory" as the case may be;
- (c) with the addition, before the word "seaplanes" in paragraph (1) thereof, of the words "hovercraft or".

5. Regulation 5 shall have effect subject, in the case of the territories mentioned, to the following –

- (a) in the case of the Falkland Islands and St Helena and Dependencies, the substitution, for the words “the statutory maximum” in paragraph (1)(b) thereof, of the sum “£2,000”;
- (b) in the case of Bermuda, the substitution, for the sum “£50,000” in paragraph (1)(a) thereof, of the sum “100,000 Bermuda dollars”, and for the words “the statutory maximum” in paragraph (1)(b) thereof, of the sum “4,000 Bermuda dollars”;
- (c) in the case of Montserrat, the substitution, for the sum “£50,000” in paragraph (1)(a) thereof, of the sum “212,000 Eastern Caribbean dollars”, and for the words “the statutory maximum” in paragraph (1)(b) thereof, of the sum “8,000 Eastern Caribbean dollars”;
- (d) in the case of the Turks and Caicos Islands, the substitution, for the sum “£50,000” in paragraph (1)(a) thereof, of the sum “50,000 United States dollars”, and for the words “the statutory maximum” in paragraph (1)(b) thereof, of the sum “2,000 United States dollars”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the territories specified in Schedule 1, subject to the modifications specified in Schedules 2 and 3, sections 21 and 22 of the Merchant Shipping Act 1979 and the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989. It revokes the Statutory Instruments specified in article 4 to the extent therein stated.