

1989 No. 2410

MERCHANT SHIPPING

**The Merchant Shipping (Distress Signals and Prevention
of Collisions) (Guernsey) Order 1989**

<i>Made</i>	<i>19th December 1989</i>
<i>Laid before Parliament</i>	<i>8th January 1990</i>
<i>Coming into force</i>	<i>1st February 1990</i>

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

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of 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 (Distress Signals and Prevention of Collisions) (Guernsey) Order 1989 and shall come into force on 1st February 1990:

Provided that it shall not come into operation in relation to any vessel until noon zone time on that date in the area in which the vessel is situated.

2. In this Order, "the Bailiwick" means the Bailiwick of Guernsey and the territorial waters adjacent thereto.

3. The Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989(b) shall, subject to the modifications specified in the Schedule to this Order, extend to the Bailiwick as part of the law there and shall apply to ships registered in the Bailiwick and to masters and seamen employed in the ships as they apply to ships registered in the United Kingdom and to masters and seamen employed in them.

4. The Merchant Shipping (Distress Signals and Prevention of Collisions) (Guernsey) Order 1986(c) shall be amended by the insertion, at the beginning of article 3, of the words "Regulations 1(3) and (4)(b) (effect of references to Collision Regulations in the Merchant Shipping Acts 1894 to 1977) of" and the omission, in the Schedule, of paragraphs 2 to 6.

G.I. de Deney
Clerk of the Privy Council

(a) 1979 c. 39.

(b) S.I. 1989/1798: these Regulations are in force under sections 21 and 22 of the Merchant Shipping Act 1979 which were extended, with modifications, to the Bailiwick of Guernsey by the Merchant Shipping Act 1979 (Guernsey) Order 1981 (S.I. 1981/1810).

(c) S.I. 1986/1163.

MODIFICATIONS TO THE MERCHANT SHIPPING (DISTRESS SIGNALS
AND PREVENTION OF COLLISIONS) REGULATIONS 1989 AS EXTENDED
TO THE BAILIWICK OF GUERNSEY

1. Any reference to an enactment shall be construed, unless the contrary intention appears, as a reference to it as it has effect in the Bailiwick.

2.—(1) In regulation 1(1), the words from “and shall come into force” to the end shall be omitted.

(2) In regulation 1(2)—

(a) for the definition of “appropriate authority” there shall be substituted the following definition:

““appropriate authority” means—

(i) in relation to any part of the Bailiwick, the States of Guernsey, the States of Alderney or the Chief Pleas of Sark, as the case may be, or any other authority responsible under the law for the time being in force in that part of the Bailiwick for promoting the safety of life at sea and the avoidance of collisions;

(ii) in relation to a place outside the Bailiwick, the authority responsible under the law for the time being in force in that place for promoting the safety of life at sea and the avoidance of collisions;”;

(b) in the definition of “date of entry into force of these Regulations”—

(i) in sub-paragraph (i), for the words “, 15th July 1977” there shall be substituted the words “and Guernsey vessels, the date on which the Collision Regulations and Distress Signals Order 1977(a) came into operation”; and

(ii) in sub-paragraph (ii), after the words “United Kingdom” there shall be inserted the words “and the Bailiwick”;

(c) after the definition of “date of entry into force of these Regulations” there shall be inserted the following definition:

““Guernsey vessel” means a vessel which—

(i) is registered in the Bailiwick, or

(ii) is not registered under the law of any country but is wholly owned by persons, each of whom is either a British citizen or a British Dependent Territories citizen who is resident in the Bailiwick or a body corporate which is established under the law of any part of the Bailiwick and has its principal place of business in the Bailiwick;”;

(d) in the expression “the Hydrographer of the Navy” wherever it occurs, for the words “the Navy” there shall be substituted the words “Her Majesty’s Navy”; and

(e) in the definition of “United Kingdom vessel”, after the words “a vessel” there shall be inserted the words “(other than a Guernsey vessel)”.

(3) In regulation 1(3), sub-paragraph (b) shall be omitted.

3. For regulation 2 there shall be substituted the following regulation:

“2. These Regulations apply to Guernsey vessels wherever they may be and to other vessels while they are within the Bailiwick but not to hovercraft or seaplanes.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Guernsey, and applies to ships registered there and to masters and seamen employed in those ships, the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989 with the modifications specified in the Schedule to the Order.