

2019 No. 1110

MERCHANT SHIPPING

The Merchant Shipping (Falkland Islands) (Amendment) (No. 2) Order 2019

Made - - - - - *10th July 2019*

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 10th day of July 2019

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 26 of the Food and Environment Protection Act 1985(a) and section 315(2) of the Merchant Shipping Act 1995(b), is pleased by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1. This Order may be cited as the Merchant Shipping (Falkland Islands) (Amendment) (No. 2) Order 2019 and comes into force on the date on which the Falklands Island Maritime Ordinance 2017(c) comes into force.

Amendment of secondary legislation

2. The Schedule (instruments to be amended) has effect.

Revocation of the Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997

3.—(1) The Merchant Shipping (Oil Pollution) (Falkland Islands) Order 1997(d) is revoked.

(2) The Merchant Shipping (Helm Orders) Order 1935(e) is revoked insofar as it applies to the Falkland Islands.

Richard Tilbrook
Clerk of the Privy Council

(a) 1985 c.48. Section 26 was repealed by the Marine and Coastal Access Act 2009 (c.23) except as provided by paragraph 8(2) of Part 2 of Schedule 9 to that act,
(b) 1995 c.21.
(c) The Maritime Ordinance 2017 (No. 20 of 2017), was enacted by the Legislature of the Falkland Islands and was confirmed by article 2 of S.I. 2018/1159.
(d) S.I.1997/2584.
(e) S.I.1935/837.

SCHEDULE

Article 2

Instruments to be amended

Amendment of the Merchant Shipping (Registration of Colonial Government Ships) Order 1963

1.—(1) The Merchant Shipping (Registration of Colonial Government Ships) Order 1963(a) is amended as follows.

(2) In Schedule 1—

- (a) in column 1, omit “The Government of the Colony of the Falkland Islands”; and
- (b) in column 2 (authorised officer), omit the corresponding entry “The Colonial Secretary”.

Amendment of the Merchant Shipping (Prevention of Pollution) (Intervention) (Overseas Territories) Order 1982

2.—(1) The Merchant Shipping (Prevention of Pollution) (Intervention) (Overseas Territories) Order 1982(b) is amended as follows.

(2) In Schedule 1 omit “Falkland Islands and Dependencies” and insert “South Georgia and the South Sandwich Islands” after “Saint Helena and Dependencies”.

(3) In paragraph 2(c) of Schedule 3 for “the Falkland Islands and Dependencies a reference to the Civil Commissioner” substitute “South Georgia and the South Sandwich Islands a reference to the Commissioner”.

Amendment of the Prevention of Oil Pollution Act 1971 (Overseas Territories) Order 1982

3.—(1) The Prevention of Oil Pollution Act 1971 (Overseas Territories) Order 1982(c) is amended as follows.

(2) In article 3, for “the Falkland Islands and its Dependencies” substitute “South Georgia and the South Sandwich Islands”; and

(3) In Schedule 1, omit “Falkland Islands and Dependencies” and insert “South Georgia and the South Sandwich Islands” after “Saint Helena and Dependencies”.

Amendment of the Merchant Shipping (Distress Signals and Prevention of Collisions) (Overseas Territories) Order 1983

4. In the Merchant Shipping (Distress Signals and Prevention of Collisions) (Overseas Territories) Order 1983(d), in Schedule 1, omit “Falkland Islands”.

Amendment of the Environment Protection (Overseas Territories) Order 1988

5. In the Environment Protection (Overseas Territories) Order 1988(e), in Schedule 2 (territories to which this order applies) omit “Falkland Islands”.

(a) S.I.1963/1631, to which there are amendments which are not relevant to this instrument.

(b) S.I.1982/1666.

(c) S.I.1982/1668.

(d) S.I. 1983/762, amended by S.I.1989/2400.

(e) S.I. 1988/1084, amended by S.I. 1997/1748 there are other amending instruments which are not relevant to this instrument.

Amendment of the Merchant Shipping (Liability and Compensation for Oil Pollution Damage) (Transitional Provisions) (Overseas Territories) Order 1997

6. In the Merchant Shipping (Liability and Compensation for Oil Pollution Damage) (Transitional Provisions) (Overseas Territories) Order 1997(a), in article 2 omit “Falkland Islands”.

Amendment of the Merchant Shipping (Salvage Convention) (Overseas Territories) Order 1997

7.—(1) The Merchant Shipping (Salvage Convention) (Overseas Territories) Order 1997(b) is amended as follows.

(2) In Schedule 1 omit “Falkland Islands”.

(3) In Part II (provisions having effect in connection with convention) of Schedule 2, omit paragraphs 3(1)(d), 5(2)(f) and 6(f).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends and revokes legislation which has been applied to the Falkland Islands through Orders in Council. The Order is being made because the Falkland Islands Government are bringing into force new legislation, the Falkland Islands Maritime Ordinance 2017 (“Maritime Ordinance”), to replace the provisions being revoked in article 3. The amendments being made by the provisions in the Schedule will ensure that the existing legislation will continue to apply to South Georgia and the South Sandwich Islands. The Order will come into force at the same time as the Maritime Ordinance.

The Maritime Ordinance can be accessed on the Falkland Islands Statute Law Database at <https://www.legislation.gov.fk> or on request from the Maritime & Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

An impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sector is foreseen. An Explanatory Memorandum has been produced for this instrument and is published alongside this instrument at www.legislation.gov.uk.

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(a) S.I. 1997/2578.

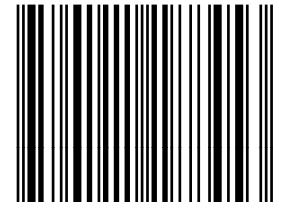
(b) S.I. 1997/2586.

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