

**DRAFT MERCHANT SHIPPING (REGISTRY OF  
BRITISH SHIPS) (JERSEY) LAW, 198 .**

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**Lodged au Greffe on 4th November, 1986  
by the Harbours and Airport Committee.**

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**STATES OF JERSEY**

**STATES GREFFE**

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## Report.

Ship owners who are either British nationals or British registered companies are obliged under the terms of the 1894 Merchant Shipping Act to register their vessels on the British Register of Ships. There is an equal obligation imposed on the British Registry to accept those vessels if they comply with the requirements of the Register, and to police the continuing compliance of those ships. The provisions of the 1894 Act in this respect extend to Jersey as well as to the mainland of the United Kingdom and a number of dependent territories. A section of the British Register is maintained in Jersey and vessels on this section have Jersey as their home port.

During recent years vessels have in many cases become more complex and specialised in order to deal with such cargoes as nuclear waste and toxic materials, and there has also been a general raising of standards in respect of construction, safety, etc. In order to keep abreast of these developments, the United Kingdom has introduced amendments to its maritime legislation, but unfortunately not all of these amendments have been extended to the Island. In some cases it has been felt inappropriate to do so, as the maritime administration in the Island is not sufficiently large or equipped to deal with the complexities and obligations which would flow from the introduction of the new legislation. As a result maritime legislation in the Island is now considered to be defective. This situation is not peculiar to Jersey, but extends also to other islands such as Guernsey, and also to territories such as Bermuda, Gibraltar, the Cayman Islands, etc.

In order to try and resolve what is acknowledged to be an unsatisfactory situation, the United Kingdom Government has been conducting talks with the various other sections of the British Register. As a result Jersey, Guernsey and the United Kingdom are likely to join a new Register known as the British Islands Register which, whilst still allowing the ship owner to register his vessel in Jersey, will only allow him to do so if he is a Jersey resident or, in the case of a company, if that company has its principle place of business in the Island. The United Kingdom would then be able to extend all relevant legislation to the Island as it would be responsible for the international policing of this Register.

Other territories have opted for other solutions, for example the Cayman Islands have decided to restrict their Register to vessels of under 500 gross registered tons, and it has also been decided to obtain powers to prevent vessels being registered on their Register if it is thought that such a registration would not be in their interest.

As a result of this action it is thought likely that a number of vessels presently registered with the Cayman Islands and other territories may seek to transfer their registry to Jersey, and in many cases vessels which might be considered sub-standard by the United Kingdom could still register under the British flag in this Island due to the aforementioned defective legislation.

As there might be some delay in the setting up of the British Islands Register which will involve the introduction of a new Merchant Shipping Bill in the United Kingdom, it has been decided in the meantime to limit the Register in Jersey in a similar way to that adopted in the Cayman Islands to prevent sub-standard or unsuitable vessels from registering in the Island. The draft legislation before the States will enable the Registrar of Shipping so to do, with the exception in our case of still permitting vessels over 500 gross registered tons to register if this was thought to be desirable.

### Explanatory Note.

The purpose of this Law is to empower the Harbours and Airport Committee to direct the registrar of British ships to refuse in certain cases to register ships as British ships in Jersey. These are ships as to which the Committee is not satisfied that they are wholly owned by an individual who is a British citizen and resident in the Island or by a company incorporated under the "Loi (1861) sur les Sociétés à Responsabilité Limitée" and having its principal place of business in the Island and that having regard to the safety of the ship and of the safety, health and welfare of the seamen employed therein it is not detrimental to the interests of the Island or international merchant shipping for such ships to be registered in the Island (Article 2(1)(a)). Article 2(1)(b) empowers the Committee to direct the registrar of British ships to remove any ships currently in the register book which do not meet the conditions set out in Article 2(1)(a). The Committee may also prescribe classes of ships which the registrar of British ships shall refuse to register (Article 2(1)(c)).

The powers conferred on the Committee by this Law are to be exercised by Order.

**MERCHANT SHIPPING (REGISTRY OF BRITISH SHIPS) (JERSEY) LAW, 198 .**

**A LAW** to make fresh provision in relation to the registry of British ships in the Island, sanctioned by Order of Her Majesty in Council of the

(Registered on the \_\_\_\_\_ day of \_\_\_\_\_, 198 .)

**STATES OF JERSEY.**

The \_\_\_\_\_ day of \_\_\_\_\_, 198 .

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

**ARTICLE 1.**

**Interpretation.**

(1) In this Law -

“the 1894 Act” means the Merchant Shipping Act 1894 (57 & 58 Vict. c.60) of the United Kingdom;

“the Committee” means the Harbours and Airport Committee;

“enactment” includes an enactment of the United Kingdom;

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"prescribed" means prescribed by order.

(2) A reference in this Law to an enactment is a reference to that enactment as amended by any subsequent enactment.

ARTICLE 2.

Power to refuse registry of ships.

(1) Notwithstanding Part I of the 1894 Act (which relates to the registry of ships) the Committee may -

(a) direct the registrar of British ships to refuse to register under that Part any ship in respect of which an application for registry has been received unless the Committee is satisfied that every share in the ship is owned by a -

(i) British citizen resident in the Island; or

(ii) company incorporated under the "Loi (1861) sur les Sociétés à Responsabilité Limitée" <sup>1</sup> and having its principal place of business in the Island,

and, having regard to the safety of the ship and of the safety, health and welfare of the seamen employed therein, or otherwise, it is not detrimental to the interests of the Island or international merchant shipping for the ship to be registered in the Island;

(b) direct the registrar of British ships to remove any ships currently in the register book that do not meet the conditions for registry set out in sub-paragraph (a) of this paragraph; and

(c) prescribe classes of ships which the registrar of British ships shall refuse to register under that Part.

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(2) Notwithstanding the provisions of section 53 of the 1894 Act, an application made for the transfer of the registry of a ship to which that Act applies to the Island from any port outside the Island at which the ship is registered for the time being, shall not be granted unless it meets with the prescribed requirements of the Committee.

(3) In the event of any inconsistency between Part I of the 1894 Act and this Article the provisions of that Part are, to the extent of such inconsistency, repealed.

**ARTICLE 3.**

**General Provisions as to Orders.**

(1) Any power conferred by Article 2 of this Law shall be exercised by order and may be exercised -

- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
- (b) so as to make, as respects the cases in relation to which it is exercised -
  - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
  - (ii) the same provision for all cases in relation to which the power is exercised or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of this Law;
  - (iii) any such provision either unconditionally or subject to any specified condition.

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(2) Any Order under this Law may contain such incidental or supplementary provisions as appear to the Committee to be expedient for the purposes of the Order.

(3) The Subordinate Legislation (Jersey) Law, 1960,<sup>2</sup> shall apply to Orders made under this Law.

ARTICLE 4.

Short title.

This Law may be cited as the Merchant Shipping (Registry of British Ships) (Jersey) Law, 198 .

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<sup>2</sup> Tome VIII, page 849.