

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## **The Merchant Shipping (Guernsey) Law, 1953.**

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(Registered on the Records of the Island of Guernsey  
on the 5th day of October, 1953.)

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# ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 5th day of October, 1953, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present:— Ernest de Garis, Esquire, O.B.E., Sir John Leale, Arthur Falla, Walter John Sarre, William Robert Freaque Clark, Ernest Francis Laine, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Stephen James Falla, Wilfred John Corbet and Théophile Le Messurier Allez, Esquires, Jurats.*

.The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 1st day of August, 1953, ratifying a *Projet de Loi* entitled "The Merchant Shipping (Guernsey) Law, 1953",— the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

## At the Court at Buckingham Palace.

The 1st day of August, 1953.

PRESENT,

### The Queen's Most Excellent Majesty

LORD CHANCELLOR

LORD PRESIDENT

CHANCELLOR OF THE DUCHY OF LANCASTER

MR. SECRETARY LYTTTELTON

SIR THOMAS DUGDALE.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 11th day of July, 1953, in the words following viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘ 1. That, in pursuance of their Resolution of the 29th day of April, 1953, the States of Deliberation at a meeting held on the 10th day of June, 1953, approved a Bill or “Projet de Loi” entitled “The Merchant Shipping (Guernsey) Law, 1953” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de

Loi" of the States of Guernsey entitled "The Merchant Shipping (Guernsey) Law, 1953" and to order that the same shall have the force of Law in the Bailiwick of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. AGNEW.

**Projet de Loi referred to in the foregoing  
Order in Council.**

## **PROJET DE LOI**

ENTITLED

### **The Merchant Shipping (Guernsey) Law, 1953.**

THE STATES, in pursuance of their Resolution of the twenty-ninth day of April, nineteen hundred and fifty-three, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

1. In this Law the expression "the principal Law" means the Law entitled "Loi relative à la Marine Marchande dans le Bailliage de l'Île de Guernesey" registered on the sixth day of June, nineteen hundred and sixteen.

2. In that part of the principal Law headed "DEFINITIONS." the definition of the expression "Board of Trade" is hereby repealed and there is hereby substituted therefor the following definition:—

"The expression 'the Minister' means the Minister of Transport of the United Kingdom."

3. In Part I of the principal Law the words "MASTERS AND OFFICERS" being the heading of that Part are hereby repealed and there are hereby substituted therefor the words "MASTERS, OFFICERS AND SEAMEN".

4. In subsection (1) of section thirty-eight of the First Schedule to the Merchant Shipping Safety Convention (Guernsey) No. 1 Order, 1935, the definition

of the expression "Board of Trade" is hereby repealed and there is hereby substituted therefor the following definition:—

" 'the Minister' means the Minister of Transport of the United Kingdom; ".

5. In the principal Law and in the Merchant Shipping Safety Convention (Guernsey) No. 1 Order, 1935—

- (a) for any reference to "the Board of Trade", or to "the said Board" or to "that Board" there is hereby substituted a reference to "the Minister"; and
- (b) for any reference to a "Board of Trade Inspector" or to a "Board of Trade inspector" there is hereby substituted a reference to a "Ministry of Transport inspector".

6. There is hereby inserted after section two of the principal Law (which relates to the production of certificates of competency to a Superintendent of Customs) the following section:—

"Rating of 2A. (1) A seaman engaged in any  
seamen. British ship registered in the Bailiwick shall not be rated as A.B. unless he is the holder of a certificate of competency.

(2) In this section the expression 'certificate of competency' means—

- (a) a certificate of competency as A.B. granted in pursuance of regulations made by the Minister under section five of the Merchant Shipping Act, 1948, before, on or after the commencement of this section; or
- (b) a certificate of competency as A.B. granted under any provision made by the law of any part of Her

Majesty's dominions outside the United Kingdom for the grant of certificates of competency as A.B. and which by virtue of any Order in Council made by Her Majesty under the said section five before, on or after the commencement of this section has the same effect as if granted in pursuance of such regulations as aforesaid.

(3) A Superintendent of Customs or other officer duly authorised by the Minister before whom, at any time, a seaman is engaged in any British ship registered in the Bailiwick, shall refuse to enter the seaman as A.B. on the agreement with the crew unless the seaman produces a certificate of competency or such other proof that he is the holder of such a certificate as may appear to the Superintendent of Customs or other officer duly authorised by the Minister to be satisfactory."

7. The principal Law may be cited as the Merchant Shipping (Guernsey) Law, 1915, and the principal Law, the Merchant Shipping (Wireless Telegraphy) French Ships Order, 1926, the Merchant Shipping (Guernsey) Order, 1927, the Order in Council of the tenth day of November, 1932, fixing January 1st, 1933, as the appointed day for the commencement of Parts I and II of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, the Order in Council of the fifteenth day of December, 1932, declaring that the Governments of certain countries have ratified the Load Line Convention, the Order in Council of the seventh day of February, 1933, declaring that the Governments of Iceland and

Cuba have ratified the Load Line Convention, the Merchant Shipping Load Line Convention (Guernsey) Order, 1933, the Merchant Shipping Safety Convention (Guernsey) No. 1 Order, 1935, the Merchant Shipping Safety Convention (Guernsey) No. 2 Order, 1935, the Merchant Shipping (Helm Orders) Order, 1935, the Merchant Shipping Act, 1937, and this Law may be cited together as the Merchant Shipping (Guernsey) Laws, 1915 to 1953.

JAMES E. LE PAGE,

Her Majesty's Greffier.