

PROJET DE LOI

ENTITLED

The Merchant Shipping (Restriction on Employment of Aliens) (Bailiwick of Guernsey) Law, 1984 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XXVIII, p. 350; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). This Law is prospectively repealed by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (No. VIII of 2004, Ordres en Conseil Vol. XLIV(2), p. 1).

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ARRANGEMENT OF SECTIONS

1. Employment of aliens in Guernsey ships and fishing boats.
2. Offences.
3. Citation.

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THE STATES, in pursuance of their Resolution of the eighth day of December, nineteen hundred and eighty-two, 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.

Employment of aliens in Guernsey ships and fishing boats.

1. (1) An alien shall not act as master, chief officer or chief engineer of a British merchant ship registered in Guernsey except in the case of such a ship employed habitually on voyages between ports outside the Bailiwick, the Island of Jersey, the Isle of Man and the United Kingdom.

(2) An alien shall not, without the permission in writing in that behalf of the States [Committee for Home Affairs], act in any capacity as a member of the crew of a fishing boat registered in Guernsey except in the case of such a fishing boat employed habitually on voyages outside the Bailiwick, the Island of Jersey, the Isle of Man and the United Kingdom.

(3) A person shall not employ an alien in any capacity on board a British ship registered in Guernsey at a rate of pay less than the standard rate of pay for the time being current on British ships registered in Guernsey for his rating.

NOTES

In section 1, the words in square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Law were transferred to and

*vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*²

Offences.

2. Any person who, without reasonable excuse, contravenes any of the provisions of the last preceding section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 4 on the uniform scale] or to a term of imprisonment not exceeding six months.

NOTE

In section 2, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Citation.

3. This Law may be cited as the Merchant Shipping (Restriction on Employment of Aliens) (Bailiwick of Guernsey) Law, 1984.

NOTES

The Law received Royal Sanction on 8th February, 1984 and was registered on the Records of the Island of Guernsey and came into force on 6th March, 1984.

The Law is prospectively repealed by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, section 296, Schedule 10, Part III.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), with effect from 6th May, 2004.

² The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.