

ORDER IN COUNCIL

XI

1987

ratifying a Projet de Loi

ENTITLED

The Merchant Shipping (Registration) (Bailiwick of Guernsey) Law, 1987

(Registered on the Records of the Island of Guernsey
on the 5th day of October, 1987.)



1987

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 5th day of October, 1987 before Sir Charles Frossard, Kt., Bailiff; present:—Donald Pescott Plummer, Brian Ernest Herbert Joy, Esquires, Charles Henry Hödder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley and Leonard Arthur Moss, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 21st July, 1987 approving and ratifying a *Projet de Loi* entitled “The Merchant Shipping (Registration) (Bailiwick of Guernsey) Law, 1987”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ORDERED:—

1. That the said Order in Council be registered on the records of this Island: and
2. 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 21st day of July 1987

PRESENT,

The Queen's Most Excellent Majesty in Council

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 10th day of July 1987 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 11th day of December 1986, the States of Deliberation at a meeting held on the 25th day of February 1987 approved a Bill or “Projet de Loi” entitled “The Merchant Shipping (Registration) (Bailiwick of Guernsey) Law, 1987”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 8th day of April 1987 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 22nd day of April 1987 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 4. That the said Bill or

“Projet de Loi” is as 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 (Registration) (Bailiwick of Guernsey) Law, 1987”, and to order that the same shall have 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, and 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.

G. I. de Deney.

PROJET DE LOI

ENTITLED

The Merchant Shipping (Registration) (Bailiwick of Guernsey) Law, 1987

THE STATES, in pursuance of their Resolution of the 10th day of December, 1986, 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. (1) The Board may, subject to subsection (2) of this section, direct the registrar—

Refusal to
register and
removal
from
register.

- (a) to refuse to register any specified ship in respect of which an application for registration under Part I of the 1894 Act has been received;
- (b) to refuse to grant an application under section 53 of the 1894 Act for the transfer of the registration of any specified ship to which that Act applies to Guernsey from a port of registry outside Guernsey;
- (c) to remove any specified ship from the register, within such time as is specified in the direction;

and, subject to the provisions of this Law, the registrar shall comply with a direction of the Board under this section, notwithstanding the provisions of Part I of the 1894 Act relating to the registration of ships.

(2) The power of the Board to give a direction under this section is not exercisable in relation to any ship if the Board is satisfied—

- (a) that the ship has a clear economic connection with the Bailiwick; and
- (b) that, having regard to the safety of the ship and to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, it is not detrimental to the interests of the Bailiwick or to international merchant shipping for the ship to be registered in Guernsey.

Notices and
appeals.

2. (1) As soon as possible after giving a direction under section 1 of this Law, the Board shall serve a notice on the owner of the ship concerned, stating the fact of, and the reasons for, the direction and setting out the time within which an appeal may be instituted under this section.

(2) A person aggrieved by a direction given by the Board under section 1 of this Law may appeal to the Ordinary Court on the ground that the direction was ultra vires or was an unreasonable exercise of the powers of the Board.

(3) An appeal under this section shall be instituted—

- (a) within 21 days of the date of service of the notice referred to in subsection (1) of this section; and
- (b) by a summons served on the President of the Board, setting out the grounds and the material facts on which the appellant relies.

(4) A direction given under section 1(1)(c) of this Law shall be of no effect until the expiration of the period during which an appeal may be instituted under this section or, if such an appeal is instituted within that period, until the appeal is finally determined or withdrawn.

3. (1) The Board may by order—

Orders.

- (a) prescribe classes or descriptions of ships which, without prejudice to any other provision of this Law, the registrar shall refuse to register;
- (b) prescribe classes or descriptions of ships in relation to which, without prejudice to any other provision of this Law, the registrar shall refuse to grant an application for the transfer of a registration to Guernsey from a port of registry outside Guernsey;
- (c) prescribe classes or descriptions of ships which, without prejudice to any other provision of this Law, the registrar shall remove from the register at the expiration of such period, not being less than three months, as is specified in the order.

(2) An order under this section may be varied or revoked by a subsequent order under this section.

(3) An order under this section shall be laid before a meeting of the States of Guernsey as soon as may be after it is made; and if at that meeting or at the next meeting the States resolve that the order be annulled the order shall cease to have effect, but without prejudice to anything done under the order or to the making of a new order.

4. (1) A notice to be served under this Law shall be in writing and in such form as the Board may from time to time resolve. Form and service of notices.

(2) A notice to be served under this Law shall, without prejudice to any other valid method of service, be validly served—

- (a) on any person, if delivered to him, or if left or sent by registered post or by recorded delivery service addressed to him at his usual or last known place of abode;
- (b) on any body corporate if left at, or sent by registered post or by recorded delivery service to, its registered office if situate in the Bailiwick or, if its registered office is not so situate, its principal or last known principal place of business.

Consequential repeals.

5. In the event of any inconsistency between this Law and any other enactment, including Part I of the 1894 Act, relating to the registration of ships, the provisions of that enactment are repealed to the extent of any such inconsistency.

Interpretation.

6. (1) In this Law, unless the context otherwise requires,—

“the 1894 Act” means the Merchant Shipping Act, 1894 as that Act has effect in the Bailiwick;

“the Board” means the States of Guernsey Board of Administration;

“the Ordinary Court” means the Royal Court of Guernsey sitting as an Ordinary Court;

“the register” means the register book kept by the registrar under section 5 of the 1894 Act, and related expressions shall be construed accordingly;

“the registrar” means the registrar of British ships.

(2) The Interpretation (Guernsey) Law, 1948(a) applies to the interpretation of this Law throughout the Bailiwick.

(a) Ordres en Conseil Vol. XIII, p. 355.

7. This Law may be cited as the Merchant Ship- Citation.
ping (Registration) (Bailiwick of Guernsey) Law,
1987.

8. This Law, the Merchant Shipping (Guernsey) Collective
Laws, 1915 to 1970(b) and the Merchant Shipping title.
(Restriction on Employment of Aliens) (Bailiwick
of Guernsey) Law, 1984(c) may be cited together as
the Merchant Shipping (Bailiwick of Guernsey)
Laws, 1915 to 1987.

K. H. TOUGH,
Her Majesty's Greffier.

(b) Ordres en Conseil Vol. V, p. 189; Vol. XV, p. 472; Vol.
XXII, p. 404.

(c) Order in Council No. I of 1984.