

Island of



Guernsey

## Ordinance of the States

**IV**  
**2009**

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Made .....28th January, 2009

Coming into Operation .....1st February, 2009

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### **The Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2009**

## **The Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2009**

**THE STATES**, in exercise of the powers conferred on them by sections 289 and 297 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002<sup>a</sup> and all other powers enabling them in that behalf, hereby order:-

### **Commencement of Parts I, X and XI, and certain sections of Parts II, VI, XII and XIII of, and Schedules 1 and 4 to, the Law.**

1. Part I, Part II (save for section 17), sections 130 to 132, 138 to 188, Parts X and XI, and sections 264 to 266, 269, 272 to 283, 285 and 286 of, and Schedules 1 and 4 to, the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 ("**the Law**") shall come into force on 1<sup>st</sup> February 2009.

### **Commencement of certain repeals in Schedule 10 to the Law.**

2. Section 296 of the Law shall come into force on 1<sup>st</sup> February 2009 only to the extent necessary to give effect to paragraph 1 of Schedule 11, and to the repeal of certain provisions listed in Schedule 10, as set out in the following tables -

(a) Acts of Parliament listed in Part I of Schedule 10

<i>Act of Parliament</i>	<i>Extent of repeal to be commenced</i>
Merchant Shipping Act 1894 <sup>b</sup>	Part 1, sections 371, 373, 374, 487 - 491, 503(2), 724 - 727, 745, and First Schedule, Second Schedule and Third Schedule.

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<sup>a</sup> Order in Council No. VIII of 2004.

<sup>b</sup> An Act of Parliament (57 & 58 Vict. c. 60).

Merchant Shipping (Liability of Shipowners) Act 1900 <sup>c</sup>	Section 2(2).
Merchant Shipping Act 1906 <sup>d</sup>	Sections 50 – 55, 69, 75 and 80(1).
Merchant Shipping Act 1921 <sup>e</sup>	Sections 1(1), as it applies to the registration of ships, and 1(3).

## (b) Orders in Council listed in Part II of Schedule 10

<i>Order in Council</i>	<i>Extent of repeal to be commenced</i>
(i) Oil in Navigable Waters (Guernsey) Order 1966 <sup>f</sup>	The whole Order.
(j) Oil in Navigable Waters (Guernsey) Regulations 1966 <sup>g</sup>	The whole Order.
(m) Merchant Shipping (Oil Pollution) Act 1971 (Guernsey) Order 1981 <sup>h</sup>	The whole Order.
(n) Merchant Shipping Act 1974 (Guernsey) Order 1981 <sup>i</sup>	The whole Order.

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<sup>c</sup> An Act of Parliament (63 & 64 Vict. c. 32).

<sup>d</sup> An Act of Parliament (6 Edw.7 c. 48).

<sup>e</sup> An Act of Parliament (11 & 12 Geo. 5 c. 28).

<sup>f</sup> S.I. 1966/393 (see Ordres en Conseil Vol. XX, p. 202).

<sup>g</sup> S.I. 1966/425 (see Ordres en Conseil Vol. XX, p. 203).

<sup>h</sup> S.I. 1981/224 (see Ordres en Conseil Vol. XXVII, p. 266).

<sup>i</sup> S.I. 1981/225 (see Ordres en Conseil Vol. XXVII, p. 273).

(r) Merchant Shipping Act 1983 (Guernsey) Order 1983 <sup>j</sup>	The whole Order.
(s) Merchant Shipping Act 1965 (Guernsey) Order 1988 <sup>k</sup>	The whole Order.
(aa) Merchant Shipping Act 1988 (Guernsey) Order 1991 <sup>l</sup>	The whole Order.
(ac) Merchant Shipping (Oil Pollution and General Provisions) (Guernsey) Order 1998 <sup>m</sup>	The whole Order.

## (c) Guernsey Enactments listed in Part III of Schedule 10

<i>Guernsey Enactment</i>	<i>Extent of repeal to be commenced</i>
Merchant Shipping (Guernsey) Law, 1915 <sup>n</sup>	Section 25, and Parts II and IV of the Law.
Merchant Shipping (Guernsey) Law, 1957 <sup>o</sup>	The whole Law.
Merchant Shipping (Registration) (Bailiwick of Guernsey) Law, 1987 <sup>p</sup>	The whole Law.

<sup>j</sup> S.I. 1983/1701 (see Ordres en Conseil Vol. XXVIII, p. 337).

<sup>k</sup> S.I. 1988/1850 (see Ordres en Conseil Vol. XXXI, p. 98).

<sup>l</sup> S.I. 1991/2875 (registered on 20<sup>th</sup> January, 1992).

<sup>m</sup> S.I. 1998/260 (registered on 3<sup>rd</sup> March, 1998).

<sup>n</sup> Ordres en Conseil Vol. V, p. 189.

<sup>o</sup> Ordres en Conseil Vol. XVII, p. 210.

<sup>p</sup> Ordres en Conseil Vol. XXX, p.156.

Merchant Shipping (Registration) (Amendment) (Bailiwick of Guernsey) Law, 1989 <sup>q</sup>	The whole Law.
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**Extent.**

3. This Ordinance has effect throughout the Bailiwick of Guernsey.

**Savings.**

4. (1) For the avoidance of doubt, sections 1 and 2 do not affect –
- (a) any right, privilege, obligation or liability incurred under the provisions listed in the tables in section 2 ("**the section 2 provisions**"),
  - (b) any penalty, forfeiture or punishment incurred in respect of any offence under the section 2 provisions,
  - (c) any investigation or legal proceeding in respect of any such liability, penalty, forfeiture or punishment,

and any such investigation or legal proceeding may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Ordinance had not been made.

(2) Any person who before the date of the commencement of this Ordinance is charged with an offence under the section 2 provisions shall be proceeded against, tried and punished in respect of that offence as if this Ordinance

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<sup>q</sup> Ordres en Conseil Vol. XXXI, p. 557.

had not been made.

**Citation.**

5. This Ordinance may be cited as the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2009.

**Commencement.**

6. This Ordinance shall come into force on 1<sup>st</sup> February 2009.

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



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