

Island of  Alderney

Ordinance of the States XII  
2004

Made ..... 21st June 2004

Coming into force .....22nd July 2004

THE SECURITY OF SHIP AND PORT FACILITIES  
(ALDERNEY) ORDINANCE, 2004

THE STATES, in exercise of the powers conferred on them by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994(a) and all other powers enabling them in that behalf, and for the purpose of implementing Council Regulation (EC) No. 725/2004 of the 31st March, 2004, hereby order:--

1. (1) Subject to such adaptations, exceptions and modifications as may be contained in an Order made under subsection (2)(b), EC Regulation No. 725/2004 of 31st March, 2004, of the European Parliament and of the Council(b) on enhancing the security of ships used in international trade and domestic shipping and associated port facilities (the "Regulation") shall have full force and effect in Alderney and its territorial waters. **Application of the Regulation.**

(2) The Committee may by Order -

- (a) make such provision as it sees fit for the purposes of giving practical effect to the Regulation in Alderney and its territorial waters; and

(a) Order in Council No. III of 1994.

(b) Official Journal L 129, 29/04/2004, p.6.

- (b) make such adaptations, exceptions and modifications to the Regulation in its application under this Ordinance, as it sees fit, including (without limitation) adaptations, exceptions and modifications intended to give effect only to so much of the Regulation as may be necessary to give effect to and ensure Alderney's compliance with Chapter XI-2 of the Annex to the SOLAS Convention (including, for the avoidance of doubt, Parts A and B of the ISPS Code).

**Interpretation.**

2. (1) In this Ordinance, unless the context otherwise requires -

**"Alderney and its territorial waters"** means -

- (a) the Island of Alderney which, for the avoidance of doubt, includes its internal waters; and  
 (b) Alderney's territorial waters;

**"Committee"** means such committee of the States as the States may from time to time by resolution appoint to carry out any functions under this Law;

**"committee of the States"** means a committee of the States appointed under section 49(1) of the Government of Alderney Law 1987(c);

**"Community instrument"** has the meaning given by section 1(1) of the European Communities (Bailiwick of Guernsey) Law, 1973(d);

**"1994 Implementation Law"** means the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994;

**"instrument"** means any order, regulations, rules or other subsidiary legislative instrument;

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- (c) Orders en Conseil Vol. XXX, p. 37; Vol. XXXI, pp 83 and 306; No. XI of 1993; No. IX of 1995; No. IV of 1996; No. IV of 1998 and No. I of 2000.
- (d) Ordres en Conseil Vol. XXIV, p. 87; Vol. XXVII, p. 242; Vol. XXIX, pp. 127 and 419 and No. XXV of 2002; Ordinance No. XIX of 1994; No. XVII of 1998; No. XLVII of 2001, and No. XVIII of 2003.

**“ISPS Code”** means the International Code for the Security of Ships and of Port Facilities as adopted by the Conference of Contracting Governments to the SOLAS Convention;

**“Regulation”** has the meaning given by section 1;

**“the SOLAS Convention”** means the International Convention for the Safety of Life at Sea 1974**(e)** as amended in accordance with its Protocol of 1988**(f)**; and

**“States”** means the States of Alderney.

(2) Unless the context otherwise requires, expressions used in this Ordinance and any Order made under this Ordinance that are not defined in subsection (1) shall -

- (a) where they are defined in the 1994 Implementation Law, have the same meaning as in that Law;
- (b) where they are not defined in the 1994 Implementation Law and are defined in the Regulation, have the same meaning as in the Regulation; and
- (c) where they are not defined in the 1994 Implementation Law or the Regulation and are defined in the SOLAS Convention, have the same meaning as in the SOLAS Convention.

(3) Unless the context otherwise requires, a reference in this Ordinance or in any Order made under this Ordinance to -

- (a) an enactment;
- (b) an instrument;
- (c) a Community instrument (including, for the avoidance of doubt, the Regulation);
- (d) an Act of Parliament;
- (e) the SOLAS Convention; or
- (f) subordinate legislation made under any provision of an Act of Parliament,

is a reference thereto as from time to time amended,

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**(e)** Cmnd 7874.  
**(f)** Cmnd 4420.

re-enacted (with or without modification) extended or applied.

- 4) Unless the context otherwise requires -
- (a) a reference in this Ordinance to a numbered or lettered section, subsection, paragraph or clause is a reference to the section, subsection, paragraph or clause of this Ordinance which is so numbered or lettered; and
  - (b) a reference in a provision of this Ordinance to a numbered or lettered subsection, paragraph or clause is a reference to the Part subsection, paragraph or clause of that provision which is so numbered or lettered.

(5) The Interpretation (Guernsey) Law, 1948(g) shall apply to the interpretation of this Ordinance.

**Orders.**

3. (1) An Order made under section 1(2) -
- (a) may contain such provision as may appear to be necessary or expedient;
  - (b) may contain such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient, including (without limitation) -
    - (i) provision as to the creation and punishment of offences in respect of contraventions of the Order;
    - (ii) provision amending or modifying any provision of this Ordinance; and
    - (iii) provision relating to the designation or appointment of any person or body;
  - (c) may be amended or repealed by a subsequent Order hereunder.
- (2) Any power conferred by this Ordinance to make any Order may be exercised -
- (a) 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 cases;

(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 lesser provision (whether by way of exception or otherwise);

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes;

(iii) any such provision either unconditionally or subject to any prescribed conditions.

(3) Any Order made under this Ordinance shall be laid before a meeting of the States as soon as may be after being made and if at that meeting or the next subsequent 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. This Ordinance shall have effect in Alderney and its territorial waters. **Extent.**

5. This Ordinance may be cited as the Security of Ship and Port Facilities (Alderney) Ordinance, 2004. **Citation.**

**D.V. JENKINS**  
**Clerk of the States**