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**S T A T U T O R Y   I N S T R U M E N T S**

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**1975 No. 2185****MERCHANT SHIPPING****The Merchant Shipping (Oil Pollution) Act 1971  
(Guernsey) Order 1975**

<i>Made - - - -</i>	<i>19th December 1975</i>
<i>Laid before Parliament</i>	<i>6th January 1976</i>
<i>Coming into Operation</i>	<i>1st February 1976</i>

At the Court at Buckingham Palace, the 19th day of December 1975

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 18(1) of the Merchant Shipping (Oil Pollution) Act 1971(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Merchant Shipping (Oil Pollution) Act 1971 (Guernsey) Order 1975 and shall come into operation on 1st February 1976.

2.—(1) In this Order “Guernsey” means the Bailiwick of Guernsey and the territorial waters adjacent thereto.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. The Merchant Shipping (Oil Pollution) Act 1971 shall extend to Guernsey subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

*N. E. Leigh*

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(a) 1971 c. 59.

(b) 1889 c. 63.

## SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF THE  
MERCHANT SHIPPING (OIL POLLUTION) ACT 1971  
TO GUERNSEY

1. Unless the context otherwise requires, any reference to the Merchant Shipping (Oil Pollution) Act 1971 or to any other enactment shall be to that enactment as it has effect in Guernsey.
2. Unless the context otherwise requires, for any reference to the United Kingdom there shall be substituted a reference to Guernsey.
3. Section 1(5) shall be omitted.
4. In section 4(2) for paragraph (d) there shall be substituted the following paragraph:—

“(d) if the tonnage of the ship cannot be ascertained in accordance with the preceding paragraphs, the court may accept as evidence a certificate given at the court’s request by the Chief Ship Surveyor of the Department of Trade certifying what, on the evidence specified in the request, would in his opinion, be the tonnage of the ship if ascertained in accordance with those paragraphs and the tonnage stated in the certificate shall be taken to be the tonnage of the ship.”.
5. In section 4(4) the words “made by statutory instrument” shall be omitted.
6. In section 4(5) the words “(or in Scotland consigned in court)” shall be omitted.
7. In section 5(6) for the words “of any country outside the United Kingdom” there shall be substituted the words “outside Guernsey”.
8. In section 6—
  - (a) in paragraph (b) of subsection (1) the words “(or, in Scotland, expenses)” shall be omitted;
  - (b) subsection (2) shall be omitted.
9. In section 10(3) at the end of paragraph (b) there shall be inserted the words “or if that country is Jersey, by the Secretary of State.”.
10. In section 10(5) for the words following “by the master to” there shall be substituted the words “the Chief Revenue Officer as defined in the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law 1972 registered on the thirtieth day of January nineteen hundred and seventy-three”.
11. Section 10(9) shall be omitted.
12. Section 11(6) shall be omitted.
13. For section 12(5) there shall be substituted the following provision:—

“(5) The Third Parties (Rights against Insurers) (Guernsey) Law, 1936 shall not apply in relation to any contract of insurance to which such a certificate as is mentioned in section 10 of this Act relates.”.
- 14.—(1) For section 13(1) there shall be substituted the following provision:—

“(1) Paragraph (d) of section 1(1) of the Administration of Justice Act 1956 as applied to Guernsey by the Admiralty Jurisdiction (Guernsey) Order 1966 shall be construed as extending to any claim in respect of a liability incurred under this Act.”.

(2) For section 13(3) there shall be substituted the following provision:—

“(3) Part II of the Judgements (Reciprocal Enforcement) (Guernsey) Law 1957 registered on the sixth day of April, nineteen hundred and fifty-seven shall apply, whether or not it would so apply apart from this section, to any judgment given by a court in a Convention country to enforce a claim in respect of a liability incurred under any provision corresponding to section 1 of the Act; and in its application to such a judgment that Part shall have effect with the omission of subsections (2) and (3) of section 6 of that Law.”.

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15. In section 14(3) the words “or in Scotland the execution of diligence” shall be omitted.
16. Section 18 shall be omitted.
17. In section 20(1) for the definition of “the court” there shall be substituted the following definition:—
- “ (1) “the court” means—
- (i) as respects the Islands of Guernsey, Herm and Jethou, the Royal Court sitting as an Ordinary Court;
  - (ii) as respects the Island of Alderney, the Court of Alderney;
  - (iii) as respects the Island of Sark, the Court of the Seneschal of Sark:”.
18. In section 21(1) the words following “1971” where it first occurs shall be omitted.
19. For section 21(2) there shall be substituted the following provision:—
- “(2) This Act shall at any time be construed as one with such provisions of the Merchant Shipping Acts 1894 to 1970 as at that time have effect in Guernsey.”.
20. Section 21(3) and (4) shall be omitted.
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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order extends the Merchant Shipping (Oil Pollution) Act 1971 to the Bailiwick of Guernsey subject to specified exceptions, adaptations and modifications. The Act as extended is subject to the amendment contained in section 9 of the Merchant Shipping Act 1974 (c. 43) (extended to the Bailiwick of Guernsey by the Merchant Shipping Act 1974 (Guernsey) Order 1975 (S.I. 1975/2182)).

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