



Jersey

SHIPPING (AMENDMENT No. 2) (JERSEY) LAW 2009

Arrangement

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A LAW to amend further the Shipping (Jersey) Law 2002.

Adopted by the States

16th July 2008

Sanctioned by Order of Her Majesty in Council

10th December 2008

Registered by the Royal Court

2nd January 2009

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law, “the principal Law” means the Shipping (Jersey) Law 2002¹.

2 Article 117 amended

In Article 117 of the principal Law, in paragraphs (1)(a) and (b), “on behalf of Jersey” is deleted.

3 Article 119 amended

In Article 119 of the principal Law, in paragraphs (4)(a) and (b), “on behalf of Jersey” is deleted.

4 Schedule 6 amended

(1) In Schedule 6 of the principal Law, in Part 1 –

- (a) in the heading, for “CONVENTION” there is substituted “EXTRACT FROM CONVENTION AS MODIFIED BY THE PROTOCOL OF 1996”;

- (b) in Article 3, for paragraph (a) there is substituted the following paragraph –
- “(a) claims for salvage, including, if applicable, any claim for special compensation under Article 14 of the International Convention on Salvage 1989, as amended, or contribution in general average;”;
- (c) in Article 6, for paragraph 1 there is substituted the following paragraph –
- “1. The limits of liability for claims other than those mentioned in Article 7, arising on any distinct occasion, shall be calculated as follows:
- (a) in respect of claims for loss of life or personal injury,
- (i) 2 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,
- (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):
- for each ton from 2,001 to 30,000 tons, 800 Units of Account;
- for each ton from 30,001 to 70,000 tons, 600 Units of Account; and
- for each ton in excess of 70,000 tons, 400 Units of Account,
- (b) in respect of any other claims,
- (i) 1 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,
- (ii) for a ship with a tonnage in excess thereof the following amount in addition to that mentioned in (i):
- for each ton from 2,001 to 30,000 tons, 400 Units of Account;
- for each ton from 30,001 to 70,000 tons, 300 Units of Account; and
- for each ton in excess of 70,000 tons, 200 Units of Account.”;
- (d) in Article 7, for paragraph 1 there is substituted the following paragraph –
- “1. In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner thereof shall be an amount of 175,000 Units of Account multiplied by the number of passengers which the ship is authorised to carry according to the ship's certificate.”;
- (e) in Article 15 –
- (i) the existing text is numbered 1, and
- (ii) at the end there is added the following paragraphs –
2. A State Party may regulate by specific provisions of national law the system of limitation of liability to be applied to vessels which are:

- (a) according to the law of that State, ships intended for navigation on inland waterways;
- (b) ships of less than 300 tons.

A State Party which makes use of the option provided for in this paragraph shall inform the depositary of the limits of liability adopted in its national legislation or of the fact that there are none.

3bis. Notwithstanding the limit of liability prescribed in paragraph 1 of article 7, a State Party may regulate by specific provisions of national law the system of liability to be applied to claims for loss of life or personal injury to passengers of a ship, provided that the limit of liability is not lower than that prescribed in paragraph 1 of article 7. A State Party which makes use of the option provided for in this paragraph shall inform the Secretary-General of the limits of liability adopted or of the fact that there are none.”;

- (f) before Part 2, there is inserted the following Chapter –

“CHAPTER V

FINAL CLAUSES

ARTICLE 18

Reservations

1. Any State may, at the time of signature, ratification, acceptance, approval or accession, or at any time thereafter, reserve the right:
 - (a) to exclude the application of article 2, paragraphs 1(d) and (e);
 - (b) to exclude claims for damage within the meaning of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 or of any amendment or Protocol thereto.

No other reservations shall be admissible to the substantive provisions of this Convention.”.

- (2) In Schedule 6 of the principal Law, in Part 2 –
 - (a) in paragraph 2, after “paragraph 6” there is inserted “below”;
 - (b) in paragraph 3 –
 - (i) sub-paragraph (1) is deleted,
 - (ii) for “(2) Paragraph” there is substituted “Paragraph”.

5 Citation

This Law may be cited as the Shipping (Amendment No. 2) (Jersey) Law 2009.

6 Commencement

- (1) Except as provided by paragraph (2), this Law shall come into force 7 days after it is registered.
- (2) Article 4 shall come into force on the day the 1996 Protocol to the International Convention on Limitation of Liability for Maritime Claims, 1976 enters into force in respect of Jersey.

M.N. DE LA HAYE

Greffier of the States

¹ *chapter 19.885*