



Jersey

R&O – 25/2004

SHIPPING (DISTRESS SIGNALS AND PREVENTION OF COLLISIONS) (JERSEY) ORDER 2004

Made

14th April 2004

Coming into force

in accordance with Article 2(2)

THE HARBOURS AND AIRPORT COMMITTEE, in pursuance of Articles 29, 49 and 196 of the Shipping (Jersey) Law 2002¹ and Regulation 2 of the Shipping (SOLAS) (Jersey) Regulations 2004,² orders as follows –

1 U.K. Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 to apply in Jersey

- (1) The Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 of the United Kingdom, as from time to time in force in the United Kingdom, shall apply to Jersey as part of the law of Jersey.
- (2) They shall apply as if –
 - (a) in regulation 1(1) “and, subject to paragraph (2) below, shall come into force on 1st May 1996” were omitted;
 - (b) paragraphs (2), (4) and (8) of regulation 1 were omitted;
 - (c) in regulation 1(5) for “the United Kingdom” there were substituted “Jersey”;
 - (d) for paragraph (1) of regulation 2 there were substituted the following paragraph –
 - “(1) These Regulations apply to the following vessels –
 - (a) Jersey ships wherever they may be, and other ships while within Jersey territorial waters; and
 - (b) seaplanes on the surface of water in Jersey or the territorial waters thereof.”;
 - (e) in regulation 5 for “Secretary of State” there were substituted “Harbour Master”;

(f) for paragraph (1) of regulation 6 there were substituted the following paragraph –

“(1) Where any of these Regulations is contravened, the owner of the vessel, the master and any person for the time being responsible for the conduct of the vessel shall each be guilty of an offence punishable by a fine.”;

(g) for regulation 7 there were substituted the following regulation –

“7. In any case where a ship does not comply with the requirements of these Regulations, the ship shall be liable to be detained and Article 177 of the Shipping (Jersey) Law 2002³ (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that as if for the words ‘this Law’ wherever they appear, there were substituted ‘the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 of the United Kingdom as they apply to Jersey’.”.

2 Citation and commencement

- (1) This Order may be cited as the Shipping (Distress Signals and Prevention of Collisions) (Jersey) Order 2004.
- (2) It shall come into force on the same day as the Shipping (Jersey) Law 2002.

M.N. DE LA HAYE

Greffier of the States.

THE TEXT OF THE MERCHANT SHIPPING (DISTRESS SIGNALS AND PREVENTION OF COLLISIONS) REGULATIONS 1996, AS IN FORCE IN THE UNITED KINGDOM AT THE DATE OF THIS ORDER, AS MODIFIED BY THIS ORDER IS SET OUT BELOW FOR INFORMATION ONLY AND DOES NOT FORM PART OF THE ORDER

Citation, commencement, interpretation and revocation

1.-(1) These Regulations may be cited as the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 * * *

(2) * * * * *

(3) In these Regulations –

“the Hydrographer of the Navy” means the person for the time being appointed to that office by the Admiralty Board;

“the International Regulations” means the International Regulations for Preventing Collisions at Sea 1972 as amended by –

(a) Resolutions A464(XII), A626(15), A678(16) and A736(18) of the Organisation; and

(b) any further Resolutions of the Organisation which the Secretary of State notifies by Merchant Shipping Notice that he considers relevant from time to time;

“Merchant Shipping Notice” means a Notice described as such and issued by the Maritime and Coastguard Agency;

“mile” means a nautical mile of 1,852 metres;

“Notice to Mariners” means an Admiralty Notice to Mariners published by the Hydrographer of the Navy;

“the Organisation” means the International Maritime Organization.

(4) * * * * *

(5) In the International Regulations –

“date of entry into force of these Regulations” in Rule 38 (exemptions) means, in the case of a vessel registered outside [Jersey], the date of entry into force of the International Regulations for the State whose flag the vessel is entitled to fly; “high speed craft” means a craft capable of a maximum speed in metres per second (m/s) equal to or exceeding: $3.7 \nabla^{0.1667}$ where ∇ = volume of displacement corresponding to the design waterline (m³), excluding craft the hull of which is supported clear above the water surface in non displacement mode by aerodynamic forces generated by ground effect.

(6) The diagram mentioned in paragraph 7 of Annex 1 to the International Regulations is the diagram specified in the Chromaticity Chart (1975) published by the International Illumination Commission (CIE).

(7) The reference to the International Code of Signals in paragraph 3 of Annex IV to the International Regulations is a reference to the International Code of Signals (1985) published by the Organisation, and

the reference to the Merchant Ship Search and Rescue Manual in that paragraph is a reference to the manual of that name published in 1986 by the Organisation; and such references include reference to any document amending either of those publications which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

(8) * * * * *

Application

2.-(1) These Regulations apply to the following vessels –

- (a) Jersey ships wherever they may be, and other ships while within Jersey territorial waters; and
- (b) seaplanes on the surface of water in Jersey or the territorial waters thereof.]

(2) In this regulation “ships” include hovercraft.

Signals of distress

3.-(1) The signals of distress which shall be used by vessels to which regulation 2(1)(a) of these Regulations apply are those set out in Annex IV to the International Regulations.

(2) No signal of distress shall be used by any vessel unless the master of the vessel so orders.

(3) The master shall not order any signal of distress to be used by his vessel unless he is satisfied –

- (a) that his vessel is in serious and imminent danger, or that another ship or an aircraft or person is in serious and imminent danger and cannot send that signal; and
- (b) that the vessel in danger (whether his own vessel or another vessel) or the aircraft or person in danger, as the case may be, requires immediate assistance in addition to any assistance then available.

(4) The master of a vessel which has sent any signal of distress by means of radio or other means shall cause that signal to be revoked by all appropriate means as soon as he is satisfied that the vessel or aircraft to which or the person to whom the signal relates is no longer in need of assistance as aforesaid.

Prevention of collision

4.-(1) Subject to paragraph (2) below, vessels to which these Regulations apply shall comply with the provisions of Rules 1 to 36 of and Annexes I to III to the International Regulations.

(2) Nothing in these Regulations shall be taken to require compliance by any vessel or class of vessels, which by virtue of Rule 38 of the International Regulations may be exempted from compliance therewith, with any of the provisions of the said Regulations specified in paragraphs (a) to (h)

inclusive of that Rule, at any time when, by virtue of that Rule, that vessel or class of vessels may be exempted from that provision.

Exemptions

5. The [Harbour Master] may exempt any ship or description of ships from all or any of the provisions of these Regulations which relate to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances if he is satisfied that compliance with such provision is either impractical or unreasonable in the case of that ship or description of ships in such terms (if any) as he may specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Penalties

- 6.-[(1) Where any of these Regulations is contravened, the owner of the vessel, the master and any person for the time being responsible for the conduct of the vessel shall each be guilty of an offence punishable by a fine.]
- (2) It shall be a defence for any person charged under these Regulations to show that he took all reasonable precautions to avoid the commission of the offence.

Power to detain

- [7. In any case where a ship does not comply with the requirements of these Regulations, the ship shall be liable to be detained and Article 177 of the Shipping (Jersey) Law 2002 (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that as if for the words “this Law” wherever they appear, there were substituted “the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 of the United Kingdom as they apply to Jersey”.]

Signed by authority of the Secretary of State for Transport

Steven Norris

Parliamentary Under-Secretary of State, Department of Transport

16th January 1996

¹ *Recueil des Lois, Volume 2002, pages 846, 864 and 1021 and No. 9/2004.*

² *No. 9/2004.*

³ *Recueil des Lois, Volume 2002, page 1004.*