



Jersey

SHIPPING (REGISTRATION) (AMENDMENT) (JERSEY) REGULATIONS 2011

Arrangement

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Made

13th July 2011

Coming into force

13th October 2011

THE STATES, in pursuance of Articles 12, 13 and 196 of the Shipping (Jersey) Law 2002¹, have made the following Regulations –

1 Interpretation

In these Regulations, “principal Regulations” means the Shipping (Registration) (Jersey) Regulations 2004².

2 Regulation 4 amended

In Regulation 4 of the principal Regulations –

(a) in paragraph (8) for the word “Article” there shall be substituted the word “Regulation”; and

(b) after paragraph (8), there shall be added the following paragraph –

“(9) Where –

(a) a ship has more than one owner or the shares in which are owned by more than one owner; and

(b) a representative person has not been appointed under this Regulation,

one of the owners of the ship, being a person resident in Jersey, must be nominated by the owners as its managing owner.”.

3 Regulation 5 amended

In Regulation 5 of the principal Regulations for paragraphs (3), (4) and (5) there shall be substituted the following paragraphs –

“(3) The Registrar may register a fishing vessel even though it is owned by an individual who is not, or individuals some or all of whom are not, ordinarily resident in Jersey if the Minister advises the

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- Registrar that the Minister considers it appropriate to do so, having regard to –
- (a) the length of time that any of the owners have resided in Jersey; and
 - (b) their involvement in the fishing industry in Jersey.
- (4) The Registrar may register a fishing vessel even though an interest in it is owned by a body corporate that is not incorporated in Jersey, or bodies corporate that are not registered in Jersey, if the Minister advises the Registrar that the Minister considers it appropriate to do so, having regard to –
- (a) the length of time the individual or individuals who have a controlling interest in the body or bodies have resided in Jersey; and
 - (b) their involvement in the fishing industry in Jersey.
- (5) Despite paragraphs (1), (3) and (4) the Registrar shall not register a fishing vessel unless –
- (a) an individual has been appointed managing owner of the fishing vessel; and
 - (b) the Registrar is satisfied that –
 - (i) the individual so appointed is authorized by the other owners to control the operation of the fishing vessel, and
 - (ii) the control of the operation of the fishing vessel by that individual will be carried out from within Jersey.
- (6) The individual who is appointed as the managing owner of a fishing vessel under this Regulation must be ordinarily resident in Jersey and –
- (a) where the fishing vessel is owned by one individual, must be that individual;
 - (b) where the fishing vessel is owned by more than one individual, must be one of those individuals, who must be nominated by the other owners;
 - (c) where the fishing vessel is owned by a body corporate, must be a director, manager or similar officer of that body corporate, who must be nominated by the owner;
 - (d) where the fishing vessel is owned by more than one body corporate, must be a director, manager or similar officer of one of the bodies corporate that owns the fishing vessel, who must be nominated by the other owners; and
 - (e) where the fishing vessel is owned by an individual or individuals jointly with one or more bodies corporate, must be one individual owner or one director, manager or similar officer of one of the bodies corporate that owns the fishing vessel, who must be nominated by the other owners.
- (7) Where the individual appointed under paragraph (6)(c), (d) or (e) is a director, manager or similar officer of a body corporate, nothing
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in this Regulation implies that legal or beneficial title in the fishing vessel must be, or must be treated as being, vested in that individual.”.

4 Regulation 6 amended

In Regulation 6(1) of the principal Regulations the words “, or Regulation 5(4)” shall be deleted.

5 Regulation 11 amended

In Regulation 11 of the principal Regulations –

(a) for paragraph (1) there shall be substituted the following paragraph –

“(1) This Regulation applies where a managing owner has been appointed under Regulation 4 or 5.”; and

(b) paragraph (2) shall be deleted.

6 Regulation 22 amended

In Regulation 22 of the principal Regulations –

(a) for paragraph (1)(b) there shall be substituted the following subparagraph –

“(b) in respect of a fishing vessel –

(i) there is a change in the legal or beneficial title of the vessel or any share in the vessel,

(ii) there is a change of managing owner of the vessel,

(iii) the control of the operation of the fishing vessel ceases to be carried out by the managing owner from within Jersey, or

(iv) the managing owner ceases to be an individual who satisfies the requirements of Regulation 5(6).”;

(b) for paragraph (2) there shall be substituted the following paragraph –

“(2) The registered owner of the ship (or where there is more than one owner, the registered owners of the ship) shall notify the Registrar of any event mentioned in paragraph (1) within 28 days of the event occurring.”.

7 Regulation 23 amended

In Regulation 23(1)(j) for the word “Article” in both places where it appears there shall be substituted the word “Regulation”.

8 Transitional provision

Where a fishing vessel was registered under the principal Regulations immediately before the coming into force of these Regulations, these Regulations shall not have effect in respect of that fishing vessel until the earlier of –

- (a) the date which is 5 years after the commencement of the current registration of the vessel;
- (b) the date of any change in the ownership of the vessel; or
- (c) the date of cancellation of the vessel's current registration.

9 Citation and commencement

These Regulations may be cited as the Shipping (Registration) (Amendment) (Jersey) Regulations 2011 and come into force 3 months after they are made.

A.H. HARRIS

Deputy Greffier of the States

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- ¹ *chapter 19.885*
² *chapter 19.885.70*