



Jersey

**SHIPPING (REGISTRATION) (JERSEY)
REGULATIONS 2004**

Revised Edition

19.885.70

Showing the law as at 1 January 2006

This is a revised edition of the law



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SHIPPING (REGISTRATION) (JERSEY) REGULATIONS 2004

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Jersey

SHIPPING (REGISTRATION) (JERSEY) REGULATIONS 2004¹

THE STATES, in pursuance of Article 13 of the Shipping (Jersey) Law 2002,² have made the following Regulations –

Commencement [[see endnotes](#)]

PART 1 GENERAL

1 Interpretation

In these Regulations unless the context otherwise requires –

“appropriately attested” means attested in a manner approved by the Registrar;

“bareboat charter ship” means a ship to which Article 20 of the Law applies;

“builder’s certificate”, in respect of a ship, means a certificate signed by the builder of the ship that contains –

- (a) a true account of the proper denomination of the ship;
- (b) the tonnage of the ship, as estimated by the builder;
- (c) details of the date and place where it was built; and
- (d) the name of the person, if any, for whom the ship was built, or the name of the person to whom it was delivered;

“certificate of registry” means a certificate of registration issued in respect of a ship registered under the Law;

“declaration of eligibility” means a declaration that complies with Regulation 7(4);

“full registration”, in respect of a fishing vessel, means registration on an application to which Regulation 7(12)(a) applies;

“Law” means the Shipping (Jersey) Law 2002;³

“official number”, in respect of a ship, means the number allocated to the ship in accordance with Regulation 14(1)(a);

“pleasure vessel” has the same meaning as in the Shipping (Tonnage) (Jersey) Regulations 2004;⁴

“port number”, in respect of a fishing vessel, means the number allocated to the vessel in accordance with Regulation 14(1)(b);

“registered” includes provisionally registered;

“registered ship” means a ship registered under the Law in accordance with these Regulations;

“representative person”, in relation to a ship, means a person appointed in respect of the ship in accordance with Regulation 6;

“ship” means a fishing vessel or a ship, other than a fishing vessel, with a gross tonnage of less than 400 tons;

“simple registration”, in respect of a fishing vessel, means registration on an application to which Regulation 7(12)(b) applies.

2 Application

These Regulations do not apply to the part of the register mentioned in Regulation 3(1)(a) nor to small ships registered in that part.

PART 2

THE REGISTER

3 The register

- (1) The register shall contain –
 - (a) a part in which small ships registered in accordance with the Shipping (Local Small Ships Registration) Regulations 2004⁵ shall be registered;
 - (b) a part in which small ships registered in accordance with these Regulations shall be registered; and
 - (c) a part in which fishing vessels registered in accordance with these Regulations shall be registered,

and may contain such other parts as the Registrar determines to be necessary to distinguish between classes or descriptions of registered ships.

- (2) The register shall be kept in such form as the Minister may determine.
- (3) The Registrar must make an entry in the register in respect of a ship in the following way –
 - (a) the property in the ship must be divided into 64 shares;

- (b) at any one time not more than 64 people are to be registered as the owners of the ship;
 - (c) a person must not be registered as the owner of part of a share in the ship.
- (4) Despite paragraph (3), the Registrar may register not more than 5 people as the joint owners of the ship or of a share or shares in it.
- (5) Where paragraph (4) applies –
 - (a) the joint owners are to be taken to constitute one person for the purpose of paragraph (3); and
 - (b) none of the joint owners shall be entitled to dispose in severalty of his or her interest.
- (6) The Registrar may amend an entry in the register –
 - (a) if satisfied that the entry is incorrect; or
 - (b) to correct a clerical error,and may issue a new certificate of registry after doing so.
- (7) The Registrar must if requested by a person to do so provide the person with a transcript of an entry in the register certified by the Registrar.
- (8) The Registrar must not register a ship more than once in the register.
- (9) The Registrar must not enter details of a trust in the register, whether the trust is expressed, implied or constructive.

PART 3

ENTITLEMENT FOR REGISTRATION

4 Entitlement – other than fishing vessels

- (1) This Regulation applies to a ship that is not a fishing vessel.
- (2) Each of the following persons is entitled to be registered as an owner of a ship or a share in a ship –
 - (a) an individual ordinarily resident in Jersey;
 - (b) an individual carrying on business in Jersey;
 - (c) a body corporate incorporated in a British Island, in a British Overseas Territory, in a member state of the British Commonwealth of Nations or in a member state of the European Community;
 - (d) a body corporate carrying on business in Jersey;
 - (e) a Minister of the States of Jersey;
 - (f) a British citizen;
 - (g) a British Overseas Territory citizen;
 - (h) an individual who under the British Nationality Act 1981 is a British subject;

- (i) a British National (Overseas) within the meaning of that Act;
 - (j) a British protected person within the meaning of that Act;
 - (k) an individual who under the Hong Kong (British Nationality) Order is a British National (Overseas);
 - (l) an individual not otherwise mentioned in this paragraph who is a citizen of a member state of the British Commonwealth of Nations;
 - (m) an individual not otherwise mentioned in this paragraph who is a citizen of a member state of the European Community;
 - (n) a corporation sole established by an enactment.
- (3) Despite paragraph (2) a person not mentioned in that paragraph may be registered as an owner of a ship or a share in a ship if a majority interest in the ship is owned by a person or persons mentioned in that paragraph.
- (4) In this Regulation one or more persons are to be taken as owning a majority interest in a ship if the legal title to at least 33 shares in the ship is vested in that person or in those persons.
- (5) If a majority interest in a ship is owned by a body corporate or bodies corporate entitled under paragraph (2)(c) the Registrar shall not register the ship unless –
- (a) the body corporate or bodies corporate have a place of business in Jersey; or
 - (b) if that condition is not satisfied, a representative person is appointed in relation to the ship.
- (6) If a majority interest in a ship is owned by an individual or individuals entitled under paragraph (2) the Registrar shall not register the ship unless –
- (a) the individual or individuals are resident in Jersey or have a place of business in Jersey; or
 - (b) if that condition is not satisfied, a representative person is appointed in relation to the ship.
- (7) Where a ship is a bareboat charter ship the Registrar shall not register the ship unless –
- (a) the charterer is resident or has a place of business in Jersey; or
 - (b) if that condition is not satisfied, a representative person is appointed in relation of the ship.
- (8) Where paragraph (7)(b) applies Article 6 shall apply as if the charterer were the owner of the ship.

5 Entitlement in respect of fishing vessels

- (1) Each of the following persons is entitled to be registered as an owner of a fishing vessel or a share in such a vessel –
- (a) an individual ordinarily resident in Jersey;
 - (b) a body corporate incorporated in Jersey;
 - (c) a Minister of the States of Jersey;

-
- (d) a corporation sole established by an enactment.
 - (2) In general the Registrar shall not register a fishing vessel unless both the legal and beneficial titles of the vessel are vested wholly in one or more persons mentioned in paragraph (1).
 - (3) However the Registrar may register a fishing vessel even though its owner or owners or some of them are not individuals mentioned in paragraph (1) if the Minister advises the Registrar that the Minister considers it is appropriate to do so having regard to –
 - (a) the time the individual or individuals have resided in Jersey; and
 - (b) their involvement in the fishing industry of Jersey.
 - (4) Despite paragraph (3), if the majority interest in a ship is owned by an individual or individuals entitled under that paragraph the Registrar shall not register the ship unless –
 - (a) the individual or individuals are resident in Jersey or have a place of business in Jersey; or
 - (b) if that condition is not satisfied, a representative person is appointed in relation to the ship.
 - (5) Despite paragraphs (1) and (3), the Registrar shall not register a fishing vessel unless –
 - (a) it is managed from within Jersey;
 - (b) its operations are controlled and directed from within Jersey; and
 - (c) any charterer, manager or operator of the vessel is a person mentioned in paragraph (1) or (3).

6 Appointment of representative persons

- (1) This Regulation applies if, in accordance with Regulation 4(5), (6) or (7), or Regulation 5(4) the entitlement of a ship to be registered is conditional upon a representative person being appointed in respect of the ship.
- (2) The owner of the ship shall –
 - (a) before applying for the ship to be registered, appoint to be its representative person an individual or a body corporate that satisfies a requirement in paragraph (3); and
 - (b) ensure that, so long as the ship remains registered and is a ship to which this Regulation applies, an individual or a body corporate that satisfies that requirement continues to be so appointed.
- (3) A person to be appointed a representative person must be –
 - (a) an individual resident in Jersey; or
 - (b) a body corporate that has a place of business in Jersey.
- (4) The appointment of a representative person must be made on a form approved by the Registrar.

- (5) The owner of a ship in relation to which a representative person is to be appointed must send the form of appointment to the Registrar on applying for the ship to be registered.
- (6) The owner of a registered ship in relation to which a representative person has been appointed must, within 7 days, notify the Registrar of any change in the representative person or the address of such a person.
- (7) The notification must be accompanied by the prescribed fee.
- (8) The Registrar shall record the change in the register.
- (9) Where a representative person has been appointed in respect of a ship paragraph (10) applies to a document that by or under the Law is required to be or may be served on the owner of the ship.
- (10) For the purposes of the Law the document is duly served on the owner if it is –
 - (a) delivered to the representative person;
 - (b) sent to the address of the representative person as recorded in the register; or
 - (c) left at that address.
- (11) An owner of a registered ship who fails to comply with paragraph (6) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.

PART 4

REGISTRATION

7 Application for registration

- (1) An application for the registration of a ship must –
 - (a) be made to the Registrar on a form approved for the purpose by the Registrar; and
 - (b) be accompanied by the prescribed fee.
- (2) The application must be made –
 - (a) if the owner is an individual, by the individual;
 - (b) if the owner is a body corporate, by a duly authorized officer of the body corporate;
 - (c) if the owner is a Minister of the States of Jersey, by the Minister;
 - (d) if the owner is a corporation sole, by the person who constitutes that corporation; or
 - (e) by an agent acting on behalf of the owner.
- (3) The application must be accompanied by a declaration of eligibility.
- (4) The declaration must be in a form approved by the Registrar.
- (5) It must include –

- (a) a declaration of ownership by each owner setting out the owner's entitlement, if any, to own a ship registered under the Law;
 - (b) a statement of the number of shares in the ship each owner of a legal title in the ship owns, whether alone or jointly with any other person or persons; and
 - (c) in respect of an application to register a fishing vessel, a statement of the beneficial ownership of any share that is not beneficially owned by its legal owner.
- (6) An application to register a ship owned by a body corporate must be accompanied by –
 - (a) proof of the incorporation of the body corporate and that it continues to be incorporated at the time of the application; and
 - (b) details of the officers of the body corporate authorized to act on its behalf on the registration of the ship.
- (7) An application for the registration of a ship that immediately prior to the application was registered on another register must be accompanied by a certified extract from that register in respect of that ship.
- (8) An application for the registration of a bareboat charter ship must be accompanied by –
 - (a) a copy of the charter-party showing the name of the ship, the name of the charterer or charterers, the name of the owner or owners of the ship, the date of the charter-party and the duration of the charter-party; and
 - (b) the certificate of registry or other document issued by the authority responsible for the registration of ships in the ship's country of primary registration showing the ownership of the ship.
- (9) If a ship is registered as a bareboat charter ship the Registrar must, as soon as practicable after registration, notify the responsible authority for the registration of ships in the ship's country of primary registration that the ship has been so registered under the Law.
- (10) An application to register a ship as a fishing vessel must be accompanied by –
 - (a) details of the maximum continuous engine power, determined in accordance with Article 5 of Council Regulation (EEC) No. 2930/86; and
 - (b) where an engine is permanently de-rated, the modification explanation.
- (11) If the Registrar is not satisfied that the engine power details notified to the Registrar, or recorded, for any fishing vessel are correct, the Registrar may require the owner to have the engine power measured in accordance with Article 5 of Council Regulation (EEC) No. 2930/86 and to notify the details to the Registrar.
- (12) An application to register a ship as a fishing vessel must state whether the application is for –

- (a) full registration, when the provisions of Schedule 1 of the Law relating to transfers by bill of sale and the registration of mortgages shall apply to the vessel; or
 - (b) simple registration, when those provisions shall not apply.
- (13) A fishing vessel which has been registered with full registration shall not subsequently be registered with simple registration unless –
- (a) it is not subject to a registered mortgage;
 - (b) the vessel has in the meantime been registered outside Jersey; and
 - (c) the Registrar consents.
- (14) In this Regulation “beneficial ownership”, in respect of a fishing vessel, shall be determined by reference to every beneficial interest in the vessel, however arising (whether held by a trustee or a nominee or arising under a contract or otherwise), other than an interest held by a person as a mortgagee.

8 Provisional registration

- (1) If a ship is outside Jersey when application is made to register it the Registrar may provisionally register it or make arrangements for it to be provisionally registered.
- (2) In which case if the Registrar is satisfied that the ship is eligible for registration the Registrar may –
- (a) register the ship provisionally; and
 - (b) issue or cause to be issued a certificate of provisional registration to the owner of the ship.
- (3) For the period of its validity a certificate of provisional registration has the same effect as that of a certificate of registry.
- (4) A provisional registration of a ship is valid until the first of the following happens –
- (a) 3 months elapse from the grant of provisional registration;
 - (b) the ship arrives in Jersey;
 - (c) the registration is cancelled by the Registrar on the request of the owner;
 - (d) the ship is given full registration; or
 - (e) in the case of a provisionally registered fishing vessel, the vessel is used to fish for profit.

9 Declaration of intent

- (1) This Regulation applies if the ownership of a ship has not passed (or fully passed) to the person making the application when an application to register the ship is made.
- (2) The application must be accompanied by a declaration of intent instead of a declaration of eligibility.

- (3) The declaration must consist of a draft declaration of eligibility setting out particulars of ownership of the ship as they are intended to be when the ship is registered.
- (4) The Registrar must not complete the registration of the ship until a duly completed declaration of eligibility has been submitted to the Registrar.

10 Evidence of title on first registration

- (1) This Regulation applies on the first registration of a ship under the Law other than a fishing vessel to be registered with simple registration.
- (2) In the case of a new ship the application must be accompanied by the builder's certificate.
- (3) In the case of pleasure vessel that is not new the application must be accompanied by a bill or bills of sale that show the ownership of the vessel –
 - (a) for the 5 years immediately before the application; or
 - (b) if the vessel was first registered elsewhere within that period, for the period since that registration.
- (4) In the case of fishing vessel that is not new the application must be accompanied by a bill or bills of sale that show the ownership of the vessel –
 - (a) for the 3 years immediately before the application; or
 - (b) if the vessel was first registered elsewhere within that period, for the period since that registration.
- (5) In the case of any other ship the application must be accompanied by one bill of sale that shows the most recent transfer of the ownership of the ship.
- (6) The Registrar may accept other evidence of title if the evidence required by paragraph (2), (3) (4) or (5) is not available.

11 Appointment of managing owner

- (1) This Regulation applies to an application to register a ship –
 - (a) that has more than one owner; or
 - (b) the shares in which are owned by more than one owner,but does not apply to a ship in respect of which a representative person has been appointed.
- (2) One of the owners of the ship, being a person resident in Jersey, must be nominated by the other owners as its managing owner.
- (3) The Registrar shall indicate in the register who is the managing owner and shall correspond with all the owners of the ship through the address recorded in the register in respect of that owner.

- (4) The Registrar must amend the register accordingly if the owners subsequently inform the Registrar that a different managing owner has been nominated.
- (5) Where a managing owner has been appointed in respect of a ship paragraph (6) applies to a document that by or under the Law is required to be or may be served on the owners of the ship.
- (6) For the purposes of the Law the document is duly served on all the owners if it is –
 - (a) delivered to the managing owner;
 - (b) sent to the address of the managing owner as recorded in the register; or
 - (c) left at that address.

12 Measurement of ship

The Registrar must not register a ship unless –

- (a) it has been measured in accordance with the Shipping (Tonnage) (Jersey) Regulations 2004; and
- (b) a certificate issued by the Certifying Authority, surveyor or authorized measurer in accordance with those Regulations in respect of the ship has been delivered to the Registrar.

13 Names of ship

- (1) An application for the registration of a ship must include a proposed name for the ship that uses Roman letters with any numerals being in Roman or European numerals.
- (2) The proposed name must not be a name that –
 - (a) is already the name of a registered ship;
 - (b) is so similar to that of a registered ship as may cause confusion;
 - (c) may be confused with a distress signal;
 - (d) has a pre-fix or suffix that could be taken to indicate a type of ship; or
 - (e) has a pre-fix or suffix that might cause confusion as to the name of the ship.
- (3) The proposed name must not be a name that –
 - (a) is likely to cause offence or embarrassment; or
 - (b) has a clear and direct connection with the Royal family.
- (4) The Registrar must give the applicant written notice if a proposed name is approved or not approved, stating, if it is not approved, the grounds for the Registrar not approving it.
- (5) The Registrar's approval of a name for a ship is initially valid for 12 months from the time notice is given under paragraph (4) but may be extended or further extended by the Registrar on the written request of the applicant.

- (6) The name of a registered ship cannot be changed except with the written approval of the Registrar.

14 Allocation of official number and port number

- (1) The Registrar shall after the receipt of an application for the first registration of a ship and being satisfied that the ship is eligible to be registered allocate to the ship –
 - (a) a register number; and
 - (b) in the case of a fishing vessel, also a port number, being a number preceded by the letter J.
- (2) The Registrar shall also issue a carving and marking note in respect of the ship.
- (3) The note shall show the port of registration of the ship as “Jersey”.

15 Marking

- (1) This Regulation applies where a carving and marking note is issued to the owner of a ship on the first registration of the ship.
- (2) The owner must –
 - (a) have the ship carved and marked in accordance with Schedule 1; and
 - (b) have the ship’s carving and marking inspected by a person appointed for the purpose by the Registrar.
- (3) That person must certify to the Registrar whether or not the ship has been correctly carved and marked.
- (4) The Registrar must not register a ship until satisfied that it has been correctly carved and marked.
- (5) The Registrar may cancel a carving and marking note if not satisfied that the carving and marking authorized by the note has been correctly carried out within 3 months of its issue.
- (6) If the registrar cancels a carving and marking note the application for registration is to be taken as having been withdrawn.

16 Registration

- (1) The Registrar may register a ship if satisfied that –
 - (a) it is eligible to be registered;
 - (b) the title to the ship has been adequately proved;
 - (c) the particulars of the ship furnished to the Registrar are correct;
 - (d) it has been correctly carved and marked;
 - (e) any necessary survey or measuring certificate has been provided;

- (f) any other legislative requirement relating to the registration of the ship has been complied with;
 - (g) all prescribed fees have been paid.
- (2) The Registrar may refuse to register a ship despite its compliance with paragraph (1) if the Registrar considers that it would be right to do so taking into account the requirements of the Law relating to the condition of the ship and its equipment in so far as they are relevant to –
 - (a) the ship's safety;
 - (b) any risk of pollution caused by the ship;
 - (c) the safety, health and welfare of persons employed or engaged on board the ship; or
 - (d) the numbers and qualifications of officers, doctors, cooks and other seamen that are required to be carried on the ship.
- (3) Without prejudice to paragraph (1)(f), the Registrar shall refuse to register a fishing vessel if the Registrar is not satisfied that there is in force in respect of the vessel or will shortly be in force in respect of the vessel any certificate required under Article 85 of the Law or under the Shipping (Fishing Vessels Safety Provisions) (Jersey) Order 2004.⁶
- (4) The Registrar shall refuse to register as a fishing vessel a ship the Registrar is satisfied is intended to be used to fish in Community waters despite its compliance with paragraph (1) if the vessel –
 - (a) has received a de-commissioning grant or any other financial assistance from the European Commission or a member State on condition that it refrains from fishing in those waters; or
 - (b) has been withdrawn from fishing as a condition of an award of a construction grant to another boat.
- (5) The Registrar shall register a ship by entering in the appropriate part of the register the particulars of the ship and of its owners specified in Schedule 2.
- (6) The Registrar must on registering a ship issue to its owner a certificate of registry that contains the particulars specified in Schedule 3.
- (7) The Registrar must retain –
 - (a) a copy of the evidence of title produced on first registration;
 - (b) any certificate of measurement or survey;
 - (c) any declaration of eligibility; and
 - (d) any document mentioned in Regulation 7(6) (in respect of ownership by a body corporate); and
 - (e) in the case of a fishing vessel that has had its engine power permanently de-rated, the modification explanation submitted to the Registrar in accordance with Regulation 7(10)(b); and
 - (f) in the case of a fishing vessel changing from simple registration to full registration, a copy of the evidence adduced for that change.
- (8) The registrar may return any original evidence of title after stamping it to indicate that it has been used in the registration of the ship.

- (9) The registration of a ship is valid for 10 years from the date of registration except in the case of –
 - (a) a bareboat charter ship when it is valid for 10 years from the date of registration or until the termination of the charter-party in respect of the ship, whichever is the shorter period; or
 - (b) a fishing vessel when it is valid for 5 years or until any sooner change in the particulars of the vessel or in its ownership.

17 Renewal of registration

- (1) The owner of a ship may apply for the renewal of its registration during the last 2 years of its period of registration.
- (2) An application for renewal must be made on a form approved for the purpose by the Registrar.
- (3) It must be accompanied by –
 - (a) a declaration of eligibility;
 - (b) a declaration that there have been no changes to any registered details of the ship that have not been notified to the Registrar; and
 - (c) the prescribed fee.
- (4) If the information has not previously been supplied, an application for the renewal of the registration of a fishing vessel must be accompanied by –
 - (a) details of its maximum continuous engine power, determined in accordance with Article 5 of Council Regulation (EEC) No. 2930/86; and
 - (b) where its engine is permanently de-rated, the modification explanation.
- (5) If an application is not made to renew the registration of a ship within the 3 months following the period of validity of its registration the ship ceases to be registered.
- (6) The Registrar must on a ship ceasing to be registered notify each mortgagee of the ship noted on the register that the ship has ceased to be registered.
- (7) Once a ship has ceased to be registered it may only be registered on an application made in accordance with Regulation 7 (first registration) except that if the application is made within 1 year of the ship ceasing to be registered Regulation 12 (measurement of ship) does not need to be complied with.
- (8) The Registrar must notify the responsible authority for the registration of ships in the country of primary registration of a ship that has been registered as a bareboat charter ship under the Law if the ship's registration is closed.

PART 5**TRANSACTIONS IN RESPECT OF REGISTERED SHIPS****18 Transfer of ownership**

- (1) This Regulation applies if –
 - (a) there is a transfer in the ownership of a registered ship or in the ownership of a share or shares in a registered ship; and
 - (b) as a result of the transfer the ship continues to have a Jersey connection.
- (2) The registered owner must, as soon as practicable –
 - (a) give the Registrar details of the transfer; and
 - (b) surrender the certificate of registry to the Registrar.
- (3) The new owner may within 90 days of the transfer apply to the Registrar for the transfer to be registered.
- (4) If the transfer was of the ownership of the ship and an application is not made in accordance with paragraph (3) the Registrar must serve a notice on the new owner notifying the owner that unless an application for the transfer to be registered is made within 30 days of the service of the notice the registration of the ship may be cancelled.
- (5) If the transfer was of the ownership of a share or of shares in the ship and an application for the transfer to be registered is not made in accordance with paragraph (3) the Registrar must serve a notice on the new owner and the remaining registered owner or owners notifying them that unless an application for the transfer to be registered is made within 30 days of the service of the notice the registration of the ship may be cancelled.
- (6) Except where the ship is a fishing vessel registered with simple registration, the transfer of a registered ship or a share or shares in such a ship must be by way of a bill of sale –
 - (a) that is in a form approved for the purpose by the Registrar; and
 - (b) that is appropriately attested and contains a description of the ship sufficient to identify it.
- (7) The transfer of a fishing vessel that is registered with simple registration or a share or shares in such a vessel must be by way of a transfer –
 - (a) that is in a form approved for the purpose by the Registrar; and
 - (b) that contain a description of the ship sufficient to identify it
- (8) An application to register the transfer must be made by the new owner producing to the Registrar –
 - (a) the bill of sale or transfer;
 - (b) where required, a declaration of eligibility; and
 - (c) if the new owner is a body corporate, the document or documents mentioned in Regulation 7(6),and paying the prescribed fee.

- (9) If the Registrar grants the application the Registrar must –
 - (a) enter the name of the new owner in the register as the registered owner of the ship, or share or shares;
 - (b) endorse on the bill of sale or transfer the fact that the entry has been made, together with the date and time when it was made; and
 - (c) return the bill of sale or transfer to the registered owner while retaining a copy of it.
- (10) On the registration the Registrar must issue a certificate of registry to the registered owner.
- (11) The certificate of registry shall be valid for the period mentioned in Regulation 16(9).
- (12) The Registrar must serve a notice under paragraph (13) on the owner or owners of a ship if –
 - (a) the owner has failed to respond to a notice served in accordance with paragraph (4) or (5); or
 - (b) the Registrar is satisfied that by virtue of the transfer the ship is no longer eligible to be registered.
- (13) The notice shall state –
 - (a) that the ship's registration will be cancelled 14 days after the service of the notice; and
 - (b) why the Registrar is cancelling the registration.
- (14) The Registrar shall cancel the registration in accordance with the notice and amend the register accordingly.
- (15) A person who fails to comply with paragraph (2) shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

19 Transmission of ownership

- (1) This Regulation applies if –
 - (a) there is a transmission in the ownership of a registered ship or in the ownership of a share or shares in a registered ship by lawful means other than by virtue of a transfer mentioned in Regulation 18; and
 - (b) the ship continues to have a Jersey connection.
- (2) The registered owner or the person with the lawful power to transfer ownership of the ship must, as soon as practicable –
 - (a) give the Registrar details of the transmission; and
 - (b) surrender the certificate of registry to the Registrar.
- (3) The new owner may within a reasonable time of the transmission apply to the Registrar for the transmission to be registered.
- (4) If the transmission was of the ownership of the ship and an application is not made in accordance with paragraph (3) the Registrar must serve a notice on the new owner notifying the owner that unless an application

for the transmission to be registered is made within 30 days of the service of the notice the registration of the ship may be cancelled.

- (5) If the transmission was of the ownership of a share or of shares in the ship and an application for the transmission to be registered is not made in accordance with paragraph (3) the Registrar must serve a notice on the new owner and the remaining registered owner or owners notifying them that unless an application for the transmission to be registered is made within 30 days of the service of the notice the registration of the ship may be cancelled.
- (6) An application under paragraph (3) must –
 - (a) be in a form approved for the purpose by the Registrar; and
 - (b) contain the name of the ship.
- (7) The application must be accompanied by –
 - (a) where required, a declaration of eligibility;
 - (b) if the new owner is a body corporate, the document or documents mentioned in Regulation 7(6);
 - (c) the prescribed fee; and
 - (d) the document mentioned in paragraph (8).
- (8) The document is –
 - (a) if the transmission was consequent on death, the grant of representation or an office copy of it or of an extract from it;
 - (b) if the transmission was consequent on bankruptcy, such evidence as would be receivable in a court as proof of title of the person claiming under the bankruptcy;
 - (c) if the transmission was consequent on an order of a court, a copy of the order or judgment of the court.
- (9) In paragraph (8)(a) “representation” means the instrument that constitutes a person to be the executor, administrator or other legal representative of a deceased person.
- (10) If the Registrar grants the application the Registrar must –
 - (a) enter the name of the new owner in the register as the registered owner of the ship, or share or shares; and
 - (b) issue the certificate of registry to the registered owner.
- (11) The certificate of registry shall be valid for the period mentioned in Regulation 16(9).
- (12) The Registrar must serve a notice containing the information mentioned in paragraph (13) on the owner or owners of a ship if –
 - (a) there has been a failure to respond to a notice served in accordance with paragraph (4) or (5); or
 - (b) the Registrar is satisfied that by virtue of the transmission the ship is no longer eligible to be registered.
- (13) The notice shall state –
 - (a) that the ship’s registration will be cancelled 14 days after the service of the notice; and

- (b) why the Registrar is cancelling the registration.
- (14) The Registrar shall cancel the registration in accordance with the notice and amend the register accordingly.
- (15) A person who fails to comply with paragraph (2) shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

20 Change in registered particulars of ship

- (1) This Regulation applies if there is a change –
 - (a) in the registered particulars of a ship; or
 - (b) in the name or address of an owner entered in the register.
- (2) The registered owner or, if there are more than one, all the owners must as soon as practicable apply to the Registrar for the change to be recorded in the register.
- (3) The application must be in writing and must be accompanied by –
 - (a) the certificate or certificates of registry issued in respect of the ship;
 - (b) such evidence in respect of the change as the Registrar may require in order to be satisfied as to the change; and
 - (c) the prescribed fee.
- (4) If the change is in the tonnage of the ship, the registered owner or owners must –
 - (a) have the ship measured in accordance with the Shipping (Tonnage) (Jersey) Regulations 2004; and
 - (b) deliver to the Registrar the certificate issued in respect of the ship by the Certifying Authority, surveyor or authorized measurer in accordance with those Regulations.
- (5) The Registrar shall after recording the change in the register amend or replace the existing certificate or certificates.
- (6) A replacement certificate of registry issued under paragraph (5) shall be expressed to expire on the same date as the one it replaced.
- (7) A person who fails to comply with paragraph (2) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.

21 Change of name

- (1) This Regulation applies where the owner or owners of a registered ship wish to change its name.
- (2) The owner or, if there are more than one, all the owners must apply to the Registrar on a form approved for the purpose by the Registrar.
- (3) The application must be accompanied by –
 - (a) the certificate or certificates of registry issued in respect of the ship; and

- (b) the prescribed fee.
- (4) The Registrar shall approve the proposed name if satisfied that it complies with Regulation 13(1), (2) and (3).
- (5) The Registrar shall issue to the owner or owners a marking note in respect of the approved name.
- (6) The Registrar shall upon being satisfied that the ship has been marked with the approved name –
 - (a) record the new name in the register; and
 - (b) amend or replace the existing certificate or certificates.
- (7) A replacement certificate of registry issued under paragraph (6)(b) shall be expressed to expire on the same date as the one it replaced.

22 Other changes

- (1) This Regulation applies in respect of a registered ship if –
 - (a) the entitlement of its owner or, if there are more than one, any of them, to be registered as an owner of a ship or a share in a ship changes or ceases; or
 - (b) in the case of a fishing vessel, there is a change in the legal or beneficial title of the vessel or any share in the vessel, or there is a change in respect of the vessel in any of the matters mention in Article 5(4).
- (2) The Registrar must be notified of the change as soon as practicable.
- (3) A person who fails to comply with paragraph (2) shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.

23 Removal from the register

- (1) The Registrar shall cancel a ship's registration if –
 - (a) the owner or, if there are more than one, all the owners of the ship apply to the Registrar for its registration to be cancelled;
 - (b) a registered owner of the ship or of any share in it has changed and the Registrar has not been notified of the change in accordance with these Regulations;
 - (c) the Registrar is satisfied that the ship has ceased to be eligible to be registered;
 - (d) the ship is destroyed, or sunk or shipwrecked and is not recovered;
 - (e) the Registrar is satisfied that it would be inappropriate for the ship to continue to be registered taking into account, in particular, the requirements of the Law relating to the condition of the ship and its equipment, to its safety, to the risk of pollution caused by the ship, and to the safety, health and welfare of persons employed or engaged on board the ship;
 - (f) a penalty imposed on an owner of the ship or of any share in it in respect of a contravention of the Law, or of an instrument in force

- under the Law, has remained unpaid for 3 months (and no appeal against the penalty is pending);
- (g) a summons for such contravention was duly served on the owner of the ship or share but the owner failed to appear at the time and place appointed for the trial and 3 months has elapsed since that failure;
 - (h) in the case of a fishing vessel, the vessel requires a licence to fish but has ceased to be so licensed for a continuous period of 6 months or more, or has failed to acquire such a licence within 6 months of the issue of its certificate of registry;
 - (i) on a request by the Registrar to supply information required by the Registrar for the purposes of these Regulations, an owner of the ship or of any share in it has failed to supply the information within 30 days of the request being made or has provided information that is false or incorrect, or that is reasonably considered by the Registrar to be insufficient;
 - (j) an owner of the ship or of any share in it has failed to make an application in accordance with Article 20(2) or has failed to notify the Registrar in accordance with Article 22(2).
- (2) If the Registrar cancels the registration of a ship the Registrar must –
 - (a) on payment of the prescribed fee issue a closure transcript to the owner or owners of the ship; and
 - (b) notify any mortgagees noted on the register of the termination of the registration and the reason for it.
 - (3) An owner of a ship who fails to return the certificate of registry of the ship to the Registrar for cancellation on the ship ceasing to be registered, whether by expiration of the registration period or otherwise, shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.
 - (4) In this Regulation “closure transcript”, in respect of a ship, means a certified extract from the register that show –
 - (a) that the entry in the register in respect of the ship has been closed;
 - (b) the date of its closure; and
 - (c) details of the ship and its ownership at the time of closure.

24 Mortgage

- (1) This Regulation applies to a mortgage of a registered ship (not being a fishing vessel registered with simple registration) or of a share or shares in such a ship.
- (2) A mortgage and a discharge of a mortgage must be in a form approved by the Registrar.
- (3) Each must be appropriately attested.
- (4) The Registrar shall on receipt of a mortgage and the prescribed fee register the mortgage –

- (a) by entering details of the mortgage in the register together with the date and time of the registration; and
 - (b) by endorsing that date and time on the mortgage.
- (5) The Registrar shall on receipt of a discharge of a mortgage and the prescribed fee register the discharge –
- (a) by entering details of the discharge in the register together with the date and time of the registration; and
 - (b) by endorsing that date and time on the discharge.

25 Registration of interest of intending mortgagee

- (1) An intending mortgagee of a registered ship or of a share or shares in such a ship (not being a fishing vessel registered with simple registration) may give the Registrar a priority notice.
- (2) The Registrar shall on receipt of a priority notice and the prescribed fee record the notice in the register.
- (3) The notice must be in a form approved by the Registrar and must contain –
 - (a) the name of the ship;
 - (b) the name address and signature of the intending mortgagor;
 - (c) the number of shares to be mortgaged; and
 - (d) the name and address of the intending mortgagee.
- (4) The Registrar shall record the interest in the register even though the ship may not be registered at the time the notice is given.
- (5) In that case, if the ship is subsequently registered the Registrar must register the ship –
 - (a) subject to the interest; or
 - (b) if the mortgage has been executed and produced to the Registrar, subject to the mortgage.
- (6) If when the notice mentioned in paragraph (1) is given the ship is not registered, the notice must also include –
 - (a) any present name of the ship;
 - (b) the intended name of the ship;
 - (c) the approximate length of the ship; and
 - (d) if the ship is neither a new ship nor a registered ship, details of any permanent marks on the ship that enable it to be clearly identified.
- (7) And the notice must be accompanied –
 - (a) if the ship is registered outside Jersey, by a copy of its certificate of registry or other document evidencing its registration and port of registration;
 - (b) if the ship is a new ship, by a builder's certificate or if that is not available a document evidencing the name and address of the builder and the ship's yard number.

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- (8) A notice of an intended mortgage when recorded in the register shall have effect for the purpose of paragraph 9(1) of Schedule 1 to the Law as if the mortgage had been registered at the time when the notice was recorded in the register.
 - (9) Notification under paragraph (1) ceases to have effect –
 - (a) if it is withdrawn; or
 - (b) unless it is renewed, 30 days after the notification was given.
 - (10) A person who has given notification under paragraph (1) may renew or further renew the notification for 30 days by –
 - (a) giving written notice of renewal in a form approved by the Registrar to the Registrar before the notification ceases to have effect; and
 - (b) paying the prescribed fee.

26 Transfer or transmission of mortgage

- (1) The instrument of transfer of a mortgage of a registered ship (not being a fishing vessel registered with simple registration) or of a share or shares in such a ship must be in a form approved by the Registrar and must be appropriately attested.
- (2) If a mortgage of a registered ship (not being a fishing vessel registered with simple registration) or of a share or shares in such a ship is transmitted to a person by lawful means other than by an instrument mentioned in paragraph (1) the person must produce to the Registrar a document mentioned in paragraph (3).
- (3) The document is –
 - (a) if the transmission was consequent on death, the grant of representation or an office copy of it or of an extract from it;
 - (b) if the transmission was consequent on bankruptcy, such evidence as would be receivable in a court as proof of title of the person claiming under the bankruptcy;
 - (c) if the transmission was consequent on an order of a court, a copy of the order or judgment of the court.
- (4) In paragraph (3)(a) “representation” means the instrument that constitutes a person to be the executor, administrator or other legal representative of a deceased person.
- (5) When an instrument or document mentioned in paragraph (1) or (2) is produced to the Registrar and the prescribed fee has been paid the Registrar must –
 - (a) enter the name of the transferee in the register as mortgagee of the ship or share or shares; and
 - (b) endorse on the instrument or document the date and time when the entry was made.

27 Documents not in the English language to be accompanied by a translation

A document produced in support of an application or transaction under these Regulations that is not in English must be accompanied by a notarised translation of the document in English.

28 Dispensing with declarations

- (1) If under these Regulations a person is required to make a declaration but is unable to do so and can satisfy the Registrar that this is due to a reasonable cause, the Registrar may on such terms as the Registrar thinks fit, dispense with the declaration.
- (2) If under these Regulations evidence is required to be produced to the Registrar, but the evidence is unable to be produced and the Registrar is satisfied that this is due to a reasonable cause, the Registrar may on production of such other evidence as the Registrar considers appropriate, dispense with the evidence.

29 Requirement for supplementary information

- (1) If the Registrar is not satisfied by the information provided on an application for registration of a ship that the ship is eligible for registration, the Registrar may require supplementary information or evidence to be provided.
- (2) If the Registrar is not satisfied by the information or evidence provided in respect of any other application or transaction made under or in accordance with these Regulations, the Registrar may require supplementary information or evidence to be provided.
- (3) In either case the Registrar may also require the ship to be produced to the Registrar.

30 Duplicate certificates

- (1) The Registrar may, on payment of any prescribed fee, issue or make arrangements for the issue of a duplicate certificate of registry if the Registrar is satisfied that a certificate of registry has been lost, stolen, destroyed or defaced or has become illegible.
- (2) A duplicate certificate of registry shall be marked as such and shall be of the same effect as the original.
- (3) If the owner of a ship recovers the certificate of registry of the ship after a duplicate has been issued the owner is guilty of an offence and liable to a penalty not exceeding level 3 on the standard scale if the owner does not send the original to the Registrar as soon as practicable.
- (4) If the Registrar is satisfied that a duplicate certificate can be issued in respect of a ship that is away from Jersey the Registrar may send a copy of the duplicate to the ship by electronic means.

31 Transfers within the register

- (1) The Registrar may transfer the registration of a ship to a different part of the register on receipt of an application in a form approved for the purpose by the Registrar accompanied by –
 - (a) the prescribed fee; and
 - (b) such information and evidence as the Registrar may require to be satisfied that the ship is eligible to be registered in the new part.
- (2) On a transfer in accordance with paragraph (1) all entries in the register relating to the ship (including any entries relating to mortgages) shall be transferred.

32 Transitional provision

- (1) This Regulation applies to a ship –
 - (a) that by virtue of paragraph 4(1) of Schedule 9 to the Law is to be taken to have been registered under Part 3 of the Law on the commencement of that Part; and
 - (b) that on that commencement had been registered as a British ship for a period exceeding that applicable to the ship by virtue of Regulation 16(9).
- (2) The registration of the ship shall continue for the period applicable to the ship by virtue of Regulation 16(9) as if the ship had been registered on the commencement of Part 3 of the Law but shall terminate if during that period the ship or any interest in it is transferred.

PART 6**CITATION****33 Citation**

These Regulations may be cited as the Shipping (Registration) (Jersey) Regulations 2004.

SCHEDULE 1

(Regulations 15(2)(a))

CARVING AND MARKING

1. This Schedule sets out how a ship must be permanently and conspicuously marked before it can be registered.
2. However, if the Registrar considers it appropriate to do so, the Registrar may –
 - (a) exempt a class of ship from all or any of the requirements of this Schedule, with or without compliance with conditions; or
 - (b) in respect of a particular ship, amend a requirement in such manner as the Registrar considers appropriate.
- 3.-(1) Subject to clause 4, the name of the ship must be marked on each of its bows, and its name and “Jersey”, or in the case of a pleasure vessel, “Yacht Club” must be marked on its stern.
 - (2) If the background is dark the marking is to be in a light contrasting colour and if it is light it is to be in a dark contrasting colour.
 - (3) The ship’s official number and the number denoting its registered tonnage must be cut on its main beam.
 - (4) In all cases the letters or numbers must be no less than 10 centimetres high or such other greater or lesser height as the Registrar may direct, and of proportional breadth.
- 4.-(1) In the case of a fishing vessel –
 - (a) its name and “Jersey” must be painted in white on a black background or in black on a white background outside the stern of the vessel in letters that are not be less than 8 centimetres in height and 1.5 centimetres in breadth,
 - (b) the port number of the vessel must be painted or displayed on both sides of the bow and on each quarter, as high above the water as possible so as to be clearly visible from the sea and the air, in white on a black background or black on a white background.
 - (2) The port number of a fishing vessel must –
 - (a) be at least 25 centimetres high with a line thickness of at least 4 centimetres if the vessel is not over 17 metres in length or at least 45 centimetres high with a line thickness of at least 6 centimetres if the vessel is over 17 metres in length; and
 - (e) be painted or displayed on the wheel house top or some other prominent horizontal surface.
 - (3) A fishing vessel’s official number must be carved into its main beam.
- 5.-(1) If compliance with a provision of clause 3 or 4 is not practical the Registrar may allow a ship to be marked in accordance with this clause.

- (2) The ship's official number and registered tonnage may be –
 - (a) marked on its main beam or, if there is no main beam, on a readily accessible visible permanent part of the structure of the ship either by cutting in, centre punching or raised lettering; or
 - (b) engraved on a plate of metal, wood or plastic, secured to the main beam or, if there is no main beam, to a readily accessible visible permanent part of the structure with rivets, through bolts with the ends clenched or screws with the slots removed.
- (3) The name of the ship and "Jersey", or in the case of a pleasure vessel, "Yacht Club" may be marked on a conspicuous and permanent part of the stern of the ship –
 - (a) by engraving on plates of metal or of plastic, or by cutting in on a shaped wooden chock; or
 - (b) by individual durable letters and numbers,in each case permanently fixed to the hull and painted with a suitable protective coating
- 6.-(1)** A scale of decimetres, or metres and decimetres, denoting a draught of water must be marked on each side of a ship's stem and its stern post.
 - (2) The scale must be marked –
 - (a) in figures in 2-decimetre intervals, if the scale is in decimetres; and
 - (b) in figures at each metre interval and at intervening 2-decimetre intervals, if the scale is in metres and decimetres.
 - (3) The capital letter 'M' must be placed after each metre figure.
 - (4) The top figure of the scale must show both the metre and (except where it marks a full metre interval) the decimetre figure.
 - (5) The lower line of a figure must coincide with the draught line denoted by the figure.
 - (6) The figures and letters must be not less than one decimetre in length.
 - (7) The figures and letters must be marked by being cut in and painted in a light contrasting colour on a dark ground or in such other manner as the Registrar may approve.

SCHEDULE 2

(Regulations 16(5))

DETAILS TO GO ON REGISTER

1. The following information is to be registered about each owner who is an individual –
 - (a) surname, forename and title;
 - (b) address;
 - (c) nationality;
 - (d) number of shares owned by the owner, and if held jointly, with whom the shares are held;
 - (e) the name of the managing owner; and
 - (f) the name and address of any representative person.
2. The following information is to be registered about each owner that is a body corporate –
 - (a) name of the body corporate;
 - (b) the address of its registered or main office or principal place of business;
 - (c) number of shares owned by the company, and if held jointly, with whom the shares are held;
 - (e) the name of the managing owner; and
 - (f) the name and address of any representative person.
3. If a Minister of the States is an owner of a ship the name of the Minister is to be entered in the register.
4. If a corporation sole is an owner of a ship, the name of the corporation sole is to be entered in the register.
5. The following information is to be registered about ships, other than fishing vessels, registered in the register –
 - (a) name;
 - (b) any IMO Number;
 - (c) any radio call sign;
 - (d) official number and any applicable EC number;
 - (e) year built;
 - (f) any method of propulsion e.g. sail, steam, motor or dumb;
 - (g) where built;
 - (h) name and address of builders;
 - (i) date keel laid/when built;
 - (j) length-metric units;
 - (k) breadth-metric units;

- (l) depth-metric units;
 - (m) type of ship;
 - (n) material used to construct hull;
 - (o) gross tonnage ;
 - (p) net tonnage ;
 - (q) registered tonnage;
 - I make and model of any engine(s);
 - (s) total power of any engines in kilowatts;
 - (t) any hull identity number (HIN).
- 6.** The following information is to be registered about fishing vessels registered on the register –
- (a) official number and any EC Number;
 - (b) IMO number;
 - (c) port number;
 - (d) name;
 - (e) radio call sign;
 - (f) whether full or simple registration;
 - (g) material used to construct hull;
 - (h) name of builder;
 - (i) year of build;
 - (j) place and country of build;
 - (k) date of entry into service;
 - (l) overall length-metric units;
 - (m) registered length-metric units;
 - (n) breadth-metric units;
 - (o) depth-metric units;
 - (p) gross tonnage ;
 - (q) net tonnage ;
 - I maximum continuous engine power in kilowatts, or, if the owner notifies the Registrar of a modification, permanently de-rated engine power in kilowatts;
 - (s) make and model of engine;
 - (t) number of cylinders;
 - (u) number of engines;
 - (v) number of revolutions per minute;
 - (w) modification explanation.
- 7.** The following additional information is to be registered in respect of a bareboat charter ship –
- (a) the name and address of its owner;
 - (b) the name and address of its charterer;

- (c) any national unique identifier or official number;
- (d) its country of original registration;
- (e) the commencement date of the charter period and its expiry date;
- (f) the name (or a translation of the name) by which the ship was known on the register on which the ship was registered at the time the application was made to register the ship as a bareboat charter ship.

SCHEDULE 3

(Regulations 16(6))

DETAILS TO GO ON CERTIFICATE OF REGISTRY

1. A certificate of registry for a ship –
 - (a) must contain the full name and address of its owner or of each of its owners showing, if it has more than one owner, the number of shares owned by each owner and if any are jointly owned, with whom they are owned; and
 - (b) in the case of a fishing vessel, must also contain the name and address of any charterer.

2. A certificate of registry for a ship, other than a fishing vessel, must specify the ship's –
 - (a) name;
 - (b) IMO number, if any;
 - (c) radio call sign, if any;
 - (d) official number and any applicable EC number;
 - (e) year built;
 - (f) method of propulsion;
 - (g) length in metric units;
 - (h) breadth in metric units;
 - (i) depth in metric units;
 - (j) type ;
 - (k) gross tonnage ;
 - (l) net tonnage ;
 - (m) registered tonnage;
 - (n) make and model of any engine;
 - (o) power in kilowatts of any engine;
 - (p) hull identity number (HIN), if any.

3. A certificate of registry for a fishing vessel registered must specify the vessel's –
 - (a) name;
 - (b) official number and any applicable EC number;
 - (c) IMO number;
 - (d) port number;
 - (e) radio call sign, if any;
 - (f) registered length in metric units;
 - (g) overall length in metric units;

- (h) breadth in metric units;
- (i) depth in metric units;
- (j) net tonnage ;
- (k) gross tonnage ;
- (l) engine make and model;
- (m) maximum continuous engine power, in kilowatts, or if the owner notifies the Registrar of a modification, permanently de-rated engine power in kilowatts,
- (n) year built;
- (o) date of entry into service;
- (p) modification explanation,

and must also state whether the vessel's registration is full or simple registration.

- 4. A certificate of registry for a bareboat charter ship must also specify –
 - (a) the name and address of the charterer;
 - (b) a national unique identifier or official number;
 - (c) its country of primary registration;
 - (d) its original name (or a translation of it) if different from its registered name.
- 5. A certificate of registry for a ship must show the date of issue of the certificate and its date of expiry.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement
Shipping (Registration) (Jersey) Regulations 2004	R&O.30/2004	1 June 2004
States of Jersey (Amendments and Construction Provisions No. 10) (Jersey) Regulations 2005	R&O.50/2005	9 December 2005

Table of Renumbered Provisions

Original	Current
33(1)	33
33(2)	spent, omitted from this revised edition
Schedule 2, clause 8	clause 7

Table of Endnote References

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- ¹ *These Regulations have been amended by the States of Jersey (Amendments and Construction Provisions No. 10) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *chapter 19.885*
- ³ *chapter 19.885*
- ⁴ *chapter 19.885.80*
- ⁵ *chapter 19.885.60*
- ⁶ *chapter 19.885.40*