

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

STATES' TRADING SUPERVISORY BOARD

**MERCHANT SHIPPING – INTRODUCTION OF NEW COMMERCIAL VESSELS CODE AND
CONSEQUENT MINOR LEGISLATIVE AMENDMENTS**

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Merchant Shipping – Introduction of New Commercial Vessels Code and Consequent Minor Legislative Amendments', they are of the opinion:-

1. To note the intention of the States' Trading Supervisory Board to issue a Small Commercial Vessels Code governing construction standards, crew licencing, operating limits and other related matters under regulations to be made under the Merchant Shipping (Bailiwick of Guernsey) Law, 2002.
2. To agree to the amendment, repeal or suspension (as appropriate) of such legislative provisions as is necessary to facilitate the introduction of such a Code.
3. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rule of Procedure of the States of Deliberation and their Committees.

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The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

6th November 2017

Dear Sir

1. Report

- 1.1 The Bailiwick's legislation in respect of commercial vessels is out of date, with elements of it dating back almost thirty years, and needs updating. To address this problem, Guernsey Harbours has consulted extensively on a new draft Small Commercial Vessels Code, based on existing similar Codes in force in other jurisdictions and to be made under regulations, to set out in one place modern, detailed provisions in respect of construction standards, crew licencing, operating limits and related matters, to apply throughout the Bailiwick. This will be a major step change in this area, providing local operators with a modern regulatory regime that reflects the best of current practice while ensuring it remains appropriate and proportionate for the Bailiwick. The Code and its parent regulations will also be easily amendable, making it easy to ensure that standards in this area remain current going forward.
- 1.2 Comments on the draft Code have been received from stakeholders and suitable amendments made, and the States' Trading & Supervisory Board ("**the Board**") is now ready to issue the Code and make the regulations (made under the Merchant Shipping (Bailiwick of Guernsey) Law, 2002) under which the Code will be issued.
- 1.3 Before that can be done, a small amount of legislative housekeeping needs to take place, to amend or repeal by Ordinance the out of date provisions which the regulations and Code will replace, to ensure there is no inconsistency on the face of the statute book. In one instance that has been identified (the Hired Boats and Passenger Boats (Guernsey) Law, 1989) it is expected that this will involve the

suspension of certain provisions by Ordinance, for which, unusually, that Law provides. Other changes are likely to include the substantial amendment or repeal of the Passenger Vessels (Bailiwick of Guernsey) Ordinance, 1970, and the commencement of one or more repeals of old legislative provision, provided for in the 2002 Law.

- 1.4 Guernsey Harbours had hoped to be able to introduce the Code in January 2018. It has not proven possible to meet that ambitious target. This is partly because the consultation process has taken longer than anticipated: Guernsey Harbours has had to work carefully through the detailed comments received, including feedback recently received from the UK's Maritime and Coastguard Agency, and the Board is of the firm view that taking proper account of the consultation responses in respect of this substantial and important piece of work is vital. It is expected that the Code will be issued in the first half of 2018.

2. Consultation

- 2.1 Following public consultation on a first draft of the Code, a revised draft was published for consultation in June 2017, with a deadline for responses set for 1st September 2017. That consultation response can be found here: <http://www.harbours.gg/CHttpHandler.ashx?id=110731&size=10>
- 2.2 The authorities in Sark and Alderney have been consulted on the Code, as has the UK's Maritime and Coastguard Agency. The Law Officers of the Crown have been consulted about the proposals in this Policy Letter and have advised in respect of the legislative changes required.
- 2.3 The Jersey Maritime Administration have also had sight of the Code and are considering the merits of adopting the Code to enable a Channel Island Code to be in operation. This would allow a pan-island regime for the operation of small commercial vessels which would be attractive to locally based operators, whilst ensuring appropriate and proportionate standards.

3. Cost/resources

- 3.1 These proposals would not lead to any increase in public expenditure, nor would they have any other significant impact on the public sector.

4. Propositions

The States are asked to decide whether they are of the opinion to:

1. To note the intention of the States' Trading Supervisory Board to issue a Small Commercial Vessels Code governing construction standards, crew licencing, operating limits and other related matters under regulations to be made under the Merchant Shipping (Bailiwick of Guernsey) Law, 2002.

2. To agree to the amendment, repeal or suspension (as appropriate) of such legislative provisions as is necessary to facilitate the introduction of such a Code.
3. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

5. Committee support for Propositions

- 5.1 In accordance with Rule 4(4) of the rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the proposition above has the unanimous support of the Board.

Yours faithfully,

C N K Parkinson
President, STSB

J C S F Smithies
Vice-President, STSB

S J Falla, MBE, Non-States Member, STSB
J C Hollis, Non-States Member, STSB