

STATES OF JERSEY



Jersey

DRAFT SHIPPING (IMO CONVENTIONS) (JERSEY) AMENDMENT LAW 202-

**Lodged au Greffe on 10th February 2026
by the Minister for Sustainable Economic Development
Earliest date for debate: 24th March 2026**

STATES GREFFE



Jersey

DRAFT SHIPPING (IMO CONVENTIONS) (JERSEY) AMENDMENT LAW 202-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for Sustainable Economic Development has made the following statement –

In the view of the Minister for Sustainable Economic Development, the provisions of the Draft Shipping (IMO Conventions) (Jersey) Amendment Law 202- are compatible with the Convention Rights.

Signed: **Deputy K.F. Morel of St. John, St. Lawrence and Trinity**
Minister for Sustainable Economic Development

Dated: 9th February 2026

REPORT

The amendments proposed within the *Draft Shipping (IMO Conventions) (Jersey) Amendment Law 202-*, if adopted, represent a crucial step towards bringing Jersey's maritime legislation up to date with the international conventions it is signed up to as a member of the IMO.

The changes will help to ensure Jersey's reputation within the Red Ensign Group and wider international maritime community is upheld through the demonstration of robust compliance with international maritime obligations and will strengthen Jersey's position prior to an upcoming audit of the Island's Maritime Administration.

Background

In 2022, Jersey's Maritime Administration was subject to an audit against the III Code, conducted by the Maritime & Coastguard Agency (MCA) on behalf of the International Maritime Organization (IMO). The IMO Instruments Implementation Code (III Code) provides a global standard to enable states to meet their obligations as flag, port, and coastal states.

The audit found that Jersey's maritime legislation did not accurately reflect the international conventions it has signed up to or joined. This was because updates to relevant IMO conventions (such as SOLAS and MARPOL) had not been properly incorporated into Jersey's maritime law when it was drafted. In practice, this means references to IMO conventions in Jersey legislation appear as point-in-time references – meaning a reference to the version of the convention that existed at the time the reference came into force.

As IMO conventions are updated periodically (approximately every few years), Jersey's legislation has fallen behind on reflecting subsequent updates to the relevant conventions, making it non-compliant.

This proposition forms part of a wider legislative project which seeks to resolve this finding, thereby ensuring compliance with our international obligations.

Solution

The wider legislative project involves updating several pieces of primary and subordinate legislation in relation to a number of international maritime conventions. Due to the complexity and technical nature of this project, it has been divided into two propositions which will be brought to the States Assembly for consideration separately and at different times:

1. *The Draft Shipping (IMO Conventions) (Jersey) Amendment Law 202- is the first proposition and amends primary law only. The primary law being updated is the Shipping (Jersey) Law 2002 and the Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015. There are also minor amendments to the Employment (Jersey) Law 2003.*
2. *Pending the Draft Shipping (IMO Conventions) (Jersey) Amendment Law 202- adoption and entry into force, Proposition 2 will amend the relevant Regulations and Orders which sit under the primary law amended in the first proposition.*

Proposition Summary

To address the audit finding, the *Draft Shipping (IMO Conventions) (Jersey) Amendment Law 202-* provides the States Assembly, via amendments to primary law, with the power to amend relevant regulations with ambulatory references.

Ambulatory references will allow future updates to applicable maritime conventions to be automatically applied to Jersey. The Minister for Sustainable Economic Development shall review and consider each update to ensure they are in Jersey's best interest, based on recommendations from the Territorial Sea Coordination and Advisory Group (TSCAG). If an update is deemed unsuitable for Jersey, political and legal options will be thoroughly considered.

This proposition amends the relevant primary law so that Regulations made under it may make ambulatory reference to IMO conventions and UK legislation, meaning any reference will always operate as reference to the current version of the IMO convention or UK legislation.

The inclusion of ambulatory references is considered suitable because Jersey has already accepted the principles which underpin the conventions that have been extended, the principles are unlikely to be fundamentally altered over time, and sufficient advance notice of technical updates coming into force is typically readily available and well communicated via the MCA.

As Jersey will be subject to another audit in September 2026, it is important steps are taken to update Jersey's maritime legislation to reflect compliance and a commitment to global maritime standards.

Any new IMO convention that Jersey considers signing up to or joining in future, will go through the standard States Assembly process.

Development and consultation

A public consultation took place from November – December 2025 to ensure the maritime community had the opportunity to provide feedback on the project. A group of stakeholders were contacted to raise awareness of the consultation. The consultation received zero responses.

Financial and resource implications

There are no financial or resource implications for the States of Jersey arising from the adoption of the draft Law.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

Human Rights

The notes on the human rights aspects of the draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

APPENDIX TO REPORT**Humans Rights on the Draft Shipping (IMO Conventions) (Jersey) Amendment Law 202-**

The following note has been prepared by the Law Officers' Department with respect to the draft Shipping (IMO Conventions) (Jersey) Amendment Law 202- (the "**draft Law**") and is included for the information of States Members and it is not, **and should not be taken as, legal advice.**

The Law Officers' Department does not consider that the amendments to legislation to be brought about by the draft Law would have implications for (or would cause engagement with) rights afforded under the European Convention on Human Rights and Fundamental Freedoms ("ECHR") that are given effect in the Human Rights (Jersey) Law 2000.

EXPLANATORY NOTE

This Law, if adopted, would amend the Shipping (Jersey) Law 2002 (the “Shipping Law”) and the Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015 (the “Oil Pollution Law”) to provide for the implementation in Jersey of current versions of certain International Maritime Organization conventions, treaties and agreements (“IMO conventions”).

The Shipping Law, Regulations and Orders made under the Shipping Law, and the Oil Pollution Law implement IMO conventions. They do so, in part, by cross-referring to those IMO conventions and by applying, to Jersey, legislation of the United Kingdom that implements IMO conventions (“UK legislation”).

If Jersey legislation contains a reference to an IMO convention or UK legislation then, unless otherwise stated, that reference is a point-in-time reference – that is, it is a reference to the version of the IMO convention or UK legislation that existed at the time the reference came into force.

This Law amends the Shipping Law so that Regulations and Orders made under it may make ambulatory references to IMO conventions and UK legislation – that is, they may make references that will always operate as references to the current version of the IMO convention or UK legislation. And it amends the Oil Pollution Law so that the States may, by Regulations, provide that references to IMO conventions in that Law, and in any Regulations and Orders made under it, are ambulatory.

In this context, the “current version” of an IMO convention means the IMO convention –

- (a) as amended by any revision that appears to the Minister for Sustainable Economic Development (the “Minister”) to have been agreed to by the Government of the United Kingdom; and
- (b) if the IMO convention can be amended by a procedure for tacit acceptance of revisions, as amended by any revision that appears to the Minister to have been recognised by the Government of the United Kingdom as having effect (regardless of whether the Government of the United Kingdom objected to that revision under the tacit acceptance procedure).

This Law also makes minor amendments to the Shipping Law and the Employment (Jersey) Law 2003.

Part 1 – Shipping Law amended

Article 1 states that Part 1 amends the Shipping Law.

Article 2 amends Article 117, which allows the States by Regulations to make provision about the implementation of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea 1996. The effect of the amendment is that those Regulations can make ambulatory reference to that convention and, if they do so, can specify when an amendment to, or replacement of, that convention is to have effect in Jersey.

Article 3 makes minor amendments to Article 186 to update the definitions of “offshore installation” and “pipeline”.

Article 4 amends Article 196, which makes provision about the Regulation-making and Order-making powers in the Shipping Law. Article 196(1)(a) allows the States by Regulations, or the Minister by Order, to apply UK legislation made under the United Kingdom’s Merchant Shipping Act 1995 to Jersey. *Article 4* inserts new Article 196(1A), which provides that Regulations made under Article 196(1)(a) may make ambulatory reference to that UK legislation, and new Article 196(1B), which provides that the States may by Regulations provide for Orders made

under Article 196(1)(a) to make ambulatory reference to that UK legislation. *Article 4* also inserts new Article 196(4), which allows the States by Regulations to give the Minister power to make provision by Order that the States can make by Regulations (other than by Regulations under Article 196).

Article 5 inserts a new Article 196A, which makes provision about the implementation of IMO conventions. Article 196A allows the States by Regulations to make whatever provision they consider necessary or expedient to implement an IMO convention and to deal with matters arising out of or related to an IMO convention. It also provides that those Regulations, and any other Regulations or Orders made under the Shipping Law that give effect to or otherwise refer to an IMO convention, may make ambulatory reference to that IMO convention. It provides that Regulations and Orders that make ambulatory reference to an IMO convention can specify when an amendment to, or replacement of, that IMO convention is to have effect in Jersey. Article 196A(7) provides that nothing in the Shipping Law affects the duties of the Minister under the Treaties (Jersey) Law 202-.

Article 6 makes a minor amendment to Article 201 to replace an out-of-date reference to the Interpretation (Jersey) Law 1954.

Part 2 – Oil Pollution Law amended

Article 7 substitutes Article 35 of the Oil Pollution Law. New Article 35 allows the States by Regulations to make whatever provision they consider necessary or expedient to implement IMO conventions and to deal with matters arising out of or related to those IMO conventions. It states that those Regulations may, in particular, amend the Oil Pollution Law so that it, and any Regulations and Orders made under it, may make ambulatory reference to IMO conventions. And it provides that Regulations and Orders that make ambulatory reference to an IMO convention can specify when an amendment to, or replacement of, that IMO convention is to have effect in Jersey. Article 35(6) provides that nothing in the Oil Pollution Law affects the duties of the Minister under the Treaties (Jersey) Law 202-.

Part 3 – Employment (Jersey) Law 2003 amended

Article 8 amends Article 10 of the Employment (Jersey) Law 2003 (the “Employment Law”). Article 34 of the Shipping (Standards of Training, Certification and Watchkeeping) (Jersey) Order 2021 (the “2021 Order”) implements requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 in relation to rest periods for certain people on sea-going Jersey ships and ships in Jersey waters. The amendment modifies the effect of Article 10 of the Employment Law in relation to those people, to reflect their entitlement to rest periods under Article 34 of the 2021 Order.

Part 4 – citation and commencement

Article 9 gives the name of the Law and provides for it to come into force on a day to be specified by the Minister by Order.



Jersey

DRAFT SHIPPING (IMO CONVENTIONS) (JERSEY) AMENDMENT LAW 202-

Contents

Article

PART 1		9
SHIPPING (JERSEY) LAW 2002 AMENDED		9
1	Shipping (Jersey) Law 2002 amended	9
2	Article 117 (power to give effect to Convention) amended	9
3	Article 186 (functions of Minister in relation to marine pollution) amended	10
4	Article 196 (general provisions relating to the making of subordinate legislation) amended	10
5	Article 196A (implementation of international agreements) inserted	11
6	Article 201 (repeals, consequential amendments, transitional and savings provisions) amended	11
PART 2		12
SHIPPING (OIL POLLUTION) (LIABILITY AND COMPENSATION) (JERSEY) LAW 2015 AMENDED		12
7	Article 35 (Regulations) of Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015 substituted	12
PART 3		13
EMPLOYMENT (JERSEY) LAW 2003 AMENDED		13
8	Article 10 (rest period) of Employment (Jersey) Law 2003 amended	13
PART 4		13
CITATION AND COMMENCEMENT		13
9	Citation and commencement	13



Jersey

DRAFT SHIPPING (IMO CONVENTIONS) (JERSEY) AMENDMENT LAW 202-

A LAW to amend the [Shipping \(Jersey\) Law 2002](#), the [Shipping \(Oil Pollution\) \(Liability and Compensation\) \(Jersey\) Law 2015](#) and the [Employment \(Jersey\) Law 2003](#) in relation to the implementation of International Maritime Organization conventions, and for connected purposes.

Adopted by the States [date to be inserted]

Sanctioned by Order of His Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

Coming into force [date to be inserted]

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

PART 1

[SHIPPING \(JERSEY\) LAW 2002](#) AMENDED

1 [Shipping \(Jersey\) Law 2002](#) amended

This Part amends the [Shipping \(Jersey\) Law 2002](#).

2 Article 117 (power to give effect to Convention) amended

For Article 117(1) there is substituted –

(1) The States may by Regulations –

(a) give effect to –

(i) the Convention on or after its ratification by the United Kingdom;
and

(ii) a revision of the Convention –

(A) that appears to the Minister to have been agreed to by the Government of the United Kingdom; and

(B) if the Convention is amended by a procedure for tacit acceptance of revisions (the “tacit acceptance procedure”),

that appears to the Minister to have been recognised by the Government of the United Kingdom as having effect (regardless of whether the Government of the United Kingdom objected to that revision under the tacit acceptance procedure); and

- (b) provide that, if the Convention is replaced by another international agreement, a reference to it in the Regulations is construed as a reference to that other international agreement.
- (1A) If Regulations make provision in exercise of the power in paragraph (1), they may make provision about when the revision, or other international agreement, is treated as having effect in Jersey.
- (1B) For the purposes of paragraphs (1) and (1A), “international agreement” means an international convention or treaty issued by the International Maritime Organization that has been ratified by the United Kingdom on behalf of Jersey, or an agreement made under such a convention or treaty.

3 Article 186 (functions of Minister in relation to marine pollution) amended

In Article 186(6) –

- (a) for the definition “offshore installation” there is substituted –
“offshore installation” has the meaning given in regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 of the United Kingdom (S.I. 1995/738);
- (b) for the definition “pipeline” there is substituted –
“pipeline” has the meaning given in article 6(2) of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013 of the United Kingdom (S.I. 2013/240), but excluding the words “but not including a pipeline of which no initial or terminal point is situated in the United Kingdom, within the territorial sea adjacent to the United Kingdom, or within a designated area”;

4 Article 196 (general provisions relating to the making of subordinate legislation) amended

In Article 196 –

- (a) after paragraph (1) there is inserted –
 - (1A) If Regulations make provision in exercise of the power in paragraph (1)(a), they may make provision for the application of the instrument as it has effect in the United Kingdom from time to time.
 - (1B) The States may by Regulations provide that if an Order makes provision in exercise of the power in paragraph (1)(a), it may make provision for the application of the instrument as it has effect in the United Kingdom from time to time.
- (b) after paragraph (3) there is inserted –
 - (4) The States may by Regulations provide for the Minister to have a power or duty to make, by Order, any provision that the States may make by Regulations under this Law (other than provision that may be made by Regulations under paragraph (1A) or (1B) or this paragraph).

5 Article 196A (implementation of international agreements) inserted

After Article 196 there is inserted –

196A Implementation of international agreements

- (1) In this Article, “international agreement” means an international convention or treaty issued by the International Maritime Organization that has been ratified by the United Kingdom on behalf of Jersey, or an agreement made under such a convention or treaty.
- (2) The States may by Regulations make provision that appears to them to be necessary or expedient for the purposes of –
 - (a) implementing an international agreement; and
 - (b) dealing with matters arising out of or related to an international agreement.
- (3) Regulations under paragraph (2) may amend any enactment and make any other provision that may be made by a Law.
- (4) Paragraph (5) applies if Regulations or an Order made under this Law (“subordinate legislation”) give effect to, or otherwise refer to, an international agreement.
- (5) The subordinate legislation may –
 - (a) refer to the international agreement as amended –
 - (i) by any revision that appears to the Minister to have been agreed to by the Government of the United Kingdom; and
 - (ii) if the international agreement may be amended by a procedure for tacit acceptance of revisions (the “tacit acceptance procedure”), by any revision that appears to the Minister to have been recognised by the Government of the United Kingdom as having effect (regardless of whether the Government of the United Kingdom objected to that revision under the tacit acceptance procedure); and
 - (b) provide that, if the international agreement is replaced by another international agreement, a reference to it in that subordinate legislation is construed as a reference to that other international agreement.
- (6) If subordinate legislation makes provision in exercise of the power in paragraph (5), it may make provision about when the revision, or other international agreement, is treated as having effect in Jersey.
- (7) Nothing in this Law affects the duties of the Minister under the Treaties (Jersey) Law 202-.

6 Article 201 (repeals, consequential amendments, transitional and savings provisions) amended

For Article 201(3) there is substituted –

- (3) Article 5 of the [Legislation \(Jersey\) Law 2021](#) applies to an Act or subordinate legislation of the United Kingdom that applies to Jersey, by virtue of its own provision or by Order in Council and of being registered in the Royal Court, as it applies to Jersey legislation.

PART 2**SHIPPING (OIL POLLUTION) (LIABILITY AND COMPENSATION) (JERSEY) LAW 2015**
AMENDED**7 Article 35 (Regulations) of Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015 substituted**

For Article 35 of the Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015 there is substituted –

35 Implementation of international agreements

- (1) In this Article, “international agreement” means –
 - (a) the Fund Convention;
 - (b) the Liability Convention;
 - (c) the Supplementary Fund Protocol;
 - (d) the International Convention on Tonnage Measurement of Ships 1969; and
 - (e) any other international convention or treaty issued by the International Maritime Organization that has been ratified by the United Kingdom on behalf of Jersey, or an agreement made under such a convention or treaty.
- (2) The States may by Regulations make provision that appears to them to be necessary or expedient for the purposes of –
 - (a) implementing an international agreement; and
 - (b) dealing with matters arising out of or related to an international agreement.
- (3) Regulations under paragraph (2) may amend any enactment and make any other provision that may be made by a Law.
- (4) Regulations under paragraph (2) may in particular amend this Law to provide that –
 - (a) a reference in this Law, or in Regulations or an Order made under it, to an international agreement –
 - (i) is to that international agreement as amended –
 - (A) by any revision that appears to the Minister to have been agreed to by the Government of the United Kingdom; and
 - (B) if the international agreement may be amended by a procedure for tacit acceptance of revisions (the “tacit acceptance procedure”), by any revision that appears to the Minister to have been recognised by the Government of the United Kingdom as having effect (regardless of whether the Government of the United Kingdom objected to that revision under the tacit acceptance procedure); and
 - (ii) if that international agreement is replaced by another international agreement, is construed as a reference to that other international agreement; and

- (b) Regulations or an Order made under this Law may make reference to an international agreement as described in sub-paragraph (a).
- (5) If Regulations or an Order make provision as described in paragraph (4), they may make provision about when the revision, or other international agreement, is treated as having effect in Jersey.
- (6) Nothing in this Law affects the duties of the Minister under the Treaties (Jersey) Law 202-.

PART 3

EMPLOYMENT (JERSEY) LAW 2003 AMENDED

8 Article 10 (rest period) of Employment (Jersey) Law 2003 amended

After Article 10(5) of the Employment (Jersey) Law 2003 there is inserted –

- (5A) But if Article 34 (fitness for duty) of the Shipping (Standards of Training, Certification and Watchkeeping) (Jersey) Order 2021 (the “2021 Order”) applies to an employee –
 - (a) paragraphs (1) to (2B) and (3) to (5) do not apply in relation to the employee; and
 - (b) paragraph (2C) applies in relation to the employee with the following modifications –
 - (i) for “the entitlement conferred by paragraph (1) or (2)” there is substituted “the entitlement conferred by Article 34 of the 2021 Order”; and
 - (ii) for “in accordance with paragraph (2B)” there is substituted “in accordance with Article 34(9) of the 2021 Order”.

PART 4

CITATION AND COMMENCEMENT

9 Citation and commencement

This Law may be cited as the Shipping (IMO Conventions) (Jersey) Amendment Law 202- and comes into force on a day to be specified by the Minister for Sustainable Economic Development by Order.