

S.P. 44/21



**St Helena
Government**

ST HELENA GOVERNMENT

MERCHANT SHIPPING (AMENDMENT) BILL, 2021



ST HELENA

A BILL

FOR

AN ORDINANCE

to amend the Merchant Shipping Ordinance, 2021, to establish the Maritime Authority; and for connected and incidental purposes.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Short title and commencement

1. This Ordinance may be cited as the Merchant Shipping (Amendment) Ordinance, 2021 and comes into force on the date that the Merchant Shipping Ordinance, 2021 comes into force.

Amendment of section 2 - interpretation

2. Section 2 of the Merchant Shipping Ordinance, 2021 is amended by inserting, in the appropriate alphabetical sequence, the following definitions—

“**Maritime Authority**” means the person appointed in accordance with section 2A;”;

“**MCA**” means the United Kingdom’s Maritime and Coastguard Agency, an executive agency of the United Kingdom’s Secretary of State for Transport;”.

Insertion of section 2A - Maritime Authority

3. The principal Ordinance is amended by inserting after section 2 the following section—

“Maritime Authority

2A. (1) Subject to subsection (5), the Governor in Council may in writing appoint a person to be the Maritime Authority which will have responsibility for the performance of functions and the execution of duties prescribed in Regulations and where a person is not appointed the functions of the Maritime Authority must be performed by the Governor in Council until the person is appointed.

(2) An appointment made pursuant to subsection (1) may be revoked at the discretion of the Governor in Council and may be made unconditionally or on the conditions specified by the Governor in Council.

(3) Further to subsection (2) and notwithstanding an appointment pursuant to subsection (1) the Governor in Council may at the discretion of the Governor in Council, by direction in writing to the Maritime Authority, retain responsibility for any function or duty prescribed to be performed by the Maritime Authority.

(4) The Maritime Authority may publish guidance to give effect to Regulations made pursuant to this Ordinance and an owner and a master must have regard to any guidance published by the Maritime Authority.

(5) The guidance of the MCA must be obtained by the Governor in Council before approving—

- (a) an appointment pursuant to subsection (1); and
- (b) the terms and conditions of an appointment pursuant to subsection (1).”.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

This Ordinance establishes the Maritime Authority.

