

PROJET DE LOI

ENTITLED

The Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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Ordres en Conseil Vol. XVII, p. 264; as amended by the: Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 340); Harbour Dues, Harbour Charges and Mooring Charges (Guernsey) (Amendment) Law, 2001 (No. XXI of 2001, Ordres en Conseil Vol. XLI, p. 681); Harbour Dues Ordinance, 1958 (Recueil d'Ordonnances Tome XII, p. 3); Harbour Dues Ordinance, 1959 (Recueil d'Ordonnances Tome XII, p. 185); Harbour Dues Ordinance, 1965 (Recueil d'Ordonnances Tome XIV, p. 144); Harbour Dues Ordinance, 1970 (Recueil d'Ordonnances Tome XVI, p. 510); Harbour Dues Ordinance, 1972 (Recueil d'Ordonnances Tome XVIII, p. 3); Harbour Dues Ordinance, 1975 (Recueil d'Ordonnances Tome XX, p. 29); Harbour Dues Ordinance, 1976 (Recueil d'Ordonnances Tome XX, p. 263); Harbour Dues (No. 2) Ordinance, 1976 (Recueil d'Ordonnances Tome XX, p. 464); Harbour Dues (Amendment) Ordinance, 1977 (Recueil d'Ordonnances Tome XXI, p. 57); Harbour Dues (Amendment) (No. 2) Ordinance, 1977 (Recueil d'Ordonnances Tome XXI, p. 99); Harbour Dues Ordinance, 1978 (Recueil d'Ordonnances Tome XXI, p. 177); Harbour Dues Ordinance, 1979 (Recueil d'Ordonnances Tome XXI, p. 324); Harbour Dues Ordinance, 1980 (Recueil d'Ordonnances Tome XXI, p. 470); Harbour Dues Ordinance, 1982 (Recueil d'Ordonnances Tome XXII, p. 153); Harbour Dues (No. 2) Ordinance, 1982 (Recueil d'Ordonnances Tome XXII, p. 409); Harbour Dues Ordinance, 1983 (Recueil d'Ordonnances Tome XXII, p. 573); Harbour Dues Ordinance, 1984 (Recueil d'Ordonnances Tome XXIII, p. 214); Harbour Dues Ordinance, 1985 (Recueil d'Ordonnances Tome XXIII, p. 321); Harbour Dues Ordinance, 1986 (Recueil d'Ordonnances Tome XXIII, p. 484); Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Fees, Charges and Penalties (Guernsey) Law, 2007 (No. VII of 2008).

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THE STATES, in pursuance of their Resolutions of the twentieth day of February, nineteen hundred and fifty-seven and of the twenty-ninth day of May, nineteen hundred and fifty-seven, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in this Island.

Definitions.

1. For the purposes of this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them –

["**act of trade**", in respect of a vessel or aircraft, means –

- (i) the embarkation or disembarkation of passengers,
- (ii) the loading or unloading of cargo, or
- (iii) the obtaining of customs clearance or the making of a customs declaration in territorial waters,]

"aircraft" does not include aircraft of the armed forces of the Crown or of the armed forces of any foreign Government, or aircraft belonging to or

under the control of any Department of Her Majesty's Government or any harbour or navigational authority or body, being aircraft used for the purposes of such Department, authority or body other than the carrying of passengers or the transport of cargo for hire or reward,

"the Board" means the States [States' Trading Supervisory Board],

[...]

"the harbour of Saint Peter Port" means the harbour area to the westward of a line drawn from the seaward end of the Castle Cornet breakwater to the seaward end of the White Rock [and the marina area to the north thereof, south-west of a line drawn from the Salarie Battery to the northern extremity of the breakwater extending north from the White Rock],

"the harbour of Saint Sampson" means the harbour area to the westward of a line drawn from the northern end of the southern pier to the southern end of the northern pier,

[...]

[...]

"owner" includes a charterer and an agent,

[...]

[**"roadstead"** has the meaning from time to time assigned to that expression by Ordinance under section 11 of the Pilotage (Guernsey) Law,

1966, as amended^{*},]

"territorial waters" means the sea surrounding this Island to a distance of three nautical miles from the coast, measured from mean low water spring tides,

"vessel" does not include Her Majesty's Ships, vessels belonging to the armed forces of any foreign Government, vessels belonging to or under the control of any Department of Her Majesty's Government or any harbour or navigational authority or body, being vessels used exclusively for the purposes of such Department, authority or body other than the carrying of passengers or the transport of cargo for hire or reward, yachts used exclusively for pleasure, vessels carrying passengers for hire or reward so long as such vessels are being used within territorial waters and do not disembark such passengers otherwise than at the port of embarkation, vessels not exceeding sixty feet in length between perpendiculars or fishing boats, so long as such boats are carrying no cargo other than fish.

NOTES

In section 1,

the definition of the expression "act of trade" was substituted by the Harbour Dues, Harbour Charges and Mooring Charges (Guernsey) (Amendment) Law, 2001, section 1(a), with effect from 20th November, 2001;

the words in square brackets in the definition of the expression "the Board" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 12(b), Schedule 2, Part 8, with effect from 1st May, 2016;¹

the words omitted in the third, fifth, sixth and seventh pairs of square

^{*} Ordres en Conseil Vol. XX, p. 206 and Vol. XXIX, p. 340; "roadstead" is currently defined in section 33 of Pilotage Ordinance, 1967 (Recueil d'Ordonnances Tome XV, p. 50 and Tome XXVI, p. 118).

brackets were repealed by the Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986, section 1(a)(i), with effect from 1st January, 1988;

the words in the fourth pair of square brackets were inserted by the Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986, section 1(a)(ii), with effect from 1st January, 1988;

the definition of the expression "roadstead" was substituted by the Harbour Dues, Harbour Charges and Mooring Charges (Guernsey) (Amendment) Law, 2001, section 1(b), with effect from 20th November, 2001.

The functions, rights and liabilities of the Public Services Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the States' Trading Supervisory Board and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 12(b), Schedule 2, Part 8, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, with effect from 19th May, 2008, the power to prescribe by Ordinance the fees therein referred to and payable under this Law may be exercised by Regulation.

Harbour Dues.

2. As from the date of the coming into force of this Law, there shall be payable by the owners of vessels and by the owners of aircraft entering the harbour of Saint Peter Port or the harbour of Saint Sampson or performing an act of trade in the roadstead, as the case may be, Harbour Dues [at such rates as the States may, from time to time, by Resolution determine].

NOTES

In section 2, the words in square brackets were substituted by the Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986, section 1(b), with effect from 1st January, 1988.

In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, with effect from 19th May, 2008, the power to prescribe by Resolution the fees therein referred to and payable under this Law may be exercised by Regulation.

The following Regulations have been made under section 2:

Harbour Dues and Facilities Charges (Guernsey) Regulations, 2021.

[Power of Board to amend Harbour Dues.]

2A. A Resolution under section 2 determining Harbour Dues may, subject to such conditions as may be specified in the Resolution, authorise the Board to amend the amounts of those Dues in respect of any twelve month period or periods so specified by an amount not exceeding the change in the Guernsey Retail Prices Index during such earlier twelve month period or periods as may be so specified.]

NOTE

Section 2A was inserted by the Harbour Dues, Harbour Charges and Mooring Charges (Guernsey) (Amendment) Law, 2001, section 1(c), with effect from 20th November, 2001.

Additional Harbour Dues.

3. (1) In addition to any Harbour Dues payable under the provisions of the last preceding section, Harbour Dues shall be payable by the owner of a vessel and by the owner of an aircraft remaining in the harbour of Saint Peter Port, the harbour of Saint Sampson or the roadstead after the expiration of a period of fourteen days commencing on the day of entry [at such rates as the States may, from time to time, by Resolution determine].

(2) ...

(3) ...

NOTES

In section 3, the words in square brackets in subsection (1) were substituted, and subsection (2) and subsection (3) were repealed, by the Harbours,

Moorings and Pilotage (Fees and Dues) Law, 1986, respectively section 1(c) and section 1(d), with effect from 1st January, 1988.³

In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, with effect from 19th May, 2008, the power to prescribe by Resolution the fees therein referred to and payable under this Law may be exercised by Regulation.

The following Regulations have been made under section 3:

Harbour Dues and Facilities Charges (Guernsey) Regulations, 2021.

Recovery of Harbour Dues.

4. Any Harbour Dues which become payable under the provisions of this Law shall be recoverable by the Board from the owner of the vessel or the aircraft concerned as a civil debt.

Act of trade within territorial waters.

5. The owner of any vessel or aircraft coming from a place situate outside this Island and performing an act of trade within territorial waters other than the roadstead shall be deemed to have entered one of the said harbours and shall pay the appropriate Harbour Dues accordingly.

[Resolutions.]

6. Any power conferred by this Law to determine rates of Harbour Dues by Resolution includes a power –

- (a) to determine different rates for different vessels and aircraft, for different classes of vessels and aircraft and for different circumstances,
- (b) without prejudice to the generality of paragraph (a) of this section, to determine different rates for passenger vessels and cargo vessels,

- (c) to determine rates calculated by reference to the number of passengers landed from or embarked on a vessel or aircraft,
- (d) to exempt from all or any Harbour Dues any vessel or aircraft or any class of vessels or aircraft,
- (e) to vary or revoke any such Resolution.]

NOTE

Section 6 was substituted by the Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986, section 1(e), with effect from 1st January, 1988.

Repeal.

7. The Harbour Dues (St. Peter Port and St. Sampson) Law, 1947, is hereby repealed.

NOTE

The Law received Royal Sanction on 31st October, 1957 and was registered on the Records of the Island of Guernsey and came into force on 7th December, 1957.

SCHEDULE

...

NOTE

The Schedule was repealed by the Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986, section 1(f), with effect from 1st January, 1988.⁴

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(b), Schedule 2, paragraph 2(b), with effect from 6th May, 2004.

² The functions, rights and liabilities of the Public Services Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them from, respectively, the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(b), Schedule 2, paragraph 2(b), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

³ Subsection (1) was previously amended by the Harbour Dues (No. 2) Ordinance, 1976, section 1, with effect from 1st January, 1977.

⁴ Prior to its repeal, the Schedule was amended by the following: the Harbour Dues Ordinance, 1958, section 2, with effect from 1st March, 1958; the Harbour Dues Ordinance, 1959, section 1, Schedule, with effect from 23rd April, 1959; the Harbour Dues Ordinance, 1965, section 1, with effect from 1st January, 1965; the Harbour Dues Ordinance, 1970, section 1, with effect from 15th February, 1971; the Harbour Dues Ordinance, 1972, section 1, with effect from 1st February, 1972; the Harbour Dues Ordinance, 1975, section 1, Schedule, with effect from 1st March, 1975; the Harbour Dues Ordinance, 1976, section 1, Schedule, with effect from 1st March, 1976; the Harbour Dues (No. 2) Ordinance, 1976, section 3, First Schedule, with effect from 1st January, 1977; the Harbour Dues (Amendment) Ordinance, 1977, section 1, with effect from 1st June, 1977; the Harbour Dues (Amendment) (No. 2) Ordinance, 1977, section 1, with effect from 1st January, 1978; the Harbour Dues Ordinance, 1979, section 1, with effect from 1st January, 1980; the Harbour Dues Ordinance, 1980, section 1, with effect from 1st January, 1981.