

PROJET DE LOI

ENTITLED

The Pilotage (Sark) Law, 1991 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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 the Greffier, La Chasse Marette, Sark, GY10 1SF.

© Chief Pleas of Sark

*

No. XI of 1991 (Ordres en Conseil Vol. XXXIII, p. 172).

PROJET DE LOI

ENTITLED

The Pilotage (Sark) Law, 1991

ARRANGEMENT OF SECTIONS

1. The Chief Pleas to make provision for pilotage.
2. Responsibility for administration of Ordinances.
3. Obligations of compulsory pilotage.
4. Liability of owner or master of a vessel under pilotage.
5. Licensing of pilots by Chief Pleas not to involve any liability.
6. Penalties to be prescribed by Ordinance.
7. Interpretation.
8. Repeal.
9. Citation.
10. Commencement.

The Pilotage (Sark) Law, 1991

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 4th day of October, 1989, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Sark.

The Chief Pleas to make provision for pilotage.

1. (1) Subject to the succeeding provisions of this Law, the Chief Pleas may, from time to time, by Ordinance make such provision as they may deem necessary or expedient for the compulsory pilotage of vessels within such area of the territorial waters adjacent to this Island as may be defined by any such Ordinance and, without prejudice to the generality of the foregoing, they may, in particular, make provision in any such Ordinance for all or any of the following matters –

- (a) the definition of such area of the territorial waters adjacent to this Island within which the pilotage of vessels shall be compulsory (hereinafter referred to as "**the compulsory pilotage zone**"),
- (b) the licensing of persons as pilots for the pilotage of vessels within the compulsory pilotage zone,
- (c) determining the qualification in respect of age, physical fitness, time of service, local knowledge, skill, character, and otherwise to be required from persons applying to be licensed as pilots, for the examination of such persons and fixing the term for

which a pilotage licence is to be in force and the conditions under which such a licence may be granted or renewed,

- (d) the suspension or revocation of pilotage licences,
- (e) enabling any pilot aggrieved by any decision of the Committee to appeal from such decision to the Court of the Seneschal, the decision of which shall be final,
- (f) fixing the fees to be payable on examination for a pilotage licence and on the grant or renewal of any such licence,
- (g) such incidental and supplementary matters for which the Chief Pleas deem it necessary or expedient for the purposes of any such Ordinance to provide.

(2) An Ordinance made under the provisions of this section may make different provision for different classes of vessels and may make different provision for different categories of vessels within those classes.

NOTE

The following Ordinance has been made under section 1:

Sark Pilotage Ordinance, 1992.

Responsibility for administration of Ordinances.

2. The Committee shall, except where otherwise provided in an

Ordinance made under the provisions of this Law, be responsible to the Chief Pleas for the administration of the provisions of any such Ordinance and shall exercise such powers and perform such duties as may be conferred or imposed upon it by any such Ordinance.

Obligations of compulsory pilotage.

3. (1) Every vessel, other than an excepted vessel, while navigating in the compulsory pilotage zone for the purposes of entering, leaving or making use of any harbour in this Island shall be under the pilotage of a pilot.

(2) If any vessel, other than an excepted vessel, in circumstances in which pilotage is compulsory under this section, is not under pilotage as required by this section the master of that vessel shall be guilty of an offence and liable on conviction, to a fine not exceeding level 5 on the Sark uniform scale.

(3) The Chief Pleas may, from time to time, by Ordinance provide that, for the purposes of this Law, any vessel or a vessel of any class specified therein shall be an excepted vessel.

NOTE

The following Ordinances have been made under section 3:

*Sark Pilotage Ordinance, 1992;
Sark Pilotage (Amendment) Ordinance, 1993.*

Liability of owner or master of a vessel under pilotage.

4. Notwithstanding anything in any enactment or any rule of law to the contrary, the owner or master of a vessel navigating under circumstances in which pilotage is compulsory under the provisions of this Law shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel

in the same manner as he would be if pilotage were not compulsory.

Licensing of pilots by Chief Pleas not to involve any liability.

5. No liability shall be incurred by the Chief Pleas or by the Committee or by any of their members, servants or officers by reason of the exercise or purported exercise of, or the failure to exercise, any function under this Law or any Ordinance made thereunder.

Penalties to be prescribed by Ordinance.

6. The Chief Pleas may, from time to time, by Ordinance prescribe the penalties which shall be incurred by any person guilty of an offence under any Ordinance made in pursuance of any of the provisions of this Law and different penalties may be so prescribed for different offences.

NOTE

The following Ordinance has been made under section 6:

Sark Pilotage Ordinance, 1992.

Interpretation.

7. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"**the Committee**" means the Sark Pilotage Committee of the Chief Pleas of Sark,

"**pilot**" means a person licensed, as a pilot, by the Committee in pursuance of the provisions of an Ordinance made under the provisions of

section 1 of this Law, for the pilotage of vessels within the compulsory pilotage zone.

(2) The Interpretation (Guernsey) Law, 1948^a applies to the interpretation of this Law and of any Ordinance made under this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

Repeal.

8. The Ordinance entitled "Ordonnance portant règlement pour les Pilotes de l'Île de Serk" of 1932^b is repealed.

Citation.

9. This Law may be cited as the Pilotage (Sark) Law, 1991.

Commencement.

10. This Law shall come into force on such date as the Chief Pleas may by Ordinance appoint, and different dates may be so appointed for different provisions of this Law and for different purposes.

NOTE

The Law was brought into force on 1st June, 1992 by the Pilotage (Sark) (Commencement) Ordinance, 1992, section 1.

^a Ordres en Conseil Vol. XIII, p. 355.

^b Recueil d'Ordonnances Tome VI, p. 77.