

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## **The Harbour Dues (Alderney) Law, 1971**

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(Registered on the Records of the Island of Guernsey  
on the 13th day of July, 1971.)

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# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 13th day of July, 1971, before Sir William Arnold, Kt., C.B.E., Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin, Richard Alan Kinnersly, Esquires and Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 25th day of May, 1971, ratifying a *Projet de Loi* of the States of Alderney entitled "The Harbour Dues (Alderney) Law, 1971", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth:—

# At the Court at Buckingham Palace

The 25th day of May 1971

PRESENT,

## The Queen's Most Excellent Majesty

LORD PRESIDENT

EARL ST. ALDWYN

MR. SECRETARY THOMAS

MR. PEYTON

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 18th day of May 1971, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee a humble Petition of George William Baron, Esquire, President of the States of Alderney, setting forth:

‘That at a meeting of the States of Alderney held on the third day of March 1971 the States adopted a Resolution that a *Projet de Loi* entitled “The Harbour Dues (Alderney) Law, 1971” be approved: That at the meeting of the States afore-said Your Humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said *Projet de Loi* be sanctioned: That the said *Projet de Loi* is set forth in the words and figures of the Schedule hereunto annexed: And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the *Projet de Loi* entitled “The Harbour Dues (Alderney) Law, 1971” and order that the same should have the force of law within the Island of Alderney.’

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition, and the Projet de Loi annexed thereto, into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of law within the Island of Alderney.

AND HER MAJESTY doth hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being of the said Island of Guernsey, and also the Jurats of the said Island of Alderney and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*N. E. Leigh*



Projet de Loi referred to in the foregoing  
Order in Council.

## PROJET DE LOI

ENTITLED

### **The Harbour Dues (Alderney) Law, 1971**

THE STATES, in pursuance of their Resolution of the sixth day of January, nineteen hundred and seventy-one, 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 Alderney:—

1. Subject to the provisions of this Law, harbour dues at the rates set out in the First Schedule to this Law shall be payable by the owner of a vessel entering a harbour in the Island of Alderney. Harbour dues.
2. Subject to the provisions of this Law, in addition to any harbour dues payable under the provisions of the preceding section, additional harbour dues at the rates set out in the Second Schedule to this Law shall be payable by the owner of a vessel remaining in a harbour in the Island of Alderney after the expiration of a period of fourteen days commencing on the day of entry for each week or part of a week that the vessel so remains. Additional Harbour dues.
3. Any harbour dues or additional harbour dues which become payable under the provisions of this Law shall be recoverable by the States from the owner of the vessel concerned as a civil debt. Recovery of Harbour dues.
4. The owner of any vessel coming from a place situate outside the Island of Alderney and performing an act of trade within territorial waters other Act of trade within territorial waters.

than in a harbour in the said Island shall be deemed to have entered such a harbour and shall pay the appropriate harbour dues accordingly.

Ordinances. 5. The States may, from time to time, by Ordinance—

- (a) vary or revoke in whole or in part either or both of the Schedules to this Law and any such Ordinance may prescribe different rates for different vessels or classes of vessels, so however that any such Ordinance shall not increase any rate set out in the Schedules to this Law by more than one hundred per centum of that rate as levied on the date of coming into force of this Law;
- (b) exempt any vessel or class of vessel from the payment of harbour dues or additional harbour dues or both;
- (c) empower the Transport and Harbour Committee to make a composition in lieu of harbour dues or additional harbour dues or both in respect of any vessel or class of vessel.

Interpretation.

6.—(1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

“act of trade” means in respect of a vessel the embarkation or disembarkation of passengers or the loading or unloading of cargo;

“cargo vessel” means a vessel not licensed as a passenger vessel;

“owner” includes a charterer and an agent;

“passenger vessel” means a vessel licensed by the Board of Trade or the States Board of Administration of the Island of Guernsey, as the

case may be, to carry more than twelve passengers and includes a foreign passenger vessel which is a Load Line Convention Ship for the purposes of any enactment for the time being in force in the United Kingdom relating to Safety and Load Line Conventions;

“territorial waters” means the sea surrounding the Island of Alderney to a distance of three nautical miles from the coast, measured from mean low water spring tides;

“vessel” includes hovercraft but 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 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 other than at the port of embarkation, vessels not exceeding forty gross registered tons or fishing boats, so long as such fishing boats are carrying no cargo other than fish.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

7. The Order in Council sanctioning a Tariff of Harbour and Cargo Dues, registered on the Records on the seventeenth day of June, nineteen hundred **Repeals.**



and thirty-three(a), and the Harbour Dues (Amendment) (Alderney) Law, 1958(b), are hereby repealed.

Citation and  
commence-  
ment.

8.—(1) This Law may be cited as the Harbour Dues (Alderney) Law, 1971.

(2) This Law shall come into force on such day as the States may by Ordinance appoint.

(a) Ordres en Conseil Vol. IX, p. 327.

(b) Ordres en Conseil Vol. XVII, p. 466.

### FIRST SCHEDULE Section one

Harbour Dues	
Classes of Vessels	Rate per net registered ton
Cargo Vessels	10p
Passenger Vessels	5p

### SECOND SCHEDULE Section two

Additional Harbour Dues	
Classes of Vessels	Rate per net registered ton
Cargo Vessels	5p
Passenger Vessels	2½p

R. H. VIDELO,  
Her Majesty's Greffier.