

# ORDER IN COUNCIL

**XII**

**1987**

ratifying a Projet de Loi

ENTITLED

## **The Harbours, Moorings and Pilotage (Fees, Dues and Miscellaneous Provisions) (Alderney) Law, 1987**

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(Registered on the Records of the Island of Guernsey  
on the 1st day of December, 1987.)

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1987

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 1st December, 1987, before Sir Charles Frossard, Kt., Bailiff; present:—Donald Pescott Plummer, Brian Ernest Herbert Joy, Esquires, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, and Leonard Arthur Moss, Esquire, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 21st day of October, 1987 approving and ratifying a *Projet de Loi* of the States of Alderney entitled “The Harbours, Moorings and Pilotage (Fees, Dues and Miscellaneous Provisions) (Alderney) Law, 1987”, the Court, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ordered;

1. That the said Order in Council be registered on the records of this Island, and
2. 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 of Saint James

The 21st day of October 1987

**PRESENT,**

### The Counsellors of State in Council

WHEREAS Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 17th day of September 1987, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

AND 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 11th day of August 1987 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 Jon Kay-Mouat, Esquire, President of the States of Alderney, setting forth:

‘That at a meeting of the States of Alderney held on the 4th day of March 1987 the States adopted a Resolution that a *Projet de Loi* entitled “The Harbours, Moorings and Pilotage (Fees, Dues and Miscellaneous Provisions) (Alderney) Law, 1987” be approved: That at

the meeting of the States aforesaid 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 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 Harbours, Moorings and Pilotage (Fees, Dues and Miscellaneous Provisions) (Alderney) Law, 1987" and to order that the same shall have 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."

NOW, THEREFORE, His Royal Highness The Prince Andrew, Duke of York, and Her Royal Highness The Princess Royal, being authorised thereto by the said Letters Patent, having taken the said Report into consideration, are pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of law within the Island of Alderney.

AND the said Counsellors of State do 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.

*G. I. de Deney.*

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

## PROJET DE LOI

ENTITLED

### **The Harbours, Moorings and Pilotage (Fees, Dues and Miscellaneous Provisions) (Alderney) Law, 1987**

THE STATES, in pursuance of their Resolution of the 14th day of January 1987, 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. In the Mooring Charges (Alderney) Law, 1976 Amend-  
ments to  
Mooring  
Charges  
Law of 1976.  
(a)—
  - (a) in section 1, and in the marginal note there-  
to, for "Ordinance", wherever appearing,  
there is substituted "Resolution";
  - (b) for section 2 and the marginal note thereto  
there is substituted the following section  
and marginal note:
 

Variation and revocation of Resolu- tions.	2. Any power conferred by this Law to pass a Resolution shall be construed as including a power to vary or revoke any Resolution so passed."
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2. In section 1 of the Pilotage (Alderney) Law, 1984 Amend-  
ment to  
Pilotage Law  
of 1984.  
(b), the following additional subsection is in-  
serted immediately after subsection (2)—

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(a) Ordres en Conseil Vol. XXVI, p. 56.  
(b) Ordres en Conseil No. XVII of 1984.

“(3) An Ordinance made under this section may provide that—

- (a) the fees to be payable on the examination for, and on the grant and renewal of, a pilotage licence; and
- (b) the rates of payment to be made to the States in respect of the services of general and special pilots (“pilotage dues”),

shall be such fees or such rates of payment as the States may, from time to time, by Resolution determine; and a Resolution passed under such an Ordinance may make different provision for different classes and categories of pilots and vessels and for different circumstances.”

Amend-  
ment to  
Harbour  
Dues, Fees  
and Charges  
Law of 1984.

3. In the Harbour Dues, Fees and Charges (Alderney) Law, 1984(c)—

(a) in section 1:

- (i) the words “and any Ordinance made under section five” are repealed; and
- (ii) for all the words and punctuation after “there shall be payable” there is substituted:

“in respect of that entry or act of trade harbour dues and passenger fees at such rates as the States may, from time to time, by Resolution determine.”;

(b) in section 2:

- (i) the words “and any Ordinance made under section five” are repealed; and

- (ii) for the words "at the rates set out in the Second Schedule to this Law" there is substituted "at such rates as the States may, from time to time, by Resolution determine,";
- (c) for section 5 and the marginal note thereto there is substituted the following section and marginal note:

"Resolutions  
under  
Part I.

5. Any power conferred by this Law to determine by Resolution rates of harbour dues, additional harbour dues or passenger fees includes a power—

- (a) to determine different rates of harbour dues or additional harbour dues for different vessels or classes of vessels, and different rates of passenger fees for different passengers or categories of passengers, so however that no such Resolution shall increase any dues or fees to an amount greater than four hundred per centum of the rate of such dues or fees at the date of coming into force of this Law;
- (b) to exempt any vessel or class of vessel from any or all of the re-



quirements of this Law, or of any Resolution passed under this Law, as to harbour dues, additional harbour dues or passenger fees;

(c) to empower the Committee to make with any person a composition in lieu of any or all harbour dues, additional harbour dues or passenger fees for which that person is or may become liable by reason of any entry into a harbour or any act of trade by any vessel or class of vessel;

(d) to vary or revoke any such Resolution.”;

(d) in section 6(1), for “Ordinance” there is substituted ‘Resolution’;

(e) for section 6(2) there is substituted:

“(2) A Resolution under this section may—

(a) make different provision for different cases or circumstances;

(b) exempt any person or class of persons from all or any charges;

(c) be varied or revoked by a further Resolution under this section.”;

(f) in section 7, for “an Ordinance” there is substituted “a Resolution”.

(g) in section 9(1):

- (i) immediately after "In this law," there is inserted "and in any Resolution passed by the States under this Law,";
- (ii) in the definition of "harbour dues" the words "paragraph (a) of" are omitted;
- (iii) in the definition of "passenger fees" the words "paragraph (b) of" are omitted;

(h) in section 9(2), for "this Law" there is substituted "any Resolution passed by the States under this Law".

(i) the First Schedule and the Second Schedule are repealed.

4. (1) It is hereby declared for the avoidance of doubt that in each of the provisions mentioned in subsection (2) of this section (being provisions containing definitions of Braye Harbour) the words "the area to the southward of a line drawn from the north-eastern end of the submerged portion of the Alderney Breakwater to the Outer Grois Rock" mean, and shall be deemed always to have meant, "the area bounded by—

Meaning of  
"Braye  
Harbour".

- (i) the Alderney Breakwater, including the submerged portion thereof;
- (ii) a line drawn from the north-eastern end of the submerged portion of the Alderney Breakwater to the Outer Grois Rock;
- (iii) a line drawn due south of the Outer Grois Rock as far as the high water line of ordinary springtides on the northern coast of Alderney; and

(iv) the high water line of ordinary spring tides on the northern coast of Alderney ”.

(2) The provisions referred to in subsection (1) of this section are section 34(1) of the Building and Development Control (Alderney) Law, 1975(*d*), section 3 of the Mooring Charges (Alderney) Law, 1976 and section 10(1) of the Pilotage (Alderney) Law, 1984.

**Interpretation.**

5. The Interpretation (Guernsey) Law, 1948(*e*) applies to the interpretation of this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

**Citation.**

6. This Law may be cited as the Harbours, Moorings and Pilotage (Fees, Dues and Miscellaneous Provisions) (Alderney) Law, 1987.

**Commencement.**

7. (1) Sections 1, 2 and 3 of this Law shall come into force on such date as the States of Alderney may by Ordinance appoint, and different dates may be so appointed for different provisions of those sections and for different purposes.

(2) Sections 4, 5, 6 and 7 of this Law shall come into force on the date on which this Law is registered on the records of the Island of Guernsey.

**K. H. TOUGH,**

Her Majesty's Greffier.

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(*d*) Ordres en Conseil Vol. XXV, p. 8.

(*e*) Ordres en Conseil Vol. XIII, p. 355.