

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1968.

(Registered on the Records of the Island of Guernsey
on the 20th day of August, 1968.)



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ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 20th day of August, 1968, before Sir William Arnold, Kt., C.B.E., C. St. J., Bailiff; present:—
Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, Esquires, 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., and Jean Le Pelley, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 12th day of July, 1968, ratifying a *Projet de Loi* entitled "The Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1968", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 12th day of July 1968

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT

SIR MICHAEL ADEANE

MR ROBINSON

MR MARSH

MISS JENNIE LEE

MR MASON

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 8th day of July 1968, 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 the humble Petition of the States of the Island of Guernsey, setting forth:—

- ‘1. That, in pursuance of the Resolution of the 28th day of April 1965, the States of Deliberation at a meeting held on the 28th day of February 1968, approved a Bill or “Projet de Loi” entitled “The Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1968” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto.
2. That the said Bill or “Projet de Loi” is in the words and figures 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 Bill or "Projet de Loi" of the States of Guernsey entitled "The Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1968" and to order that the same shall have force of law in the Island of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi 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 Guernsey.

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, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. Agnew.

PROJET DE LOI

ENTITLED

The Vessels and Speedboats (Compulsory Third-party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1968.

THE STATES, in pursuance of their Resolution of the twenty-eighth day of April, nineteen hundred and sixty-five, 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 Guernsey.

1. (1) A person shall not use, or cause or permit any other person to use, in the territorial waters of the Islands:—

Third-party insurance for certain vessels and speedboats.

- (a) a vessel licensed by the Board in pursuance of the provisions of the Ordinance entitled "Ordonnance par rapport aux Bateaux portant Passagers, ou mis en location" made permanent on the eighteenth day of January, nineteen hundred and thirty-two;
- (b) a local motor vessel within the meaning of the Passenger Vessels (Bailiwick of Guernsey) Ordinance, 1953;

unless there is in force in relation to the user of that vessel by that person or that other person, as the case may be, a policy of insurance issued by an authorised insurer, the policy being one which, subject to any restrictions or conditions specified therein,

insures such person or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any passenger in such vessel caused by or arising out of the use of that vessel whilst at sea.

(2) A person shall not use, or cause or permit any other person to use, in the territorial waters of the Islands a speedboat unless there is in force in relation to the user of that speedboat by that person or that other person, as the case may be, a policy of insurance issued by an authorised insurer, the policy being one which subject to any restrictions or conditions specified therein, insures such person or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person or loss of or damage to any property in or on the water or on the foreshore caused by or arising out of the use of that speedboat whilst at sea including any liability to, or incurred by, any person engaged in water skiing, aquaplaning or similar sport whilst being towed by the speedboat or preparing to be so towed.

(3) Notwithstanding anything in the last two preceding subsections such a policy of insurance as is referred to in either of those two subsections shall not be required to cover liability in respect of the death arising out of and in the course of his employment of a person in the employment of a person insured by the policy or of bodily injury sustained by such person arising out of and in the course of his employment.

(4) In this section the expression "authorised insurer" means an assurance company for the time being approved by the Board.

(5) Any person who contravenes or attempts to contravene any of the preceding provisions of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such term of imprisonment.

2. (1) There shall be payable by the owners of boats in respect of moorings allocated to them by or on behalf of the Board in the Harbour of Saint Peter Port or the Harbour of Saint Sampson, as the case may be, such charges (hereinafter referred to as "mooring charges") as the States may, from time to time, by Ordinance prescribe and any such Ordinance may prescribe different mooring charges in respect of different boats or different classes of boats, in respect of different moorings, in respect of different parts of the said Harbours, or in respect of each of the said Harbours and any such Ordinance may make provision for the exemption from the payment of mooring charges of the owners:—

Mooring charges.

- (a) of such boats or classes of boats as may be specified in any such Ordinance;
- (b) of boats moored in such parts of each of the said Harbours as may be specified in any such Ordinance.

(2) Any mooring charges which become payable in pursuance of the provisions of this Law may be recovered by the Board as a civil debt.

3. (1) The Board may, from time to time—

- (a) remove or cause to be removed from any part of the Harbour of Saint Peter Port or the Harbour of Saint Sampson, as the case may be, for safe custody any boat or remove

Removal of boats.

or cause to be removed from one position in either of the said Harbours to another such position any boat which has been permitted to remain at rest therein—

- (i) in contravention of any enactment; or
 - (ii) in such position or in such condition or in such circumstances as to cause obstruction to other persons using either of the said Harbours or as to be likely to cause danger to such other persons; or
 - (iii) in such position or in such condition or in such circumstances as to appear to the Board to have been abandoned; or which has broken down;
- (b) if it appears to the Board that a boat has been abandoned in either of the said Harbours, or is so unsound as to be unlikely to be restored to a sea-worthy condition, sell or otherwise dispose of it;
 - (c) apply the proceeds of sale by the Board of a boat in or towards the satisfaction of any costs incurred by the Board in connection with the removal, storage and disposal thereof;
 - (d) recover as a civil debt any such costs as aforesaid so far as not satisfied by virtue of the last foregoing paragraph.

(2) Any sums received by the Board on a sale of a boat in pursuance of the provisions of paragraph (b) of the last preceding subsection, after deducting any sum applied thereout by virtue of paragraph (c) of the said subsection, shall accrue to the States and shall be credited to the account of the Harbour of Saint Peter Port or the account of the Harbour of Saint Sampson, as the case may be.

4. (1) In this Law the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpretation.

“assurance company” includes an underwriter or association of underwriters;

“the Board” means the States Board of Administration;

“boat” means anything made for the carriage by water of human beings or of property and includes any gear therein and the hull, engine and any other part of a boat;

“foreshore” means any place lying between the lines of high water and low water at equinoctial spring tides;

“the Harbour of Saint Peter Port” and “the Harbour of Saint Sampson” include the quays, jetties, slipways, hards and roads adjacent to those Harbours respectively and under the administration of the Board;

“the Islands” means the Islands of Guernsey, Herm and Jethou;

“power-driven boat” means any boat propelled by machinery and every boat under power whether under sail or not;

“speedboat” means any power-driven boat capable of travelling on the sea at a speed in excess of twelve knots.

(2) Except where the context otherwise requires, any reference in this Law to any other enactment shall be construed as including a reference to that enactment as amended, repealed and re-enacted or replaced, with or without modifications, by or under any other enactment including this Law.

Citation. 5. This Law may be cited as the Vessels and Speed-boats (Compulsory Third-party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1968.

Commence- 6. This Law shall come into force on such date
ment. as the States may by Ordinance appoint.

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