

# ORDER IN COUNCIL

**XVIII**

**1984**

ratifying a Projet de Loi

ENTITLED

## **The Harbour Dues, Fees and Charges (Alderney) Law, 1984**

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(Registered on the Records of the Island of Guernsey  
the 1st day of October, 1984.)

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1984

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 1st day of October, 1984 before Sir Charles Frossard, Kt., Bailiff; present:—Albert Richard McCartney Straw, Donald Pescott Plummer, Esquires, Sydney Haydn Heard, Esquire, M.B.E., 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 and Raymond Arthur Heaume, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 31st day of July, 1984, ratifying a *Projet de Loi* of the States of Alderney entitled "The Harbour Dues, Fees and Charges (Alderney) Law, 1984", 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 31st day of July 1984

PRESENT,

## The Queen's Most Excellent Majesty in Council

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 24th day of July 1984 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 2nd day of May 1984 the States adopted a Resolution that a Projet de Loi entitled “The Harbour Dues, Fees and Charges (Alderney) Law, 1984” 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 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, Fees and Charges (Alderney) Law, 1984” and to order that the same shall 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, Fees and Charges (Alderney) Law, 1984**

ARRANGEMENT OF SECTIONS

*Section*

#### PART I

##### *Harbour dues and fees*

1. Harbour dues and passenger fees.
2. Additional harbour dues.
3. Exceptions.
4. Recovery of dues and fees.
5. Ordinances under Part I.

#### PART II

##### *Harbour charges*

6. Use of harbour facilities.
7. Recovery of charges.
8. Furnishing of information etc.

#### PART III

##### *Interpretation and general*

9. Interpretation.
10. Repeal.
11. Citation and commencement.

#### SCHEDULES

First Schedule: Harbour dues and passenger fees.  
Second Schedule: Additional harbour dues.

## PROJET DE LOI

### **The Harbour Dues, Fees and Charges (Alderney) Law, 1984**

THE STATES, in pursuance of their Resolution of the sixth day of July, nineteen hundred and eighty-three, 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.

#### PART I

##### *Harbour dues and fees*

Harbour  
dues and  
passenger  
fees.

1. Subject to section three and any Ordinance made under section five, on each occasion on which a vessel enters a harbour in Alderney or, being a vessel coming from a place outside Alderney, performs an act of trade within territorial waters other than a harbour in Alderney, there shall be payable in respect of that entry or act of trade—

- (a) harbour dues calculated in accordance with Part I of the First Schedule to this Law; and
- (b) passenger fees calculated in accordance with Part II of the First Schedule to this Law.

Additional  
harbour  
dues.

2. Subject to section three and any Ordinance made under section five, in addition to any harbour dues or passenger fees payable under section one, additional harbour dues at the rates set out in the Second Schedule to this Law shall be payable for

each week or part of a week that a vessel remains in a harbour in Alderney after the expiration of a period of fourteen days commencing on the day of its entry.

3. Sections one and two do not apply to—

Exceptions.

- (a) any of Her Majesty's Ships;
- (b) any vessel belonging to the armed forces of a foreign government;
- (c) any vessel belonging to or under the control of any Department of Her Majesty's Government or a navigational authority or body, being a vessel used exclusively for the purposes of such a Department, authority or body other than for carrying passengers for hire or reward;
- (d) any yacht used exclusively for pleasure;
- (e) any vessel carrying passengers for hire or reward exclusively within territorial waters;
- (f) any vessel not exceeding forty gross registered tons;
- (g) any fishing boat carrying no cargo other than fish.

4. Any harbour dues, additional harbour dues or passenger fees payable under this Law shall be recoverable by the States as a civil debt due to the States from the owner of the vessel concerned.

Recovery of  
dues and  
fees.

5. (1) The States may, from time to time, by Ordinance—

Ordinances  
under  
Part I.

- (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 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 Ordinance 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) exempt any vessel or class of vessel from any or all of the requirements of this Law, or of any Ordinance made under this Law, as to harbour dues, additional harbour dues or passenger fees;
  - (c) 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 or trade by any vessel or class of vessel.
- (2) An Ordinance made under this section may at any time be amended or repealed by a further Ordinance made by the States under this section.

## PART II

### *Harbour charges*

Use of  
harbour  
facilities.

6. (1) The States may, from time to time, by Ordinance prescribe the conditions and charges subject to which persons may use any harbour facility belonging to or in the control of the States.

(2) An Ordinance made under this Section—

- (a) may make different provision for different cases;
- (b) may at any time be amended or repealed by a further Ordinance made by the States under this section.

7. Any charges payable in pursuance of an Ordinance made under section six shall be recoverable by the States as a civil debt due to the States from the person by whom or on whose behalf the use of the harbour facility was requested or from an agent of that person.

Recovery of charges.

8. (1) The Harbour Officer may require the owner of any vessel in connection with which a harbour facility is used—

Furnishing of information etc.

- (a) to furnish to him, within the twenty-four hours next following the date of the use of that facility, such information relating to the vessel or its cargo as the Harbour Officer may require; and
- (b) to produce to him, and permit him to inspect and take copies of, any invoice, manifest, bill of lading or other book or document relating to the vessel or its cargo whose production the Harbour Officer may require.

(2) Any person who, without reasonable cause, refuses or fails to comply with a requirement made under subsection (1) shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

(3) Any person who, in connection with a requirement made under subsection (1), knowingly or recklessly makes any statement or furnishes any information which is false in a material particular shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

(4) If an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in such capacity, he as well as the body corporate shall be guilty of that offence and liable to be proceeded against and punished accordingly.

### PART III

#### *Interpretation and general*

Interpreta-  
tion.

9. (1) In this Law, unless the context otherwise requires—

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

“additional harbour dues” means dues payable pursuant to the provisions of section two;

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

“the Committee” means the Transport and Harbour Committee of the States of Alderney or such other committee as the States may from time to time by resolution appoint for the purposes of this Law;

"harbour dues" means dues payable pursuant to the provisions of paragraph (a) of section one;

"harbour facilities" means any crane, ramp, grab or other facility in the ownership or control of the States which is situated at or used in connection with any harbour in Alderney;

"Harbour Officer" means the person appointed by the Committee as the Harbour Officer of Braye Harbour and includes any person acting under the authority of the Harbour Officer;

"owner", in relation to a vessel, includes a charterer and an agent;

"passenger" does not include a member of the operating crew of a vessel;

"passenger fees" means fees payable pursuant to the provisions of paragraph (b) of section one;

"passenger vessel" means a vessel licensed by a Department of Her Majesty's Government or a Committee of the States of Guernsey or a Committee of the States of Alderney to carry more than twelve passengers and includes a foreign passenger vessel which is a Load Line Convention ship within the meaning of that expression in the Merchant Shipping (Safety and Load Line Conventions) Act, 1932 as extended to the Bailiwick of Guernsey by the Merchant Shipping Load Line Convention (Guernsey) Order, 1933(a);

“the States” means the States of Alderney;

“territorial waters” means the territorial waters adjacent to the Island of Alderney;

“vessel” includes a hovercraft and a hydrofoil.

(2) For the purposes of this Law the gross registered tonnage of a vessel shall be taken to be:

(i) in the case of a British registered ship, the gross registered tonnage shown in the Certificate of British Tonnage relating to that vessel, and

(ii) in the case of a vessel other than a British registered ship, such tonnage in relation to that vessel as shall be determined by the Committee.

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

**Repeal.** 10. The Harbour Dues (Alderney) Law, 1971(c), as amended, is hereby repealed.

**Citation and commencement.** 11. (1) This Law may be cited as the Harbour Dues, Fees and Charges (Alderney) Law, 1984.

(2) This Law shall come into force on such day as the States may by Ordinance appoint and different days may be so appointed for different provisions of this Law or for different purposes.

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(b) Ordres en Conseil Vol. XIII, p. 355.

(c) Ordres en Conseil Vol. XXIII, p. 137.

## FIRST SCHEDULE

## Section one

## PART I

*Harbour dues—vessels*

Category	Type of vessel	Rate per gross registered ton
A	Passenger vessels entering a harbour—	
	(a) not exceeding 500 gross registered tons	5.0p
	(b) exceeding 500 gross registered tons	2.5p
	Provided that the minimum dues payable in respect of a vessel within item (b) of this category shall be £25.00	
B	Cargo vessels entering a harbour—	
	(a) not carrying hydrocarbon oils or gas in bulk	12.5p
	(b) carrying hydrocarbon oils or gas in bulk	20.0p
C	Vessels performing an act of trade within territorial waters other than a harbour	50% of the appropriate dues set out in items (a) or (b) of category A or in items (a) or (b) of category B, as the case may be  Provided that the maximum dues payable under this category shall be £100.

## PART II

*Passenger fees*

<i>Passengers</i>	<i>Rate per passenger</i>
Passengers landed or embarked from or for a place outside a radius of fifty-five nautical miles from Bray Harbour.	75p Provided that the fee may be reduced or waived at the discretion of the Committee in respect of any passenger who has not attained the age of fifteen years if the Committee is satisfied that the passenger has been or is about to be conveyed at zero or at a reduced fare.
Passengers landed or embarked from or for a place at or within a radius of fifty-five nautical miles from Bray Harbour.	51.5p Provided that the fee may be reduced or waived at the discretion of the Committee in respect of any passenger who has not attained the age of fifteen years if the Committee is satisfied that the passenger has been or is about to be conveyed at zero or at a reduced fare.

*Calculation of harbour dues and passenger fees*

In calculating the amount of any harbour dues or passenger fees payable under this Law, in any case where the aggregate amount payable is not a multiple of a whole new penny the amount payable shall be taken to the nearest whole new penny below.

## SECOND SCHEDULE

Section two

*Additional harbour dues*

Category	Type of vessel	Rate per gross registered ton per week or part of a week
A	Passenger vessels—	
	(a) not exceeding 500 gross registered tons	5.0p
	(b) exceeding 500 gross registered tons	2.5p
		Provided that the mini- mum dues payable for each week or part of a week in respect of a vessel within item (b) of this category shall be £25.00
B	Cargo vessels—	
	(a) not carrying hydro- carbon oils or gas in bulk during any part of the week	12.5p
	(b) carrying hydrocarbon oils or gas in bulk during any part of the week	20.0p

*Calculation of additional harbour dues*

In calculating the amount of any additional harbour dues payable under this Law, in any case where the aggregate amount is not a multiple of a whole new penny the amount payable shall be taken to the nearest whole new penny below.

K. H. TOUGH,

Her Majesty's Greffier.