

ORDER IN COUNCIL

XXI

1972

ratifying a Projet de Loi

ENTITLED

The Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972

(Registered on the Records of the Island of Guernsey
on the 5th day of December, 1972.)



1972

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 5th day of December, 1972, 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., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin, Richard Alan Kinnersly, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe and Richard Oliver Symons, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 23rd day of October, 1972, ratifying a *Projet de Loi* entitled "The Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972", 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, of which Order in Council the tenor followeth:—

At the Court at Windsor Castle

The 23rd day of October 1972

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 11th day of October 1972, 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 their Resolution of the 26th day of April 1972, the States of Deliberation at a meeting held on the 31st day of May 1972 approved a Bill or “Projet de Loi” entitled “The Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972” 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 (Com-

pulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972” 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.

1. The first part of the report deals with the general situation of the country and the progress of the work during the year. It also mentions the results of the various investigations and the conclusions drawn from them.

2. The second part of the report deals with the results of the various investigations and the conclusions drawn from them. It also mentions the progress of the work during the year and the general situation of the country.

3. The third part of the report deals with the results of the various investigations and the conclusions drawn from them. It also mentions the progress of the work during the year and the general situation of the country.

4. The fourth part of the report deals with the results of the various investigations and the conclusions drawn from them.

5. The fifth part of the report deals with the results of the various investigations and the conclusions drawn from them. It also mentions the progress of the work during the year and the general situation of the country.

6. The sixth part of the report deals with the results of the various investigations and the conclusions drawn from them. It also mentions the progress of the work during the year and the general situation of the country.

7. The seventh part of the report deals with the results of the various investigations and the conclusions drawn from them.

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

PROJET DE LOI

ENTITLED

The Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972

THE STATES, in pursuance of their Resolution of the twenty-sixth day of April, nineteen hundred and seventy-two, 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(a);
- (b) a local motor vessel within the meaning of the Passenger Vessels (Bailiwick of Guernsey) Ordinance, 1970(b);

unless there is in force in relation to the user of that vessel by that person or that other person, as

(a) Recueil d'Ordonnances Tome VI, p. 48.

(b) Recueil d'Ordonnances Tome XVI, p. 516.

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:—

- (c) in an amount of not less than ten thousand pounds in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any one passenger in such vessel in any one occurrence or series of occurrences arising out of any one event; and
- (d) subject to the said limit of ten thousand pounds in respect of any one passenger, in an amount of not less than fifty thousand pounds in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to more than one passenger in such vessel in any one occurrence or series of occurrences arising out of any one event;

caused by or arising out of the use of that vessel.

(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 an amount of not less than thirty thousand pounds 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 for loss of or any damage to any property in or on the

water or on the foreshore in any one occurrence or series of occurrences arising out of any one event, caused by or arising out of the use of that speedboat other than when towing a person engaged in water skiing, aqua-planing or similar sport: Provided that this subsection shall not apply to the use in the territorial waters of the Islands of any vessel which is not required to be registered in Guernsey under the provisions of section one of the Boats and Vessels (Registration, Speed Limits and Abatement of Noise) Ordinance, 1970(c), which is on direct passage to or from any place outside the territorial waters of the Islands, notwithstanding that the vessel may be capable of travelling on the sea at a speed in excess of seventeen knots.

(3) A person shall not use, or cause or permit any other person to use, in the territorial waters of the Islands a speedboat towing a person engaged in water skiing, aqua-planing or similar sport 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 an amount of not less than thirty thousand pounds in the aggregate—

(a) 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 including any person being towed as aforesaid or for loss of or damage to any property in or on the water or on the foreshore in any one occurrence or series of occurrences arising out of any one event, caused

by or arising out of the use of that speedboat; and

- (b) in respect of any liability in respect of the death of or bodily injury to any person or for loss of or damage to any property which may be incurred by any person engaged in water ski-ing, aqua-planing or similar sport, in any one occurrence or series of occurrences arising out of any one event whilst so engaged, caused by or arising out of the use of that speedboat.

(4) Notwithstanding anything in the last three preceding subsections such a policy of insurance as is referred to in any of those three 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.

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

(6) The States may, from time to time, by Ordinance vary all or any of the amounts specified in this section.

Mooring charges.

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:—

- (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—

Removal of
boats.

- (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 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 any instruction given by or on behalf of the Board; 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.

Savings.

4. Any Ordinance made under any Law repealed by this Law and in force immediately before the coming into force of this Law shall continue in force as though it were made under the provisions of this Law until repealed by an Ordinance made under this Law.

Variation and repeal of Ordinances.

5. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Interpretation.

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

"insurance 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" includes 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 seventeen 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.

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

Repeals.

Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Amendment) (Guernsey) Law, 1969(e), are hereby repealed.

Citation.

8. This Law may be cited as the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972.

**Commence-
ment.**

9. This Law shall come into force on such date as the States may by Ordinance appoint.

R. H. VIDELO,

Her Majesty's Greffier.