

PROJET DE LOI

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Orders in Council Vol. XXX, p. 172.

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ARRANGEMENT OF SECTIONS

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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.

Amendments to Mooring Charges Law of 1976.

1. In the Mooring Charges (Alderney) Law, 1976^a –
 - (a) in section 1, and in the marginal note thereto, 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 Resolutions.

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."

^a Ordres en Conseil Vol. XXVI, p. 56.

Amendment to Pilotage Law of 1984.

2. In section 1 of the Pilotage (Alderney) Law, 1984^b, the following additional subsection is inserted immediately after subsection (2) –

" (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."

Amendment 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

^b Ordres en Conseil No. XVII of 1984.

^c Ordres en Conseil No. XVIII of 1984.

- (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,¹

- (b) to exempt any vessel or class of vessel from any or all of the requirements 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.

Meaning of "Braye Harbour".

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 –

- (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 spring
tides 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.

NOTE

*The Building and Development Control (Alderney) Law, 1975 has since
been repealed by the Building and Development Control (Alderney) Law,
2002, section 77(1), Schedule, paragraph 1, with effect from 1st August,
2003, subject to the savings in section 77(2) of the 2002 Law.*

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.

^d Ordres en Conseil Vol. XXV, p. 8.

^e Ordres en Conseil Vol. XIII, p. 355.

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.

NOTES

Section 1 was brought into force on 1st January, 1989, and section 2 and section 3 were brought into force on 2nd March, 1988, by the Harbours, Moorings and Pilotage (Fees, Dues and Miscellaneous Provisions) (Alderney) Law, 1987 (Commencement) Ordinance, 1988, section 1.

The Law was registered on the Records of the Island of Guernsey on 1st December, 1987.

¹ For subsequent amendments, see the consolidated text of the Harbour Dues, Fees and Charges (Alderney) Law, 1984.