

ORDER IN COUNCIL

**XXI
2001**

ratifying a Projet de Loi

ENTITLED

The Harbour Dues, Harbour Charges and Mooring Charges (Guernsey) (Amendment) Law, 2001

(Registered on the Records of the Island of Guernsey
on the 20th November, 2001.)



2001

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 20th day of November, 2001 before de Vic Graham Carey, Esquire, Bailiff; present:— David Charles Lowe, Esquire, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, OBE, Esquires, The Reverend Gerald Peter Lane, Michael Henry De La Mare and Michael John Tanguy, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 31st day of October, 2001, approving and ratifying the Projet de Loi of the States entitled “The Harbour Dues, Harbour Charges and Mooring Charges (Guernsey) (Amendment) Law, 2001”, 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 31st day of October, 2001

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 1st day of October 2001 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 Resolutions of the 25th day of October 2000 and the 30th day of November 2000, the States of Deliberation at a meeting held on the 30th day of May 2001 approved a Bill or “Projet de Loi” entitled “The Harbour Dues, Harbour Charges and Mooring Charges (Guernsey) (Amendment) Law, 2001”, 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 as 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 Harbour Dues, Harbour Charges and Mooring Charges (Guernsey) (Amendment) Law, 2001”, 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, and 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.

A. K. Galloway

PROJET DE LOI

ENTITLED

The Harbour Dues, Harbour Charges and Mooring Charges (Guernsey) (Amendment) Law, 2001

THE STATES, in pursuance of their resolutions of the 25th day of October, 2000^a and the 30th day of November, 2000^b, 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.

Amendment of Harbour Dues Law.

1. In the Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957, as amended^c -

(a) in section 1 for the definition of the expression "**act of trade**" substitute the following -

"**act of trade**", in respect of a vessel or aircraft, means -

(i) the embarkation or disembarkation of passengers;

(ii) the loading or unloading of cargo; or

^a Article IX of Billet d'État No. XXI of 2000.

^b Article XVI of Billet d'État No. XXIII of 2000.

^c Ordres en Conseil Vol. XVII, p. 264; and Vol. XXIX, p. 340.

- (iii) the obtaining of customs clearance or the making of a customs declaration in territorial waters;"
- (b) in section 1 for the definition of the expression "**roadstead**" substitute the following -

"**roadstead**" has the meaning from time to time assigned to that expression by Ordinance under section 11 of the Pilotage (Guernsey) Law, 1966, as amended^d;"

- (c) after section 2 insert the following section -

"Power of Board to amend Harbour Dues."

2A. A Resolution under section 2 determining Harbour Dues may, subject to such conditions as may be specified in the Resolution, authorise the Board to amend the amounts of those Dues in respect of any twelve month period or periods so specified by an amount not exceeding the change in the Guernsey Retail Prices Index during such earlier twelve month period or periods as may be so specified."

Amendment of Vessels and Speed Boats Law.

2. After section 2(2) of the Vessels and Speed Boats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law,

^d Ordres en Conseil Vol. XX, p. 206 and Vol. XXIX, p. 340; the "roadstead" is currently defined in section 33 of the Pilotage Ordinance, 1967 (Recueil d'Ordonnances Tome XV, p. 50 and Tome XXVI, p. 118).

1972, as amended^e, add the following subsection -

"(3) A Resolution under subsection (1) prescribing mooring charges may, subject to such conditions as may be specified in the Resolution, authorise the Board to amend the amounts of those charges in respect of any twelve month period or periods so specified by an amount not exceeding the change in the Guernsey Retail Prices Index during such earlier twelve month period or periods as may be so specified."

Amendment of Pilotage Law.

3. After section 1(3) of the Pilotage (Guernsey) Law, 1966, as amended^f, add the following subsection -

"(4) A Resolution passed under an Ordinance made under this section determining the fees described in subsection (3)(a) or pilotage dues may, subject to such conditions as may be specified in the Resolution, authorise the Board to amend the amounts of those fees or dues in respect of any twelve month period or periods so specified by an amount not exceeding the change in the Guernsey Retail Prices Index during such earlier twelve month period or periods as may be so specified."

Citation.

4. This Law may be cited as the Harbour Dues, Harbour Charges and Mooring Charges (Guernsey) (Amendment) Law, 2001.

^e Ordres en Conseil Vol. XXIII, p. 520; amended by Vol. XXIX, p. 340.

^f Ordres en Conseil Vol. XX, p. 206; amended by Vol. XXIX, p. 340.