

ORDER IN COUNCIL

XXIII

ratifying a Projet de Loi

1957

ENTITLED

The Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957.

(Registered on the Records of the Island of Guernsey
on the 7th day of December, 1957.)



1957.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 7th day of December, 1957, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :— William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Esquire, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., and Claude Fortescue Nason, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 31st day of October, 1957, ratifying a *Projet de Loi* entitled “The Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957”,—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, 1957.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

EARL OF PERTH

CHANCELLOR OF THE DUCHY OF LANCASTER

MR. WALKER-SMITH

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 21st day of October, 1957, 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 the States of Deliberation at a meeting held on the 29th day of May, 1957, in pursuance of their Resolutions adopted on the 20th day of February, 1957, and the said 29th day of May, 1957, respectively, approved a Bill or “Projet de Loi” entitled “The Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957”, 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 Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957", and to order that the same shall have the 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 referred to in the foregoing
Order in Council.**

PROJET DE LOI

ENTITLED

The Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957.

THE STATES, in pursuance of their Resolutions of the twentieth day of February, nineteen hundred and fifty-seven and of the twenty-ninth day of May, nineteen hundred and fifty-seven, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in this Island.

1. For the purposes of this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

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

“aircraft” does not include aircraft of the armed forces of the Crown or of the armed forces of any foreign Government, or aircraft belonging to or under the control of any Department of Her Majesty’s Government or any harbour or navigational authority or body, being aircraft used for the purposes of such Department, authority or body other than the carrying of passengers or the transport of cargo for hire or reward;

“the Board” means the States Board of Administration;

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

“the harbour of Saint Peter Port” means the harbour area to the westward of a line drawn from the seaward end of the Castle Cornet breakwater to the seaward end of the White Rock;

“the harbour of Saint Sampson” means the harbour area to the westward of a line drawn from the northern end of the southern pier to the southern end of the northern pier;

“master” of a vessel includes the captain of an aircraft;

“maximum permissible weight” means the maximum permissible weight authorised by the certificate of airworthiness;

“owner” includes a charterer and an agent;

“passenger vessel” means a vessel licensed by the Minister of Transport or by the States Supervisor, as the case may be, to carry more than twelve passengers and includes a foreign passenger vessel which is a Load Line Convention ship for the purposes of any enactment for the time being in force in the United Kingdom relating to Safety and Load Line Conventions;

“roadstead” means the area bounded to the north by a line joining Fort Doyle and Tautenay Beacon, to the south by a line joining St. Martin’s Point and the highest rock of the Lower Heads and to the east by a line joining the said Beacon and the said rock;

“territorial waters” means the sea surrounding this Island to a distance of three nautical miles from the coast, measured from mean low water spring tides;

“vessel” does not include Her Majesty’s Ships, vessels belonging to the armed forces of any foreign Government, vessels belonging to or

under the control of any Department of Her Majesty's Government or any harbour or navigational authority or body, being vessels used exclusively for the purposes of such Department, authority or body other than the carrying of passengers or the transport of cargo for hire or reward, yachts used exclusively for pleasure, vessels carrying passengers for hire or reward so long as such vessels are being used within territorial waters and do not disembark such passengers otherwise than at the port of embarkation, vessels not exceeding sixty feet in length between perpendiculars or fishing boats, so long as such boats are carrying no cargo other than fish.

2. As from the date of the coming into force of this Law, there shall be payable by the owners of vessels and by the owners of aircraft entering the harbour of Saint Peter Port or the harbour of Saint Sampson or performing an act of trade in the roadstead, as the case may be, Harbour Dues at the rates set out in the Schedule to this Law.

3. (1) In addition to any Harbour Dues payable under the provisions of the last preceding section, Harbour Dues shall be payable by the owner of a vessel and by the owner of an aircraft remaining in the harbour of Saint Peter Port, the harbour of Saint Sampson or the roadstead after the expiration of a period of fourteen days commencing on the day of entry at the rate of—

- (a) in the case of vessels, one shilling and fourpence per net registered ton of the vessel; and
- (b) in the case of aircraft, four shillings per thousand pounds avoirdupois of the maximum permissible weight of the aircraft;

for each week or part of a week during which the vessel or aircraft so remains.

(2) The States may, from time to time, by Ordinance vary the rates set out in the last preceding subsection and any such variation may provide different rates for different vessels and aircraft and different classes of vessels and aircraft.

(3) The States may, from time to time, by Ordinance exempt any vessel or aircraft or any class of vessel or aircraft from the payment of Harbour Dues under the provisions of this section.

4. Any Harbour Dues which become payable under the provisions of this Law shall be recoverable by the Board from the owner of the vessel or the aircraft concerned as a civil debt.

5. The owner of any vessel or aircraft coming from a place situate outside this Island and performing an act of trade within territorial waters other than the roadstead shall be deemed to have entered one of the said harbours and shall pay the appropriate Harbour Dues accordingly.

6. The States may, from time to time, by Ordinance vary or revoke in whole or in part the Schedule to this Law.

7. The Harbour Dues (St. Peter Port and St. Sampson) Law, 1947, is hereby repealed.

SCHEDULE

Vessels

<i>Type of vessel</i>	<i>Rate per net registered ton</i>
<i>Passenger vessels entering harbour</i>	
(a) Not exceeding 250 tons	1s. 1d.
(b) Exceeding 250 tons—	
(i) for every ton not exceeding 900 tons.	1s. 4d.
(ii) for every ton exceeding 900 tons.	4d.
(c) Vessels which had not called at Guernsey on outward journey from England but make special call on return to England for purpose of embarking and disembarking passengers or H.M. Mails or both	50% of the appropriate dues set out in items (a) and (b) of this category.
(d) Vessels which, having called at Guernsey on voyage from England to Jersey, call at Guernsey on return voyage to England within seven days of leaving Guernsey	No dues payable.
<i>Cargo vessels 60 tons and over entering harbour</i>	
(a) If doing an act of trade	1s. 4d.
(b) If occupying a berth but doing no act of trade	10d.
(c) Vessels (having paid dues under item (a) of this category) on their return to Guernsey on their homeward voyage from Jersey where on such homeward voyage they enter a Guernsey port within seven days of leaving a Guernsey port	7d.
(d) Vessels entering the harbour of Saint Sampson from the harbour of Saint Peter Port and vice versa (providing they have not quitted territorial waters)	5d.
<i>Cargo vessels under 60 tons entering harbour</i>	
(a) If doing an act of trade	7d.
(b) If occupying a berth but doing no act of trade	5d.
(c) Vessels entering the harbour of Saint Sampson from the harbour of Saint Peter Port and vice versa (providing they have not quitted territorial waters)	2½d.

Type of vessel	Rate per net registered ton
<i>Vessels under 250 tons arriving from Alderney or Sark, passengers and cargo not having been taken on board elsewhere than at Alderney or Sark</i>	
(a) First entry on any day	2½d.
(b) Second entry on same day	1d.
(c) Subsequent entries on same day	No dues payable.
<i>Vessels performing an act of trade in the roadstead</i>	
(a) For every ton not in excess of 1,200 tons	7d.
(b) For every ton in excess of 1,200 but not exceeding 1,800 tons	5d.
(c) For every ton in excess of 1,800 but not exceeding 3,000 tons	2½d.
(d) For every ton in excess of 3,000 but not exceeding 5,000 tons	1½d.
(e) For every ton in excess of 5,000 tons	½d.
(f) Vessels which have paid such dues and which, on their return voyage within twenty-eight days, again enter the roadstead and perform an act of trade	50% of the appropriate dues set out in sub-paragraphs (a) to (e) inclusive of this category.
<i>Vessels under 250 tons entering harbour whilst engaged in transshipment of passengers or goods between one or other of the harbours and vessels inside or outside the roadstead or on completion of such service</i>	
(a) On first entry	4d.
(b) On second entry in the course of transshipment from the same vessel	3d.
(c) Subsequently in the course of transshipment from the same vessel	No dues payable
Vessels engaged in such service not ordinarily engaged in regular passenger service between this Island and elsewhere not performing an act of trade during any particular period of twenty-four hours but which during such period made use of the harbour of Saint Peter Port or Saint Sampson	1½d.

<i>Type of vessel</i>	<i>Rate per net registered ton</i>
<i>Excursion vessels disembarking passengers and re-embarking them within twenty-four hours</i>	
(a) In the roadstead	4d.
(b) In the harbour	6d.
	Provided that the maximum dues chargeable under this category shall not exceed £27.

<i>Aircraft</i>	
<i>Dues payable</i>	<i>Rate of Dues</i>
<i>Passenger fees</i>	
(a) For each departure and each arrival of an aircraft for or from a place outside the Channel Islands	2s. od. per passenger embarking or disem- barking.
(b) For each departure and each arrival of an aircraft for or from a place within the Channel Islands	1s. 4d. per passenger embarking or disem- barking.
(c) For pleasure flights, not landing else- where	1s. od. per passenger.
<i>Cargo fees (for cargo on which freight is paid)</i>	
(a) On departure for or arrival from a place outside the Channel Islands	8d. for each twenty- five lbs. or part thereof.
(b) On departure for or arrival from a place within the Channel Islands	4d. for each twenty- five lbs. or part thereof.
<i>Mooring fee</i>	3s. od. for every hour or part of an hour exceeding eight hours with a maxi- mum of £1 10s. od. in respect of every twenty-four hours of stay counting from time of arrival.

Not chargeable on weather-bound aircraft

JAMES E. LE PAGE,

Her Majesty's Greffier.