

ORDER IN COUNCIL

ratifying a Projet de Loi

XVI

1970

ENTITLED

The Wharfage (Guernsey) Law, 1970

(Registered on the Records of the Island of Guernsey
on the 2nd day of February, 1971.)



1971.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 2nd day of February, 1971, 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., Albert Victor Dorey, Esquire, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin and Richard Alan Kinnersly, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 17th day of December, 1970, ratifying a *Projet de Loi* entitled "The Wharfage (Guernsey) Law, 1970", 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 17th day of December 1970

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT

MRS. SECRETARY THATCHER

MR. SECRETARY THOMAS

MR. SECRETARY CARR

MR. AMERY

MR. CHATAWAY

MR. ENNALS

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 December 1970, 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 17th day of December 1969, the States of Deliberation at a meeting held on the 29th day of July 1970 approved a Bill or “Projet de Loi” entitled “The Wharfage (Guernsey) Law, 1970” 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 Wharfage (Guernsey) Law, 1970" 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.

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

PROJET DE LOI

ENTITLED

The Wharfage (Guernsey) Law, 1970

THE STATES, in pursuance of their Resolution of the seventeenth day of December, nineteen hundred and sixty-nine, 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. Subject to the provisions of the next succeeding section, there shall be charged in respect of any goods of a class or description set out in the first column of the First Schedule to this Law which are imported into this Island after the date of the coming into force of this Law duty (hereinafter referred to as "wharfage") at the rate specified in relation to goods of that class or description in the second column of the said Schedule.

Rates of
wharfage.

2. (1) Where any goods are imported into this Island in a container specially designed or adapted for the conveyance of goods, wharfage shall not be chargeable in respect of any such container but shall be charged only on the goods forming the contents thereof.

Wharfage
not charge-
able on
certain
goods.

(2) Wharfage shall not be chargeable in respect of any goods which are imported in this Island from the Island of Alderney or the Island of Sark other than any such goods which were first landed in either of those Islands or were first transhipped overside in the territorial waters adjacent to either of those Islands.

Wharfage
not charge-
able on
vehicles
making a
temporary
stay.

3. (1) Subject to the provisions of the next succeeding subsection, where a motor vehicle is temporarily imported into this Island by a person making only a temporary stay therein and an International Circulation Permit is issued to that person under the provisions of Part II of the Motor Vehicles (International Circulation) Ordinance, 1958, as amended(a), wharfage shall not be chargeable in respect of the said motor vehicle during the period for which such Permit is valid.

(2) If at any time after a motor vehicle has been imported into this Island as aforesaid an application is made for the vehicle to be licensed under the provisions of the Law entitled "Loi relative aux Automobiles" registered on the eleventh day of December, nineteen hundred and twenty-six, as amended(b), wharfage chargeable in respect of the said motor vehicle shall thereupon be paid by the person in whose name the application to license the vehicle is made and if the wharfage is not paid the vehicle shall not be so licensed.

Variation of
rates of
wharfage.

4. (1) The States may, from time to time, by Ordinance vary any or all of the several rates of wharfage specified in the second column of the First Schedule to this Law, so however that any such Ordinance shall not increase any such rate by more than one hundred per centum of that rate as chargeable on the date of the coming into force of this Law.

(2) An Ordinance made under the provisions of this section may prescribe different rates of wharfage in respect of the different classes or descriptions of goods set out in the first column of the First

(a) Recueil d'Ordonnances Tome XII, p. 44; Tome XIII, p. 270.

(b) Ordres en Conseil Vol. VIII, p. 56.

Schedule to this Law and may prescribe different rates of wharfage in respect of different categories of goods within those classes or descriptions.

5. (1) The States may, from time to time, by Ordinance make such provision as they may deem necessary or expedient for any or all of the following matters:—

Power of
States to
make
Ordinances.

- (a) the charging, levying and securing the payment of wharfage;
- (b) the recovery of wharfage paid by the carrier of any goods from the owner or consignee of those goods;
- (c) the refund of wharfage in such circumstances, to such persons or classes of persons and subject to such conditions as may be prescribed in any such Ordinance;
- (d) the detention of goods in respect of which wharfage is chargeable until the wharfage is paid;
- (e) the sale, destruction or other disposal of goods detained in pursuance of the provisions of an Ordinance made under the provisions of this section after the expiration of such period and subject to such conditions as may be prescribed in any such Ordinance;
- (f) the application of the proceeds of a sale as aforesaid of any goods in or towards the satisfaction of any costs incurred in connection with the removal, storage and disposal thereof;
- (g) the recoupment of any such costs as aforesaid so far as these are not satisfied by virtue of the last foregoing paragraph;

- (h) the regulation of the disposal of any sums received on a sale as aforesaid of any goods, after deducting any sum applied thereout by virtue of paragraph (e) of this subsection;
- (i) the exemption from wharfage of such classes or descriptions of goods as may be prescribed in any such Ordinance;
- (j) the regulation or prohibition of the landing or unloading in this Island of goods in respect of which wharfage is chargeable otherwise than at such place as may be prescribed in any such Ordinance;
- (k) the furnishing of information, including the production of books, accounts, balance sheets, invoices, receipts, bills of lading, manifests or other documents, relating to goods in respect of which wharfage is chargeable;
- (l) the entry upon, and inspection of, any ship or aircraft for any purpose connected with the exercise of any power conferred by the provisions of any such Ordinance;
- (m) such incidental and supplementary matters for which the States deem it necessary or expedient for the purposes of any such Ordinance to provide.

(2) An Ordinance made under the provisions of this section may make different provisions for different classes or descriptions of goods and may make different provisions for different categories of goods within those classes or descriptions.

Variation
and repeal
of
Ordinances.

6. 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.

7. Save as otherwise expressly provided by that Ordinance, any person who contravenes or attempts to contravene or fails to comply with any of the provisions of any Ordinance made under this Law or any direction given or requirement imposed under or by virtue of that Ordinance shall be guilty of an offence under that Ordinance. Offences.

8. The States may, from time to time, by Ordinance prescribe the penalties which shall be incurred by any person guilty of any offence under any Ordinance made under this Law and different penalties may be so prescribed for different offences. Penalties.

9. The enactments set out in the first column of the Second Schedule to this Law are hereby repealed to the extent set out in the second column of the said Schedule. Repeals.

10. This Law may be cited as the Wharfage (Guernsey) Law, 1970. Citation.

11. This Law shall come into force on such day as the States may by Ordinance appoint. Commencement.

FIRST SCHEDULE

Section one

Wharfage on goods imported

Class or description of goods imported	Rate of wharfage
1. Goods of a class or description not chargeable with a special duty under any of the succeeding paragraphs of this Schedule.	Eight shillings per ton gross weight
2. Gravel, sand and shingle.	Sixpence per ton gross weight.
3. Anthracite; coal, including manufactured fuels of coal; coke and semi-coke of coal; limestone; and lime.	Two shillings and sixpence per ton gross weight.
4. Softwoods for box-making.	Five shillings per ton gross weight.
5. Hydrocarbon oils imported in bulk in quantities of not less than twenty tons.	Seven shillings and sixpence per two hundred and ten gallons.
6. Live animals.	Nil.
7. Vehicles:—	
(a) motor cars, motor lorries, commercial vans, special purpose vehicles and omnibuses;	Five pounds each.
(b) chassis of motor cars, motor lorries, commercial vans, special purpose vehicles and omnibuses.	Two pounds and ten shillings each.

SECOND SCHEDULE

Section nine

Repeals

Enactments repealed	Extent of repeal
The Law entitled "Droits sur Marchandises Modification de l'Ordre en Conseil du 20 mars 1905" registered on the twenty-fourth day of July, nineteen hundred and fifteen ^(c) .	So far as it remains unrepealed.
The Law entitled "Réduction de droits sur certaines marchandises (Baskets of Pigeons and Boxboard Sets)" registered on the twenty-fourth day of October, nineteen hundred and thirty-one ^(d) .	So far as it remains unrepealed.
The Duty on Goods Law, 1953 ^(e) .	The whole Law.
The Indirect Taxes, Duties and Impôts (Increase of Rates) (Guernsey) Law, 1970 ^(f) .	In the Schedule the words "The Duty on Goods Law, 1953".

R. H. VIDELO,

Her Majesty's Greffier.

^(c) Ordres en Conseil Vol. V, p. 235.^(d) Ordres en Conseil Vol. IX, p. 117.^(e) Ordres en Conseil Vol. XV, p. 504.^(f) No. VIII of 1970.