

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Alderney and Sark (Licensing of Vessels) Law, 1951.

(Registered on the Records of the Island of Guernsey
on the 19th day of May, 1951.)



Printed by the GUERNSEY HERALD LIMITED, Boudage Street.

1951.

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ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 19th day of May, 1951, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :—
Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, Arthur Falla, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., and Osmond Priaulx Esquire, Jurats.*

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 28th day of April, 1951, ratifying a *Projet de Loi* of the States of the Island of Alderney and of the Chief Pleas of the Island of Sark entitled "The Alderney and Sark (Licensing of Vessels) Law, 1951",—the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively of which *Projet de Loi* the tenor followeth :—

At the Court at Buckingham Palace,

The 28th day of April, 1951.

Present,

The King's Most Excellent Majesty.

LORD PRESIDENT

LORD PRIVY SEAL

SIR ALAN LASCELLES

SIR HARTLEY SHAWCROSS

MR. ROBENS

MR. GEORGE BROWN.

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 25th day of April, 1951, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee (a) the humble Petitions of Sydney Peck Herivel, President of the States of the Island of Alderney, and Jehanne Rosemary Ernestine Bell, Deputy-Seigneur, William Baker, Esquire, Sénéchal, and Philip Guille, Prévôt, of the Island of Sark, praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to a Projet de Loi intituled ‘The Alderney and Sark (Licensing of Vessels) Law, 1951,’ and to order that the same shall have the force of Law in the said Islands of Alderney and Sark; and (b) the humble Petitions of the Guernsey Boat Owners Association, Arrow Speedboats Limited and Donald Arthur Le Prevost, Esquire, praying that Your Majesty might be graciously pleased to withhold Your Royal Sanction to the proposals contained in the said Projet de Loi:

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petitions 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 prayers of the said Petitions of the President of the States of the Island of Alderney and the Deputy Seigneur, the Sénéchal and the Prévôt of the Island of Sark and to approve of and ratify the said Projet de Loi.”

HIS MAJESTY having taken the said Report into consideration is pleased by and with the advice of His 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 Islands of Alderney and Sark.

AND His Majesty doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Registers of the Islands of Guernsey, Alderney and Sark and observed accordingly.

AND the Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey, the Bailiff and Jurats, and all other His Majesty’s Officers, for the time being, in the said Bailiwick, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. Leadbitter,

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

PROJET DE LOI

ENTITLED

**The Alderney and Sark (Licensing of
Vessels) Law, 1951.**

The States of Alderney and The Chief Pleas of Sark have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Islands of Alderney and Sark.

1. The Sark (Licensing of Vessels) Law, 1949, is hereby repealed.

2. A person, being the owner, charterer or otherwise having control over, or being the master or other person in charge of, a vessel, shall not, except under the authority and in accordance with the conditions of a licence in that behalf previously obtained from His Excellency the Lieutenant-Governor and Commander-in-Chief of Guernsey, do or permit the doing of any act of trade in connection with that vessel at, or in the territorial waters of, the Islands of Alderney or Sark.

3. A licence granted under the last preceding section may be for such period and on such terms and conditions as His Excellency may therein specify.

4. His Excellency may, at his discretion, vary any term or condition of, or may revoke or suspend, a licence granted under this Law.

5. A person who infringes any of the provisions of this Law, or any term or condition of a licence granted hereunder, shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding One Hundred Pounds for every such infringement.

6. For the purposes of this Law—

(a) an act of trade in connection with a vessel at, or in the territorial waters of, the Island of Alderney, means:

(i) the embarkation of passengers or the loading of cargo at, or in the territorial waters of, that Island, in a vessel bound from Alderney to Guernsey or to Sark ;
or

(ii) the disembarkation or the unloading at, or in the territorial waters of, that Island, of passengers or cargo carried in a vessel between Guernsey or Sark and Alderney and:

(b) an act of trade in connection with a vessel at, or in the territorial waters of, the Island of Sark, means:

(i) the embarkation of passengers or the loading of cargo at, or in the territorial waters of, that Island, in a vessel bound from Sark to Guernsey or Herm or to Alderney ; or

(ii) the disembarkation or the unloading at, or in the territorial waters of, that Island of passengers or cargo carried in a vessel between Guernsey or Herm or Alderney and Sark:

PROVIDED that the transhipment of fish from a fishing-boat to a vessel at, or in the territorial waters of, the Island of

Alderney or the Island of Sark or the loading or unloading at, or in the territorial waters of, the Island of Alderney, or of the Island of Sark, into or from any any vessel of a bulk cargo in excess of 150 tons dead weight, not being or forming part of a general cargo, shall for the purposes of this Law, be deemed not to be an act of trade.

7. The expression "vessel" in this Law, shall not include any of His Majesty's ships, any ship belonging to a sovereign state, any yacht *bona fide* used exclusively for pleasure, any vessel belonging to or under control of any Department of His Majesty's Government or of the States of Guernsey or any harbour, navigational or lighthouse authority or body, being a vessel used exclusively for the purpose of such Department, authority or body other than the carrying of passengers or the transport of cargo for hire or reward, any vessel operated by or on behalf of the British Transport Commission and engaged on a voyage between Guernsey and Alderney solely for the purpose of an excursion, or any fishing vessel not carrying passengers or merchandise other than fish.

8. The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law in like manner as it applies to an enactment having force in the Island of Guernsey.

JAMES E. LE PAGE,

H.M. Greffier.