

ORDER IN COUNCIL

XXI

1986

ratifying a Projet de Loi

ENTITLED

The Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986

(Registered on the Records of the Island of Guernsey
on the 16th December, 1986.)



1986.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 16th day of December, 1986 before Sir Charles Frossard, Kt., Bailiff; present:—Donald Pescott Plummer, Brian Ernest Herbert Joy, Esquires, Charles Henry Hodder, Esquires, O.B.E., Herbert Nicolle Machon, James de Sausmarez Carey, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires and Mrs. Dorothy Winifred Le Pelley, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 5th day of November, 1986, approving and ratifying a *Projet de Loi* entitled “The Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986”, the Court, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur 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 5th day of November 1986

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 24th day of October 1986 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 28th day of May 1986 the States of Deliberation at a meeting held on the 30th day of July 1986 approved a Bill or “Projet de Loi” entitled “The Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986”, 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 Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986”, and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou.”

“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 Islands of Guernsey, Herm and Jethou.

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.

G. I. de Deney.

PROJET DE LOI

ENTITLED

The Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986

THE STATES, in pursuance of their Resolution of the 28th day of May 1986, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

1. In the Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957(a)—

Amend-
ments to
Law of 1957.

(a) in section 1—

(i) the definitions of “cargo vessel”, “master”, “maximum permissible weight” and “passenger vessel” are repealed;

(ii) at the end of the definition of “the harbour of Saint Peter Port” there is inserted “and the marina area to the north thereof, south-west of a line drawn from the Salarie Battery to the northern extremity of the breakwater extending north from the White Rock”;

(b) in section 2, for “at the rates set out in the Schedule to this Law” there is sub-

(a) Ordres en Conseil Vol. XVII, p. 264; Recueil d'Ordonnances Tome XX, p. 464; Ordinance No. XLII of 1985.

stituted "at such rates as the States may, from time to time, by Resolution determine";

- (c) in section 3(1), for all the words after "commencing on the day of entry" there is substituted "at such rates as the States may, from time to time, by Resolution determine";
- (d) section 3(2) and section 3(3) are repealed;
- (e) for section 6 and the marginal note thereto there is substituted the following section and marginal note:

"Resolutions.

6. Any power conferred by this Law to determine rates of Harbour Dues by Resolution includes a power—

- (a) to determine different rates for different vessels and aircraft, for different classes of vessels and aircraft and for different circumstances;
- (b) without prejudice to the generality of paragraph (a) of this section, to determine different rates for passenger vessels and cargo vessels;
- (c) to determine rates calculated by reference to the number of pas-

sengers landed from
or embarked on a
vessel or aircraft;

(d) to exempt from all or
any Harbour Dues
any vessel or air-
craft or any class of
vessels or aircraft;

(e) to vary or revoke any
such Resolution.”;

(f) the Schedule is repealed.

2. In section 1 of the Pilotage (Guernsey) Law, ^{Amend-} 1966(b), the following additional subsection is in- ^{ment to} serted immediately after subsection (2)— ^{Law of 1966.}

“ (3) An Ordinance made under this sec-
tion may provide that—

- (a) the fees to be payable on the examina-
tion 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 ports in the
Islands, for different classes and categories
of pilots and vessels and for different cir-
cumstances.”.

Amend-
ments to
Law of 1972.

3. In the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972(c)—

(a) in section 2(1) for “Ordinance”, in each place where that word appears, there is substituted “Resolution”;

(b) for section 5 and the marginal note thereto there is substituted the following section and marginal note:

<p>“Ordinances and Resolutions.</p>	<p>5. Any power conferred by this Law to make any Ordinance or to pass any Resolution shall be construed as including a power to vary or repeal the Ordinance or, as the case may be, to vary or revoke the Resolution.”.</p>
---	---

Citation.

4. This Law may be cited as the Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986.

Commence-
ment.

5. This Law shall come into force on such date as the States may by Ordinance appoint and different dates may be so appointed for different provisions of this Law and for different purposes.

K. H. TOUGH,

Her Majesty's Greffier.

(c) Ordres en Conseil Vol. XXIII, p. 515; Vol. XXIV, p. 250; Ordinance No. XXXIV of 1981.