

ORDER IN COUNCIL

XI
1947

Sanctioning a Projet de Loi entitled

**" The Harbour Dues (St. Peter Port and
St. Sampson) Law, 1947 ".**

(Registered on the Records of the Island of Guernsey
the 8th July, 1947).



PRINTED BY THE
GUERNSEY "STAR" AND "GAZETTE" LTD.
BORDAGE STREET.

1947.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 8th July, 1947, before Ernest de Garis, Esquire, O.B.E., Lieutenant Bailiff; present: Osmond Priaulx Gallienne, James Frederick Carey, Arthur Falla, Quertier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark and Walter John Gavey, Esquires, Jurats.

The Lieutenant Bailiff having this day placed before the Court an Order of His Majesty in Council dated June 11th, 1947, ratifying a *Projet de Loi* entitled "The Harbour Dues (St. Peter Port and St. Sampson) Law, 1947". The Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller, 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 of Buckingham Palace,

The 11th day of June 1947.

Present,

The King's Most Excellent Majesty.

LORD PRESIDENT.

LORD AMMON.

LORD MACDERMOTT.

MR. ISAACS.

MR. GRIFFITHS.

8th JULY 1947.

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 4th day of June, 1947, 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 the humble Petition of the States of the Island of Guernsey, setting forth :—

‘ 1.—That in accordance with a resolution of the States of Deliberation of the 9th day of April, 1947, the Royal Court, at a sitting held on the 14th day of April, 1947, adopted a Bill or “ *Projet de Loi* ” entitled “ The Harbour Dues (St. Peter Port and St. Sampson) Law, 1947,” and requested the Bailiff to submit the same to the States for approval. 2.—That on the 23rd day of April, 1947, the said Bill or “ *Projet de Loi* ” was duly considered by the States, when a resolution was passed approving the same and authorising the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 3.—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 (St. Peter Port and St. Sampson) Law, 1947,” and to order and direct 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."

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 Island of Guernsey.

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 Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His 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.

E. C. E. Leadbitter.

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

PROJET DE LOI

ENTITLED

"The Harbour Dues (St. Peter Port and St. Sampson) Law, 1947".

THE STATES, in pursuance of their Resolution of the 9th April, 1947, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

1. The enactments specified in the first Schedule hereto are hereby repealed to the extent shown therein.

2. In this Law unless the context otherwise requires

"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" shall not for the purposes of this Law include aircraft of the Royal Air Force or of the Air Force of any sovereign state, or aircraft belonging to or under the control of any Department of His 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.

"appointed day" means the date of registration of this Law on the Records of this Island.

"harbour of St. Peter Port" means the harbour area within a line drawn from the seaward end of the Castle Cornet breakwater to the seaward end of the White Rock.

"harbour of St. Sampson" means the harbour area within a line drawn from the seaward end of

the southern breakwater of that harbour to the rock known as Kainette.

"roadstead" shall mean the area bounded on the north by a line joining Fort Doyle and Tautenay, on the south by a line joining St. Martin's Point and the Lower Heads, and on the east by a line joining Tautenay and the Lower Heads.

"territorial waters" means the sea surrounding this Island to a distance of three nautical miles from the coast, measured from the point of low tide.

"vessel" shall not for the purposes of this Law include His Majesty's ships, ships of war belonging to the Navy of any sovereign state, yachts bona fide used exclusively for pleasure, vessels carrying passengers for hire so long as such vessels are being used within territorial waters and do not disembark such passengers otherwise than at the port of embarkation, fishing or oyster boats so long as such boats are carrying no cargo other than fish or oysters, or vessels belonging to or under the control of any Department of His 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.

3. As from the appointed day, Harbour Dues shall be payable in respect of vessels and aircraft entering the harbour of St. Peter Port, the harbour of St. Sampson or the roadstead at the rates and to the extent shown in the second Schedule hereto.

4. Any vessel or aircraft coming from any port or airport or other point of departure situate outside this Island and performing an act of trade within territorial waters other than the said harbours or roadstead shall be deemed to have performed the same within and to have entered the harbour of St. Sampson and shall pay the appropriate harbour dues accordingly.

5. The States Board of Administration may supply water to any vessel in the Harbour of St. Peter Port or the Harbour of St. Sampson on such terms and conditions as the said Board may from time to time impose, but so that the maximum charge for such water so supplied shall be two shillings per ton.

6. The States may by Resolution from time to time alter the rates of all or any of the Dues set out in the second Schedule hereto, but so that the said rates so set out shall in no case be exceeded.

7. The Royal Court may from time to time pass such Ordinances as it may deem necessary for the regulation or carrying into execution of this Law.

SCHEDULE I.

Order in Council dated the 10th
day of January, 1910 and
registered on the Records of
this Island on the 29th day of
January, 1910 The Whole Order.

Order in Council dated the 20th
day of February, 1924 and
registered on the Records of
this Island on the 8th day of
March, 1924 Section II.

Order in Council dated the 25th
day of May, 1933 and regis-
tered on the Records of this
Island on the 17th day of June,
1933 The Whole Order.

Order in Council dated the 21st
day of February, 1935 and
registered on the Records of
this Island on the 16th day of
March, 1935 The Whole Order.

SCHEDULE II.

*Rate per net
register ton.*

- (1) Passenger Vessels entering harbour.
- (a) Not exceeding 250 tons. 10d.
 - (b) Exceeding 250 tons. 1/-
 - (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 and/or H.M. Mails. 6d.
 - (d) Vessels carrying H.M. Mails to this Island and Jersey and not proceeding beyond Jersey, on their return to Guernsey on their homeward voyage from Jersey if within seven days from their first arrival. No dues payable.
- (2) Cargo vessels 60 tons and over entering harbour.
- (a) if doing an act of trade. 1/-
 - (b) if occupying a berth but doing no act of trade. 8d.
 - (c) vessels having paid dues under item (a) re-entering within seven days on their return voyage. 5d.
 - (d) vessels entering St. Sampson's from St. Peter Port and vice versa (providing they have not quitted territorial waters). 5d.
- (3) Cargo vessels, under 60 tons entering harbour.
- (a) if doing an act of trade. 5d.
 - (b) if occupying a berth but doing no act of trade. 4d.

*Rate per net
register ton.*

- (4) Vessels under 250 tons arriving from Alderney or Sark, passengers and cargo not having been taken on board elsewhere than at Alderney or Sark.
- | | |
|-------------------------------------|-------|
| (a) first entry on any day. | 2d. |
| (b) second entry on same day. | 1d. |
| (c) subsequent entries on same day. | Free. |
- (5) Vessels performing an act of trade in the Roadstead.
- | | |
|--|-----------------------------|
| For every ton up to 1,200 tons. | 5d. |
| For every ton in excess of 1,200 and up to 1,800 | 4d. |
| For every ton in excess of 1,800 and up to 3,000 | 2d. |
| For every ton in excess of 3,000 and up to 5,000 | 1d. |
| For every ton in excess of 5,000. | $\frac{1}{2}$ d. |
| Vessels which have paid such dues and which, on their return voyage within 28 days, again enter the roadstead and perform an act of trade. | One half of the above dues. |
- (6) Vessels under 250 tons entering harbour whilst engaged in transhipment of passengers or goods between one or other of the Harbours and vessels inside or outside the Roadstead or on completion of such service shall pay :
- | | |
|---|------|
| (a) on first entry | 3d. |
| (b) on second entry in the course of transhipment from the same vessel. | 2d. |
| (c) subsequently in the course of transhipment from the same vessel. | Free |

*Rate per net
register ton.*

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 24 hours but which during such period made use of the Harbour of St. Peter Port or St. Sampson.

1d.

- (7) Excursion Vessels disembarking passengers and re-embarking them within twenty-four hours

in the roadstead.

3d.

in the harbour

4½d.

Provided that the dues chargeable shall not exceed a maximum of £20.

- (8) Aircraft.

Passenger fees.

- (a) For each departure and each arrival of an aircraft for or from a place outside the Channel Islands. 1/6 per passenger embarking or disembarking.

- (b) For each departure and each arrival of an aircraft for or from a place within the Channel Islands. 1/- per passenger embarking or disembarking.

- (c) For pleasure flights, not landing elsewhere. 9d. per passenger

Cargo fees (for cargo on which freight is paid).

- (a) On departure for or arrival from a place outside the Channel Islands. 6d. for each 25 lbs. or part thereof.

- (b) On departure for or arrival from a place within the Channel Islands. 3d. for each 25 lbs. or part thereof.

Mooring fee.

Two shillings per hour for every hour or part of an hour exceeding 8 hours with a maximum of £1 in respect of every 24 hours of stay counting from time of arrival.

No mooring fee shall be charged on weather-bound aircraft.

PETER J. MAUGER,
H.M. Greffier.