

ORDER IN COUNCIL

XXVIII
1986

ratifying a Projet de Loi

ENTITLED

The Wreck and Salvage (Vessels and Aircraft) (Bailiwick of Guernsey) Law, 1986

(Registered on the Records of the Island of Guernsey
on the 17th February, 1987.)



1986

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 17th day of February, 1987 before Sir Charles Frossard, Kt., Bailiff; present:—Donald Pescott Plummer, Brian Ernest Herbert Joy, Esquires, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode, Stanley Walter John Jehan, Raymond Arthur Heaume and Leonard Arthur Moss, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 16th day of December, 1986, approving and ratifying a *Projet de Loi* entitled "The Wreck and Salvage (Vessels and Aircraft) (Bailiwick of Guernsey) 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 and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her 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 Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 16th day of December 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 10th day of December 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 31st day of October 1979, the States of Deliberation at a meeting held on the 30th day of April 1986 approved a Bill or “Projet de Loi” entitled “The Wreck and Salvage (Vessels and Aircraft) (Bailiwick of Guernsey) 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 States of the Island of Alderney at a meeting held on the 9th day of July 1986 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark, at a meeting held on the 6th day of August 1986 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 4. 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 Wreck and Salvage (Vessels and Aircraft) (Bailiwick of Guernsey) Law, 1986", and to order that the same shall have force of law in the Bailiwick 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, and it is hereby ordered, that the same shall have the force of Law within the Bailiwick 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.

G. I. de Deney.

PROJET DE LOI

ENTITLED

The Wreck and Salvage (Vessels and Aircraft) (Bailiwick of Guernsey) Law, 1986

ARRANGEMENT OF SECTIONS

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5. Rules to be observed by persons finding wreck.
6. Notice of wreck to be given by Receiver.
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SCHEDULE 1 — APPLICATION TO THE
ISLAND OF ALDERNEY.

SCHEDULE 2 — APPLICATION TO THE
ISLAND OF SARK.

PROJET DE LOI

ENTITLED

The Wreck and Salvage (Vessels and Aircraft) (Bailiwick of Guernsey) Law, 1986

THE STATES, in pursuance of their Resolution of the 31st day of October, 1979, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

PART 1

VESSELS IN DISTRESS

1. (1) If a vessel is wrecked at any place in local waters, the Receiver shall proceed to that place as soon as possible and, for the purpose of assisting the vessel or saving its cargo or the life of any person on board, may take such action and give such directions to any person including, subject to subsection (2), the master of the vessel or any other vessel at hand, as he thinks fit.

Duties and powers of Receiver if vessel in distress.

(2) The Receiver shall not interfere between the master and crew of a vessel in relation to the management of the vessel unless requested to do so by the master.

(3) If without reasonable cause any person does not comply with any direction given to him by the Receiver under subsection (1), he shall be guilty of an offence and liable, on conviction, to a fine not exceeding £1,000.

Power to
pass over
private
land.

2. (1) If a vessel is wrecked in local waters, any person may, if he is authorised to do so by the Receiver and on condition that he does as little damage as possible, for the purpose of assisting the vessel or saving its cargo or the life of any person on board—

- (a) pass and repass, with or without vehicles or equipment, over any private land;
- (b) deposit cargo recovered from the vessel on any private land;

unless in either case there is some public road or land equally convenient.

(2) Any damage sustained by the owner or occupier of the land in consequence of the exercise of the rights given by subsection (1) shall be a charge on the vessel or cargo, as the case may be, or on the proceeds of sale in cases where the Receiver has exercised a power of sale under this Law; and the amount payable may, if not agreed, be determined in the same manner as salvage may be determined under Part 4 in respect of vessels or cargo other than historic wreck.

(3) If without reasonable cause the owner or occupier—

- (a) hinders any person in the exercise of the rights given by subsection (1); or
- (b) prevents any cargo from remaining deposited on the land for a reasonable time, until it can be removed to a safe place;

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding £1,000.

3. (1) If the Receiver is absent, the Board may authorise any person to do anything which may be done by the Receiver under this Law. Exercise of powers in Receiver's absence.

(2) No person shall by reason of his acting for the Receiver under this section be deprived of any right to salvage to which he would otherwise be entitled.

4. (1) If a vessel is wrecked in local waters, the Receiver may examine on oath (being hereby empowered to administer the oath) any person belonging to the vessel or any other person who in his opinion may be able to give information relating to the vessel, its cargo or the occasion of the wrecking as to the following matters— Inquiry in respect of vessels in distress.

- (a) the name and description of the vessel;
- (b) the name of the master and owner;
- (c) the name of the owner of the cargo;
- (d) the ports from and to which the vessel was bound;
- (e) the occasion of the wrecking;
- (f) the services rendered;
- (g) such other matters relating to the vessel, its cargo or the occasion of the wrecking as the Receiver thinks fit.

(2) The Receiver shall cause the examination to be recorded in writing and shall send a copy of the record to the Board which shall cause it to be exhibited at the Greffe for public inspection and shall otherwise give such publicity to it as it thinks fit.

PART 2

WRECK

Rules to
be observed
by persons
finding
wreck.

5. (1) If in local waters any person finds or recovers any wrecked vessel or any cargo or recovers any such vessel or cargo outside those waters and brings it within them, he shall as soon as possible—

(a) if he is the owner of the vessel or cargo, report the matter to the Receiver, informing him of the place in which the vessel or cargo was found or from which it was recovered and in which it is presently to be found, and describing how it may be recognised;

(b) if he is not the owner of the vessel or cargo—

(i) report the matter in the manner mentioned in paragraph (a), and

(ii) if he has recovered the vessel or cargo, deliver it to, or if that is impracticable make it available for inspection by, the Receiver.

(2) If without reasonable cause any person does not comply with subsection (1), he shall be guilty of an offence and liable, on conviction, to a fine not exceeding £1,000; and if the offence is one under subsection (1)(b)(ii), he shall as an alternative to or in addition to the fine be liable to imprisonment for a term not exceeding two years.

(3) Upon receipt of any report under subsection (1)(b), the Receiver shall take charge of the vessel or cargo in respect of which the report was given and may take or permit the taking by any person of such action in relation to the vessel or cargo as he thinks fit.

(4) Subsections (1) and (3) shall not apply to anything of no or of negligible value, whether economic or otherwise.

6. (1) If the Receiver recovers, or takes charge under section 5(3) of, any vessel or cargo the value of which in his opinion exceeds £400 or such other sum as may be specified from time to time by Ordinance of the States of Guernsey, he shall as soon as possible, unless the identity of the owner of the vessel or cargo is known to him, cause to be published in *La Gazette Officielle* a description of the vessel or cargo, mentioning the place in which it was found or from which it was recovered and in which it is presently to be found, and shall otherwise give such publicity to it as he thinks fit.

Notice of wreck to be given by Receiver.

(2) Subsection (1) shall not apply if the vessel or cargo is historic wreck.

7. (1) If no person establishes to the Receiver's satisfaction his ownership of any vessel or cargo recovered by the Receiver or taken charge of by him under section 5(3) within a period of 12 months from the day on which the vessel or cargo was recovered or taken charge of, whichever is earlier, the Receiver shall as soon as possible, subject to subsection (2), sell the vessel or cargo.

Claims of owners of wrecks.

(2) If any person establishes his ownership of the vessel or cargo to the Receiver's satisfaction within the period mentioned in subsection (1), or before a sale under that subsection takes place, he shall, subject to section 8, upon paying any salvage due, any amount due under section 2(2) and the expenses and fees of the Receiver, or upon giving security for the payment thereof to the Receiver's satisfaction, be entitled to recover the vessel or cargo.

(3) Upon a sale by him of the vessel or cargo under subsection (1), the Receiver shall pay the proceeds of sale to Her Majesty's Receiver-General after deducting any salvage due, any amount due under section 2(2) and the expenses and fees of the Receiver.

(4) Subsections (1), (2) and (3) shall not apply if the vessel or cargo is historic wreck.

Immediate
sale of
wreck by
Receiver in
certain
cases.

8. (1) The Receiver may at any time sell any vessel or cargo recovered by him or taken charge of by him under section 5(3) if in his opinion—

- (a) its value is less than £400 or such other sum as may be specified from time to time by Ordinance of the States of Guernsey;
- (b) it is so much damaged or of so perishable a nature that it cannot with advantage be kept; or
- (c) it is not of sufficient value to pay for warehousing;

and he shall hold the proceeds of sale for a period of 12 months from the day on which the vessel or cargo was recovered or taken charge of, whichever is the earlier.

(2) If any person establishes his ownership of the vessel or cargo to the Receiver's satisfaction within the period mentioned in subsection (1), he shall, upon paying any salvage due, any amount due under section 2(2) and the expenses and fees of the Receiver, be entitled to be paid the proceeds of sale.

(3) If no person establishes his ownership of the vessel or cargo to the Receiver's satisfaction within the period mentioned in subsection (1), the Receiver shall pay the proceeds of sale to Her Majesty's Receiver-General after deducting any salvage due, any amount due under section 2(2) and the expenses and fees of the Receiver.

(4) Subsections (1), (2) and (3) shall not apply if the vessel or cargo is historic wreck.

9. Upon delivery of the vessel or cargo to the person who to the Receiver's satisfaction is, or is acting on behalf of, its owner or upon payment of the proceeds of sale to that person or to Her Majesty's Receiver-General in accordance with the provisions of this Law, the Receiver shall be discharged from all liability in respect thereof; but the delivery or payment shall not affect any right of any person to take legal proceedings in respect of the vessel, cargo or net proceeds of sale, as the case may be, against any other person.

Delivery of
wreck by
Receiver.

10. If without reasonable cause any person, not being or acting on behalf of either the owner or the Receiver, removes any wrecked vessel or the cargo of any such vessel from local waters, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding £1,000, to imprisonment for a term not exceeding two years or to both.

Removal of
wreck from
local waters.

11. (1) No person shall—

Interference
with wreck.

- (a) board any vessel which is wrecked in local waters, unless he is or is acting on behalf of either the owner or the Receiver or a person acting as such under section 3;
- (b) impede or hinder the assistance of any such vessel or the saving of the cargo of or the life of any person on board any such vessel; or
- (c) deface or obliterate any marks on any such vessel or cargo.

(2) If without reasonable cause any person contravenes subsection (1), he shall be guilty of an offence and liable, on conviction, to a fine not exceeding £1,000, to imprisonment for a term not exceeding 2 years or to both.

Search
warrants.

12. If the Receiver suspects that any person has recovered any vessel or cargo and has not delivered it to him or made it available for inspection by him in accordance with section 5(1)(b), the Bailiff may, on information on oath of the Receiver, grant him a warrant authorising him or any officer of police to search for and to seize or take charge of the vessel or cargo.

Removal of
wreck by
Receiver.

13. (1) If in the opinion of the Receiver any vessel which is wrecked in local waters or any cargo in local waters should be removed, he may serve a notice on the owner of the vessel or cargo requiring him to remove it within the time specified in the notice.

(2) If the owner does not comply with the notice, the Receiver may take charge of the vessel or cargo and—

- (a) raise or remove it;
- (b) if in his opinion it is impracticable to remove it, destroy it in whole or in part;
- (c) light or buoy it;
- (d) subject to subsections (3) and (4), sell it or any part of it, and shall deal with the proceeds of sale in the same way as he is required to deal with the proceeds of sale mentioned in section 8(1); except that for

the purposes of this paragraph the period of 12 months mentioned in section 8(1) shall run from the day on which the notice requiring removal of the vessel or cargo was served under subsection (1).

(3) Except in the case of property which is of a perishable nature or which would deteriorate in value by delay, a sale shall not be made under subsection (2)(d) until at least seven days' notice of the intended sale has been published in *La Gazette Officielle*.

(4) If before any vessel or cargo is sold under subsection (2)(d) any person establishes his ownership of it to the Receiver's satisfaction, he shall, upon paying any salvage due, any amount due under section 2(2) and the expenses and fees of the Receiver or upon giving security for the payment thereof to the Receiver's satisfaction, be entitled to recover it.

14. (1) If in the opinion of the Board a vessel which is wrecked in local waters is a potential danger to life or property and on that account ought to be protected from unauthorised interference, the Board may by order designate an area round the vessel as a prohibited area.

Prohibited
areas around
dangerous
wreck.

(2) An order under this section shall identify the vessel and its location, and the prohibited area shall be any area within such distance of the vessel, specified by the order, as the Board thinks fit to ensure that unauthorised persons are kept away from it.

(3) The Board shall revoke an order under this section if in its opinion the vessel is not or is no longer a potential danger to life or property.

(4) No person shall without authority in writing granted by the Board enter a prohibited area, whether on the surface or under water; and any such authority may be cancelled by the Board at any time.

(5) Subject to subsection (6), if without reasonable cause any person contravenes subsection (4), he shall be guilty of an offence and liable, on conviction, to a fine not exceeding £1,000.

(6) Nothing shall constitute an offence under subsection (4) if it is done by a person—

- (a) for the sole purpose of dealing with an emergency;
- (b) in exercising or seeing to the exercise of functions conferred on him or a body for which he acts by or under an enactment; or
- (c) out of necessity due to stress of weather or navigational hazards.

(7) An order under this section may be made by the Receiver as if the references in this section to the Board included references to the Receiver; and any such order shall have effect as if made by the Board except that the order shall cease to have effect seventy-two hours after the day on which it was made unless previously confirmed by the Board.

(8) The Board may take such steps as it thinks fit by the use of signs, buoys, lights or otherwise to alert any person to the fact that they are in the vicinity of a prohibited area.

PART 3

HISTORIC WRECK

15. In this Law "historic wreck" means anything in local waters which is or may prove to be—

Meaning of
historic
wreck.

- (a) a vessel which has lain wrecked for not less than 50 years or since any date prior to 1946, whichever period is shorter;
- (b) any cargo of such a vessel; or
- (c) any cargo or other object lost or abandoned for either of the periods mentioned in paragraph (a);

but does not include anything—

- (i) proved to the satisfaction of the Committee to have been found outside local waters; or
- (ii) declared by the Committee not to be historic wreck.

16. (1) The ownership of historic wreck shall vest in the States.

Ownership
of historic
wreck.

(2) If the Receiver recovers or takes charge under section 5(3) of any historic wreck, he shall as soon as possible inform the Committee of the fact and, if so directed by the Committee, place it in the Committee's custody.

(3) The States shall not be liable to pay compensation to any person for any loss suffered by virtue of this section.

Prohibition
of
tampering
with historic
wreck.

17. No person shall except under and in accordance with the conditions of a licence granted by the Committee tamper with, damage or remove any historic wreck not within a restricted area which he knows or reasonably ought to know to be historic wreck.

Restricted
areas
around sites
of important
wreck.

18. (1) If in the opinion of the Committee a site in local waters is or may prove to be the site of any vessel, cargo or other object on or in the sea bed and, because of the historical, archaeological or artistic importance of the vessel, cargo or other object, the site ought to be protected from unauthorised interference, the Committee may by order designate an area round the site as a restricted area.

(2) An order under this section shall identify the site where the vessel, cargo or other object lies or is supposed to lie, and the restricted area shall be any area within such distance of the site, specified in the order, as the Committee thinks fit to ensure the protection of the site.

(3) The Committee shall revoke an order under this section if in its opinion there is not or is no longer any site in the area which requires protection under this section.

(4) No person shall in a restricted area except under and in accordance with the conditions of a licence granted by the Committee—

- (a) tamper with, damage or remove any vessel, cargo or other object on or in the sea bed;
- (b) carry out any diving or salvage operation or use equipment constructed or adapted for diving or salvage operations; or

- (c) deposit anything which, if it were to fall on the site of any vessel, cargo or other object, might wholly or partly obliterate the site, obstruct access to it or damage any part of the vessel, cargo or other object.

(5) In this section references to the sea bed include any area submerged at high water of ordinary spring tides.

(6) The Committee may take such steps as it thinks fit by the use of signs, buoys, lights or otherwise to alert any person to the fact that they are in the vicinity of a restricted area.

19. (1) A licence under section 17 or 18(4) shall be in writing and may be granted subject to such conditions and on payment of such fee as the Committee thinks fit.

Provisions
supple-
mentary to
sections
17 and 18.

(2) The licence and any conditions subject to which it was granted may be varied or revoked by the Committee at any time after giving not less than 7 days' notice to the licensee.

(3) The licence may contain such terms, if any, as to salvage payments as the Committee thinks fit.

(4) The licence shall only be granted to a person who in the opinion of the Committee—

- (a) is competent and properly equipped to perform exploratory or salvage operations in a manner appropriate to the historical, archaeological or artistic importance of the vessel, cargo or other object; or
- (b) in the case of a licence under section 18(4), has any other legitimate reason for doing in a restricted area what can only be done under such a licence.

(5) The States shall incur no liability by reason of the suffering by any party of any loss, damage or disturbance resulting from the acts or defaults of any person to whom the Committee has issued a licence under section 17 or 18(4) occurring while that person is engaged in any activity to which the licence relates.

(6) Subject to subsection (8), if without reasonable cause any person contravenes section 17 or 18(4), he shall be guilty of an offence and liable, on conviction, to a fine not exceeding £1,000; and if the offence is one under section 17 or 18(4)(a), he shall as an alternative to or in addition to the fine be liable to imprisonment for a term not exceeding two years.

(7) Subject to subsection (8), if without reasonable cause any person obstructs any other person in doing anything which that other person is authorised to do by a licence under section 17 or 18(4), he shall be guilty of an offence and liable, on conviction, to a fine not exceeding £1,000.

(8) Nothing shall constitute an offence under section 17, 18(4) or subsection (7) if it is done by a person—

- (a) for the sole purpose of dealing with an emergency;
- (b) in exercising or seeing to the exercise of functions conferred on him or a body for which he acts by or under any enactment;
or
- (c) out of necessity due to stress of weather or navigational hazards.

PART 4

SALVAGE

20. (1) Subject to section 23(2), if in local waters services are rendered by any person in assisting or recovering any wrecked vessel, in saving the life of any person on board or in saving any cargo, there shall be payable to the salvor a reasonable amount of salvage which shall be a charge on the vessel or cargo, as the case may be, or on the proceeds of sale in cases where the Receiver has exercised a power of sale under this Law and which, if disputed, may be determined by the Royal Court sitting as an Ordinary Court (referred to in this Part as "the Court") on application by or on behalf of any party to the dispute.

Salvage of
vessels or
cargo in
local
waters.

(2) If any dispute as to the amount of salvage payable is referred to the Court, the Court may call in to its assistance any person conversant with maritime affairs as assessor; and there shall be paid as part of the costs of the proceedings to every such assessor in respect of his services such sum as the Court may direct.

21. (1) If there is any dispute as to the amount of salvage payable, the Receiver may, on application by or on behalf of any party to the dispute, appoint a valuer to value the vessel or cargo in respect of which the salvage services were performed and shall give copies of the valuation to the parties to the dispute.

Valuation of
property by
Receiver.

(2) Any copy of the valuation certified as a true copy by the Receiver shall be admissible as evidence in any proceedings.

Apportionment of salvage by the Court.

22. If there is any dispute as to the apportionment of the amount of salvage payable, the Court may—

- (a) apportion the amount as it thinks fit;
- (b) appoint any person to carry the apportionment into effect;
- (c) compel any person under whose control the amount may be to distribute it or to bring it into Court;
- (d) for those purposes, cause the issue of such processes as it thinks fit.

Salvage of historic wreck.

23. (1) Nothing in the foregoing provisions of this Part shall apply to historic wreck.

(2) The amount of salvage payable by the States to the salvor of historic wreck shall be determined by the Committee after negotiation with the salvor.

PART 5

MISCELLANEOUS PROVISIONS

Application to Crown.

24. No function vested in any person by this Law shall be exercisable in respect of any vessel or cargo belonging to Her Majesty, Her Majesty's Armed Forces or Her Majesty's Government except with the consent of the Crown.

Appointment of Receiver.

25. The Board shall appoint a person to the office of Receiver of Wreck to perform the functions vested by this Law in the Receiver.

Fees and expenses of Receiver.

26. (1) There shall be paid to the Board—

- (a) the expenses incurred by the Receiver in the performance of his functions under this Law; and

- (b) such fees, determined by order of the Board, as are payable under the terms of the order in respect of the performance of those functions.

(2) The expenses and fees of the Receiver shall be recoverable by the Board as a civil debt.

(3) The Board shall in addition to all other rights and remedies for the recovery of the expenses and fees of the Receiver have the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him.

27. An order under section 14 (not being an order made by the Receiver which has not been confirmed by the Board), 18 or 26—

Orders to be
laid before
the States
and
published.

- (a) shall be laid before a meeting of the States as soon as possible after being made and, if at that or the next meeting the States resolve to annul it, shall cease to have effect, but without prejudice to anything done under it or to the making of a new order;

- (b) shall be caused by the Board or the Committee as the case may be to be published in *La Gazette Officielle* as soon as possible after being made and on at least one other occasion.

28. If an offence under this Law is committed by a body corporate and is proved to have been committed with the consent or connivance of or to have been attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the

Offences by
bodies
corporate.

body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Attempts,
etc.

29. If any person—

- (a) attempts to do anything; or
- (b) causes or permits any person to do anything;

which is an offence under this Law, he shall be guilty of the offence and liable to be proceeded against and punished accordingly.

Additional
penalties for
certain
offences.

30. If any person is found to be guilty of an offence under section 5(1)(b)(ii), 10, 17 or 18(4)(a) the court convicting him may, in addition to the penalties prescribed by this Law for the offence of which he is guilty—

- (a) order him to pay a sum not exceeding double the value of the vessel, cargo or other object in respect of which the offence was committed to the owner of the vessel, cargo or other object as the case may be or, if the owner is not known, to Her Majesty's Receiver-General;
- (b) order any claim to salvage which he may have in respect of the vessel, cargo or other object to be forfeited.

Service of
notices.

31. (1) Any notice to be given to or served on the Receiver under this Law may be given or served by delivering it to him, or by leaving it at or sending it by post addressed to him at the office of the Board.

(2) Any notice to be given to or served on any other person under this Law may be given or served by delivering it to him, or by leaving it at or send-

ing it by post addressed to him at his usual or last known place of business or residence.

(3) Any such notice may—

- (a) in the case of a body corporate, be given or served by leaving it at or sending it by post addressed to it at its registered office if situated in the Island or, if not, at its principal or last known principal place of business, whether in or outside the Island;
- (b) in the case of a partnership, be given to or served on any of the partners.

(4) If the name and address of the owner of any vessel or cargo to or on whom any notice is to be given or served under this Law cannot after reasonable inquiry be ascertained, the notice may be given or served by—

- (a) addressing it to the owner by the description of "the owner" of the vessel or cargo to which the notice relates; and
- (b) affixing it to some conspicuous part of the vessel or cargo or, if that is not practicable, by publishing it in *La Gazette Officelle*.

32. (1) In this Law—

Interpreta-
tion.

"the Board" means the States Board of Administration;

"cargo" includes anything contained in, carried on or belonging to or formerly contained in, carried on or belonging to a vessel;

"the Committee" means the States Ancient Monuments Committee;

"the expenses and fees of the Receiver" mean the expenses and fees mentioned in section 26(1);

"historic wreck" has the meaning given by section 15;

"the Island" means the Islands of Guernsey, Herm and Jethou;

"local waters" means the shores of the Island and the territorial waters adjacent thereto;

"master" includes any person having command or charge of a vessel;

"officer of police" means a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

"prohibited area" means an area designated by the Board or Receiver by an order under section 14;

"Receiver" means the person appointed to the office of Receiver of Wreck under section 25;

"restricted area" means an area designated by the Committee by an order under section 18;

"salvage" includes all expenses properly incurred by a salvor in the performance of salvage services;

"the States" means the States of Guernsey;

"vessel" means any description of vessel used in navigation and—

(a) includes a hovercraft within the meaning of the Hovercraft Act 1968;

(b) includes part of a vessel; and

“wrecked”, in relation to a vessel, means that the vessel is wrecked, sunk, abandoned, derelict, stranded or in distress.

(2) The Interpretation (Guernsey) Law, 1948(a) shall apply to the interpretation of this Law throughout the Bailiwick.

(3) Any reference in this Law to a section, Part or Schedule bearing a number is a reference to the section, Part or Schedule of or to this Law bearing that number.

(4) Any reference in any provision of this Law to a subsection or paragraph bearing a number or letter is a reference to the subsection or paragraph of that provision bearing that number or letter.

33. This Law (except section 4) shall apply to aircraft as it applies to vessels, subject to the following modifications—

Application
to aircraft.

(a) any reference to a master shall be construed as a reference to the commander or other person in charge of an aircraft;

(b) subject to paragraph (c), any reference to a vessel except in this section shall be construed as a reference to an aircraft; and

(c) for the definition of “vessel” in section 32(1) substitute—

““aircraft” means any description of aircraft and includes part of an aircraft.”.

(a) Ordres en Conseil Vol. XIII, p. 355.

Application
to Alderney
and Sark.

34. This Law has effect—

(a) in the Island of Alderney, subject to
Schedule 1;

(b) in the Island of Sark, subject to Schedule
2.

Citation and
commence-
ment.

35. (1) This Law may be cited as the Wreck and
Salvage (Vessels and Aircraft) (Bailiwick of Guern-
sey) Law, 1986.

(2) This Law shall come into force on the day
appointed by Ordinance of the States.

SCHEDULE 1

Section 34

APPLICATION TO THE ISLAND OF
ALDERNEY

Exceptions, adaptations and modifications subject to which this Law applies to the Island of Alderney

1. For "the Board", wherever that expression occurs (except in section 32(1)) substitute "the Committee".
2. In section 4(2), for "the Greffe" substitute "the States Office".
3. For "Her Majesty's Receiver-General", wherever that expression occurs, substitute "the States".
4. In sections 6(1), 13(3), 27(b) and 31(4), after "*La Gazette Officielle*" insert "of the Island of Guernsey".
5. In section 12, for "the Bailiff" substitute "the Chairman of the Court of Alderney".
6. In section 20(1), for "the Royal Court sitting as an Ordinary Court" substitute "the Court of Alderney".
7. In section 32(1), omit the definitions of "the Board", "the Committee", "the Island", "officer of police" and "the States" and insert the following definitions—
 "the Committee" means the Committee of the States responsible for the administration of the harbour at Braye or such other

committee as the States may from time to time appoint;”;

“ “the Island ” means the Island of Alderney;”;

“ “officer of police ” means a member of the salaried police force of the Island of Guernsey or a member of any police force established by the States;” and

“ “the States ” means the States of Alderney;”.

8. In section 35(2), after “the States ” insert “of Guernsey ”.

SCHEDULE 2

Section 34

APPLICATION TO THE ISLAND OF SARK

Exceptions, adaptations and modifications subject to which this Law applies to the Island of Sark

1. For “the States”, wherever that expression occurs (except in section 35(2)) substitute “the Chief Pleas”.
2. For “the Board” wherever that expression occurs (except in section 32(1)) substitute “the Committee”.
3. For “Her Majesty’s Receiver-General”, wherever that expression occurs, substitute “the Seigneur or Dame, as the case may be”.
4. In sections 6(1), 13(3), 27(b) and 31(4), after “*La Gazette Officielle*” insert “of the Island of Guernsey”.

5. In section 12, for "the Bailiff" substitute "the Seneschal".
6. In section 20(1), for "the Royal Court sitting as an Ordinary Court" substitute "the Court of the Seneschal".
7. In section 32(1), omit the definitions of "the Board", "the Committee", "the Island", "officer of police" and "the States" and insert the following definitions—

" "the Committee" means the Committee of the Chief Pleas responsible for the administration of the harbour at Baie de la Maseline or such other committee as the Chief Pleas may from time to time appoint;"

" "the Island" means the Island of Sark;" and

" "officer of police" means the Constable, the Vingtenier or a member of the salaried police force of the Island of Guernsey;"
8. In section 35(2), after "the States" insert "of Guernsey".

K. H. TOUGH,

Her Majesty's Greffier.