

ORDER IN COUNCIL

XI
1991

ratifying a Projet de Loi

ENTITLED

The Pilotage (Sark) Law, 1991

(Registered on the Records of the Island of Guernsey
on the 20th August, 1991.)



1991

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 20th day of August, 1991 before Sir Charles Frossard, Kt., Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Lawrence Oscar Ozanne and John Richard Rowe Henry, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 26th June, 1991, approving and ratifying a *Projet de Loi* of the Chief Pleas of Sark entitled “The Pilotage (Sark) Law, 1991”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ordered:—

1. That the said Order in Council be registered on the records of this Island.
2. 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 Senschal of Sark for registration on the records of that Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 26th day of June 1991

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 22nd day of May 1991 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 John Michael Beaumont, Esquire, Seigneur of Sark, Lawrence Philip de Carteret, Esquire, Seneschal, and Alfred William John Adams, Esquire, Prévôt of the Island of Sark, setting forth:—

“1. That, in pursuance of their Resolution of the 4th day of October 1989, the Chief Pleas of the Island of Sark, at a meeting held on the said 3rd day of October 1990 approved a Bill or “Projet de Loi” entitled “The Pilotage (Sark) Law, 1991”. 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 Chief Pleas of Sark entitled “The Pilotage (Sark) Law, 1991”, and to order that the same shall have force of law in the Island of Sark.”

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the Projet de Loi annexed thereto 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 Island of Sark.

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 Bailiwick of Guernsey, the Bailiff and Jurats, and all other Her 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.

G. I. de Deney

PROJET DE LOI

ENTITLED

The Pilotage (Sark) Law, 1991

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 4th day of October, 1989, 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 Sark.

The Chief Pleas to make provision for pilotage

1. (1) Subject to the succeeding provisions of this Law, the Chief Pleas may, from time to time, by Ordinance make such provision as they may deem necessary or expedient for the compulsory pilotage of vessels within such area of the territorial waters adjacent to this Island as may be defined by any such Ordinance and, without prejudice to the generality of the foregoing, they may, in particular, make provision in any such Ordinance for all or any of the following matters:—

- (a) the definition of such area of the territorial waters adjacent to this Island within which the pilotage of vessels shall be compulsory (hereinafter referred to as “the compulsory pilotage zone”);
- (b) the licensing of persons as pilots for the pilotage of vessels within the compulsory pilotage zone;
- (c) determining the qualification in respect of age, physical fitness, time of service, local knowledge, skill, character, and otherwise to be required from persons applying to be licensed as pilots, for the examination of such persons and fixing the term for which a pilotage licence is to be in force and the conditions under which such a licence may be granted or renewed;

- (d) the suspension or revocation of pilotage licences;
- (e) enabling any pilot aggrieved by any decision of the Committee to appeal from such decision to the Court of the Seneschal, the decision of which shall be final;
- (f) fixing the fees to be payable on examination for a pilotage licence and on the grant or renewal of any such licence;
- (g) such incidental and supplementary matters for which the Chief Pleas 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 provision for different classes of vessels and may make different provision for different categories of vessels within those classes.

Responsibility for administration of Ordinances

2. The Committee shall, except where otherwise provided in an Ordinance made under the provisions of this Law, be responsible to the Chief Pleas for the administration of the provisions of any such Ordinance and shall exercise such powers and perform such duties as may be conferred or imposed upon it by any such Ordinance.

Obligations of compulsory pilotage

3. (1) Every vessel, other than an excepted vessel, while navigating in the compulsory pilotage zone for the purposes of entering, leaving or making use of any harbour in this Island shall be under the pilotage of a pilot.

(2) If any vessel, other than an excepted vessel, in circumstances in which pilotage is compulsory under this section,

is not under pilotage as required by this section the master of that vessel shall be guilty of an offence and liable on conviction, to a fine not exceeding level 5 on the Sark uniform scale.

(3) The Chief Pleas may, from time to time, by Ordinance provide that, for the purposes of this Law, any vessel or a vessel of any class specified therein shall be an excepted vessel.

Liability of owner or master of a vessel under pilotage

4. Notwithstanding anything in any enactment or any rule of law to the contrary, the owner or master of a vessel navigating under circumstances in which pilotage is compulsory under the provisions of this Law shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would be if pilotage were not compulsory.

Licensing of pilots by Chief Pleas not to involve any liability

5. No liability shall be incurred by the Chief Pleas or by the Committee or by any of their members, servants or officers by reason of the exercise or purported exercise of, or the failure to exercise, any function under this Law or any Ordinance made thereunder.

Penalties to be prescribed by Ordinance

6. The Chief Pleas may, from time to time, by Ordinance prescribe the penalties which shall be incurred by any person guilty of an offence under any Ordinance made in pursuance of any of the provisions of this Law and different penalties may be so prescribed for different offences.

Interpretation

7. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Committee” means the Sark Pilotage Committee of the Chief Pleas of Sark;

“pilot” means a person licensed, as a pilot, by the Committee in pursuance of the provisions of an Ordinance made under the provisions of section 1 of this Law, for the pilotage of vessels within the compulsory pilotage zone.

(2) The Interpretation (Guernsey) Law, 1948(a) applies to the interpretation of this Law and of any Ordinance made under this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

Repeal

8. The Ordinance entitled “Ordonnance portant règlement pour les Pilotes de l’Île de Sark” of 1932(b) is repealed.

Citation

9. This Law may be cited as the Pilotage (Sark) Law, 1991.

Commencement

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

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

(b) Recueil d’Ordonnances Tome VI, p. 77.