

PROJET DE LOI

ENTITLED

The Mooring Charges (Alderney) Law, 1976 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XXVI, p. 56; as amended by the Harbours, Moorings and Pilotage (Fees, Dues and Miscellaneous Provisions) (Alderney) Law, 1987 (Ordres en Conseil Vol. XXX, p. 172); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997). See also Mooring Charges, 2012 (A.S.I. No. 4 of 2011); Mooring Fees and Charges, 2019 (Resolution of the States of Alderney of 19th December, 2018).

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ARRANGEMENT OF SECTIONS

1. Imposition of mooring charges by Resolution.
2. Variation and revocation of Resolutions.
3. Interpretation.
4. Citation.
5. Commencement.

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THE STATES, in pursuance of their Resolution of the fourth day of June, nineteen hundred and seventy-five, 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 Alderney.

Imposition of mooring charges by [Resolution].

1. (1) There shall be payable by the owners of boats in respect of moorings allocated to them by or on behalf of the States [General Services] Committee in Braye Harbour such charges (hereinafter referred to as "**mooring charges**") as the States may, from time to time, by [Resolution] prescribe and any such [Resolution] may prescribe different mooring charges in respect of different boats or different classes of boats, in respect of different parts of Braye Harbour and any such [Resolution] may make provision for the exemption from the payment of mooring charges by the owners –

- (a) of such boats or classes of boats as may be specified in any such [Resolution],
- (b) of boats moored in such parts of Braye Harbour as may be specified in any such [Resolution].

(2) Any mooring charges which become payable under or by virtue of the provisions of this Law may be recovered as a civil debt due to the States.

NOTES

In section 1,

the word "Resolution" in square brackets, wherever occurring, was substituted by the Harbours, Moorings and Pilotage (Fees, Dues and Miscellaneous Provisions) (Alderney) Law, 1987, section 1(a), with effect from 1st January, 1989;

the words in the first pair of square brackets in subsection (1) were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 10, with effect from 2nd April, 1997.

The functions of the Transport and Harbour Committee under this Law were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 10, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.

The following Ordinance has been made under section 1:

Mooring Charges (Alderney) Ordinance, 1977.

The following Resolutions have been made under this Law:

*Mooring Charges, 2012;
Mooring Fees and Charges, 2018;
Mooring Fees and Charges, 2019.*

[Variation and revocation of Resolutions.]

2. Any power conferred by this Law to pass a Resolution shall be construed as including a power to vary or revoke any Resolution so passed.]

NOTE

Section 2 was substituted by the Harbours, Moorings and Pilotage (Fees, Dues and Miscellaneous Provisions) (Alderney) Law, 1987, section 1(b), with effect from 1st January, 1989.

Interpretation.

3. In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"boat" means anything made for the carriage by water of human beings or of property,

"Braye Harbour" means the area to the southward of a line drawn from the north-eastern end of the submerged portion of the Alderney Breakwater to the Outer Grois Rock,

"owner" includes a charterer, an agent and a man-in-charge of a boat.

NOTE

In accordance with the provisions of the Harbours, Moorings and Pilotage (Fees, Dues and Miscellaneous Provisions) (Alderney) Law, 1987, section 4, with effect from 1st December, 1987, the words in this section "the area to the southward of a line drawn from the north-eastern end of the submerged portion of the Alderney Breakwater to the Outer Grois Rock" in the definition of the expression "Braye Harbour" mean, and shall be deemed always to have meant, "the area bounded by—

- (i) *the Alderney Breakwater, including the submerged portion thereof;*
 - (ii) *a line drawn from the north-eastern end of the submerged portion of the Alderney Breakwater to the Outer Grois Rock;*
 - (iii) *a line drawn due south of the Outer Grois Rock as far as the high water line of ordinary spring tides on the northern coast of Alderney; and*
 - (iv) *the high water line of ordinary spring tides on the northern coast of Alderney".*
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Citation.

4. This Law may be cited as the Mooring Charges (Alderney) Law, 1976.

Commencement.

5. This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

NOTE

The Law was brought into force on 2nd July, 1980 by the Mooring Charges (Alderney) Law, 1976 (Commencement) Ordinance, 1980.
