

Island of



Alderney

# Ordinance of the States

VII  
1994

Made ..... 1st June 1994

Coming into operation ..... 1st June 1994

## THE BRAYE HARBOUR (AMENDMENT) (ALDERNEY) ORDINANCE, 1994

THE STATES OF ALDERNEY in exercise of the powers conferred upon them by section 46 of the Government of Alderney Law, 1987(a), hereby order:—

1. After section 29 of the Braye Harbour (Alderney) Ordinance, 1983, as amended(b), insert the following section— **Amendment to 1983 Ordinance**

**“Control of parking in vicinity of Harbour.**

29A. (1) No person shall cause or permit a vehicle to enter or remain in the controlled area except under the authority of and in accordance with the conditions of the permission in that behalf of the Harbour Officer.

(2) The Harbour Officer may, if he considers that any vehicle within the controlled area is causing an obstruction, is impeding the efficient operation of the Harbour or is within the controlled area in contravention of subsection (1)

- (a) direct any person, within such time as may be specified by the Harbour Officer, to move the vehicle to such place as may be so specified or to take such other action in relation to the vehicle as the Harbour Officer thinks fit;
  - (b) move the vehicle or cause it to be moved to any place or take such other action in relation to it as he thinks fit.
- (3) A person who—
- (a) contravenes any provision of subsection (1);

(b) without reasonable excuse, proof whereof shall lie on him

(i) fails to comply in all respects with a direction of the Harbour Officer under subsection (2)(a);

(ii) obstructs or hinders the Harbour Officer in the exercise or purported exercise of the powers conferred by subsection (2) (b);

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the Alderney uniform scale; and in proceedings for an offence pursuant to paragraph (a) it shall be incumbent on the defendant to show that at the time of the alleged offence he was acting under the authority of and in accordance with the conditions of the permission of the Harbour Officer.

(4) The Harbour Officer may recover any costs reasonably incurred in the exercise or purported exercise of his powers under subsection (2)(b) in relation to a vehicle as a civil debt from the registered keeper or (if none) the owner of the vehicle.

(5) Neither the Harbour Master nor the States nor any officer, member or servant thereof shall incur any liability for any loss, damage or injury caused by, resulting from or incurred in consequence of the exercise or purported exercise of the powers conferred by subsection (2).

(6) In this section—

“controlled area” means the Harbour, any quay, jetty, wharf, pier or slipway adjacent thereto and any other area adjacent thereto belonging to or used or occupied by or on behalf of the States, including the Glacis;

“permission” means oral or written permission;

“vehicle” includes any vehicle or trailer of any description whatsoever and anything on or in it but does not include any vehicle or trailer owned by the States.”.

**Citation**

2. This Ordinance may be cited as the Braye Harbour (Amendment) (Alderney) Ordinance, 1994.

**D.V. JENKINS**  
**Clerk of the States**

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(a) Ordres en Conseil Vol. XXX, p. 37

(b) Numbers 127, 129, 145 and 213.

**Copies may be purchased from**  
**The Clerk of the States, States Office, Alderney.**  
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