

The Harbours (Sark) (Amendment) Ordinance, 2007

THE CHIEF PLEAS OF SARK, in exercise of the powers conferred upon them by section 8(1) of the Reform (Sark) Law, 1951^a and of all other powers enabling them in that behalf hereby order:-

Amendment of 1987 Ordinance.

1. The Harbours (Sark) Ordinance, 1987 ("**the Ordinance**") is amended as follows -

- (a) in section 1(b), after "those areas" add "and also of the bay known as Greve de la Ville and any other bay which may be specified by the Seigneur in writing".
- (b) for section 3, substitute -

"Allocation of permanent moorings.

3. "(1) A vessel owner may apply to the Committee for a permanent mooring, in such manner as the Committee may, from time to time, specify.

(2) Upon receipt of an application from a vessel owner, the Committee may allocate permanent moorings within -

- (a) the approaches of Le Creux Harbour (also known as Les Laches bay,
- (b) Le Creux Harbour,
- (c) Greve de la Ville,
- (d) Havre Gosselin,

^a Ordres en Conseil, Vol. XV, p. 215; there are amendments not relevant to this Ordinance.

(e) La Maseline and

(f) any other bay which may be specified under section 1(b).

(3) A mooring allocated under subsection (1) may be allocated subject to any conditions the Committee considers appropriate including, without limitation, any conditions relating to the provision of insurance for the vessel.

(4) Any condition to which a mooring is subject under subsection (3), may be varied or revoked at the discretion of the Committee.

(5) The Committee shall refuse to allocate a permanent mooring where -

(a) a vessel is more than 33 feet in overall length in respect of moorings at the approaches of Le Creux Harbour (also known as Les Laches bay),

(b) a vessel is more than 15 feet in overall length in respect of moorings at Le Creux Harbour, or

(c) the Committee consider it appropriate, having regard to the proper administration of the moorings within the places described in subsection (2).

(6) A vessel owner who is refused a permanent mooring may appeal against such refusal to the court, within 14 days of the refusal.

(c) for section 5, substitute -

"Recovery of expenses.

5. The Committee may recover from the owner of any vessel as a simple contract debt -

- (a) the amount of any expenses reasonably incurred by it and arising out of the exercise by the harbourmaster, in relation to that vessel, of any of the powers conferred on him by this Ordinance,
- (b) any other charges or expenses which it considers have been reasonably incurred in relation to the maintenance or upkeep of that vessel, including, for the avoidance of doubt and without limitation, any charges or expenses relating to storage of the vessel, use of dinghy racks, or the use of electricity or other services when carrying out any work on the vessel.",
- (d) in section 6(1), for "Vessels plying for hire" substitute "Vessels, in respect of which a person is plying for hire in Sark",
- (e) for section 6(3), after "each year" add "unless the Court specifies otherwise",
- (f) for section 6(6), substitute -

"(6) The Committee, before making a recommendation under subsection (2), or specifying the maximum number of passengers under subsection (5), shall be satisfied as to -

- (a) the qualifications of the person who will handle the vessel,

- (b) the condition of the vessel, its engine and equipment, and
- (c) the insurance provisions relating to that vessel and, in particular, whether there is any third party insurance,

and in this respect may take advice from appropriately qualified persons if it sees fit to do so.",

- (g) in section 6(7), replace the licence fee of "£1" with "£2",
- (h) after section 6(7), insert two new subsections as follows -
 - "(8) A licence under this section -
 - (a) may be varied by the Court from time to time, on the recommendation of the Committee; and
 - (b) may be revoked or suspended by the Court, on the recommendation of the Committee if this appears to the Court -
 - (i) to be necessary or expedient for regulating the licensing of passenger vessels; or
 - (ii) to be appropriate in a case where there is an offence under this Ordinance.

(9) If a licence is varied, revoked or suspended, the Committee may, if it considers it appropriate in all the circumstances of the case, refund the whole or any part of any charge made for the licence.",

- (i) after section 6 insert a new section 6A as follows -

"Powers of Committee

6A. In order to perform any of the powers conferred on it by this Ordinance or to be satisfied of any matters specified under this Ordinance, the Committee may -

- (a) require the owner of a vessel named in a licence to provide the Committee with such information, in such form, as it may direct,
 - (b) require the attendance of the owner, master or charterer on board the boat and may make any reasonable examination and inquiry which appears to it to be necessary.",
- (j) in section 7 -
- (i) after subsection (a), insert two new subsections as follows -
 - “(aa) permanently moors his boat without having been allocated a permanent mooring by the Committee under section 3;
 - (ab) contravenes or fails to comply with or observe any term or condition of a mooring allocated under section 3;”,
 - (ii) for "to a fine not exceeding £200" substitute "to a fine not exceeding level 2 on the uniform scale for the fine being in force under the Uniform Scale of Fines (Sark (Amendment) Ordinance, 2004.",
- (k) section 8 is repealed.

Citation.

2. This Ordinance may be cited as the Harbours (Sark) (Amendment) Ordinance, 2007.