

27th October, 1987.

DraftOrdinance of the Chief PleasentitledThe Harbours (Sark) Ordinance, 1987

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 1st day of October, 1986, and in exercise of the powers conferred upon them by section 8(1) of the Reform (Sark) Law, 1951 and of all other powers enabling them in that behalf, hereby order:-

Duties of  
Committee.

1. The Committee -

- (a) shall be responsible for all necessary maintenance work at Les Laches Bay, Le Creux Harbour, La Maseline Jetty, the slipway between Le Creux and La Maseline, and Havre Gosselin;
- (b) shall have control of those areas.

Berthing,  
mooring and  
anchoring of  
vessels.

2. Except with the permission of the Harbourmaster, the master of a vessel shall not cause or permit the vessel -

- (a) to be berthed alongside the jetty of La Maseline Harbour or the breakwater or pier of Le Creux Harbour for longer than is necessary to enable any person to embark or disembark;
- (b) to be moored or anchored -
- (i) within 300 feet of the jetty of La Maseline Harbour;
- (ii) within Le Creux Harbour, where no anchors with double flukes shall be used;
- (iii) within the approaches of Le Creux Harbour unless a mooring has been allocated to the vessel under section 3;

- (c) if it is a vessel licensed to carry more than twelve passengers, to use the Goulet in a north to south or south to north direction.

Allocation  
of moorings.

3.(1) The Committee may allocate permanent moorings within the approaches of Le Creux Harbour.

(2) A mooring shall not be allocated for a vessel more than 33 feet in overall length.

(3) A vessel owner refused a mooring may appeal against the refusal to the Court within 14 days of the refusal.

Power to  
remove vessels.

4. The Harbourmaster may cause a vessel berthed, moored or anchored in contravention of section 2 to be removed to and anchored in such place and in such manner as he thinks fit.

Recovery of  
expenses  
incurred in  
moving  
vessels.

5. The Committee may recover from the owner of any vessel as a simple contract debt 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 upon him by this Ordinance.

Licensing of  
passenger  
vessels.

6.(1) Vessels plying for hire to carry not more than 12 fare-paying passengers in Sark waters shall be licensed.

(2) Licences shall be granted by the Court on the recommendation of the Committee.

(3) Licences (whenever granted) shall expire on the 31st March each year.

(4) Applications for licences shall be made to the Constable at least 14 days before it is intended to use the vessel to carry fare-paying passengers.

(5) The Committee is the surveying authority and

shall specify the maximum number of passengers which each vessel may carry (which number shall be a condition of the licence).

(6) The Committee, before making a recommendation under subsection (2), shall be satisfied as to the qualifications of the person who will handle the vessel and as to the condition of the vessel, engine and equipment.

(7) The licence fee shall be £1 per fare-paying passenger, or such other sum as Chief Pleas by resolution may appoint.

Offences.

7. A person who -

- (a) contravenes section 2;
- (b) in Le Creux Harbour uses, or causes or permits the use of, an anchor with double flukes;
- (c) being the owner or master of a vessel required to be licensed under section 6(1) but not so licensed, carries, or causes or permits to be carried, in Sark waters fare-paying passengers in that vessel;
- (d) contravenes or fails to comply with or observe any term or condition of a licence under section 6,

is guilty of an offence and liable, on conviction by the Court, to a fine not exceeding £200.

Revocation  
of licences.

8. The licence of a person convicted of an offence under section 7(d) may be revoked or suspended (for a specified period) by the Court.

Interpretation.

9. In this Ordinance -

"Constable" includes the Vingtenier;

"Committee" means the Sark Chief Pleas Harbours  
Committee;

"Court" means the Court of the Seneschal;

"Harbourmaster", in sections 2 and 4, includes  
any person appointed or authorised by him to  
act for the purposes of those sections;

"master" means the person having for the time  
being the command or charge of a vessel;

"owner" includes a charterer and an agent;

"Sark waters" means the territorial waters  
adjacent to Sark, Brecqhou and L'Etac;

"the approaches of Le Creux Harbour" means the  
area lying to the west of a line 300 feet long  
drawn due south from the easternmost extremity  
of Le Creux Harbour;

"vessel" means anything made or used for the  
conveyance by water of people or property, but  
does not include a vessel used as a marine  
ambulance or lifeboat.

Repeals.           10.     The Ordinance relating to the Licensing of Boats  
which came into force on the 1st June, 1955, and the Harbours  
(Berths, Moorings and Anchorages) Ordinance, 1963, are  
repealed.

Citation.           11.     This Ordinance may be cited as the Harbours  
(Sark) Ordinance, 1987.

Commencement.       12.     This Ordinance shall come into force on the 1st  
day of February, 1988.