

Island of  Guernsey

Ordinance of the States **XXVII**
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The Harbours Ordinance, 1988

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The Harbours Ordinance, 1988

THE STATES, in pursuance of their Resolution of the 16th day of March 1988, hereby order:—

PART I

NAVIGATION AND USE OF VESSELS

Dangerous
and careless
navigation.

1. The master of a vessel in either harbour or in the harbour approach limits—

- (a) shall follow and obey the collision regulations;
- (b) shall not navigate the vessel recklessly or in a manner dangerous to other persons;
- (c) shall not navigate the vessel without due care and attention, or without reasonable consideration for other persons.

Speed limits.

2. (1) Subject to subsection (2), the master of a vessel shall not, without the permission of the Harbourmaster, navigate the vessel—

- (a) in the North Beach Marina, or in that part of the main harbour of Saint Peter Port west of a line drawn from the south-western corner of the New Jetty to the western extremity of the Castle Bridge, at a speed in excess of four knots; or
- (b) in any other part of the harbour of Saint Peter Port, or in the harbour of Saint Sampson, at a speed in excess of six knots.

(2) This section does not apply to a vessel engaged in a life-saving operation or in any other emergency.

3. (1) The master of a vessel shall not cause that vessel to enter or leave the main harbour of Saint Peter Port without first obtaining the permission of the Harbourmaster. Entry and exit—Saint Peter Port main harbour.

(2) Without prejudice to the generality of subsection (1), the master of a vessel shall not, without the specific permission of the Harbourmaster, cause that vessel—

- (a) to enter the main harbour of Saint Peter Port at any time when a red light beamed seaward is exhibited on, and at a height of not less than three metres from the base of the eastern elevation of, the radio station; or
- (b) to leave that main harbour, or to leave its berth, mooring or anchorage in that main harbour, at any time when a red light beamed landward is exhibited either—
 - (i) on, and at a height of not less than three metres from the base of, the western elevation of the radio station; or
 - (ii) at the south-western corner of, and at a height of not less than four metres from the base of, the building situate on the jetty known as “the New Jetty”.

(3) Nothing in this section prohibits an exempted vessel from entering or leaving the main harbour of Saint Peter Port; but the Harbourmaster may, if he considers it necessary for reasons of safety, prohibit an exempted vessel from entering or leaving that

main harbour, or may give such directions with regard to its entering or leaving that main harbour, as he considers necessary or expedient.

(4) When causing an exempted vessel to enter or leave the main harbour of Saint Peter Port in circumstances when its entry or exit, as the case may be, would, but for subsection (3), be prohibited, the master of that vessel shall keep it out of the way of, and give way to, all vessels, other than exempted vessels, entering or leaving that main harbour.

Entry and
Exit—North
Beach
Marina.

4. The master of a vessel shall not, without the specific permission of the Harbourmaster, cause that vessel to enter or leave the North Beach Marina at any time when a red light is exhibited on the side towers of the gate structure.

Entry to
Victoria
Marina.

5. The master of a vessel shall not, without the specific permission of the Harbourmaster, cause that vessel to enter the Victoria Marina at any time when a red light is exhibited at the seaward end of the north-east arm of the Albert Pier at the entrance to that marina.

Entry and
exit—Saint
Sampson's
Harbour.

6. The master of a vessel shall not, without the specific permission of the Harbourmaster, cause that vessel—

- (a) to enter the harbour of Saint Sampson at any time when a red light beamed seaward is exhibited on, and at a height of not less than four metres from the foot of, the signal mast erected on the south pier-head (known as the "South Arm") of that harbour;
- (b) to leave that harbour, or to leave its berth, mooring or anchorage in that harbour, at any time when a red light beamed land-

ward is exhibited on, and at a height of not less than four metres from the foot of, that signal mast.

7. (1) The master of an exempted vessel shall not make use of any fairway within a harbour or the harbour approach limits so as to cause an obstruction to other vessels which can only navigate within the fairway. Obstructing navigation.

(2) Except in an emergency, a person shall not cause or permit a vessel to be made fast to, or to lie against, any buoy, beacon or mark used for navigation purposes in either harbour.

(3) A person shall not cause or permit any rope, chain, cable, wire or hawser to impede or be a danger to navigation in either harbour or in the harbour approach limits.

(4) A person who knows of the presence of any rope, chain, cable, wire or hawser which is an impediment or danger to navigation in either harbour or in the harbour approach limits shall inform the Harbourmaster as soon as possible of its position.

8. Except in an emergency, a person shall not cause or permit an aircraft to enter either harbour without the written consent of the Board. Aircraft.

9. The master of a vessel which, in either harbour or in the harbour approach limits,— Reportable incidents.

(a) has been involved in a collision with any vessel or property or quay or has been sunk or grounded or stranded; or

(b) by reason of accident, fire, defect or otherwise, is in such a condition as to affect safe navigation or to give rise to danger to other vessels or to property or quays; or

- (c) in any manner gives rise to an obstruction to a fairway,

shall report that fact to the Harbourmaster immediately and shall provide the Harbourmaster with full details in writing as soon as practicable; and if the vessel is damaged in such a way as to affect its seaworthiness, a person shall not move the vessel, except—

- (i) to clear a fairway or to moor or anchor in safety; or
- (ii) with the permission, and in accordance with the directions, of the Harbourmaster.

Noise and silencing of engines.

10. (1) The master of a power-driven vessel shall not use it in either harbour in such circumstances or in such manner as to cause excessive noise.

(2) Without prejudice to the generality of subsection (1), a person shall not operate an engine in either harbour unless it is fitted with a device sufficient for reducing, as far as is reasonably possible, the noise emitted by it.

Examination of power-driven vessels.

11. An examiner may, on production of his authority if so required, at any time enter and examine any power-driven vessel, including its engine and equipment, for the purpose of ensuring that the provisions of section 10 are being complied with, and for that purpose may require any power-driven vessel to be stopped.

Fire, explosions and emergencies.

12. The master of a vessel—

- (a) shall take all reasonable precautions for the prevention of accidents by fire;

- (b) shall not, without the permission of the Harbourmaster, cause that vessel to enter either harbour whilst carrying any dangerous goods, as defined in Part A of Chapter VII of the International Convention for the Safety of Life at Sea 1974 and the International Maritime Dangerous Goods Code from time to time approved by the Maritime Safety Committee of the International Maritime Organisation;
- (c) shall not, without the permission of the Harbourmaster, explode any material or device on or from that vessel whilst it is in either harbour;
- (d) shall not, without the permission of the Harbourmaster, fumigate, or permit the fumigation of, a vessel;
- (e) shall give all reasonable assistance to fire, police, ambulance and other emergency services in preventing and dealing with any emergency.

13. (1) The Harbourmaster may direct the master of any vessel to remove it to a place specified in the direction from any place in either harbour or in the harbour approach limits if, in the opinion of the Harbourmaster, the vessel is—

Directions to
remove
vessels etc.

- (a) causing an obstruction to navigation; or
- (b) impeding the efficient operation of either harbour; or
- (c) berthed, moored or anchored in contravention of this Ordinance or any other enactment.

(2) The Harbourmaster may prohibit the master of any vessel from causing it to enter any specified place in either harbour or in the harbour approach limits if in the opinion of the Harbourmaster its entry to that place would be likely to—

- (a) cause an obstruction to navigation; or
- (b) impede the efficient operation of the harbour; or
- (c) give rise to a contravention of this Ordinance or any other enactment.

Navigation
and use
regulations.

14. (1) The Board may, by regulations made under this section, make any provision not inconsistent with this Ordinance as to the navigation and use of vessels in either harbour.

(2) Without prejudice to the generality of subsection (1), regulations under this section may specify the effect of—

- (a) directions and permissions given by the Harbourmaster;
- (b) lights and other signals erected, marked or placed in either harbour.

PART II

BERTHING, MOORING AND ANCHORING

Berthing,
mooring and
anchoring
in harbours.

15. A person shall not cause or permit a vessel—

- (a) to be berthed alongside any quay in either harbour; or
- (b) to be moored or anchored in either harbour, other than on a mooring for the time being allocated in respect of that vessel under section 17,

except in such place and in such manner as the Harbourmaster may direct.

16. The master of a vessel in respect of which no mooring is for the time being allocated under section 17 shall not, without the permission of the Harbourmaster, cause or permit that vessel to remain in the harbours for more than 14 days in any calendar year. Restriction on stay.

17. The Board may allocate moorings in either harbour— Allocated moorings.

(a) to owners of registered boats—

(i) for a mooring charges year; or

(ii) for any period less than a mooring charges year;

(b) to owners of vessels other than registered boats, for periods of 24 hours.

18. (1) An application for the allocation of a mooring under section 17 shall be in such form and accompanied by such information as the Board may, from time to time, require; and an applicant shall furnish the Board with such further information as the Board may require. Allocation of moorings.

(2) Upon receipt of an application under this section the Board may—

(a) allocate a mooring, subject to such conditions as the Board thinks fit; or

(b) refuse to allocate a mooring.

19. A person shall not remove mooring equipment from the sea bed in either harbour unless he gives 24 hours notice to the Harbourmaster. Notice of intention to remove mooring equipment.

Direction to move or re-move mooring equipment. 20. The Harbourmaster may direct any person allocated a mooring under section 17 to remove the mooring equipment, or to move it from one place to another, in the Harbour of Saint Peter Port or the Harbour of Saint Sampson, as the case may be.

Inspection of mooring equipment. 21. (1) The Harbourmaster may, on giving at least seven days notice in writing, direct the master of a vessel moored at a mooring allocated under section 17 to lift the mooring equipment for inspection by the Harbourmaster.

(2) The Harbourmaster may, at any reasonable time, enter upon any vessel moored at a mooring allocated under section 17 for the purpose of inspecting the mooring equipment.

Proper and effective mooring 22. The master of a vessel berthed or lying at any quay shall, to the satisfaction of the Harbourmaster, at all times keep his vessel properly and effectively moored.

Fenders. 23. The master of a vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of the vessel; and when berthing, leaving, or lying against any quay, or against another vessel, shall cause the vessel to be fended off from that quay or other vessel so as to prevent damage to that quay or other vessel, or to other property.

Gangways. 24. The master of a vessel other than an exempted vessel shall, when the vessel is berthed alongside a quay, provide and maintain a sufficient and proper gangway for access and egress of all persons having lawful business on the vessel and, during the hours of darkness, provide sufficient lighting to illuminate the whole length of the gangway.

25. Except with the permission of the Harbour-master, the master of a vessel berthed alongside a quay shall at all times ensure that the vessel is capable of being moved and navigated and that there are sufficient crew or other competent persons readily available to—

Sufficiency of crew etc.

- (a) attend to the vessel's moorings; and
- (b) comply with any direction given by the Harbourmaster; and
- (c) deal with any emergency which may arise.

26. (1) A person shall not take any steps to render a vessel incapable of movement without first notifying the Harbourmaster, unless that vessel is lying aground.

Vessels to be moveable.

(2) If a vessel is at any time not capable of being safely moved by means of its own propulsion machinery, the master shall inform the Harbourmaster forthwith and give him any further information which he may require.

27. The master of a vessel which is at a quay or attached to any mooring device in either harbour shall not permit the engines of that vessel to be worked in such a manner as to cause damage to the quay or to the bed of that harbour or to any other vessel or property.

Use of engines while berthed.

28. The master of a vessel alongside a quay or alongside any vessel already berthed or moored within a harbour shall, if directed to do so by the Harbourmaster, give free access across the deck of that vessel, for persons and goods, to and from vessels berthed alongside his vessel.

Access across decks.

Parted
vessels etc.

29. The master of a vessel which has slipped or parted from, or lost, any anchor, chain, cable or propeller, or which has parted from its mooring, shall—

- (a) forthwith give notice of that fact to the Harbourmaster; and
- (b) if the Harbourmaster so directs, recover any anchor, chain, cable or propeller.

Adjustment
of ropes etc.

30. The master of a vessel shall cause anything by which it is connected to a quay or buoy in either harbour to be slackened or held taut so as to enable other vessels to move in the harbour, as the Harbourmaster may direct.

Careening
etc.

31. A person shall not cause or permit a vessel to be careened, heaved down, graved or breamed in either harbour otherwise than with the permission of the Harbourmaster and in such place, and subject to such conditions, as the Harbourmaster may direct.

Lighting of
vessels.

32. The master of a vessel which is berthed, moored or anchored in either harbour or in the harbour approach limits shall, during darkness, cause to be exhibited on that vessel such lights, in such manner, as the Harbourmaster may direct.

PART III

USE OF HARBOUR FACILITIES

Charges for
use of cranes,
ramps, grabs,
and standing
areas.

33. (1) There shall be payable—

- (a) for the use of any crane, grab or ramp at either harbour; and

- (b) in respect of any vessel, vehicle, trailer, container or other goods deposited or allowed to remain in a standing area at either harbour,

charges at such rates as the States may from time to time by resolution determine.

(2) A resolution passed under subsection (1) may—

- (a) determine different rates for different classes or descriptions of vessels, vehicles, trailers, containers or goods, for different facilities and for different circumstances generally;
- (b) empower the Board, in its absolute discretion in any particular case, to determine which of two or more alternative charges shall be payable;
- (c) exempt any person or class of persons from all or any charges;
- (d) be varied or revoked by a subsequent resolution so passed.

34. Any charges payable pursuant to a resolution under section 33 may be recovered as a civil debt due to the States from the person by whom, or on whose behalf, use of the crane, ramp, grab or standing area concerned was requested, or from any agent of that person.

Payment and recovery of charges.

35. The owner of a vessel shall, not later than the end of the day following that on which he uses a crane, ramp, grab or standing area,—

Furnishing of information etc.

- (a) provide the Harbourmaster with such information as he may direct; and

- (b) produce to him, and allow him to inspect and take copies of, any document whose production he may direct,

relating to the vessel, vehicle, trailer, container or goods concerned or to any goods or vehicles forming part of the cargo of any vessel concerned.

PART IV

QUAYS, HARDS AND ROADS

**Control of
traffic etc.**

36. (1) The Board may, from time to time, after consulting the Island Traffic Committee, order, direct or indicate the manner in which persons may use harbour land by erecting, placing or marking—

- (a) any traffic sign described in Schedule 1 or Schedule 2 to the Traffic Signs and Traffic Light Signals Ordinance, 1988(a); or
- (b) any traffic light signal described in Schedule 3 to that Ordinance; or
- (c) if no sign having an appropriate meaning is prescribed by that Ordinance, a sign giving such an order, direction or indication in whatever manner the Board considers appropriate.

(2) The order, direction or indication given by the Board by means of a traffic light signal erected, placed or marked under paragraph (a) or (b) of subsection (1) is the order, direction or indication set out against the number and description of that sign or signal in Schedule 1, 2 or 3 to the Traffic Signs and Traffic Light Signals Ordinance, 1988 as modified by paragraph 2 of Schedule 1 to this Ordinance.

(a) Ordinance No. XV of 1988.

(3) The provisions of the Traffic Signs and Traffic Light Signals Ordinance, 1988 mentioned in Schedule 1 to this Ordinance apply in relation to signs and signals erected, placed or marked under this section subject to the modifications set out in that Schedule.

(4) Any order or direction given by the Board by a traffic sign or traffic light signal before the coming into force of this Ordinance which the Board is empowered by this section to give shall be deemed to have been given under this section.

37. (1) A person shall not, without the permission of the Harbourmaster, park a vessel or trailer on any harbour land, except in a standing area designated for the parking of vessels or the parking of trailers, as the case may be, by a traffic sign erected, placed or marked by the Board. Parking and removal of vessels and trailers.

(2) The Harbourmaster may direct a person in charge of a vessel or trailer to remove it from, or from any place on, the quays of either harbour.

38. (1) A person shall not use a vehicle in either harbour at any time when its load is not properly secured. Vehicle loads and accidents.

(2) A person in charge of a vehicle which is involved in an accident in either harbour shall, if injury is caused to any person or if damage is caused to any property, forthwith report the accident to the Harbourmaster and give his name and address to the Harbourmaster.

39. (1) The owner of any goods loaded or discharged at either harbour shall— Handling of cargo.

(a) comply with any direction given by the Harbourmaster as to the time, place and

manner of their loading or unloading at, or their admission to or removal from, the harbour;

(b) cause those goods to be removed from the harbour as soon as practicable.

(2) A person involved in the loading or unloading of a vessel shall comply with any directions given by the Harbourmaster in that regard.

Obstruction
etc. of
harbour
land.

40. A person shall not—

(a) deposit refuse on harbour land, except in a receptacle provided for the purpose by the Board;

(b) deposit anything on harbour land in such a manner as to obstruct any road, plant, machinery or apparatus, or the access to any building, mooring, road, plant, machinery or apparatus, or in such manner as to cause a danger or nuisance;

(c) permit any substance to leak, spill or fall from a vehicle or vessel onto harbour land;

(d) explode any material or device on harbour land.

PART V

GENERAL CONDITIONS OF HARBOUR USE

Refuelling
etc.

41. (1) A person shall not, without the permission of the Harbourmaster, fill or empty fuel into or from any vessel, vehicle or container in either harbour.

(2) When a boat is on the water of either harbour within 30 metres of any place where the refuelling of boats is permitted by the Harbourmaster a person shall not—

- (a) smoke; or
- (b) permit a naked flame to burn,

aboard the boat.

42. A person shall not, in either harbour—

- (a) deposit refuse in the water;
- (b) place anything in such a position that it is likely to fall, blow or drift into the water;
- (c) cast or place a net in the water in such a position that it is, or is likely to become, an obstruction or danger.

Obstructing
and
littering
harbour
waters.

43. (1) The master of a vessel berthed, moored or anchored in either harbour shall not permit any person on that vessel to create any noise, or to operate any device for the creation or amplification of sound, in such a manner as to give reasonable cause for annoyance to others.

Noise.
abatement.

(2) A person shall not create any noise, or operate any device for the creation or amplification of sound, on the quays in such a manner as to give reasonable cause for annoyance to others.

44. A person shall not, in either harbour, without the permission of the Harbourmaster,—

- (a) use a pot or raft;
- (b) engage in water-skiing, aquaplaning, surfing or windsurfing;
from the sea bed.
- (c) swim or dive;
- (d) excavate or remove any material or article

Activities
prohibited
without
permission.

Trading
without
consent.

45. A person shall not, without the written consent of the Board, engage by way of trade in the sale of any goods or the provision for reward of any services, in either harbour.

General
regulations.

46. (1) The Board may, by regulations made under this section, make any provision not inconsistent with this Ordinance as to the conduct of persons in either harbour.

(2) Without prejudice to the generality of subsection (1), the Board may by regulations—

- (a) prohibit persons from entering or remaining in any specified part of a harbour; and
- (b) make provision for the removal of articles and substances from any part of a harbour so specified.

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

General
contraven-
tions etc.

47. (1) A person who contravenes section 1(b), 12(c) or 40(d) is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 3 months, or to both.

(2) A person who contravenes section 1(a) or 1(c) is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(3) A person who contravenes, or fails to comply with, section 2, 3, 4, 5, 6, 8, 12(a), (b), (d) or (e) or 41 is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(4) A person who contravenes, or fails to comply with, section 7, 16, 25, 27 or 37 is guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(5) A person who contravenes, or fails to comply with, section 9, 10, 22, 23, 24, 26, 31, 38 or 45 is guilty of an offence and liable on summary conviction to a fine not exceeding £100.

(6) A person who contravenes, or fails to comply with, section 19, 29, 40(a), (b) or (c), 42, 43 or 44 is guilty of an offence and liable on summary conviction to a fine not exceeding £50.

48. (1) If any person contravenes or fails to comply with a direction given by the Harbourmaster under section 13(1) or a prohibition imposed by the Harbourmaster under section 13(2) then— Breach of direction or prohibition under section 13.

(a) that person; and

(b) the owner of the vessel referred to in the direction or prohibition,

is guilty of an offence.

(2) A person guilty of an offence under subsection (1) of this section is liable on summary conviction—

(a) to a fine not exceeding £50,000; and

(b) to a further fine not exceeding £5,000 in respect of each day on which the offence continues after conviction.

(3) A person who—

(a) wilfully obstructs, or fails to give reasonable assistance in connection with, the carrying out of a direction given under section 13(1);
or

- (b) causes a prohibition imposed under section 13(2) to be contravened,

is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(4) In proceedings in respect of an offence under this section it is a defence for the defendant to prove—

- (a) that he took all reasonable care to avoid the commission of the offence; and
- (b) that the acts or omissions constituting the offence were acts or omissions of a person who was not at the time his servant or agent.

Breach of other directions and obstruction.

49. A person who—

- (a) obstructs the Harbourmaster or an examiner in the exercise of any of his functions under this Ordinance; or
- (b) contravenes or fails to comply with any direction given, or prohibition imposed, by the Harbourmaster under this Ordinance (other than a direction or prohibition given or imposed under section 13),

is guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Failure to comply with traffic signs etc.

50. A person who contravenes or fails to comply with an order or direction given by the Board by means of a traffic sign or traffic light signal erected, placed or marked under section 36 is guilty of an offence and liable on summary conviction—

- (a) in the case of a sign numbered 21, 22, 24, 25, 26, 56, 57, 58, 59 or 60 in Schedule 1

or Schedule 2 to the Traffic Signs and Traffic Light Signals Ordinance, 1988, or a sign erected, placed or marked under section 36(1)(c) of this Ordinance in order to control parking, to a fine not exceeding £100;

(b) in the case of any other sign or any traffic light signal, to a fine not exceeding £200.

51. A person who knowingly or recklessly furnishes false or misleading information for any purpose of this Ordinance is guilty of an offence and liable on summary conviction to a fine not exceeding £200. False statement etc.

52. A person who contravenes or fails to comply with any provision of any regulations made under this Ordinance is, unless those regulations otherwise provide, guilty of an offence and liable on summary conviction to a fine not exceeding £200. Breach of regulations.

53. A person who attempts to commit an offence punishable under this Ordinance is guilty of an offence and liable on summary conviction to a punishment not exceeding that to which he would have been liable if he had completed the offence concerned. Attempts.

54. (1) If an offence under this Ordinance committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly. Offences by bodies corporate.

(2) For the purposes of this section a person is deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of that body corporate, or any of them, act.

Permissions,
directions,
prohibitions
and consents.

55. (1) Any permission, direction or prohibition of the Harbourmaster, and any consent of the Board, under, or for the purposes of, any provision of this Ordinance may be—

- (a) given or imposed either generally or in relation to specified descriptions of vessels, persons, cases or circumstances, or in relation to a particular vessel or person;
- (b) given or imposed either unconditionally or subject to such conditions as the Harbourmaster, or, as the case may be, the Board, thinks fit;
- (c) withdrawn by the Harbourmaster, or, as the case may be, by the Board, at any time.

(2) Any such permission, direction, prohibition or consent—

- (a) may be given, imposed or withdrawn in such manner as the Harbourmaster or, as the case may be, the Board, considers appropriate; and
- (b) without prejudice to the foregoing, shall be conclusively presumed to have been so given, imposed or withdrawn if it is given, imposed or withdrawn in such manner as the Board may prescribe by regulations made under this section.

Regulations. 56. Regulations made by the Board under any provision of this Ordinance—

- (a) may make different provision for different cases and circumstances;
- (b) may prohibit any act or omission without the permission of the Harbourmaster or without the consent of the Board;
- (c) shall be laid before a meeting of the States as soon as possible after being made; and if at that meeting or their next meeting the States resolve that the regulations be annulled they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations;
- (d) may be varied or revoked by subsequent regulations so made.

57. Any notice which may be served for any purpose of this Ordinance shall, without prejudice to any other lawful method of service, be validly served— Service of notices.

- (a) on any person, if delivered to him, or if left at or sent by registered post or by recorded delivery service addressed to him at, his usual or last known place of abode;
- (b) on any unincorporated body, if delivered to any partner, manager, or similar officer of that body, or if left at, or sent by registered post or by recorded delivery service to, the principal or last known principal place of business of that body;
- (c) on any body corporate, if left at, or if sent by registered post or by recorded delivery service to, its registered office if situate in Guernsey, or, if its registered office is not so situate, its principal or last known principal place of business in Guernsey.

Interpreta-
tion.

58. (1) In this Ordinance, unless the context otherwise requires,—

“the Board” means the States Board of Administration;

“collision regulations”, in relation to a vessel, means any regulations for the time being applicable to that vessel giving effect to international regulations for preventing collisions at sea;

“dangerous goods” has the meaning assigned by section 12(b);

“either harbour” means the harbour of Saint Peter Port and the harbour of Saint Sampson;

“examiner” means a person appointed by the Board to examine power-driven vessels;

“exempted vessel” means a vessel, other than a vessel under way by sail alone, of less than 15 metres length overall;

“fairway” means a navigable channel;

“general pilot” has the meaning assigned by section 11 of the Pilotage (Guernsey) Law, 1966(b);

“goods” includes containers, whether loaded or empty;

“the Harbourmaster” means the States Harbourmaster and any States Deputy Harbourmaster, and includes any person acting under the authority of the States Harbourmaster upon production, if so required, of his authority so to act;

(b) Ordres en Conseil Vol. XX, p. 206.

“ the harbour approach limits ” means—

- (a) in relation to the harbour of Saint Peter Port, the sea within three quarters of a nautical mile of the south-eastern extremity of the White Rock pier; and
- (b) in relation to the harbour of Saint Sampson, the sea within half of a nautical mile of the north-eastern extremity of the breakwater;

“ the harbour of Saint Peter Port ” means the harbour area to the west of a line drawn from the eastern extremity of the Castle Breakwater to the south-eastern extremity of the White Rock Pier and the marina area to the south-west of a line drawn from the Salarie Battery to the northern extremity of the breakwater extending north from the White Rock; and includes the quays, hards and roads adjacent to those areas and under the administration of the Board;

“ the harbour of Saint Sampson ” means the harbour area to the west of a line drawn from the northern extremity of the breakwater to the south-eastern extremity of the northern pier; and includes the quays, hards and roads adjacent to those areas and under the administration of the Board;

“ harbour land ” means the quays, hards and roads under the administration of the Board and adjacent to the harbour and marina areas of the harbour of Saint Peter Port or the harbour of Saint Sampson;

“ the main harbour of Saint Peter Port ” means the harbour of Saint Peter Port excluding the North Beach marina;

- “master” means the person having for the time being the command or charge of a vessel, and includes, in sections 1 to 6 inclusive, a general or special pilot under whose pilotage a vessel is being navigated;
- “mooring” includes berth;
- “mooring charges year” means the period commencing on 1st April in any year and ending on 31st March in the next year;
- “navigate”, in relation to a vessel, means cause the vessel to move in the water;
- “the North Beach marina” means the marina area of the harbour of Saint Peter Port to the south-west of a line drawn from the Salarie Battery to the northern extremity of the break-water extending north from the White Rock;
- “owner” includes a charterer and an agent;
- “parked”, in relation to a vessel or a trailer, means stationary on land for longer than is needed to launch a vessel or remove a vessel from the water;
- “power-driven vessel” means any vessel propelled by machinery, including every vessel under power, whether under sail or not, and any prime mover used for towing purposes on the sea;
- “quays” includes dolphins, jetties, wharfs, piers, walls, slipways and steps;
- “the radio station” means the building, also known as “port control” and as the “signal station”, which is situated on the pier-head (known as “the Spur”) of the White Rock Pier;

“registered vessel” means a vessel registered under Part I of the Boats and Vessels (Registration, Speed Limits and Abatement of Noise) Ordinance, 1970(c);

“special pilot” has the meaning assigned by section 11 of the Pilotage (Guernsey) Law, 1966;

“standing area” means an area of harbour land designated by a resolution of the Board as an area where, subject to such conditions as may be specified in the resolution, vessels, vehicles, trailers, containers or goods may be deposited;

“traffic sign” means a sign erected, placed or marked in accordance with section 36;

“trailer” means a vehicle which is designed or adapted for use in connection with the conveyance of a boat on land and which is incapable of being propelled under its own power;

“vehicle” means anything made for the conveyance by land of people or property, including a trailer, an animal-drawn vehicle, a bicycle and a tricycle;

“vessel” means anything made for the conveyance by water of people or property.

(2) Unless the context otherwise requires—

(a) a reference in this Ordinance to a numbered or lettered section, subsection or paragraph is a reference to the section, subsection or paragraph so numbered or lettered in this Ordinance;

(c) Recueil d'Ordonnances Tome XVI, p. 346; Tome XIX, p. 220; Tome XXI, p. 16.

- (b) a reference in a provision of this Ordinance to a numbered or lettered subsection or paragraph is a reference to the subsection or paragraph of that provision which is so numbered or lettered;
- (c) a reference in this Ordinance to any enactment includes a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment.

Repeals and amendments.

59. (1) The enactments mentioned in the left hand column of Schedule 2 to this Ordinance are repealed to the extent specified in the right hand column of that Schedule.

(2) In section 10 of the Boats and Vessels (Registration, Speed Limits and Abatement of Noise) Ordinance, 1970 for "the last two preceding sections" there is substituted "section eight of this Ordinance" and the words "for the time being having the command or charge of a vessel as defined in the last preceding section when" are repealed.

(3) For item 9 of the Traffic Offences (Fixed Penalties) Ordinance, 1975(d) there is substituted:

"9. Offences punishable under section 50 of the Harbours Ordinance, 1988 £6.00".

Savings.

60. (1) It is hereby declared that this Ordinance repeals and re-enacts with modifications the provisions specified in the right hand column of Schedule 2 to this Ordinance of the enactments mentioned in the left hand column of that Schedule.

(d) Recueil d'Ordonnances Tome XX, p. 120.

(2) Without prejudice to the general application of section 19 of the Interpretation (Guernsey) Law, 1948(e) (effect of repeal and re-enactment)—

- (a) a reference in any other enactment to an enactment repealed by this Ordinance shall, unless the contrary intention appears, be construed as including a reference to the corresponding provision of this Ordinance;
- (b) any document referring, expressly or by implication, to an enactment repealed by this Ordinance shall, so far as may be necessary for preserving its effect, be construed as referring, or as including a reference, to the corresponding provision of this Ordinance;
- (c) in so far as any rule or regulation made, any resolution passed or any other thing done under an enactment repealed by this Ordinance, or having effect as if so made, passed or done, could be made, passed or done under a corresponding provision of this Ordinance, it shall have effect as if made, passed or done under that corresponding provision on the date on which it was in fact made, passed or done, and as if that corresponding provision had been in force on that date.

61. This Ordinance may be cited as the Harbours Ordinance, 1988. Citation.

62. This Ordinance shall come into force on 5th August, 1988. Commencement.

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

Schedule 1 Section 36(2)
and (3)

*Modifications to the Traffic Signs and Traffic Light
Signals Ordinance, 1988 in relation to signs and
signals on harbour land*

1. Sections 5, 6, 7, 8, 9, 10, 13 and 16 of the Traffic Signs and Traffic Light Signals Ordinance, 1988 apply in relation to signs and signals erected, placed or marked under this Ordinance as they apply to signs and signals erected, placed or marked on a public highway by the Island Traffic Committee, subject to the modifications that—
 - (a) for references to “the carriageway” and to “the highway” or “a highway”, there are substituted references to “the harbour land”;
 - (b) for references to “the Committee” there are substituted references to “the Board”;
 - (c) in section 7(2) and (4) the words “erected or placed under section 4(1)(a)” are omitted;
 - (d) in section 10(1) for “on or near a public highway” there is substituted “on the harbour land”;
 - (e) in section 16—
 - (i) the definitions of “carriageway”, “the Committee”, “existing prohibition” and “highway” are omitted;
 - (ii) in the definitions of “intersection”, “lane”, “major road” and “traffic island” for references to a “highway” there are substituted references to a “road”;

(iii) immediately after the definition of “power driven vehicle” there is inserted the following definition:

“ “road” means a roadway set aside by order or direction of the Board as a way for vehicular traffic;”;

(iv) in subsection (3)(a) the words and commas “, or obliged by a prohibition, restriction or requirement indicated by the sign,” are omitted.

2. Schedules 1, 2 and 3 of the Traffic Signs and Traffic Light Signals Ordinance, 1988 apply in relation to signs and signals erected, placed or marked under this Ordinance as they apply to signs and signals erected, placed or marked on a public highway by the Island Traffic Committee, subject to the modifications that—

(a) for references to “the carriageway” and “the highway” there are substituted references to “the road”;

(b) in the heading of Schedule 2 and the sub-headings of Parts I and II of Schedule 2, for the words “Signs indicating an existing prohibition, restriction or requirement” there is in each case substituted “Further signs giving orders or directions”;

(c) for the headings of the fourth column of Parts I and II of Schedule 2 there is in each case substituted the following heading: “Order or direction given by sign”.

Repeals

Enactment	Extent of repeal
The Ordinance entitled "Ordonnance portant défense d'attacher des Bestiaux en certains endroit dans les environs du Havre" of 24th April, 1865(f).	The whole Ordinance.
The Ordinance entitled "Ordonnance Générale relative à la Police des Havres" of 19th January, 1874(g).	The whole Ordinance, so far as it remains unrepealed.
The Ordinance entitled "Ordonnance par rapport ou dépôt de Lest dans le havre de Saint Samson" of 22nd April, 1895(h).	The whole Ordinance.
The Ordinance entitled "Ordonnance supplémentaire relative à la Police des Havres" of 5th October, 1896(i).	The whole Ordinance.
The Ordinance entitled "Ordonnance supplémentaire à l'Ordonnance relative à la Police des Havres" of 4th April, 1921, made permanent on 5th October, 1931(j).	The whole Ordinance.
The Ordinance entitled "Ordonnance supplémentaire à l'Ordonnance Générale relative à la Police des Havres" of 6th June, 1925, made permanent on 5th October, 1931(k).	The whole Ordinance, so far as it remains unrepealed.

- (f) Recueil d'Ordonnances Tome IV, p. 50.
 (g) Recueil d'Ordonnances Tome IV, p. 146.
 (h) Recueil d'Ordonnances Tome IV, p. 338.
 (i) Recueil d'Ordonnances Tome IV, p. 380.
 (j) Recueil d'Ordonnances Tome V, p. 410.
 (k) Recueil d'Ordonnances Tome V, p. 410.

Enactment	Extent of repeal
The Ordinance entitled "Ordonnance supplémentaire à l'Ordonnance Générale relative à la Police des Havres" of 14th May, 1927, made permanent on 5th October, 1931(<i>l</i>).	The whole Ordinance.
The Ordinance entitled "Ordonnance supplémentaire à l'Ordonnance Générale relative à la Police des Havres", of 4th July, 1936(<i>m</i>).	The whole Ordinance.
The Ordinance entitled "Ordonnance supplémentaire à l'Ordonnance Générale relative à la Police des Havres, 1938" of 2nd April, 1938(<i>n</i>).	The whole Ordinance, so far as it remains unrepealed.
The Ordinance entitled "St. Peter Port Harbour (Use by Aircraft) Ordinance, 1947" of 8th February, 1947(<i>o</i>).	The whole Ordinance.
The Ordinance entitled "St. Peter Port Harbour (Use of Aircraft) Ordinance No 2 of 1947" of 14th April, 1947(<i>p</i>).	The whole Ordinance.
The Harbours (Berths, Moorings and Anchorages) Ordinance, 1959(<i>q</i>).	The whole Ordinance.
The Boats and Vessels (Registration, Speed Limits and Abatement of Noise) Ordinance, 1970(<i>r</i>).	Sections 9 and 14.

- (*l*) Recueil d'Ordonnances Tome V, p. 412.
(*m*) Recueil d'Ordonnances Tome VIII, p. 208.
(*n*) Recueil d'Ordonnances Tome VIII, p. 208.
(*o*) Recueil d'Ordonnances Tome IX, p. 55.
(*p*) Recueil d'Ordonnances Tome IX, p. 56.
(*q*) Recueil d'Ordonnances Tome XII, p. 186.
(*r*) Recueil d'Ordonnances Tome XVI, p. 348.