

Island of  Guernsey

Ordinance of the States **XIII**

1976

Made 31st March, 1976.
Coming into Operation ... 1st April, 1976.

**The Mooring Charges (Guernsey)
Ordinance, 1976**

THE STATES, in pursuance of their Resolution of the twenty-eighth day of January, nineteen hundred and seventy-six, and in exercise of the powers conferred upon them by subsection (1) of section two of the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972, as amended(a), hereby order:—

1. Moorings may, from time to time, be allocated by the States Board of Administration (hereinafter referred to as "the Board") in the harbour of Saint Peter Port or the harbour of Saint Sampson:—

Allocation
of moorings.

- (a) to the owners of registered boats—
 - (i) for a mooring charges year, or
 - (ii) for any period less than a mooring charges year;

(a) No. XXI of 1972; No. VI of 1974.

- (b) to the owners of boats other than registered boats, for a period of twenty-four hours.

Mooring charges for registered boats.

2. (1) Subject to the succeeding provisions of this section, the mooring charges which shall be payable by the owners of registered boats, other than registered fishing boats, in respect of moorings allocated to them by the Board:—

- (a) in the areas of the Harbour of Saint Peter Port set out in the left hand column of Part I of the Schedule to this Ordinance, shall be at the rates set out in the right hand column of the said Part of the said Schedule in relation to those areas respectively for each mooring charges year;
- (b) in the Harbour of Saint Sampson, shall be at the rate set out in Part II of the Schedule to this Ordinance for each mooring charges year.

(2) Subject to the succeeding provisions of this section, the mooring charges which shall be payable by the owners of registered boats, other than registered fishing boats, in respect of moorings at a pontoon allocated to them by the Board in any part of the Harbour of Saint Peter Port or the Harbour of Saint Sampson shall be at the rate set out in Part III of the Schedule to this Ordinance for each mooring charges year.

(3) The mooring charges which shall be payable by the owners of registered fishing boats in respect of moorings allocated to them by the Board:—

- (a) in the areas of the Harbour of Saint Peter Port set out in the left hand column of Part IV of the Schedule to this Ordinance, shall be at the rates set out in the right hand column of the said Part of the said Schedule

in relation to those areas respectively for each mooring charges year;

- (b) in the Harbour of Saint Sampson, shall be at the rate set out in Part V of the Schedule to this Ordinance for each mooring charges year.

(4) The mooring charges which shall be payable by the owners of registered boats in respect of moorings allocated by the Board for a period of less than a mooring charges year shall be at a rate which shall bear the same proportion to the rate which would otherwise be payable under this section for the moorings for a mooring charges year as the period for which the moorings are allocated bears to a mooring charges year.

(5) In addition to any mooring charges payable under the provisions of the last four preceding subsections, mooring charges shall be payable by the owners of house-boats, being registered boats, in respect of moorings allocated to them for those house-boats by the Board in any part of the Harbour of Saint Peter Port or the Harbour of Saint Sampson, at the rate set out in Part VI of the Schedule to this Ordinance for each month or part of a month.

(6) Any mooring charges payable in pursuance of the provisions of this section shall become due and payable, as follows:—

- (a) in the case of mooring charges which are payable by the owners of registered boats in pursuance of the provisions of subsection (1), subsection (2) or subsection (3) of this section for a mooring charges year, on the first day of April commencing that mooring charges year;

(b) in the case of mooring charges which are payable by the owners of registered boats in pursuance of the provisions of subsection (4) of this section for a period less than a mooring charges year, on the first day of the period for which the mooring is allocated;

(c) in the case of mooring charges which are payable by the owners of house-boats in pursuance of the provisions of subsection (5) of this section, monthly in advance.

(7) A person to whom a mooring has been allocated by the Board and in respect of which he is liable to pay mooring charges in pursuance of the preceding provisions of this section shall not, without the consent of the States Harbourmaster, permit any other person to use that mooring.

(8) Any person who contravenes the provisions of the last preceding subsection shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty-five pounds.

Mooring charges for boats other than registered boats.

3. (1) Subject to the succeeding provisions of this section the mooring charges which shall be payable by the owners of boats, other than registered boats or fishing boats, of the classes set out in the left hand column of Part VII of the Schedule to this Ordinance in respect of moorings allocated to them by the Board in any part of the Harbour of Saint Peter Port or the Harbour of Saint Sampson shall be at the rates set out in the right hand column of the said Part of the said Schedule in relation to those classes respectively for each period of twenty-four hours or part of twenty-four hours.

(2) The mooring charges which shall be payable by the owners of catamarans, trimarans or other

similar multi-hulled boats being boats, other than registered boats or fishing boats, of the classes set out in the left hand column of Part VII of the Schedule to this Ordinance in respect of moorings allocated to them by the Board in any part of the Harbour of Saint Peter Port or the Harbour of Saint Sampson shall be at the appropriate rates which would otherwise be payable in pursuance of the provisions of the last preceding subsection increased by fifty per centum.

(3) Subject to the succeeding provisions of this section, the mooring charges which shall be payable by the owners of fishing boats, other than registered fishing boats, in respect of moorings allocated to them by the Board in any part of the Harbour of Saint Peter Port or the Harbour of Saint Sampson shall be at the rate set out in Part VIII of the Schedule to this Ordinance for each period of twenty-four hours or part of twenty-four hours.

(4) Mooring charges shall not be payable in pursuance of the provisions of any of the three last preceding subsections by the owner of a boat, other than a registered boat, moored in any part of the Harbour of Saint Peter Port or the Harbour of Saint Sampson for any continuous period in any year, not exceeding three months, during which the boat is so moored if it is proved to the satisfaction of the Board—

- (a) that the boat is in the Harbour concerned with the approval of the States Harbour-master solely for the purposes of undergoing repairs, and
- (b) that such repairs are being carried out by persons other than the owner or members of the crew of the boat.

(5) Any mooring charges payable in pursuance of the provisions of subsection (1), (2) or (3) of this section shall become due and payable in advance for each period of twenty-four hours or part of twenty-four hours.

Exemptions.

4. (1) Mooring charges shall not be payable under the provisions of section one of this Ordinance by the owners of any of the classes of boats to which this section applies in respect of moorings allocated to them for those boats by the Board in the Harbour of Saint Peter Port or the Harbour of Saint Sampson.

(2) This section applies to the following classes of boats, that is to say:—

- (a) boats used exclusively for life-saving or rescue operations or both;
- (b) boats used exclusively by the Sea Scouts and Sea Rangers;
- (c) boats which in the opinion of the Board are used exclusively as guard boats;
- (d) boats of a length overall, including any fixed bowsprit, pulpit, bumkin and davit, not exceeding twelve feet;
- (e) boats owned by the States of Guernsey.

Interpretation.

5. In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“boat” means anything made for the conveyance by water of human beings or of property;

“registered boat” means a boat for the time being registered under the provisions of the Boats

and Vessels (Registration, Speed Limits and Abatement of Noise) Ordinance, 1970(b);

“fishing boat” means a boat of which the owner satisfies the Board—

(a) that the boat is used wholly or principally for catching fish for profit as a business, and

(b) that his income is derived wholly or mainly from such business;

“registered fishing boat” means a fishing boat which is a registered boat;

“house-boat” means a registered boat which is used for the purposes of human habitation for any continuous period greater than a period of twenty-eight days or periods which in the aggregate amount to a period greater than a period of twenty-eight days during the period commencing on the first day of January and ending on the thirty-first day of December, both dates inclusive, in any year;

“mooring charges year” means the period commencing on the first day of April in any year and ending on the thirty-first day of March in the year next following.

6. The Mooring Charges (Guernsey) Ordinance, Repeal. 1975(c), is hereby repealed.

7. This Ordinance may be cited as the Mooring Charges (Guernsey) Ordinance, 1976. Citation.

8. This Ordinance shall come into force on the first day of April, nineteen hundred and seventy-six. Commence-
ment.

(b) Recueil d'Ordonnances Tome XVI, p. 346.

(c) No. XII of 1975.

SCHEDULE

MOORING CHARGES

PART I

Section 2 (1) (a)

Registered boats, other than registered fishing boats, at moorings

Harbour of Saint Peter Port

Areas of Harbour of Saint Peter Port	Rates of mooring charges
The area more particularly shown and delineated on a map (hereinafter referred to as "the moorings map") and thereon marked "A" which map for the purpose of identification was signed by the Bailiff on the thirteenth day of February, nineteen hundred and seventy, and lodged at the Greffe.	One hundred and thirty new pence per foot or part of a foot of the length overall of the boat including any fixed bowsprit, pulpit, bumkin and davit.
The area more particularly shown and delineated on the moorings map and thereon marked "B".	Eighty new pence per foot or part of a foot of the length overall of the boat including any fixed bowsprit, pulpit, bumkin and davit.
The area more particularly shown and delineated on the moorings map and thereon marked "C".	Fifty new pence per foot or part of a foot of the length overall of the boat including any fixed bowsprit, pulpit, bumkin and davit.

PART II

Section 2 (1) (b)

Registered boats, other than registered fishing boats, at moorings

Harbour of Saint Sampson

Rate of mooring charges

Fifty new pence per foot or part of a foot of the length overall of the boat including any fixed bowsprit, pulpit, bumkin and davit for each mooring charges year.

PART III

Section 2 (2)

Registered boats, other than registered fishing boats, moored at a pontoon in any part of the Harbour of Saint Peter Port or the Harbour of Saint Sampson

Rate of mooring charges

Fifty new pence per square foot or part of a square foot of the boat for each mooring charges year.

- (a) For the purposes of this Part of this Schedule the square footage of a boat shall be calculated by multiplying the overall length of the boat including any fixed bowsprit, pulpit, bumkin and davit, by the overall beam of the boat.
- (b) In the calculation of the footage of a boat in accordance with the provisions of the last preceding paragraph:—
- (i) any part of the overall length of the boat which is less than one foot shall be deemed to be one foot; and
 - (ii) any part of the overall beam of the boat which is less than six inches shall be disregarded and any part of the overall beam of the boat which is more than six inches but less than one foot shall be deemed to be six inches.

PART IV

Section 2 (3) (a)

Registered fishing boats

Harbour of Saint Peter Port

Areas of Harbour of Saint Peter Port	Rates of mooring charges
The area more particularly shown and delineated on the moorings map and thereon marked "A".	One hundred new pence per foot or part of a foot of the length overall of the boat including any fixed bowsprit, pulpit, bumkin and davit.
The areas more particularly shown and delineated on the moorings map and thereon marked "B" and "C".	Fifty new pence per foot or part of a foot of the length overall of the boat including any fixed bowsprit, pulpit, bumkin and davit.

PART V

Section 2 (3) (b)

Registered fishing boats

Harbour of Saint Sampson.

Rate of mooring charges

Fifty new pence per foot or part of a foot of the length overall of the boat including any fixed bowsprit, pulpit, bumkin and davit for each mooring charges year.

PART VI

Section 2 (4)

House-boats

Rate of mooring charges

Twenty-five new pence per foot or part of a foot of the length overall of the boat including any fixed bowsprit, pulpit, bumkin and davit for each month or part of a month.

PART VII

Section 3 (1)

Boats other than registered boats or fishing boats

Classes of boats	Rates of mooring charges for each period of twenty-four hours or part of twenty-four hours
Length overall of the boat including any fixed bowsprit, pulpit, bumkin and davit	
Not exceeding 7 metres	One hundred new pence
7 metres and less than 9 metres	One hundred and fifty new pence
9 metres and less than 12 metres	Two hundred new pence
12 metres and less than 15 metres	Three hundred new pence
15 metres and over	Five hundred new pence

PART VIII

Section 3 (3)

Fishing boats other than registered fishing boats

Rate of mooring charges

One hundred new pence for each period of twenty-four hours or part of twenty-four hours.

R. H. VIDELO,
Her Majesty's Greffier.