

Mooring Charges (No.2) Regulations, 2010

No. 102

Made

[26] November, 2010

Coming into operation

1 January 2011

Laid before the States

THE PUBLIC SERVICES DEPARTMENT, in exercise of the powers conferred upon it by sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007^a, and all other powers enabling it in that behalf, hereby makes the following regulations:-

Charges.

1. (1) The charges set out in the Schedule to these Regulations shall have effect.

(2) Subject to subsection (3), the charges as prescribed by the Mooring Charges Regulations, 2010^b, shall cease to have effect.

(3) The ceasing of effect of the charges referred to in subsection (2) is without prejudice to any right, privilege, obligation or liability acquired, accrued or incurred in respect of those charges.

^a

No. VII of 2008; as amended by Ordinance No. VII of 2008.

^b

G.S.I. No. 23 of 2010

Interpretation.

2. (1) In these regulations, unless the context requires otherwise –

"Area A" means the area(s) more particularly shown and delineated on the Moorings Map and thereon marked "Area A",

"Area B" means the area(s) more particularly shown and delineated on the Moorings Map and thereon marked "Area B",

"Area C" means the area(s) more particularly shown and delineated on the Moorings Map and thereon marked "Area C",

"boat" means anything for the conveyance by water of human beings or of property,

"casual use" means use by a boat whose owner has allocated a temporary mooring in circumstances appearing to the Department to be of an adhoc nature, or for over-wintering,

"Department" means the States Public Services Department,

"fishing boat" means a boat of which the owner has satisfied the Department –

- (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,

"house boat" means a registered boat which is used for the purpose of human habitation (including persons sleeping on board) 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 any calendar year,

"Moorings Map" means either the St. Peter Port moorings map or the St. Sampson's moorings map, as the case may be,

"overall beam" means the greatest breadth of the boat including anything fixed to it but excluding portable fenders,

"overall length" includes the boat and anything fixed to it,

"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^c,

"registered fishing boat" means a fishing boat which is a registered boat,

"square foot" shall be calculated by multiplying the overall length of the boat by its overall beam, and

- (a) any part of the overall length of the boat which is less than one foot shall be deemed to be one foot, and
- (b) any part of the overall beam of the boat which is –

^c Recueil d'Ordonnances Tome XVI, p.346; Tome XXVI, p.308.

- (i) less than six inches shall be disregarded, and
- (ii) more than six inches but less than one foot shall be deemed to be six inches, and

"St. Peter Port moorings map" means the map signed by the Bailiff on 10 March, 2010, and lodged at the Greffe, and

"St. Sampson's moorings map" means the map signed by the Bailiff on 10 March, 2010, and lodged at the Greffe.

(2) The Interpretation (Guernsey) Law, 1948^d applies to the interpretation of these regulations.

Repeal.

- 3. The Mooring Charges Regulations, 2010^e are repealed.

Citation and commencement.

4. These regulations may be cited as the Mooring Charges (No.2) Regulations, 2010, and shall come into force on the 1st January 2011.

Dated this 26th day of November, 2010

DEPUTY B.M. FLOUQUET

Minister of the States Public Services Department

For and on behalf of the Department

^d Ordres en Conseil Vol. XIII, p. 355.

^e G.S.I No. 23 of 2010.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the mooring charges payable under section 2 of the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972 (the "1972 Law"). These Regulations increase the existing mooring charges by approximately 3.5 per cent. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these charges may now be prescribed by regulations of the Public Services Department.

Legislative background.

Mooring charges payable under section 2 of the 1972 Law were originally made by way of Ordinance. Section 3 of the Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986 amended section 2 of the 1972 Law to provide that the charges would be payable at such rates as the States may, from time to time, by Resolution prescribe. In 2001, the 1972 Law was further amended by section 2 of the Harbour Dues, Harbour Charges and Mooring Charges (Guernsey) (Amendment) Law, 2001 to provide that such a States Resolution could authorise the Board of the Public Services Department to amend the amount of those dues in respect of any specified twelve month period or periods by an amount not exceeding the change in the Guernsey Retail Price Index during such earlier twelve month period or periods as may be so specified.

SCHEDULE

Regulation 1(1).

1.1 LEISURE BOATS

Registered boats (other than registered fishing boats) moored in either the Harbour of St. Peter Port or the Harbour of St. Sampson's in the following areas –

Area (as defined and marked on the Moorings Map)	Per square foot (per annum)
Albert, QEII, Victoria and St. Sampson's Marinas	£ 4.65

Registered boats (other than registered fishing boats) moored in either the Harbour of St. Peter Port or the Harbour of St. Sampson's in the following areas –

Area (as defined and marked on the Moorings Map)	Per foot length (per annum)
Area A	£ 16.55
Area B	£ 8.00
Area C	£ 4.65

1.2 VISITING BOATS

Boats other than registered boats or fishing boats moored in either the Harbour of St. Peter Port or the Harbour of St. Sampson's –

Length of Boat (in metres)	For each period of 24 hours or part thereof
Up to 6.99	£15.00
7.00 – 7.99	£17.00
8.00 – 8.99	£19.00
9.00 – 9.99	£21.00
10.00 – 10.99	£23.00
11.00 – 11.99	£25.00
12.00 – 12.99	£27.00
13.00 – 13.99	£29.00
14.00 – 14.99	£32.00
15.00 – 15.99	£34.00
16.00 – 16.99	£36.00
17.00 – 17.99	£38.00
18.00 – 18.99	£40.00
19.00 – 19.99	£42.00
20.00 – 20.99	£44.00
21.00 – 21.99	£48.00
22.00 – 22.99	£50.00
23.00 – 23.99	£53.00
24.00 – 24.99	£55.00
25.00 – 25.99	£57.00
26.00 – 26.99	£59.00
27.00 – 27.99	£61.00
28.00 – 28.99	£63.00
29.00 – 29.99	£65.00
30.00 – 30.99	£67.00

1.3 FISHING BOATS

Registered fishing boats moored in the Harbour of St. Peter Port or the Harbour of St. Sampsons in the following areas –

Area	Per square foot (per annum)
Albert Dock - Pontoon Mooring	£ 5.35
- Wall Mooring	£ 3.55
- Mud Mooring	£ 1.75
Area (as defined and marked on the Moorings Map)	Per foot length (per annum)
Area A	£ 16.55
Area B	£ 8.00
Area C	£ 4.65

1.4 MISCELLANEOUS

Use of facilities/areas in the Harbour of St. Peter Port or the Harbour of St. Sampsons:

HOUSE BOATS	Per Square foot Per month (or part of month)
House boats moored in any location in the Harbour of St. Peter Port or St. Sampson's	£ 7.11

CASUAL USER RATE	
Vessels making casual use of berths, moorings, slipways, careening areas in any location in the Harbour of St. Peter Port or the Harbour of St. Sampson's	Per foot length (per day)
Registered boats – Use of marina berths for less than 30 days	£ 0.29
Registered boats – Use of all other areas/facilities for less than 30 days	£ 0.24
Registered boats or non registered boats - for the period 15 September to 14 May inclusive for less than 30 days (Over wintering)	£ 0.29
	Per Month
Registered boats – Contracted use of facilities for a minimum period of 30 days	Calculated pro-rata, on a daily basis, to the appropriate annual mooring charge
Registered boats or non registered boats for the period 15 September to 14 May inclusive on an overwintering contract for minimum of 30 days (Over wintering)	Calculated pro-rata, calculated on a daily basis to the appropriate annual mooring charge

LAY- UPS	Per Square Foot (per month)
Monthly charges payable in respect of any vessel on a lay-up contract for a minimum period of 30 days:	
Registered boat with allocated mooring	£0.09
Registered boat without allocated mooring	£0.29
Non-registered boat on overwintering contract – period of lay-up must not be less than 30 days falling wholly within the period of the overwintering contract	£0.09
In respect of any other case	£0.79