

**ORDINANCE**  
**OF THE STATES OF ALDERNEY**

ENTITLED

**The Licensing of Passenger Boats (Alderney)**  
**Ordinance, 1954** \*

[CONSOLIDATED TEXT]

**NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from the Greffier, The Court of Alderney, Queen Elizabeth II Street, Alderney, GY9 3TB.*

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\* Alderney Ordinance No. V of 1954; as amended by the Decimal Currency (Bailiwick of Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 560); the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the Fees (Alderney) Law, 2011 (No. XX of 2012); the Licensing of Passenger Boats (Amendment) (Alderney) Ordinance, 1973 (Alderney Ordinance No. IV of 1973); the Licensing of Passenger Boats (Alderney) (Amendment) Ordinance, 1990 (Alderney Ordinance No. II of 1990); the Fees (Alderney) Ordinance, 1990 (Alderney Ordinance No. V of 1990); the Licensing of Passenger Boats (Amendment) (Alderney) Ordinance, 1993 (Alderney Ordinance No. IV of 1993); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997). See also the Merchant Shipping (Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 404); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Fees (Alderney) Law, 2011 (*supra*); the Fees (Alderney) Ordinance, 2018 (Alderney Ordinance No. XVII of 2018).

*Consolidated text*

ORDINANCE  
OF THE STATES OF ALDERNEY

ENTITLED

**The Licensing of Passenger Boats (Alderney)  
Ordinance, 1954**

ARRANGEMENT OF SECTIONS

1-4. Sections 1-13.

*(Made on 14th December, 1954.)*

## **The Licensing of Passenger Boats (Alderney)**

### **Ordinance, 1954**

**THE STATES**, in pursuance of their Resolution dated the twenty-second day of November, 1950, and the fourteenth day of September, 1954, hereby order: –

#### **Sections 1-13.**

1. (1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively –

**"boat"** means a boat propelled by electricity or other mechanical power, by sail, or by oars or paddles, but does not include a vessel in respect of which there is in force a certificate issued by the Minister of Transport under the Merchant Shipping Acts, 1894 to 1950, or the States Supervisor of the Island of Guernsey under the law entitled "Loi relative à la Marine Marchande dans le Bailliage de l'Île de Guernesey" and authorising the carrying of passengers to, and from or between any places in the Island of Alderney,

[ **"Braye Harbour"** means the area to the southward of a line drawn from the north eastern end of the Alderney Breakwater to the Outer Grois Rock,]

**"Committee"** means the Committee of the States for the time being responsible for the administration of the Alderney Harbour,

[ **"water ferry service"** means an arrangement under which a person holds himself out as being prepared to transport people (with or without payment) by water.]

(2) Any reference in this Ordinance to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

2. [ (1) A person shall not –

[ (a) subject to the provisions of subsection (3), carry or attempt to carry for payment or reward any person in a boat sailing from any place in the Island of Alderney,]

(b) use a boat for the purposes of a water ferry service, or

(c) hire out or attempt to hire out a boat,

unless there is in force in respect of that boat a licence (hereinafter referred to as a "**boat licence**") issued by the Committee.]

(2) A boat in respect of which a boat licence is in force shall not be used for carrying passengers for payment or reward unless at the time it is so used there is in charge of such boat a person in whose name a boatman's licence is in force[:

Provided that a boat in respect of which a boat licence is in force and which is let out on hire may be used, other than for the purpose of carrying passengers for payment or reward, within Braye Harbour notwithstanding that the man in charge of that boat while it is being so used is not a person in whose name a boatman's licence is in force.]

[ (3) Section 2(1)(a) does not apply to the carriage or attempted carriage of a person in a boat sailing from any place in the Island of Alderney if –

- (a) the boat is not normally based in the Island,
- (b) its visit to the Island is in the course of a trip pre-arranged to begin and end at a place outside the Island, and
- (c) that person joined the pre-arranged trip, and is destined to leave it, at a place outside the Island.

(4) For the purposes of this Ordinance a person is carried for payment or reward if, otherwise than as a member of the boat's crew, he travels –

- (a) in a boat let for hire or reward to him or another person, or
- (b) as a passenger for hire or reward.]

3. The Committee may from time to time –

- (a) issue boat licences and may attach to the issue of any such licences such conditions as the Committee considers necessary and in particular and without prejudice to the generality of the foregoing may attach –
  - (i) conditions prescribing the limits beyond which a boat in respect of which there is in force a boat licence (hereinafter referred to as a "**licensed boat**") shall not carry passengers and the life-saving appliances and equipment to be installed and carried on a licensed boat, and

- (ii) conditions prescribing the minimum number of crew and the maximum number, not exceeding twelve, of passengers including children but excluding the members of the crew, which a licensed boat may carry,
- (b) make regulations relating to the safety and protection of passengers carried in a licensed boat, and
- (c) issue boatman's licences and may attach thereto such conditions as the Committee considers necessary.

**4.** Licences issued under this Ordinance shall –

- (a) not be transferable,
- (b) unless an earlier date has been fixed by the Committee in that behalf, expire on the 31<sup>st</sup> day of March next following the date of issue.

**5.** Application for licences shall be in writing addressed to the Clerk of the States who shall, before submitting an application to the Committee, obtain thereon a report from the States Harbour Master. The Committee may consult one or more of the Pilots in regard to any matter connected with an application for a licence.

[ **6.** Upon the grant of a boat licence or a boatman's licence, such fee as may be prescribed by the States of Alderney by Ordinance in accordance with the Fees (Alderney) Law, 2011 is payable to the States of Alderney.]

**7.** The Committee may by resolution revoke, suspend or vary the

conditions attached to any boat licence –

- (a) where the hull, engine or life-saving appliances and equipment, as the case may be, are damaged, defective or inadequate, or
- (b) where any person infringes or permits any other person to infringe any condition attached to the issue of that licence, or
- (c) if the licensed boat is while carrying passengers for payment or reward in charge of a person in whose name a boatman's licence is not in force.

**8.** The Committee may by resolution revoke, suspend or vary the conditions attached to any boatman's licence –

- (a) if the person to whom such licence has been issued becomes for any reasons unfitted to be in charge of a passenger-carrying boat at sea, or
- (b) if it appears to the Committee that such person has insufficient knowledge of the waters within which he is licensed to ply a boat carrying passengers, or
- (c) if such person carries passengers for payment or reward in an unlicensed boat or infringes any conditions attached to a boat licence.

**9.** A person may appeal to the Court of Alderney against a refusal to issue a licence or against any condition under which a licence has been issued under

section 3 hereof, and against any order of the Committee made under section 7 and 8 hereof. The Court may, after the Committee has been given a reasonable opportunity of being heard, affirm, reverse or vary the order appealed against in such manner as it thinks just.

**10.** The Committee or any person duly authorised in writing by the Chairman of the Committee may, at any reasonable time, board and inspect any licensed boat for the purpose of ensuring due compliance with the provisions of this Ordinance or with any regulation made thereunder or any condition attached to the issue of the boat licence.

**11.** The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Ordinance as it applies to the interpretation of an enactment in the Island of Guernsey.

**12.** A person who contravenes any provision of this Ordinance or any regulation of the Committee made thereunder or any condition attached to the issue of a boat licence or of a boatman's licence or obstructs the Committee or other authorised person when boarding and inspecting a licensed boat shall be guilty of an offence and shall be liable on conviction to a fine not exceeding [level 4 on the Alderney uniform scale].

**13.** This Ordinance shall come into force on the thirty-first March, 1955.

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**NOTES**

*In this Ordinance,*

*the function of issuing a certificate under the Loi relative à la Marine Marchande dans le Bailliage de l'Île de Guernesey, 1916 authorising the carrying of passengers referred to in the definition of the expression "boat" in section 1 as pertaining to the "States Supervisor of the Island of Guernsey" was subsequently transferred to the States Board of Administration as a consequence of amendments made to the 1916 Loi by the*

*Merchant Shipping (Guernsey) Law, 1970, section 3(b) and (c), with effect from 2nd November, 1970; references to the "States Board of Administration" were subsequently substituted with references to the States Public Services Department by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(b), Schedule 2, paragraph 2(b), with effect from 6th May, 2004; and references to the States Public Services Department have since been substituted with references to the Committee for the Environment & Infrastructure in accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 12(a), with effect from 1st May, 2016;*

*the definition of the expression "Braye Harbour" in section 1 was inserted by the Licensing of Passenger Boats (Amendment) (Alderney) Ordinance, 1973, section 1(a), with effect from 7th March, 1973;*

*the definition of the expression "water ferry service" in section 1 was inserted by the Licensing of Passenger Boats (Alderney) (Amendment) Ordinance, 1990, section 1(a), with effect from 3rd May, 1990;*

*subsection (1) of section 2 was substituted by the Licensing of Passenger Boats (Alderney) (Amendment) Ordinance, 1990, section 1(b), with effect from 3rd May, 1990;*

*paragraph (a) of subsection (1) of section 2 was substituted, and subsection (3) and subsection (4) of section 2 were inserted, by the Licensing of Passenger Boats (Amendment) (Alderney) Ordinance, 1993, respectively section 1(a) and section 1(b), with effect from 2nd June, 1993;*

*the Proviso to subsection (2) of section 2 was inserted by the Licensing of Passenger Boats (Amendment) (Alderney) Ordinance, 1973, section 1(b), with effect from 7th March, 1973;*

*subsection (3) and subsection (4) of section 2 were inserted by the Licensing of Passenger Boats (Amendment) (Alderney) Ordinance, 1993, section 1(b), with effect from 2nd June, 1993;*

*section 6 was substituted by the Fees (Alderney) Law, 2011, section 2, Schedule, Part I, paragraph 1, with effect from 1st January, 2019;<sup>1</sup>*

*the words and figure in square brackets in section 12 were substituted by the Licensing of Passenger Boats (Amendment) (Alderney) Ordinance, 1993, section 1(c), with effect from 2nd June, 1993.<sup>2</sup>*

*The functions of the Committee under this Ordinance were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 7, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.*

*In accordance with the provisions of the Fees (Alderney) Law, 2011, section 3, Schedule, Part II, paragraph 3, with effect from 1st January, 2019, the fees referred to in section 6 of this Ordinance may be prescribed in accordance with that Law.*

*In accordance with the provisions of the Fees (Alderney) Ordinance, 2018, section 1, Schedule 1, Part I, with effect from 1st January, 2019, the fees payable hereunder are as set out therein.*

*The Loi relative à la Marine Marchande dans le Bailliage de l'Île de Guernesey, 1906 is prospectively repealed by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, section 296, Schedule 10, Part I.*

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

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**1** Prior to its substitution, section 6 was amended by the Decimal Currency (Bailiwick of Guernsey) Law, 1970, section 8, with effect from 15th February, 1971; the Fees (Alderney) Ordinance, 1990, section 1, Schedule, Part III, with effect from 5th September, 1990; the Fees (Amendment) (Alderney) Ordinance, 1997, section 1, with effect from 5th March, 1997; the Fees (Amendment) (Alderney) Ordinance, 1999, section 1, with effect from 1st March, 1999; the Fees (Alderney) (Amendment) Ordinance, 2000, section 1, with effect from 6th July, 2000; the Fees (Alderney) (Amendment) Ordinance, 2001, section 1, with effect from 19th April, 2001; the Fees (Alderney) (Amendment) Ordinance, 2002, section 1, with effect from 24th January, 2002; the Fees (Amendment) (Alderney) Ordinance, 2003, section 1, with effect from 22nd May, 2003; the Fees (Amendment) (Alderney) Ordinance, 2005, section 1, with effect from 1st May, 2005; the Fees (Amendment) (Alderney) Ordinance, 2006, section 1, with effect from 1st January, 2007; the Fees (Amendment) (Alderney) Ordinance, 2007, section 1, with effect from 1st January, 2008; the Fees (Amendment) (Alderney) Ordinance, 2008, section 1, with effect from 1st January, 2009; the Fees (Alderney) Ordinance, 2009, section 1, with effect from 1st January, 2010; the Fees (Alderney) Ordinance, 1990, section 1, Schedule, Part III (as amended), with effect from 1st January, 2011.

**2** These words and figure were previously substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.