

Island of



Guernsey

Ordinance of the States **XXVI**  
**1995**

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Made ... .. 27th September, 1995.  
Came into operation ... .. 27th September, 1995.

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**The Passenger Vessels (Amendment) (Bailiwick of  
Guernsey) Ordinance, 1995.**

THE STATES, in pursuance of their Resolution of the 29th day of June, 1995(a), and in exercise of the powers now vested in them by sections 71 and 72 of Law entitled "Loi relative à la Marine Marchande dans le Baillage de l'Île de Guernesey" registered on the 6th June, 1916(b), as amended, hereby order:-

**Amendment of 1970 Ordinance.**

1. In the Passenger Vessels (Bailiwick of Guernsey) Ordinance, 1970, as amended(c)-

(a) after section 7 insert the following section-

**"Power of Board to modify special conditions.**

7A. Notwithstanding the provisions of sections 6(1) and (2) and 7(1) and (2) of this Ordinance, and notwithstanding also the provisions

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- (a) Article II of Billet d'État No. XIV of 1995.  
(b) Ordres en Conseil Vol. V, p. 189; there are amendments not relevant to this enactment.  
(c) Recueil d'Ordonnances Tome XVI, p. 516; Tome XIX, p. 268.

of section 1 of the Passenger Vessels (Amendment) (Bailiwick of Guernsey) Ordinance, 1974, the Board may issue a passenger certificate under section 8 of the Law in respect of a local motor vessel-

(a) subject to such of the conditions respectively specified in those sections, modified in such manner; and

(b) subject to such other conditions;

as the Board may, in its absolute discretion, think fit.";

(b) in section 8(1) after the words "the said special conditions" insert "or any of the conditions described in paragraph (a) or (b) of section 7A";

(c) after section 8 insert the following section-

**"Penalties for contravening licence conditions.**

8A. (1) Where a passenger certificate under section 8 of the Law has been issued in respect of a local motor vessel, and there is a contravention of or failure to comply with any condition subject to which the certificate was issued-

(a) the master or man-in-charge, owner and charterer (if any) of the vessel; and

(b) any person who contravened or failed to comply with the condition or who caused or permitted the contravention or failure to comply;

shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the uniform scale, to imprisonment for a term not exceeding 3 months or to both.

(2) In proceedings under subsection (1) against a master or man-in-charge, owner or charterer of a vessel, it shall be a defence for him to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(3) Where in any such proceedings the defence provided for by subsection (2) involves an allegation that the commission of the offence was due to the act or default of another person or to reliance on information supplied by another person, the accused may not, without the leave of the court, rely on the defence unless, not less than 14 clear days before the day of the hearing of the proceedings, he serves notice on Her Majesty's Procureur giving such information identifying or assisting in the identification of that other person as is in his possession when he serves the notice."

**Citation.**

2. This Ordinance may be cited as the Passenger Vessels (Amendment) (Bailiwick of Guernsey) Ordinance, 1995.

K. H. TOUGH,  
Her Majesty's Greffier.