

Island of  Guernsey

Ordinance of the States. **XV**

1953

Made 29th April, 1953.
Coming into Operation .. 29th April, 1953.

**The Passenger Vessels (Bailiwick of
Guernsey) Ordinance, 1953.**

THE STATES, in pursuance of sections seventy-one and seventy-two of the Law entitled "Loi relative à la Marine Marchande dans le Bailliage de l'Île de Guernesey", registered on the 6th day of June, 1916, and section sixty-three of the Reform (Guernsey) Law, 1948, and on the representations of the States Board of Administration, hereby order:—

1. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"the collision regulations" means the Regulations for Preventing Collisions at Sea made by Order in Council dated the 13th October, 1910 (S.R. & O. 1910, No. 1113) as amended, extended or applied by or under any other Order in Council;

"darkness" means the time between one hour after sunset and one hour before sunrise;

"daylight" means the time between one hour before sunrise and one hour after sunset in the

case of ships carrying navigation lights conforming to the collision regulations, and the time between sunrise and sunset in the case of any other ships;

“the Law” means the Law entitled “Loi relative à la Marine Marchande dans le Bailliage de l’Ile de Guernesey”, registered on the 6th day of June, 1916, as amended;

“restricted period” means a period falling wholly within the following limits, that is to say, from the first day of April to the thirty-first day of October, both dates inclusive.

2. The provisions of this Ordinance shall have effect in relation to the application of the provisions of the Law applying to steamers or steamships, to ships propelled by electricity or other mechanical power and any such ship is hereafter in this Ordinance referred to as a “motor vessel”.

3. As respects a motor vessel not exceeding eighty tons net registered tonnage and employed during restricted periods in carrying more than twelve passengers when the weather is settled and the sea is calm between any places in the Bailiwick of Guernsey (hereafter in this Ordinance referred to as a “local motor vessel”) there shall be substituted for the requirements of subsection (1) of section one of the Law (which relates to qualifications of officers of ships) a requirement that such local motor vessel when going to sea from any place in the Bailiwick with passengers shall carry such crew as the Supervisor may from time to time direct and including a duly certificated master or a man-in-charge and with such qualifications and experience in respect of each member thereof as he may from time to time require.

4. In the application of the provisions of the Law set out in the Schedule to this Ordinance to local motor

vessels references in the said provisions to the "master" and to the "master or other officer" shall be construed as including references to a man-in-charge.

5. In the application of section six of the Law (which relates to the mode of survey and declaration of survey) to motor vessels so much of the provisions of subsection (4) of the said section as relate to safety valves shall not apply.

6. (1) Every passenger certificate issued by the Supervisor under section eight of the Law in respect of a local motor vessel which is declared on the declaration of survey as fit to carry passengers during daylight shall be issued subject to the following special conditions which shall be incorporated in the certificate:—

- (a) the vessel shall be used to carry passengers only during daylight and when the weather is settled and the sea is calm;
- (b) all naval and local regulations and instructions of the naval and local authorities shall at all times be complied with;
- (c) the vessel shall at all times be kept clean and free from oil refuse and any loose inflammable substance, and the fire appliances shall be maintained in an efficient condition;
- (d) no loose cans of petrol, paraffin or other inflammable substance shall under any circumstances be carried in the vessel;
- (e) the Supervisor shall be notified immediately of any change in the crew;
- (f) the vessel shall not be used for towing any other vessel, boat or craft, except in cases of emergency;
- (g) no cargo or heavy luggage shall be carried when so plying; and

- (h) the Supervisor shall be notified immediately of any material damage affecting the seaworthiness or efficiency of the vessel either in the hull or in any part of the machinery.

(2) Every passenger certificate issued by the Supervisor under section eight of the Law in respect of a local motor vessel which is declared on the declaration of survey as fit to carry passengers during daylight and to carry passengers during darkness between the Harbours of Saint Peter Port and Herm shall be issued subject to the following special conditions which shall be incorporated in the certificate:—

- (a) the vessel shall be used to carry passengers only when the weather is settled and the sea is calm;
- (b) the vessel shall only be used to carry passengers during darkness—
- (i) when the number of passengers so carried does not exceed one half of the maximum number of passengers which may lawfully be carried during daylight;
 - (ii) when accompanied by a vessel operated by the crew required when that vessel is carrying passengers and authorised to carry passengers during darkness between the Harbours of Saint Peter Port and Herm;
 - (iii) between three hours before high water and three hours after high water;
 - (iv) when carrying navigation lights conforming to the collision regulations, night distress signals and not less than two life-buoys fitted with self-igniting flares;
- (c) during the hours of darkness the vessel shall not when carrying passengers leave the Harbour of Saint Peter Port or leave the Herm Harbour unless the master or man-in-charge has immediately before leaving received permission in

that behalf from the watchman at the Signal Station of the Harbour of Saint Peter Port;

- (d) all naval and local regulations and instructions of the naval and local authorities shall at all times be complied with;
- (e) the vessel shall at all times be kept clean and free from oil refuse and any loose inflammable substance, and the fire appliances shall be maintained in an efficient condition;
- (f) no loose cans of petrol, paraffin or other inflammable substance shall under any circumstances be carried in the vessel;
- (g) the Supervisor shall be notified immediately of any change in the crew;
- (h) the vessel shall not be used for towing any other vessel, boat or craft, except in cases of emergency;
- (i) no cargo or heavy luggage shall be carried when so plying; and
- (j) the Supervisor shall be notified immediately of any material damage affecting the seaworthiness or efficiency of the vessel either in the hull or in any part of the machinery.

(3) Where, as respects any passenger certificate to which subsection (1) or subsection (2) of this section applies, the Supervisor is satisfied after due inquiry that any of the said special conditions has been or is being infringed he may suspend or cancel that passenger certificate.

(4) An appeal shall lie to the Royal Court from any decision of the Supervisor under subsection (3) of this section.

7. Subsection (4) of section eighteen of the Law (which relates to compasses, hose, deck shelters and safety appliances) and section nineteen thereof (which

relates to the safety valve) shall not apply to motor vessels.

8. In the application of section twenty-eight of the Law (which relates to compasses and the provision of hose) to local motor vessels, the provisions relating to the provision of a hose shall not apply.

9. The provisions of sections thirty-two to thirty-seven, inclusive, of the Law (which relate to load line) shall not apply to local motor vessels.

10. This Ordinance shall come into force on the 29th day of April, 1953.

SCHEDULE

Section four

Provisions of the Law applying to local motor vessels in which references to the master or to the master or other officer are to be construed as including references to a man-in-charge.

Section five	(Surveys).
Section ten	(Transmission of passenger certificates).
Section twelve	(Duration of passenger certificates).
Section fourteen	(Delivery up of passenger certificates).
Section fifteen	(Posting up of passenger certificates).
Section seventeen	(Penalty for carrying excess passengers).
Section eighteen	(Compasses, hose, deck shelters and safety appliances).

Section twenty	(Offences).
Section twenty-one	(Power to exclude drunken persons).
Section twenty-three	(Life-saving appliances).
Section twenty-four	(Penalty for not carrying life-saving appliances).
Section twenty-seven	(Lights and fog signals).
Section twenty-nine	(Signals of distress).
Section forty-two	(Detention of unsafe ships).
Section sixty	(Powers of harbourmasters and officers of Customs).
Section sixty-seven	(Detention of ships).

JAMES E. LE PAGE,

Her Majesty's Greffier.