

Island of Guernsey

Ordinance of the States **LIII**

1970

Made 16th December, 1970.
Came into Operation ... 16th December, 1970.

The Passenger Vessels (Bailiwick of Guernsey) Ordinance, 1970

THE STATES, in exercise of the powers now vested in them by 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 sixth day of June, nineteen hundred and sixteen, and in pursuance of their Resolution of the twenty-ninth day of September, nineteen hundred and seventy, hereby order:—

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

Interpretation.

"the Board" means the States Board of Administration;

"the collision regulations" means the Collision Regulations (Ships and Seaplanes on the Water) and Signals of Distress (Ships) Order, 1965, as amended, extended or applied by or under any other Order in Council;

“darkness” means the time between one hour after sunset on any day and one hour before sunrise on the day next following;

“daylight” means the time between one hour before sunrise and one hour after sunset on any day in the case of ships carrying navigation lights conforming to the collision regulations, and the time between sunrise and sunset on any day 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 sixth day of June, nineteen hundred and sixteen^(a);

“the summer period” means the period falling wholly within the following limits, that is to say, from the first day of April to the thirty-first day of October in any year, both dates inclusive;

“the winter period” means the period falling wholly within the following limits, that is to say, from the first day of November in any year to the thirty-first day of March in the year next following, both dates inclusive.

(2) Except where the context otherwise requires, any reference in this Ordinance to any other enactment shall be construed as a reference to that enactment as repealed, replaced, amended, extended or applied by or under any other enactment including this Ordinance.

Applica-
tion.

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

(a) Ordres en Conseil Vol V, p. 189.

power and any such ship is hereafter in this Ordinance referred to as a "motor vessel".

3. (1) As respects a motor vessel not exceeding eighty tons net registered tonnage and employed in carrying more than twelve passengers 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 Board may, from time to time, direct, including a duly certificated master or a man-in-charge, and with such qualifications and experience in respect of each member thereof as it may, from time to time, require.

Crew to be carried.

(2) Any direction given or requirement laid down by the Board under the provisions of the last preceding subsection may be either general or special and may be revoked or varied, from time to time, by a subsequent such direction or requirement.

4. In the application of the provisions of the Law set out in the First 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.

"Master, etc." to include 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.

Safety valves.

Passenger
certificates
for summer
period.

6. (1) Every passenger certificate issued by the Board 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 in the summer period 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 only in fine weather conditions;
- (b) the master or man-in-charge shall comply with any direction given by the States Harbourmaster or any person authorised by him in that behalf;
- (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 Board 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 Board 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 or equipment.

(2) Every passenger certificate issued by the Board 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 in the summer period and to carry passengers during darkness in the summer period between the Harbour of Saint Peter Port and the Island of 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 in fine weather conditions;
- (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 Harbour of Saint Peter Port and the Island of 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 any landing or the harbour in the Island of Herm unless the master or man-in-charge of the

vessel has immediately before leaving received permission in that behalf from the watchman at the Signal Station at the Harbour of Saint Peter Port;

- (d) the master or man-in-charge shall comply with any direction given by the States Harbourmaster or any person authorised by him in that behalf;
- (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 Board 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 Board 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 or equipment.

Passenger
certificates
for winter
period.

7. (1) Every passenger certificate issued by the Board 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 in the winter period shall be issued subject to the following conditions which shall be incorporated in the certificate:—

- (a) the vessel shall be used to carry passengers only in fine weather conditions and only when the wind force at the time of departure does not exceed Force Five on the Beaufort Scale;
- (b) the number of passengers so carried shall not exceed one half of the maximum number of passengers which may lawfully be carried during daylight in the summer period;
- (c) each departure shall be so timed that the departure and arrival at destination shall take place during daylight;
- (d) the vessel shall not leave the Harbour of Saint Peter Port or leave any harbour or landing in the Islands of Sark, Herm or Jethou unless the master or man-in-charge has immediately before leaving notified the watchman at the Signal Station at the Harbour of Saint Peter Port;
- (e) the master or man-in-charge shall comply with any direction given by the States Harbourmaster or any person authorised by him in that behalf;
- (f) 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;
- (g) no loose cans of petrol, paraffin or other inflammable substance shall under any circumstances be carried in the vessel;
- (h) the Board shall be notified immediately of any change in the crew;

- (i) the vessel shall not be used for towing any other vessel, boat or craft, except in cases of emergency;
- (j) no cargo or heavy luggage shall be carried when so plying; and
- (k) the Board 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 or equipment.

(2) Every passenger certificate issued by the Board 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 in the winter period between the Harbour of Saint Peter Port and the Island of Sark shall, in addition to the conditions specified in the last preceding subsection, be issued subject to the following conditions which shall be incorporated in the certificate:—

- (a) the vessel shall be equipped with a toilet;
- (b) in addition to such navigational and life-saving equipment as shall be specified in the passenger certificate the vessel shall be equipped with radio telephony apparatus in respect of which there is for the time being in force a licence issued by the Minister of Posts and Telecommunications (hereinafter referred to as “the Minister”);
- (c) the vessel shall be used to carry passengers only if the radio telephony apparatus is in full working order and if at least one operator licensed for the time being by the Minister is on board; and
- (d) the master or man-in-charge of the vessel shall maintain a log in a form approved by

the States Harbourmaster in which shall be recorded:—

- (i) the date and time of departure and arrival of each voyage;
- (ii) the time at which the watchman at the Signal Station at the Harbour of Saint Peter Port was informed of the proposed departure or the arrival of the vessel;
- (iii) the time and the cause of any stoppages which may take place on the voyage;
- (iv) the time of and the reason for any deviation from the most safe direct route between the port of departure and the destination which had been notified to the watchman at the Signal Station at the Harbour of Saint Peter Port before the commencement of the voyage; and
- (v) any other matter relevant to the safe navigation of the vessel;

which log shall be produced to the States Harbourmaster by the master or the man-in-charge when so requested.

8. (1) Where, as respects any passenger certificate to which section six or section seven of this Ordinance applies, the Board is satisfied after due enquiry that any of the said special conditions has been or is being infringed it may suspend or cancel that passenger certificate.

Suspension
and
cancellation
of passenger
certificates.

(2) An appeal shall lie to the Royal Court from any decision of the Board under subsection (1) of this section.

Sections 18(4) and 19 of the Law not to apply to motor vessels. 9. 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.

Hoses. 10. 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 provisions of a hose shall not apply.

Load line. 11. The provisions of sections thirty-two to thirty-seven, both inclusive, of the Law (which relate to load line) shall not apply to local motor vessels.

Repeals. 12. The Ordinances set out in the Second Schedule to this Ordinance are hereby repealed.

Citation. 13. This Ordinance may be cited as the Passenger Vessels (Bailiwick of Guernsey) Ordinance, 1970.

FIRST 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).

SECOND SCHEDULE

Section twelve

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

The Passenger Vessels (Amendment) (Bailiwick of Guernsey) Ordinance, 1970(c).

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Her Majesty's Greffier.

(b) Recueil d'Ordonnances Tome X, p. 366.

(c) No. XXXVII of 1970.

Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.

PRICE 1/6D