

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Surf-Riding (Control) Ordinance, 1968 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XV, p. 376; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); 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).

ORDINANCE OF THE STATES OF DELIBERATION

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The Surf-Riding (Control) Ordinance, 1968

ARRANGEMENT OF SECTIONS

1. Longboard surfing restricted.
2. Longboards to be registered.
3. Application for registration.
4. Registration of long boards and assignment of numbers thereto.
5. Duration and renewal of registration.
6. Display of number on longboards.
7. Offences.
8. Interpretation.
9. Extent.
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FIRST SCHEDULE

Area of Vazon Bay reserved for longboard surfing.

SECOND SCHEDULE

Requirements as to numbers on longboards registered under this Ordinance.

(Made on 31st July, 1968.)

The Surf-Riding (Control) Ordinance, 1968

THE STATES, in pursuance of their Resolution of the twenty-eighth day of June, nineteen hundred and sixty-seven, hereby order: –

Longboard surfing restricted.

1. (1) Subject to the provisions of subsection (2) of this section, a person shall not ride or attempt to ride the surf on a longboard within the territorial waters adjacent to the Islands of Guernsey, Herm and Jethou between the hours of half-past ten o'clock in the morning and half-past six o'clock in the afternoon on any day during the period commencing on the first day of May and ending on the thirtieth day of September in any year, both dates inclusive.

(2) Nothing in the last preceding subsection shall be taken to prohibit a person from riding the surf on a longboard within the area of Vazon Bay defined in the First Schedule to this Ordinance.

(3) A person shall not, between the hours of half-past ten o'clock in the morning and half-past six o'clock in the afternoon on any day during the period commencing on the first day of May and ending on the thirtieth day of September in any year, both dates inclusive, enter or be in the sea in the area of Vazon Bay defined in the First Schedule to this Ordinance otherwise than for the purpose of riding the surf on a longboard.

Longboards to be registered.

2. A person shall not use or attempt to use a longboard for the purpose of riding the surf within the territorial waters adjacent to the Islands of Guernsey, Herm and Jethou unless it is for the time being registered in accordance with the succeeding provisions of this Ordinance.

Application for registration.

3. An application for the registration of a longboard shall be made in writing by the owner thereof to [the Committee] and shall be in such form and shall

be accompanied by such information, including such evidence of ownership, as [the Committee] may, from time to time, require.

NOTE

In section 3, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.

Registration of longboards and assignment of numbers thereto.

4. (1) Upon the receipt of an application in pursuance of the provisions of the last preceding section, [the Committee] shall, upon being satisfied that the person making the application is the owner of the longboard concerned and that there is in force in relation to the user of the longboard a policy of insurance in accordance with the provisions of any enactment for the time being in force relating to the third-party insurance of longboards, assign to the longboard a number and shall register the longboard by entering or causing to be entered in a book kept solely for the purpose (hereinafter referred to as "**the register of longboards**") the name and address of the owner of the longboard and the number assigned to the longboard as aforesaid by [the Committee].

(2) As soon as may be after the registration of a longboard in pursuance of the provisions of the last preceding subsection [the Committee] shall issue or cause to be issued to the owner thereof a certificate of registration relating to the longboard in such form and containing such particulars as [the Committee] may, from time to time, determine.

(3) If, in the case of a longboard which is registered in pursuance of the provisions of this section –

- (a) the owner thereof changes his address he shall, prior to the expiration of the fourteen days next following the date of such change, inform [the Committee] in writing of the fact and return the certificate of registration relating to the longboard to [the Committee] and [the Committee] shall amend the

Consolidated text

register of longboards and the certificate of registration accordingly and return the latter to the owner,

- (b) the owner thereof transfers his ownership of the longboard by way of sale or otherwise, the owner shall, prior to the expiration of the fourteen days next following the date of such transfer, inform [the Committee] in writing of the fact of such transfer and return the certificate of registration relating to the longboard to [the Committee] and [the Committee] shall delete the entry relating to the longboard from the register of longboards and cancel the said certificate,
- (c) the owner thereof dies, his legal personal representative shall, prior to the expiration of the twenty-eight days next following the date of such death, inform [the Committee] in writing of the fact and shall return the certificate of registration relating to the longboard to [the Committee] and [the Committee] shall delete the entry relating to the longboard from the register of longboards and cancel the said certificate,
- (d) such longboard becomes unserviceable through damage or otherwise, the owner thereof shall inform [the Committee] in writing of such fact and shall return the certificate of registration relating to the longboard to [the Committee] and [the Committee] shall delete the entry relating to the longboard from the register of longboards and cancel the said certificate,
- (e) the certificate of registration relating to the longboard issued in pursuance of the provisions of the last

preceding subsection is not renewed for any year in pursuance of the provisions of section five of this Ordinance [the Committee] shall delete the entry relating to the longboard from the register of longboards.

NOTE

In section 4, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.

Duration and renewal of registration.

5. (1) A certificate of registration issued in pursuance of the provisions of the last preceding section shall be valid until the thirty-first day of December next following the date of such issue and thereafter upon being renewed in pursuance of the provisions of the next succeeding subsection, shall be valid during the period commencing on the first day of January in any year and ending on the thirty-first day of December next following, both dates inclusive.

(2) A certificate of registration issued in pursuance of the provisions of the last preceding section may be renewed for any year by [the Committee] upon an application being made to it in that behalf on or before the thirty-first day of December of the year next preceding.

NOTE

In section 5, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.

Display of number on longboards.

6. The owner of a longboard registered in pursuance of the provisions of section four of this Ordinance shall cause the number assigned to the longboard by [the Committee] in pursuance of the provisions of subsection (1) of that section to be painted or marked on the longboard in accordance with the requirements

specified in the Second Schedule to this Ordinance.

NOTE

In section 6, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.

Offences.

7. Any person who –

- (a) contravenes or fails to comply with any of the provisions of this Ordinance,
- (b) in connection with any application for the registration of a longboard or in supplying any information which he is required to supply to [the Committee] in pursuance of the provisions of this Ordinance knowingly makes any false statement or recklessly makes any statement which is false in a material particular,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

NOTES

In section 7,

the words in the first pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016;

the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Interpretation.

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

"[the Committee]" means the States [Committee for the Environment & Infrastructure],

"longboard" means a board used for the purpose of riding the surf measuring more than five feet in length along a horizontal plane between the two most distant extremities of the board.

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

NOTES

In section 8, the words in the first and second pairs of square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 5 and section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

Extent.

9. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

Citation.

10. This Ordinance may be cited as the Surf-Riding (Control) Ordinance,

1968.

Commencement.

11. This Ordinance shall come into force on the first day of August, nineteen hundred and sixty-eight.

FIRST SCHEDULE

Section one

AREA OF VAZON BAY RESERVED FOR LONGBOARD SURFING

The area of Vazon Bay extending from the line of the southern edge of the reef of rocks alongside La Grande Mare outfall, to a line extending due west from a point five hundred feet south of Martello Tower (No. 12).

SECOND SCHEDULE Section six
REQUIREMENTS AS TO NUMBERS ON LONGBOARDS REGISTERED
UNDER THIS ORDINANCE

1. The number shall be black on a white ground.
2. Each numeral of the number shall be at least six inches high and each part thereof shall be at least one and one quarter inches broad.
3. Except in the case of the numeral "1" the total width of the space taken by each numeral shall be at least three inches.
4. The space between the nearest parts of each numeral shall be at least one inch.
5. There shall be a margin of at least three inches between the nearest part of each numeral and the top and bottom of the white ground on which the number appears and of at least two inches between the nearest parts of each numeral and the sides of such ground.

¹ The words "Committee for the Environment & Infrastructure" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(c), Schedule 2, paragraph 2(c), with effect from 6th May, 2004.

² The functions, rights and liabilities of the Environment Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Environment Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(c), Schedule 2, paragraph 2(c), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.