

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Ports Statistics Ordinance, 1949 *

[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 Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Recueil d'Ordonnances Tome X, p. 17; 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).

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ARRANGEMENT OF SECTIONS

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(Made on the 22nd June, 1949.)

The Ports Statistics Ordinance, 1949

THE STATES, on the representations of the States Legislation Committee, hereby order: –

Repeals.

1. The following Ordinances are hereby repealed –
 - (1) Ordonnance provisoire relative aux Statistiques Officielles des Ports, of the 19th day of March, 1932,
 - (2) Ordonnance provisoire portant amendement à l'Ordonnance provisoire relative aux Statistiques Officielles des Ports, of the 22nd day of July, 1933.

Statement of number of passengers.

2. The agent of every ship arriving in this Island with passengers shall furnish the [Chief Executive of the States of Guernsey] with a statement in writing showing the number of passengers who have disembarked from such ship on arrival. The agent of every ship leaving this Island with passengers shall furnish the [Chief Executive of the States of Guernsey] with a statement in writing containing the number of passengers who have embarked on such ship on her departure. The statement shall be delivered to the [Chief Executive of the States of Guernsey] within 24 hours of such arrival or departure as the case may be.

NOTE

In section 2, the words in square brackets were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 3, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

Declaration of cargo imported, etc.

3. The agent of every ship arriving in this Island with goods to be

landed in this Island shall, within 24 hours of the ship's arrival and before commencing to discharge the cargo, furnish the [Chief Executive of the States of Guernsey] with a declaration in writing signed by or on behalf of the vendor, consignor or exporter specifying in respect of each consignment the nature or description, the quantity (in terms of weight for solids and in terms of volume for liquids), of the goods therein, and also such information respecting the origin of such goods as may be required under an Order which the States [Committee for Home Affairs] shall have power to make from time to time in that behalf.

NOTES

In section 3,

the words in the first pair of square brackets were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 3, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance;

the words in the second pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.¹

Declaration of cargo exported., etc.

4. The agent of every ship to whom goods are delivered for export from this Island shall prior to the departure of the ship carrying such goods, furnish the [Chief Executive of the States of Guernsey] with a declaration in writing signed by or on behalf of the exporter specifying in respect of each consignment the nature or description, and the quantity (in terms of weight for solids and in terms of volume for liquids) of the goods therein:

PROVIDED that such declaration shall not be required in the case of the export of Guernsey grown agricultural or horticultural products.

NOTE

In section 4, the words in square brackets were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 3, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

Goods not to be accepted without declaration.

5. The agent of a ship to whom delivery of goods is offered for transport to or from this Island, shall not accept delivery thereof unless the declaration required under this Ordinance in respect of such goods is at the same time or has been previously delivered to him.

Exporter to make declaration.

6. Every person who proposes to export goods from this Island being goods in respect of which a declaration is required under this Ordinance shall on or before delivery of such goods to the agent of the ship in which they are to be carried, make and deliver to such agent a declaration appropriate to such goods as required by this Ordinance.

Detention of goods.

7. The [Chief Executive of the States of Guernsey] may detain any goods landed in this Island until the declaration relating thereto as required by this Ordinance has been delivered to him but where such declaration is not forthcoming he may accept instead thereof a declaration from the consignee but such acceptance shall not be deemed to condone any offence which may have been committed by reason of the non-production of the vendor's, consignor's or exporter's declaration. The [Chief Executive of the States of Guernsey] may likewise detain any goods subject to declaration about to be exported from this Island until the declaration relating thereto as required by this Ordinance has been delivered to him and for the purpose of such detention he may order to be replaced on shore any such goods as may have been placed aboard a ship.

NOTE

In section 7, the words in square brackets were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 3, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

Definitions.

8. In this Ordinance –

"[**Chief Executive of the States of Guernsey**]" includes any States Officer acting under the authority of the States [Committee for Home Affairs] or of the [Chief Executive of the States of Guernsey],

"**Ship**" includes aircraft, and

"**Agent**" includes the owner or charterer of a ship and every person who on behalf of such owner or charterer –

- (a) enters into contracts for the conveyance of passengers or goods,
- (b) accepts goods for shipment,
- (c) delivers goods landed from a ship to the consignee thereof, or
- (d) otherwise acts as the representative of such owner or charterer.

NOTES

In section 8,

the words in the first and third pairs of square brackets in the definition of the expression "Chief Executive of the States of Guernsey" were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 3, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance;

the words in the second pair of square brackets in the definition of the expression "Chief Executive of the States of Guernsey" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.²

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions

*in section 3 of the 2016 Ordinance.*³

Penalties.

9. Every person who shall act in contravention of any of the provisions of this Ordinance or shall concur in such contravention or shall knowingly make a false statement in any declaration made under this Ordinance, or concur therein shall be guilty of an offence and shall be liable on conviction to a fine at the discretion of the Court but not exceeding, in the case of a first offence, [level 1 on the uniform scale], or in the case of a second or subsequent offence, [level 2 on the uniform scale].

NOTES

In section 9, the words in the first and second pairs of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, respectively section 2(2) and section 2(4), with effect from 1st July, 1989.

The Ordinance was made and came into operation on 22nd June, 1949.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), with effect from 6th May, 2004.

² These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), with effect from 6th May, 2004.

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