

GUERNSEY STATUTORY INSTRUMENT

2018 No. 52

**The Mooring Charges (Guernsey) (No. 2) Regulations,
2018**

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| <i>Made</i> | 4th October, 2018 |
| <i>Coming into operation</i> | 1 st April, 2019 |
| <i>Laid before the States</i> | , 2018 |

THE STATES' TRADING SUPERVISORY BOARD, in exercise of the powers conferred upon it by section 2 of the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972^a, sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007^b, and all other powers enabling it in that behalf, hereby makes the following regulations:-

Charges.

1. (1) The charges set out in the Schedule to these Regulations shall have effect.

^a Ordres en Conseil, Vol. XXIII, p. 515; as amended by Vol. XXIX, p. 340; Vol. XXX, p. 243; Vol. XXXI, pp. 25, 256 and 278; Vol. XXXV(2), p. 634; Vol. XLI, p. 681; Order in Council No. XXI of 2002; Recueil d'Ordonnances Tome XXII, p. 134; Tome XXVI, p. 311; Ordinance XXXIII of 2003; and No. IX of 2016;

^b Order in Council No. VII of 2008; as amended by Order in Council No. VIII of 2010; No. IV of 2016; Ordinance No. VII of 2008; No. IV of 2011; No. XLIII of 2013; No. XLIII of 2014; No. IX of 2016; and No. XLI of 2017.

(2) Subject to subsection (3), the charges as prescribed by the Mooring Charges (Guernsey) Regulations, 2018^c, shall cease to have effect.

(3) The ceasing of effect of the charges referred to in subsection (2) is without prejudice to any right, privilege, obligation or liability acquired, accrued or incurred in respect of those charges.

Interpretation.

2. In these regulations, unless the context requires otherwise –

"Area A" means the area(s) more particularly shown and delineated on the Moorings Map and thereon marked "Area A",

"Area B" means the area(s) more particularly shown and delineated on the Moorings Map and thereon marked "Area B",

"Area C" means the area(s) more particularly shown and delineated on the Moorings Map and thereon marked "Area C",

"Board" means the States' Trading Supervisory Board,

"boat" means anything for the conveyance by water of human beings or of property,

^c G.S.I. No. 75 of 2017.

"**casual use**" means use by a boat whose owner has allocated a temporary mooring in circumstances appearing to the Board to be of an ad hoc nature, or for over-wintering,

"**fishing boat**" means a boat of which the owner has satisfied the Board –

- (a) that the boat is used wholly or principally for catching fish for profit as a business, and
- (b) that his income is derived wholly or mainly from such business,

"**Moorings Map**" means either the Saint Peter Port moorings map or the Saint Sampson moorings map, as the case may be,

"**overall beam**" means the greatest breadth of the boat including anything fixed to it but excluding portable fenders,

"**overall length**" includes the boat and anything fixed to it,

"**registered boat**" means a boat for the time being registered under the provisions of the "Boats and Vessels (Registration, Speed Limits and Abatement of Noise") Ordinance, 1970^d,

^d Recueil d'Ordonnances Tome XVI, p. 346 as amended by Tome XIX, p. 220; Tome XXI, p. 16; Tome XXVI, p. 308; Tome XXIV, p. 418; Tome XXVII, p. 148; Ordinance No. XXXIII of 2003; No. XV of 2005; Ordinance No. IX of 2008; No. XV of 2009; No. XV of 2010; No. IX of 2016; and G.S.I. No. 24 of 2010.

"registered fishing boat" means a fishing boat which is a registered boat,

"Saint Peter Port moorings map" means the map marked "Saint Peter Port moorings map - the Mooring Charges (Guernsey) Regulations, 2015", and lodged at the Greffe,

"Saint Sampson moorings map" means the map marked "Saint Sampson moorings map - the Mooring Charges (Guernsey) Regulations, 2015", and lodged at the Greffe, and

"square foot" shall be calculated by multiplying the overall length of the boat by its overall beam, and

- (a) any part of the overall length of the boat which is less than one foot shall be deemed to be one foot, and
- (b) any part of the overall beam of the boat which is –
 - (i) less than six inches shall be disregarded, and
 - (ii) more than six inches but less than one foot shall be deemed to be six inches.

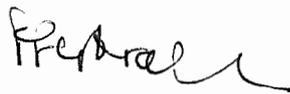
Revocation.

3. The Mooring Charges (Guernsey) Regulations, 2018 are revoked.

Citation and commencement.

4. These regulations may be cited as the Mooring Charges (Guernsey) (No. 2) Regulations, 2018, and shall come into force on the 1st April, 2019.

Dated this 4th day of October 2018.



DEPUTY P T R FERBRACHE

President of the States' Trading Supervisory Board

For and on behalf of the Board

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the mooring charges payable under section 2 of the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972 (the "**1972 Law**"). Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these charges may now be prescribed by regulations of the States' Trading Supervisory Board.

These Regulations come into force on the 1st day of April, 2019.

Legislative background.

Mooring charges payable under section 2 of the 1972 Law were originally made by way of Ordinance. Section 3 of the Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986 amended section 2 of the 1972 Law to provide that the charges would be payable at such rates as the States may, from time to time, by Resolution prescribe. In 2001, the 1972 Law was further amended by section 2 of the Harbour Dues, Harbour Charges and Mooring Charges (Guernsey) (Amendment) Law, 2001 to provide that such a States Resolution could authorise the Board of the Public Services Department to amend the amount of those dues in respect of any specified twelve month period or periods by an amount not exceeding the change in the Guernsey Retail Price Index during such earlier twelve month period or periods as may be so specified. Under the organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, the functions of the Public Services Department in this regard were transferred to the States' Trading Supervisory Board.

SCHEDULE

Regulation 1(1).

1.1 LEISURE BOATS

Registered boats (other than registered fishing boats) moored in either the harbour of Saint Peter Port or the harbour of Saint Sampson in the following areas –

| Area (as defined and marked on the Moorings Map) | Charge per square foot (per annum) |
|---|---------------------------------------|
| Albert, QEII and the Saint Sampson Marinas | £ 5.69 |

Registered boats (other than registered fishing boats) moored in either the harbour of Saint Peter Port or the harbour of Saint Sampson in the following areas –

| Area (as defined and marked on the Moorings Map) | Charge per foot length (per annum) |
|---|---------------------------------------|
| Area A | £20.21 |
| Area B | £ 9.76 |
| Area C | £ 5.69 |

1.2 VISITING BOATS

Boats other than registered boats or fishing boats moored in either the harbour of Saint Peter Port or the harbour of Saint Sampson –

| Overall Length of Boat in metres ("LOA") | Charge for each period of 24 hours or part thereof |
|--|--|
| Up to 7.99 | £21 |
| 8.00 – 9.99 | £26 |
| 10.00 – 11.99 | £32 |
| 12.00 – 13.99 | £36 |
| 14.00 – 15.99 | £42 |
| 16.00 – 17.99 | £46 |
| 18.00 – 19.99 | £50 |
| 20.00 – 21.99 | £60 |
| 22.00 – 23.99 | £65 |
| 24.00 – 25.99 | £72 |

| | |
|---------------|------|
| 26.00 – 39.99 | £128 |
| 40.00 – 49.99 | £191 |
| 50.00 – 69.99 | £234 |
| 70+ | £266 |

1.3 FISHING BOATS

Registered fishing boats moored in the harbour of Saint Peter Port or the harbour of Saint Sampson in the following areas –

| Area | Charge per square foot (per annum) |
|--|---------------------------------------|
| Albert Dock - Pontoon Mooring | £ 6.50 |
| - Wall Mooring | £ 4.35 |
| - Mud Mooring | £ 2.12 |
| Area (as defined and marked on the Moorings Map) | Charge per foot length (per annum) |
| Area A | £20.21 |
| Area B | £ 9.76 |
| Area C | £ 5.69 |

1.4 MISCELLANEOUS

Casual usage by local vessels, including "overwintering"

1.4.1 Subject to paragraph 1.4.2, the "Visiting Boats" rate set out at paragraph 1.2 applies to use of facilities or areas in the harbour of Saint Peter Port or the harbour of Saint Sampson by vessels not ordinarily moored within either harbour under a mooring agreement.

1.4.2 The rate shown immediately below applies for vessels entering the harbour of Saint Peter Port or the harbour of Saint Sampson between 1 September and 30 June.

| Length in metres | Discount of rate set out at paragraph 1.2 | Daily rate |
|------------------|---|------------|
| Up to 7.99 | 90% | £ 2.10 |
| 8.00 – 9.99 | 80% | £ 5.20 |
| 10.00 – 11.99 | 70% | £ 9.60 |
| 12.00 – 13.99 | 60% | £14.40 |

| | | |
|---------|-----|---|
| 14.00 + | 50% | 50% of relevant rate set out at paragraph 1.2 |
|---------|-----|---|

| LAY UPS / STANDING AREAS | |
|---|---|
| Monthly charges payable in respect of any vessel deposited or allowed to remain in a standing area or careening area | Charge per square foot (per month) |
| Registered or non-registered boat on a contract for a minimum period of 30 days | £0.36 |
| In respect of any other case | £0.94 |