

# ORDINANCE

## OF THE STATES OF DELIBERATION

ENTITLED

### **The Passenger Vessels (Bailiwick of Guernsey) Ordinance, 1970 \***

*[CONSOLIDATED TEXT]*

#### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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 XVI, p. 516; as amended by the Passenger Vessels (Amendment) (Bailiwick of Guernsey) Ordinance, 1974 (Recueil d'Ordonnances Tome XIX, p. 268); the Passenger Vessels (Amendment) (Bailiwick of Guernsey) Ordinance, 1995 (Recueil d'Ordonnances Tome XXVI, p. 469); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406). This Ordinance is modified, in part, by the Passenger Vessels (Amendment) (Bailiwick of Guernsey) Ordinance, 1974 (*supra*).

**ORDINANCE  
OF THE STATES OF DELIBERATION**

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**The Passenger Vessels (Bailiwick of Guernsey) Ordinance,  
1970**

ARRANGEMENT OF SECTIONS

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FIRST SCHEDULE

SECOND SCHEDULE

*(Made on the 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: –

### **Interpretation.**

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 –

"**[the Department]**" means the States [Public Services Department],

"**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'Île de Guernesey, 1916" registered on the sixth day of June, nineteen hundred and sixteen<sup>a</sup>,

[**"the summer period"** means the period commencing on the first day of April or Good Friday, whichever is the earlier, in any year and ending on the thirty-first day of October in that year,

**"the winter period"** means the period commencing on the first day of November in any year and ending on the thirty-first day of March or the day immediately preceding Good Friday, whichever is the earlier, in the year next following.]

(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.

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## NOTES

*In section 1,*

*the words in square brackets in the definition of the expression "the Department" in subsection (1) were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(b), Schedule 2, paragraph 2(b), with effect from 6th May, 2004;*

*the definitions in square brackets of the expressions "the summer period" and "the winter period" in subsection (1) were substituted by the Passenger Vessels (Amendment) (Bailiwick of Guernsey) Ordinance, 1974,*

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<sup>a</sup> Ordres en Conseil Vol. V, p. 189.

*section 2, with effect from 1st August, 1974.*

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

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**Application.**

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**".

**Crew to be carried.**

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 Department] 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.

(2) Any direction given or requirement laid down by [the Department] 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.

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**NOTE**

*In section 3, the words "the Department" in square brackets, wherever occurring, were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(b), Schedule 2, paragraph 2(b), with effect from 6th May, 2004.*

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**"Master, etc." to include man-in-charge.**

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.

**Safety valves.**

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.

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**NOTE**

*Section 6 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 has since been repealed by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, section 296, Schedule 10, Part III, with effect from 1st February, 2009, subject, first, to the savings and transitional provisions in paragraph 1 of Schedule 11 to the 2002 Law and, second, to the savings in section 4 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2009.*

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**Passenger certificates for summer period.**

6. (1) Every passenger certificate issued by [the Department] under

*Consolidated text*

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 Department] 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

*Consolidated text*

- (h) [the Department] 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 Department] 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

*Consolidated text*

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 Department] 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 Department] 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.

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**NOTES**

*In section 6, the words "the Department" in square brackets, wherever occurring, were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(b), Schedule 2, paragraph 2(b), with effect from 6th May, 2004.*

*Subsection (2) of section 6 is modified in accordance with the provisions of the Passenger Vessels (Amendment) (Bailiwick of Guernsey) Ordinance, 1974, section 1(1), with effect from 1st August, 1974.*

*Section 8 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 has since been repealed by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, section 296, Schedule 10, Part III, with effect from 1st February, 2009, subject, first, to the savings and transitional provisions in paragraph 1 of Schedule 11 to the 2002 Law and, second, to the savings in section 4 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2009.*

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**Passenger certificates for winter period.**

7. (1) Every passenger certificate issued by the Passenger 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

*Consolidated text*

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 Department] 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 Department] 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 Department] 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

*Consolidated text*

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.

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**NOTES**

*In section 7, the words "the Department" in square brackets, wherever occurring, were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(b), Schedule 2, paragraph 2(b), with effect from 6th May, 2004.*

*Section 8 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 has since been repealed by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, section 296, Schedule 10, Part III, with effect from 1st February, 2009, subject, first, to the savings and transitional provisions in paragraph 1 of Schedule 11 to the 2002 Law and, second, to the savings in section 4 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2009.*

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**[Power of Board to modify special conditions.]**

**7A.** Notwithstanding the provisions of sections 6(1) and (2) and 7(1) and (2) of this Ordinance, and notwithstanding also the provisions of section 1 of the Passenger Vessels (Amendment) (Bailiwick of Guernsey) Ordinance, 1974, [the Department] may issue a passenger certificate under section 8 of the Law in respect of a local motor vessel –

- (a) subject to such of the conditions respectively specified in those sections, modified in such manner, and
- (b) subject to such other conditions,

as [the Department] may, in its absolute discretion, think fit.]

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**NOTES**

*Section 7A was inserted by the Passenger Vessels (Amendment) (Bailiwick of Guernsey) Ordinance, 1995, section 1(a), with effect from 27th September, 1995.*

*In section 7A, the words "the Department" in square brackets, wherever occurring, were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(b), Schedule 2, paragraph 2(b), with effect from 6th May, 2004.*

*Section 8 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 has since been repealed by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, section 296, Schedule 10, Part III, with effect from 1st February, 2009, subject, first, to the savings and transitional provisions in paragraph 1 of Schedule 11 to the 2002 Law and, second, to the savings in section 4 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2009.*

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**Suspension and cancellation of passenger certificates.**

8. (1) Where, as respects any passenger certificate to which section six or section seven of this Ordinance applies, [the Department] is satisfied after due enquiry that any of the said special conditions [or any of the conditions described in paragraph (a) or (b) of section 7A] has been or is being infringed it may suspend or cancel that passenger certificate.

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

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**NOTES**

*In section 8,*

*the words "the Department" in square brackets, wherever occurring, were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(b), Schedule 2, paragraph 2(b), with effect from 6th May, 2004;*

*the words in square brackets in subsection (1) were inserted by the Passenger Vessels (Amendment) (Bailiwick of Guernsey) Ordinance, 1995, section 1(b), with effect from 27th September, 1995.*

*Subsection (1) of section 8 is modified in accordance with the provisions of the Passenger Vessels (Amendment) (Bailiwick of Guernsey) Ordinance, 1974, section 1(2), with effect from 1st August, 1974.*

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**Penalties for contravening licence conditions.**

**8A.** (1) Where a passenger certificate under section 8 of the Law has been issued in respect of a local motor vessel, and there is a contravention of or failure to comply with any condition subject to which the certificate was issued –

- (a) the master or man-in-charge, owner and charterer (if any) of the vessel, and
- (b) any person who contravened or failed to comply with the condition or who caused or permitted the contravention or failure to comply,

shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the uniform scale, to imprisonment for a term not exceeding 3 months or to both.

- (2) In proceedings under subsection (1) against a master or man-

in-charge, owner or charterer of a vessel, it shall be a defence for him to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(3) Where in any such proceedings the defence provided for by subsection (2) involves an allegation that the commission of the offence was due to the act or default of another person or to reliance on information supplied by another person, the accused may not, without the leave of the court, rely on the defence unless, not less than 14 clear days before the day of the hearing of the proceedings, he serves notice on Her Majesty's Procureur giving such information identifying or assisting in the identification of that other person as is in his possession when he serves the notice.]

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**NOTES**

*Section 8A was inserted by the Passenger Vessels (Amendment) (Bailiwick of Guernsey) Ordinance, 1995, section 1(c), with effect from 27th September, 1995.*

*Section 8 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 has since been repealed by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, section 296, Schedule 10, Part III, with effect from 1st February, 2009, subject, first, to the savings and transitional provisions in paragraph 1 of Schedule 11 to the 2002 Law and, second, to the savings in section 4 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2009.*

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**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.

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**NOTE**

*Section 18 and section 19 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 have since been repealed by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, section 296, Schedule 10, Part III, with effect from 1st February, 2009, subject, first, to the savings and transitional provisions in paragraph 1 of Schedule 11 to the 2002 Law and, second, to the savings in section 4 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2009.*

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**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.

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**NOTE**

*The Ordinance was made and came into operation on 16th December, 1970.*

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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).

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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).

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**NOTE**

*Sections 5, 10, 12, 14, 15, 17, 18, 20 and 21 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 have since been repealed by the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, section 296, Schedule 10, Part III, with effect from 1st February, 2009, subject, first, to the savings and transitional provisions in paragraph 1 of Schedule 11 to the 2002 Law and, second, to the savings in section 4 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2009.*

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SECOND SCHEDULE

Section twelve

Passenger Vessels (Bailiwick of Guernsey) Ordinance, 1953<sup>b</sup>.

Passenger Vessels (Amendment) (Bailiwick of Guernsey) Ordinance, 1970<sup>c</sup>.

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<sup>b</sup> Recueil d'Ordonnances Tome X, p. 366.

<sup>c</sup> No. XXXVII of 1970.