
STATUTORY INSTRUMENTS

1993 No. 1253

**The Serbia and Montenegro (United Nations
Sanctions) (Channel Islands) Order 1993**

Impounding of ships

4.—(1) It shall be the duty of a harbour authority to take all such steps as may be necessary to secure that any ship to which this article applies which is at its harbour shall be impounded.

(2) Without prejudice to the generality of paragraph (1) of this article, such steps may include:—

- (a) requesting the master or operator of the ship to move it, or to secure that it is moved, to another part of the harbour, and
- (b) moving the ship to another place.

(3) Any person who, without reasonable excuse—

- (a) obstructs a harbour authority, its servants or agents acting in accordance with the provisions of this article; or
- (b) refuses or fails within a reasonable time to comply with a request made by any such persons made in accordance with paragraph (2) above,

shall be guilty of an offence under this Order.

(4) Subject to paragraph (2)(b) above, if any ship which has been impounded under this article proceeds to sea before it is released by the harbour authority the master of the ship and any other person who knowingly sends the ship to sea shall each be guilty of an offence.

(5) Nothing in this article shall preclude the harbour authority levying—

- (a) ship, passenger and goods dues (within the meaning of—
 - (i) in the application of this Order to the Bailiwick of Guernsey the Harbour Dues (Saint Peter Port and Saint Sampson) (Guernsey) Law 1957, the Harbour Dues, Fees and Charges (Alderney) Law 1984 or the Financial Provisions (Sark) Law 1978, and
 - (ii) in the application of this Order to the Bailiwick of Jersey the Harbour and Light Dues (Jersey) Law 1947);
- (b) other charges which may be made by them in the exercise of their powers and duties.

(6) The harbour authority may recover impounding expenses from the owner of an impounded ship.

(7) This article applies to any ship—

- (a) which the harbour authority has reason to believe is either majority owned by or effectively controlled by a person connected with Serbia or Montenegro, or
- (b) in respect of which a request has been made under article 3(1)(a), (b), (c) or (d), and in respect of which in the case of the Bailiwick of Guernsey the Chief Revenue Officer or in the case of the Bailiwick of Jersey the Attorney General determines that the said ship has been operated or used in violation of the United Nations resolutions.

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(8) A certificate given by or on behalf of the Chief Revenue Officer or the Attorney General, as the case may be, stating that it has been determined that a ship has been operated or used in violation of the United Nations resolutions shall be conclusive evidence of that matter.