

EXECUTIVE COUNCIL

RESTRICTED

Title of Report: Harbours (Amendment) Regulations

Paper No: 75/09

Date: 23 April 2009

Report of: Principal Crown Counsel

1.0 Purpose

The purpose of this paper is to submit the Harbours (Amendment) Regulations 2009 for approval.

2.0 Recommendations

Honourable Members are recommended to approve the making of the Harbour (Amendment) Regulations 2009.

3.0 Summary of Financial Implications

None

4.0 Background

Following the signing of the joint statement of UK and Argentina of July 1999, the Governor was advised by the then Attorney General that regulations 18 and 19 of the Harbours Regulations offended against the principles of the joint statement and should be revoked. Unfortunately it appears that the matter was never progressed.

Regulation 18 prohibits Argentine yachts entering territorial waters, and regulation 19 prohibits Argentine nationals entering territorial waters on board yachts.

5.0 Financial Implications

None.

6.0 Legal Implications

The regulations are, on the face of it, unconstitutional. The making of the regulations will regularise the current position (the regulations have not been enforced, at least since 1999).

7.0 Human Resources Implications

None.

SUBSIDIARY LEGISLATION

PORTS AND HARBOURS

Harbours (Amendment) Regulations 2009

S. R. & O. No: of 2009

Made: 2009

Published: 2009

Coming into force: upon publication

IN EXERCISE of my powers under section 3 of the Harbours Ordinance (Title 57.3),
I make the following Regulations —

1. Title

These Regulations are the Harbours (Amendment) Regulations 2009.

2. Commencement

These Regulations come into force on publication in the Gazette.

3. Amendment of the Harbours Regulations (Title 57.3.1)

Regulations 18 and 19 of the Harbours Regulations are revoked.

Made April 2009

A. E. Huckle,
Governor

EXPLANATORY NOTE

(not forming part of these Regulations)

Regulations 18 and 19 of the Harbours Regulations were added to the Regulations in 1985 and impose prohibitions in relation to Argentinian yachts and nationals entering territorial waters.

Following the UK/Argentina joint statement of 14 July 1999 it was intended to revoke these regulations, but it appears that this was never done. These Regulations correct that omission.