

ORDER IN COUNCIL

XIV
1993

ratifying a Projet de Loi

ENTITLED

The Health and Safety (Fees)
(Guernsey) Law, 1993

(Registered on the Records of the Island of Guernsey
on the 1st February, 1994.)



1993

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 1st day of February, 1994 before de Vic Graham Carey, Esquire, Deputy Bailiff; present: - Harry Wilson Bisson, Herbert Nicolle Machon, Stanley Walter John Jehan, Raymond Arthur Heaume, John Edward Morris, Charles Anthony Spensley, Lawrence Oscar Ozanne, John Richard Rowe Henry, Esquires, and Mrs. Eileen May Glass, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 16th day of December, 1993, approving and ratifying a Projet de Loi entitled “The Health and Safety (Fees) (Guernsey) Law, 1993”, THE COURT, after reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ordered that the said Order in Council be registered on the records of this Island of which Order in Council the tenor followeth: -

At the Court at Buckingham Palace

The 16th day of December, 1993

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the affairs of Guernsey and Jersey dated the 30th day of November 1993 in the words following, viz.: -

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble petition of the States of the Island of Guernsey, setting forth: -

‘1. That, in pursuance of their Resolution of the 27th day of January 1993, the States of Deliberation at a meeting held on the 11th day of August 1993, approved a Bill or “Projet de Loi” entitled “The Health and Safety (Fees) (Guernsey) Law, 1993”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is as set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty may be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Health and Safety (Fees) (Guernsey) Law, 1993”, and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou.’”

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Herm and Jethou.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. H. Nicholls

PROJET DE LOI

ENTITLED

The Health and Safety (Fees) (Guernsey) Law, 1993

THE STATES, in pursuance of their Resolution of the 27th day of January, 1993(a), have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Power of Board to specify fees.

1. The States Board of Employment, Industry and Commerce may by order –
 - (a) specify the fees to be payable under and for the purposes of the following provisions of the Explosives (Guernsey) Law, 1905(b) -
 - (i) article VIII (“licences pour provision”);
 - (ii) article XXIX (“honoraries”);
 - (b) specify the fees to be payable under and for the purposes of the following provisions of the Law entitled “Loi relative aux Huiles ou Essences Minérales ou autres substances de la même nature, 1924”(c) -
 - (i) article 2(1) (fees payable in respect of discharge of inflammable oils);
 - (ii) article 2(3) (fees for applications for licences for storage of inflammable oils);

(a) Article XVIII of Billet d’Etat No. I of 1993.
(b) Recueil d’Ordonnances Tome XV, p.241; Tome XXIV, p.162; and No.XXV of 1991.
(c) Ordres en Conseil Vol.VII, p.324; Vol.VIII, p.149; VolXIX, p.213; Recueil d’Ordonnances Tome XXIV, p.1662; and Ordinance No.XXV of 1991.

- (iii) article 2(4) (fees for services rendered by Inspector in connection with construction of places for storage of inflammable oils); and
- (iv) article 2(8) (fees payable upon grant or renewal of licence for storage of inflammable oils);
- (c) specify fees to be payable to the States in respect of the grant, renewal or variation of licences, or applications therefore, or the provision of services or documents, under or for the purposes of, or in connection with the exercise of any function arising under, any provision of the Health, Safety and Welfare of Employees Law, 1950(d), the Health and Safety at Work etc. (Guernsey) Law, 1979(e), any Ordinance or other subordinate legislation made under either of those Laws or any other enactment or subordinate legislation specified by Ordinance of the States.

Amendments.

2. (1) After article XXIX of the Explosives (Guernsey) Law, 1905 insert the following article -

“XXX. Les droits, frais, honoraries et autres sommes stipulées par cette Loi sont sujets aux provisions des ordres de temps en temps en vigueur faits sous l’autorité de la Loi intitulée “The Health and Safety (Fees) (Guernsey) Law, 1993”.”.

(2) After article 2 of the Law entitled “Loi relative aux Huiles ou Essences Minérales ou autres substances de la meme nature, 1924”, insert the following article -

“2A. Les tarifs, droits, honoraries et autres sommes stipulées par cette Loi sont sujets aux provisions des ordres du Conseil de temps en temps en vigueur faits sous l’autorité de la Loi intitulée “The Health and Safety (Fees) (Guernsey) Law, 1993”.”.

(3) In section 3(2) of the Health and Safety at Work etc. (Guernsey) (Law), 1979 after the words “specified in the Ordinance” insert “subject to the payment of such fee as may be specified by order of the Committee under the Health and Safety (Fees) (Guernsey) Law, 1993”.

(d) Ordres en Conseil Vol.XIV, p.312 and Ordinance No.XXV of 1991.

(e) Ordres en Conseil Vol.XXVII, p.155

General provisions as to orders.

3. (1) An order of the Board under this Law -
 - (a) may be amended or repealed by a subsequent order hereunder;
 - (b) may contain such consequential, incidental, supplementary and transitional provision as may appear to the Board to be necessary or expedient;
 - (c) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul it, cease to have effect, but without prejudice to anything done under it or to the making of a new order.

- (2) Any power conferred upon the Board by this Law to make an order may be exercised -
 - (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases;
 - (b) so as to make, as respects the cases in relation to which it is exercised -
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise);
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes;
 - (iii) any such provision either unconditionally or subject to any prescribed conditions.

References to other enactments.

4. Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Offences.

5. This Law may be cited as the Health and Safety (Fees) (Guernsey) Law, 1993.

A. E. BOHAN.
Her Majesty's Deputy Greffier.