

SI No. 3 of 2010

Import (Control) (Alderney) Law, 1946

Import (Control) (Alderney) Order, 2010

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Import (Control) (Alderney) Order, 2010

Made: 26th April 2010
Coming into force 1st May 2010

The States of Alderney Policy and Finance Committee, in pursuance of the powers conferred upon it by Article 1 of the Import and Export (Control) (Alderney) Law, 1946¹

HEREBY ORDERS:-

PART I

IMPORT CONTROL, LICENCES, ETC.

Importation of scheduled goods prohibited.

1. (1) Subject to article 3 and any exception provided for in the respective Schedule, no person shall –

- (a) import any goods specified in any of Schedules 1 to 8, or
- (b) import any goods specified in Schedule 9 that originate in, or as the case may be, are consigned from, any country or area specified in that schedule in respect of those goods.

(2) Where the importation of any kind or description of goods would be prohibited under paragraph (1), without a licence under article 3 or a written permission granted or issued under any provision of a schedule to this Order, no person shall import any goods of that kind or description unless –

¹ Ordres en Conseil No. XII, p. 367; Order No. XXI of 2003; and Order No. XIV of 2007.

- (a) those goods have been produced to a customs officer of the States of Guernsey at the place of importation, and
 - (b) the written permission concerned is shown to the officer, if requested by that officer.
- (3) For the avoidance of doubt, nothing in paragraph (2) limits –
- (a) paragraph (1) of this article, or
 - (b) article 2 of the Law.

Importation of goods prohibited other than at port or customs airport.

2. (1) No person shall unship, land, or put on shore, any goods imported into the Island except at a port or customs airport in the Island.

(2) In paragraph (1) –

"**customs airport**" means an aerodrome appointed by the Department under section 7(2) of the 1972 Law; and

"**port**" means a port appointed and named by the Department under section 7(1) of the 1972 Law.

Importation permitted under licence.

3. Article 1(1) does not prohibit the importation of any goods under the authority, and in accordance with the conditions, of a licence in writing granted by the Committee.

Licences.

4. A licence granted by the Committee under article 3 may be -

- (a) either general or individual,
- (b) limited so as to expire on a specified date unless renewed, and
- (c) subject to, or without, conditions and any condition may require any act or omission before or after the doing of the act authorised under that licence.

Registration with the Committee.

5. (1) No later than 30 days after a person first does any act under the authority of any general licence that does not provide otherwise, that person shall give to the Committee written notice of his name, and of the address at which copies of the registers or records kept under article 6 may be inspected.

(2) A person who has given to the Committee written notice of particulars under paragraph (1) shall, not later than 30 days after any change in those particulars, give to the Committee written notice of the changed particulars.

Record keeping and inspection.

6. (1) A person acting under the authority of any general licence shall keep registers or records.

(2) The registers or records shall contain sufficient detail to allow the following information, where appropriate, to be identified –

- (a) a description of the goods that have been imported,
- (b) the date of the importation,
- (c) the quantity of the goods,

- (d) the name and address of the person referred to in paragraph (1),
- (e) the name and address of the exporter or consignor of the goods,
- (f) in so far as it is known to the person referred to in paragraph (1), the name and address of the end-user of the goods, and
- (g) any further information required to be kept under the licence.

(3) The registers or records shall be kept for at least three years from the end of the calendar year in which the authorised act took place and the person referred to in paragraph (1) shall permit those registers or records to be inspected and copied by any authorised person.

(4) For the purposes of paragraph (3), an authorised person who produces, on request, a duly authenticated document showing that he is an authorised person, may at any reasonable hour enter the premises of the address which has most recently been notified to the Committee under article 5.

(5) Where the registers or records required to be kept under this article are kept in a form which is not legible, at the request of an authorised person the person referred to in paragraph (1) shall reproduce those registers or records in a legible form.

- (6) In this article, "**authorised person**" means –
- (a) the Chief Officer,
 - (b) any person authorised by the Chief Officer, or
 - (c) any person authorised by the Committee.

Articles 5 and 6 deemed to be conditions of every general licence.

7. Articles 5 and 6 are deemed to be conditions of every general licence.

Amendment, suspension and revocation of licences.

8. (1) The Committee may by written notice –

- (a) amend, suspend or revoke any licence granted by the Committee, or
- (b) suspend or revoke a general licence as it applies to a particular licence user.

(2) A notice by the Committee under paragraph (1) does not take effect until –

- (a) in the case of a notice affecting all users of a general licence, it has been published in a manner appearing to the Committee to be suitable for securing that the notice is seen by persons likely to be affected by it, and
- (b) in any other case, it has been served on the holder of the licence or on the licence user affected.

Licence refusals, etc. and appeals.

9. (1) If the Committee decides not to grant a licence to any person who has applied for one, the Committee shall give the applicant written notice of the reason for the decision.

(2) If the Committee decides –

- (a) to suspend a licence other than a general licence, or
- (b) to suspend a general licence as it applies to a particular licence user,

the Committee shall give the licence holder or licence user written notice of the terms of, and reason for, the suspension.

(3) If the Committee decides –

- (a) to revoke a licence other than a general licence, or
- (b) to revoke a general licence as it applies to a particular licence user,

the Committee shall give the licence holder or licence user written notice of the reason for the decision.

(4) If the Committee decides to amend a licence other than a general licence (other than at the request of the licence holder), the Committee shall give the licence holder written notice of the reason for the decision.

(5) Any person who has a right under any of paragraphs (1) to (4) to written notice in respect of a decision made by the Committee may appeal to the Court of Alderney against the decision on any of the following grounds –

- (a) the decision was *ultra vires* or there was some other error of law,
- (b) the decision was unreasonable,

- (c) the decision was made in bad faith,
 - (d) there was a lack of proportionality, or
 - (e) there was a material error as to the facts or as to the procedure.
- (6) An appeal must be made –
- (a) within a period of 28 days immediately following the date of the written notice given under the relevant paragraph, and
 - (b) by summons served on the Chairman of the Committee stating the grounds and material facts on which the appellant relies.

(7) At the appellant's request, the Court of Alderney may suspend or modify, on such terms and conditions as the Court thinks just, the operation of the Committee's decision (against which the appeal was made) pending the determination of the appeal.

(8) On an appeal, the Committee may apply to the Court of Alderney, by summons served on the appellant, for an order that the appeal be dismissed for want of prosecution; and on hearing the application the Court may -

- (a) dismiss the appeal or the application (in either case on such terms and conditions as the Court may direct), or
- (b) make such other order as the Court considers just.

- (9) On determining an appeal, the Court of Alderney may –
- (a) set the decision of the Committee aside and, if the Court considers it appropriate to do so, remit the matter to the Committee with such directions as the Court thinks fit, or
 - (b) confirm the decision, in whole or in part.

(10) An appeal from a decision of the Royal Court, made on an appeal from the Court of Alderney, lies to the Court of Appeal on a question of law.

(11) Paragraph (8) is without prejudice to the inherent powers of the Court or to the provisions of rule 51(2) of the Court of Alderney Civil Rules, 2005.

PART II GENERAL

Other permissions.

10. (1) A written permission granted or issued under any provision of a schedule to this Order may be –

- (a) either general or individual,
 - (b) limited so as to expire on a specified date unless renewed, and
 - (c) subject to, or without, conditions and any condition may require any act or omission before or after the doing of the act authorised under that written permission.
- (2) For the avoidance of doubt, paragraph 1 does not apply to–
- (a) a licence granted under article 3, or

- (b) a written permission granted or issued under –
 - (i) any other enactment, or
 - (ii) any Community directive or regulation.

Use and disclosure of information.

11. (1) This article applies to information which is held by any Committee, Department or person in connection with the operation of the controls imposed by this Order.

(2) The information may be used for the purposes of, or for any purposes connected with –

- (a) the exercise of functions in relation to any control imposed by this Order or any other order made under the Law,
- (b) implementation of any Community directive or regulation, or any international agreement, relating to import controls, or
- (c) facilitating the exercise by an authority or international organisation outside the Island of functions which correspond to functions –
 - (i) conferred by, or

- (ii) in connection with any activity subject to control by,

this Order or any other order made under the Law.

(3) The information may be disclosed to any person for use for any purpose specified in paragraph (2), but the disclosure must be proportionate to its object.

(4) For the purposes of this article, "**information**" means information that relates to a particular business or other activity carried on by a person.

(5) Nothing in this article affects or limits any power to disclose information that exists apart from this article.

(6) The information that may be disclosed under this article includes information obtained before the commencement of this Order.

Service of notices.

12. A notice to be given to the Committee by a person under this Order–

- (a) may be given by an agent of that person, and
- (b) shall be sent by post or delivered care of the Chief Executive of the States of Alderney at his current business address.

Revocations.

13. (1) The following orders are revoked –

- (a) Import and Export (Control) (Alderney) Order, 2001²,

² A.S.I. No. 37 of 2001.

- (b) Import and Export of Goods (Control) (Amendment) (Alderney) Order, 2002³,
- (c) Import and Export of Goods (Control) (Alderney) Order, 2001 (Amendment) Order, 2003⁴,
- (d) Import and Export of Goods (Control) (Alderney) Order, 2001 (Amendment) Order, 2009⁵, and
- (e) Import and Export of Goods (Control) (Alderney) Order, 2001 (Amendment No. 2) Order, 2009⁶.

(2) Every open general export licence and every open general import licence granted or issued under any of those orders is revoked.

Interpretation.

14. (1) In this Order, unless the context requires otherwise -

"**1972 Law**" means the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972⁷;

"**aircraft**" means a fixed wing, swivel wing, rotary wing, tilt rotor or tilt wing airborne vehicle or helicopter;

³ A.S.I No. 4 of 2002.

⁴ A.S.I No. 4 of 2003.

⁵ A.S.I No. 5 of 2009.

⁶ A.S.I No. 9 of 2009.

⁷ Ordres en Conseil Vol. XXIII, p. 573; as amended by Vol. XXIV, p. 87; Vol. XXXI, p. 278; Vol. XXXIII, p. 217; Orders in Council No. XXIII of 2003, No. X of 2004 and No. XIV of 2007; Recueil d'Ordonnances Tome XIX, p. 62; Tome XXIX, p. 406; Tome XXXII, pp. 607 and 668; Ordinance No. VII of 2008; G.S.I. No. 56 of 2008; G.S.I. No. 76 of 2009.

"Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction, signed at Paris on 13th January 1993;

"Chief Officer"

- (a) means the Chief Officer of Customs and Excise for the time being appointed by the Policy Council, and
- (b) includes any officer of Customs and Excise acting by or under his authority;

"the Committee" means the States of Alderney Policy and Finance Committee;

"Commission decision" means a decision of the Commission of the European Communities;

"Community directive or regulation" means a provision of a directive or regulation (within the meaning of Article 249 of the Treaty establishing the European Community, signed at Rome on the 25th March 1957);

"country" includes territory or dependency;

"customs territory" means the customs territory described in Article 3 of Council Regulation (EEC) No 2913/92 until its repeal by Council Regulation (EC) No 450/2008, and then the customs territory described in Article 3 of the latter Regulation;

"the Department" means the States of Guernsey Home Department;

"enactment" includes a Law, an Ordinance and any subordinate legislation and any provision or portion of a Law, an Ordinance or any subordinate legislation;

"function" includes power or duty;

"general licence" means a general licence granted by the Committee under article 4(a);

"importation" –

- (a) means removal into the Island from any place outside the Island,
- (b) includes shipping as stores, and
- (c) in relation to a vessel, vehicle, submersible vehicle, aircraft, or any other means of conveyance, includes taking it into the Island even if it is conveying goods or passengers, or moving under its own power –

and cognate expressions shall be construed accordingly;

"in free circulation in the customs territory", in relation to goods, means that those goods, prior to their importation into the Island, have satisfied the conditions in Article 24 of the Treaty establishing the European Economic Community, signed at Rome on the 25th March 1957;

"Island" means the island of Alderney;

"the Law" means the Import and Export (Control) (Alderney) Law, 1946;

"licence" means a licence granted under article 3;

"licence user" means a person –

- (a) who is registered under article 5(1) in relation to a general licence, or
- (b) who is entitled to use a general licence without registration owing to the terms of that general licence;

"Member State" –

- (a) means a Member State of the European Community, and
- (b) in relation to any Community directive or regulation, or any provision of this Order intended to implement a Community directive or regulation, includes the Bailiwick;

"place" includes a vehicle, vessel, or aircraft;

"subordinate legislation" means any regulation, rule, order, notice, rule of court, resolution, scheme, warrant, byelaw or other instrument made under any enactment and having legislative effect;

"surface effect vehicle" means any air cushion vehicle (whether side wall or skirted) or any vehicle using the wing-in-ground effect for positive lift;

"UK legislation" means any Act of Parliament or subordinate legislation enacted or made in the United Kingdom, or any provision or portion of such an Act or subordinate legislation;

"vehicle" includes a railway carriage;

"vessel" includes any ship, surface effect vehicle, vessel of small waterplane area or hydrofoil and the hull or part of the hull of a vessel; and

"written permission" includes any kind of licence, permit, certificate or authorisation.

- (2) In this Order, unless the context requires otherwise –
- (a) a reference to time after an event is a reference to a period of that length of time beginning on the day of that event,
 - (b) a reference to any enactment or UK legislation is a reference to the enactment or legislation concerned as from time to time amended, varied, re-enacted (with or without modification), extended or applied,
 - (c) a reference to any Community directive or regulation or Commission decision or any provision or part of a Community directive or regulation or Commission decision is a reference to the directive, regulation, decision, provision, or part concerned as from time to time amended or re-issued (with or without modification), and

(d) a reference to any convention, treaty or other international agreement, or any provision or part of it is a reference to the agreement, provision, or part concerned, as from time to time amended or re-issued (with or without modification).

(3) The provisions of the Interpretation (Guernsey) Law, 1948⁸ apply to the interpretation of this Order throughout the Island as they apply to the interpretation of an enactment in force in the Island of Guernsey.

(4) For the avoidance of doubt, unless the context otherwise requires, an expression used in this Order has the same meaning as in the Law.

Extent.

15. This Order has effect throughout the Island of Alderney.

Citation and commencement.

16. This Order may be cited as the Import (Control) (Alderney) Order, 2010, and comes into force on the 1st May, 2010.

Dated this 26th day of April 2010

R G Willmott

Chairman, Alderney Policy & Finance Committee

for and on behalf of the Committee

⁸ Ordres en Conseil Vol. XIII, p. 355.

SCHEDULE 1

GOODS THAT CANNOT BE IMPORTED WITHOUT A LICENCE

Article 1(1)(a)

Counterfeit currency

Any counterfeit of –

- (a) a currency note, or
- (b) a protected coin.

Interpretation of this Schedule

1. In this Schedule –

"currency note" means -

- (a) any note which -
 - (i) has been lawfully issued in the Bailiwick of Guernsey, England and Wales, Scotland, Northern Ireland, the Bailiwick of Jersey, or the Isle of Man,
 - (ii) is or has been customarily used as money in the country where it was issued, and
 - (iii) is payable on demand, or
- (b) any note which -
 - (i) has been lawfully issued in a country not mentioned in

subparagraph (a)(i), and

(ii) is customarily used as money in that country; and

"protected coin" means any coin which is customarily used as money in any country.

2. For the purposes of this Schedule, a thing is a counterfeit of a currency note or protected coin –

(a) if it is not a currency note or protected coin but resembles a currency note or protected coin (whether on one side only or on both) to such an extent that it is reasonably capable of passing for a currency note or protected coin of that description, or

(b) if it is a currency note or protected coin which has been so altered that it is reasonably capable of passing for a currency note or protected coin of some other description.

3. For the purposes of this Schedule, the following things are capable of being a counterfeit of a currency note –

(a) a thing consisting of one side only of a currency note, with or without the addition of other material, is a counterfeit of such a note, and

(b) a thing consisting -

(i) of parts of two or more currency notes, or

(ii) of parts of a currency note, or of parts of two or more currency notes, with the addition of other material.

SCHEDULE 2

GOODS THAT CANNOT BE IMPORTED WITHOUT A LICENCE

Article 1(1)(a)

Restricted veterinary medicines

Any veterinary medicinal product that is for the time being classified as "Prescription Only Medicine–Veterinarian" (abbreviated to POM-V), "Prescription Only Medicine–Veterinarian, Pharmacist, Suitably Qualified Person" (abbreviated to POM-VPS), or "Non-Food Animal–Veterinarian, Pharmacist, Suitably Qualified Person" (abbreviated to NFA-VPS), under the Veterinary Medicines Regulations 2008⁹ or any other enactment in force in the United Kingdom, except where one or more of paragraphs (a) to (e) apply –

- (a) there is a marketing authorisation in force relating to the product concerned, and the product is for the time being classified as "Authorised Veterinary Medicine–General Sales List" (abbreviated to AVM-GSL),
- (b) there is a marketing authorisation in force relating to the product concerned, and the importer –
 - (i) is a veterinary surgeon or a pharmacist,
 - (ii) is the holder of the marketing authorisation,
 - (iii) is the holder of a UK wholesale dealer's authorisation relating to that product, or
 - (iv) is the holder of a UK manufacturing authorisation relating to that product,

⁹ United Kingdom S.I. 2008 No. 2297.

- (c) the product is imported as part of a supply of products for use by the importer only on animals in his personal care, and the products –
 - (i) have been lawfully dispensed in the country in which it originates, and
 - (ii) do not exceed 6 months' supply for those animals at the normal prescribed dose,
- (d) the importer is the States Analyst and the importation is for analytical purposes.
- (e) the importer is the States of Alderney General Services Committee.

Interpretation

In this Schedule, -

"**Agency**" means the European Medicines Agency established by Regulation (EC) No. 726/2004 of the European Parliament and of the Council laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency;

"**marketing authorisation**" means a marketing authorisation granted–

- (a) by the Secretary of State under the Veterinary Medicines Regulations 2008 or any other enactment in force in the United Kingdom, or
- (b) by the Agency under any Community directive or regulation;

"**pharmacist**" means a person registered as a recognised pharmacist under the Doctors, Dentists and Pharmacists Ordinance, 1987¹⁰;

"**UK manufacturing authorisation**" means a manufacturing authorisation granted by the Secretary of State under the Veterinary Medicines Regulations 2008 or any other enactment in force in the United Kingdom;

"**UK wholesale dealer's authorisation**" means a wholesale dealer's authorisation granted by the Secretary of State under the Veterinary Medicines Regulations 2008 or any other enactment in force in the United Kingdom; and

"**veterinary surgeon**" means a person authorised to practise in the Islands of Guernsey and Alderney under the Veterinary Surgery and Animal Welfare Ordinance, 1987¹¹.

¹⁰ Recueil d' Ordonnances Tome XXIV, pp. 79 and 238 (applied to Alderney by Ordinance of the States of Alderney, Recueil d' Ordonnances Tome XXIV, p. 262.

¹¹ Recueil d'Ordonnances Tome No XXIV, p. 51 (applied to Alderney by Ordinance of the States of Alderney No XVIII, 1994).

SCHEDULE 3

GOODS THAT CANNOT BE IMPORTED WITHOUT A LICENCE

Article 1(1)(a)

Medicinal products

1. Any medicinal product of a description or falling within a class specified in section 2 of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009¹², except where one or more of paragraphs (a) to (e) apply –
 - (a) there is a recognised marketing authorisation or a licence in force in respect of the product, and the importer –
 - (i) is the holder of the authorisation or licence concerned, or
 - (ii) is a dentist, doctor, or pharmacist importing the product for the purpose of using, administering, or dispensing it as part of his professional practice,
 - (b) the medicinal product is carried in the personal baggage of a traveller, and the traveller satisfies the Chief Officer that –
 - (i) the product is imported for the personal use of the traveller or a person in the personal care of the traveller,
 - (ii) the product has been lawfully supplied to, and lawfully obtained by, the traveller in the country from which it is imported, and
 - (iii) the quantity of the product does not exceed 6 months' supply for one person at the normal prescribed or recommended dose,

¹² Ordinance No. XXV of 2009.

- (c) the importer is the States Analyst and the importation is for analytical purposes,
 - (d) the importer is the States of Guernsey Health and Social Services Department, or
 - (e) the importation is authorised in writing by the Director of Public Health.
2. Any other medicinal product, except where one or more of paragraphs (a) to (f) apply –
- (a) there is a recognised marketing authorisation or a licence in force in respect of the product,
 - (b) the importer is a dentist, doctor, or pharmacist importing the product for the purpose of using, administering, or dispensing it as part of his professional practice,
 - (c) the importer satisfies the Chief Officer that the product is imported as part of a supply of products for the personal use of the importer, or a person who is in the personal care of the importer,
 - (d) the importer is the States Analyst and the importation is for analytical purposes,
 - (e) the importer is the States of Guernsey Health and Social Services Department, or
 - (f) the importation is authorised in writing by the Director of Public Health.

Interpretation

In this Schedule, -

"dentist", "doctor", "licence", "pharmacist", and "recognised marketing authorisation" have the respective meanings given by section 136(1) of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008¹³; and

"medicinal product" has the meaning given by section 133(1) of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008.

¹³ Order in Council No. V of 2009, as amended by Ordinance No. XXIV of 2009.

SCHEDULE 4

GOODS THAT CANNOT BE IMPORTED WITHOUT A LICENCE

Article 1(1)(a)

Firearms and ammunition

Note: paragraphs 1 to 4 are subject to the exclusions listed at the end of this Schedule.

1. Firearms, including –
 - (a) any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, or
 - (b) any other weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing (including, for the avoidance of doubt, electrons or an electric current).
2. Component parts (other than wooden gun stocks) of any firearm or other weapon specified in paragraph 1 or any accessory to any such firearm or other weapon, designed or adapted to diminish the noise or flash caused by firing the weapon.
3. Ammunition, including grenades, bombs, and other like missiles, and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing.
4. Firearms which have been de-activated within the meaning of section 8 of the Firearms (Guernsey) Law 1998¹⁴.

Exclusions

The following are excluded from this Schedule –

¹⁴ Order in Council No. XII of 1998, as amended by No. II of 2000.

- (a) any cartridge for smooth bore guns, being a cartridge containing five or more shots none of which exceeds 0.36 in (9mm) in diameter,
- (b) any blank cartridge not exceeding 1 in (25mm) in diameter for use in smooth-bore weapons,
- (c) any ammunition for air guns, air rifles or air pistols,
- (d) any article made before 1900, other than –
 - (i) a centre-fire weapon, or
 - (ii) any component part of, or ammunition for, a centre-fire weapon,
- (e) any air weapon (that is, an air gun, air rifle or air pistol), other than an air weapon disguised as another object, incapable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy of more than -
 - (i) in the case of an air pistol, 6 ft lb (8.14 joules), or
 - (ii) in the case of any air weapon other than an air pistol, 12 ft lb (16.27 joules),
- (f) any air weapon designed for use only under water,
- (g) any firearm or ammunition imported on board a ship, or any signalling apparatus or ammunition imported on board an aircraft, declared to the Chief Officer as part of the equipment of the ship or aircraft, but only if

remains on board the ship or aircraft unless lawfully removed under section 4 of the Dangerous Weapons (Alderney) Ordinance, 1965¹⁵,

- (h) any firearm or ammunition –
 - (i) imported by or consigned to a person who holds an appropriate permit or certificate for it, and
 - (ii) imported or consigned in conformity with any conditions of the permit or certificate concerned, and
- (i) a component part of a firearm or other weapon referred to in any of paragraphs (e) to (h).

Interpretation

In this Schedule, "**appropriate permit or certificate**" means –

- (a) a valid weapons certificate granted under section 3 of the Dangerous Weapons (Alderney) Ordinance, 1965, or
- (b) a valid permit (by whatever name called) issued by the appropriate authority in the country of residence of a person authorised to possess a shotgun, rifle or pistol under section 4(7) of the Dangerous Weapons (Alderney) Ordinance, 1965.

¹⁵ Alderney Ordinance No. II of 1965, as amended by Alderney Ordinances No. I of 1985, No. V of 1992 and No. XII of 1993.

SCHEDULE 5

GOODS THAT CANNOT BE IMPORTED WITHOUT A LICENCE

Article 1(1)(a)

Offensive Weapons

Any of the following weapons, other than an article that is more than 100 years old or one that is subject to the exception in paragraph (s) –

- (a) a knuckleduster, that is, a band of metal or other hard material worn on one or more fingers, and designed to cause injury, or any weapon incorporating a knuckleduster,
- (b) a swordstick, that is, a hollow walking-stick or cane containing a blade which may be used as a sword,
- (c) the weapon sometimes known as a "handclaw", being a band of metal or other hard material from which a number of sharp spikes protrude, and worn around the hand,
- (d) the weapon sometimes known as a "belt buckle knife", being a buckle which incorporates or conceals a knife,
- (e) the weapon sometimes known as a "push dagger", being a knife the handle of which fits within a clenched fist and the blade of which protrudes from between two fingers,
- (f) the weapon sometimes known as a "hollow kubotan", being a cylindrical container containing a number of sharp spikes,

- (g) the weapon sometimes known as a "footclaw", being a bar of metal or other hard material from which a number of sharp spikes protrude, and worn strapped to the foot,
- (h) the weapon sometimes known as a "shuriken", "shaken" or "death star", being a hard non-flexible plate having three or more sharp radiating points and designed to be thrown,
- (i) the weapon sometimes known as a "balisong or "butterfly knife", being a blade enclosed by its handle, which is designed to split down the middle, without the operation of a spring or other mechanical means, to reveal the blade,
- (j) the weapon sometimes known as a "telescopic truncheon", being a truncheon which extends automatically by hand pressure applied to a button, spring or other device in or attached to its handle,
- (k) the weapon sometimes known as a "blowpipe" or "blow gun", being a hollow tube out of which hard pellets or darts are shot by the use of breath,
- (l) the weapon sometimes known as a "kusari gama", being a length of rope, cord, wire or chain fastened at one end to a sickle,
- (m) the weapon sometimes known as a "kyoketsu shoge", being a length of rope, cord, wire or chain fastened at one end to a hooked knife,
- (n) the weapon sometimes known as a "manrikigusari" or "kusari", being a length of rope, cord, wire or chain fastened at one each end to a hard weight or hand grip, or
- (o) the weapon sometimes known as a "flick knife" or "flick gun" being—

- (i) any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife, or
- (ii) any knife which has a blade which is released from the handle or a sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever or other device, sometimes known as a "gravity knife",
- (p) a disguised knife, that is any knife which has a concealed blade or concealed sharp point and is designed to appear to be an everyday object of a kind commonly carried on the person or in a handbag, briefcase, or other hand luggage (such as a comb, brush, writing instrument, cigarette lighter, key, lipstick or telephone),
- (q) a stealth knife, that is a knife or spike, which has a blade, or sharp point, made from a material that is not readily detectable by apparatus used for detecting metal and which is not designed for domestic use or for use in the processing, preparation or consumption of food or as a toy,
- (r) a straight, side-handled or friction-lock truncheon (sometimes known as a baton), except where imported by the salaried police force of the Island, or
- (s) a sword with a curved blade of 50 centimetres or over in length; and for the purposes of this sub-paragraph, the length of the blade shall be the straight line distance from the top of the handle to the tip of the blade; except such a sword made before 1954 or made at any other time according to traditional methods of making swords by hand.

SCHEDULE 6

GOODS THAT CANNOT BE IMPORTED WITHOUT A LICENCE

Article 1(1)(a)

Toxic chemicals and precursors

1. Any toxic chemical or precursor (including mixtures thereof) listed in Category A or B of the table below.

2. Any toxic chemical or precursor listed in the table below or any chemical mixture containing any such toxic chemical or precursor, or any good containing, or containing a chemical mixture itself containing, any such toxic chemical or precursor originating in or consigned from any non-States Party to the Chemical Weapons Convention except –
 - (a) goods or chemical mixtures which contain one per cent or less by weight of a chemical listed in Category C of the table,
 - (b) goods or chemical mixtures which contain ten per cent or less by weight of a chemical listed in Category D of the table, or
 - (c) consumer goods that are either packaged for retail sale for personal use or packaged for individual use.

TABLE

Schedule 2 to the United Kingdom Open General Import Licence dated 4th May 2009, which came into force the same day, as amended from time to time, has effect as this Table.

SCHEDULE 7

GOODS THAT CANNOT BE IMPORTED WITHOUT A LICENCE

Article 1(1)(a)

Emerging drugs of concern

Any substance or compound listed below, or any product, salt, or other substance containing any substance or compound listed below –

- (a) the psychotropic substance 4-methylmethcathinone, also known as the β -keto analogue of 4-methylmethamphetamine, or 2-methylamino-1-(4-methylphenyl)propan-1-one and more commonly referred to as mephedrone or 4-MMC,
- (b) the psychotropic substance 3-fluoromethcathinone, also known as the β -keto analogue of 3-fluoromethamphetamine; 2-methylamino-1-(3-fluorophenyl)propan-1-one and more commonly referred to as 3-FMC,
- (c) the psychotropic substance 3,4-methylenedioxy-N-methylcathinone, also known as the β -keto analogue of 3,4-methylenedioxy-N-methylamphetamine or 2-methylamino-1-(3,4-methylenedioxyphenyl)propan-1-one and more commonly referred to as methylone, MDMC, or bk-MDMA,
- (d) the psychotropic substance β -keto-N-methyl-3,4-benzodioxolylbutanamine, also known as 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one and more commonly known as butylone or bk-MBDB, or
- (e) the psychotropic substance methylenedioxyprovalerone, also known as 1-(benzo[d][1,3]dioxol-5-yl)-2-(pyrrolidin-1-yl)pentan-1-one and more commonly known as MDPV.

SCHEDULE 8

GOODS THAT CANNOT BE IMPORTED WITHOUT A LICENCE

Article 1(1)(a)

Miscellaneous goods

1. Any cosmetic product that is prohibited from being supplied under regulation 5, 6, 7, 8, or 9 of the Cosmetic Products (Safety) Regulations, 2008¹⁶.
2. Any decoding equipment which is designed or adapted to be used primarily for the purpose of enabling the reception of programmes transmitted in the provision of a proscribed service within the meaning of section 178 of the Broadcasting Act 1990¹⁷.
3. Any indecent or obscene print, painting, photograph, book, card, lithographic or other engraving, or any other indecent or obscene article.
4. Any substance or salts listed or referred to in Category 1 or 2 of the Annex to Council Regulation (EC) No. 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors.
5. Bovine Somatotrophin (BST).
6. Any of the following –
 - (a) feeding stuff for animals (including pet food but excluding hay),

¹⁶ United Kingdom S.I. 2008 No. 1284.

¹⁷ An Act of Parliament, Chapter 42 of 1990.

- (b) fertiliser of any kind (whether natural or manufactured) for spreading on or working into soil, to increase its capacity to support plant growth,
 - (c) hay, straw, including chaffed hay, chaffed straw, or hay and straw chaffed together,
 - (d) litter, including straw or any other substance commonly used for bedding or otherwise for or about animals, or
 - (e) any product of animal origin.
7. Any live animal.
 8. Any fauna or flora, or any specimen, of a species listed in Annex A, B, or C of Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein.
 9. Any herbal preparation from the plant species *Aristolochia*, *Clematis* and *Akebia*, or any preparation containing Aristolochic Acid.
 10. Any anti-personnel mine or component of an anti-personnel mine as defined in Section 1 of the Landmines Act 1998.¹⁸
 11. Any marine anti-fouling paint.
 12. Any parlour pot.
 13. Excrement of any fowl or bovine, caprine, equine, porcine or ovine animal.
 14. The tail or claw of any lobster, which is separated from the lobster.

¹⁸ An Act of Parliament, Chapter 33 of 1998.

15. The claw of any edible crab or spinous spider crab, which is separated from the crab.
16. Any motor vehicle, except –
 - (a) under the authority, and in accordance with the conditions, of a licence granted by the Clerk of the States, and
 - (b) after payment of any fee due under the licence.

Interpretation

In this Schedule, -

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on a road;

"parlour pot" –

- (a) means any pot which would commonly be so described, and
- (b) includes any pot, basket or cage which is designed, adapted or capable of being used for the taking of crustaceans and which contains, or any chamber of which contains, a trap or other device which is designed to prevent a crustacean which has entered the pot or chamber from leaving it; and

"any product of animal origin" means any product listed in Title I of Commission Decision 2002/349/EC laying down the list of products to be examined at border inspection posts under Council Directive 97/78/EC.

SCHEDULE 9

GOODS THAT CANNOT BE IMPORTED FROM SPECIFIED COUNTRIES OR AREAS WITHOUT A LICENCE

Article 1(1)(b)

1. Goods described in column 2 of Table 1 below -
 - (a) that originate in any country or area listed in column 3 in relation to those goods; or
 - (b) in the case of goods specified in entry (e), which originate in or are consigned from any country listed in column 3 in relation to those goods.

TABLE 1

Column 1	Column 2	Column 3
Entry	Goods and exceptions	Prohibited countries or areas
(a)	Goods infringing an intellectual property right within the meaning of Article 2 of Council Regulation (EC) No. 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights, subject to the exceptions provided in Article 3 of that Regulation.	Anywhere outside the customs territory
(b)	Any controlled substance or product that contains a controlled substance, within the meaning of Article 2 of Council Regulation (EC) 2037/2000 on substances that deplete the ozone layer, the	Anywhere outside the customs territory

Column 1	Column 2	Column 3
Entry	Goods and exceptions	Prohibited countries or areas
	release into free circulation in the customs territory of which is prohibited by that Regulation and in respect of which a Commission Import Licence has not been issued under that Regulation.	
(c)	Any rough diamonds controlled by Council Regulation (EC) 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds, unless all the conditions regarding the import regime set out in that Regulation are fulfilled.	Anywhere outside the customs territory
(d)	Cat fur or dog fur within the meaning of Regulation (EC) No 1523/2007 of the European Parliament and of the Council (banning the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur) except where the importation is of a non-commercial nature within the meaning of Article 45(2)(b) of Council Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty.	Anywhere outside the customs territory
(e)	Goods the subject of export controls imposed under the Export Control (Military, Security, and Related Matters) (Bailiwick of Guernsey) Order, 2010.	Iran or Democratic People's Republic of Korea (North Korea)

2. Any goods comprised in any entry in column 2 of Table 2 below which originate in a country or area which appears in column 4 of that Table in relation to that entry, except if they are –
- (a) goods originating in a country or area mentioned in column 5 of that Table in relation to that entry,
 - (b) goods in free circulation in the customs territory originating in a country or area mentioned in column 4 of that Table in relation to that entry, and not marked by an asterisk "*",
 - (c) goods the entry relating to which in column 4 of that Table is marked "§" and which are covered by a prior authorisation issued by a Member State under Council Regulation (EC) No. 3036/94 and Commission Regulation (EC) No. 3017/95,
 - (d) goods other than those listed in Schedule 4, Schedule 6, or Entry No. 1 or No. 2 of Table 2, which are intended to be re-exported outside the customs territory and are subject to inward processing relief arrangements (suspension system) pursuant to Council Regulation (EEC) No. 2913/92 and Commission Regulation (EEC) No. 2454/93,
 - (e) iron and steel products listed in Entry Nos. 268-305 of Table 2 inclusive and –
 - (i) covered by an import licence issued pursuant to Council Regulations (EC) Nos. 1340/2008, or 1342/2007, or
 - (ii) imports whose net weight does not exceed 2500 kilogrammes and are subject to prior surveillance pursuant to Commission Regulation (EC) No. 76/2002 or are covered by a surveillance document issued pursuant to the same Regulation,

- (f) goods which are imported under a valid import document issued by a Member State pursuant to Council Regulation (EC) No. 517/94,
- (g) goods which are imported under a valid import authorisation issued by a Member State pursuant to Council Regulation (EEC) 3030/93,
- (h) potassium chloride listed in Entry No. 3 of Table 2 which is imported under a valid import licence issued by a Member State pursuant to Commission Regulation (EC) No. 1818/2006 , or
- (i) textile goods in Chapters 50 to 63 of "HM Revenue and Customs Integrated Tariff of the United Kingdom", not originating in Turkey but cleared into free circulation in Turkey.

TABLE 2

Schedule 1 to the United Kingdom Open General Import Licence dated 4th May 2009 as amended from time to time, except Entry No. 310 (firearms and ammunition) of the schedule, has effect as Table 2.

Interpretation of Table 2

1. Unless the context otherwise requires, "**World Area**" means all countries, including the Bailiwick and the United Kingdom.
2. References in this Table to headings are references to headings in the Combined Nomenclature of the European Community¹⁹ and, accordingly –
 - (a) where any such reference in this table is preceded by the word "ex", the relevant entry comprises only the goods classified under that heading which are of the description given in column 2 of this Table, and
 - (b) where any such reference is not preceded by the word "ex", the relevant entry comprises all goods classified under the heading.
3. In this Table "**Textile Category**" means a category in the categorisation of textile products of the European Community in Annex I to Council Regulation (EEC) 3030/93, and, accordingly –
 - (a) where a reference to such a category is preceded by the word "ex" the relevant entry comprises only the goods classified within that category which are of the description given in column 2 of this Table, and

¹⁹ See Council Regulation (EEC) 2658/87.

- (b) where a reference to such a category is not preceded by the word "ex" the relevant entry comprises all goods classified within that category.
4. In this Table the symbol "*" **indicates** that goods in free circulation in the customs territory may not be imported; the symbol "(S)" indicates that goods originating in third countries but not in free circulation in the customs territory are subject to surveillance and the symbol "§" indicates that goods may be imported in accordance with European Community outward processing trade (OPT) arrangements²⁰.

²⁰ Council Regulation (EC) No. 3036/94 and Commission Regulation (EC) No. 3017/95.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order controls the importation of miscellaneous goods into the island of Alderney.

Article 1(1) prohibits the importation of goods listed in Schedules 1 to 8 from any country or area, and the importation of goods listed in Schedule 9 from countries or areas specified in those two schedules, subject to exceptions specified in this Order. Where the importation of any goods would be prohibited without a licence, authority, or permission of some kind, article 1(2) prohibits the importation of such goods unless produced to a Customs Officer along with, if requested, the licence, authority or permission concerned.

Article 2 prohibits the landing of imported goods anywhere other than a port or customs airport appointed under the 1972 Law.

Article 3 provides that the prohibition in article 1 does not apply to the importation of goods authorised under a licence issued by the States of Alderney Policy and Finance Committee.

Articles 4 to 6 provide for the granting of licences, registration, and record keeping. Article 7 deems articles 5 and 6 to be conditions of every general licence.

Articles 8 and 9 provide for amendment and revocation of licences, and appeals against the refusal of a licence application.

Article 10 provides for other written permissions to be issued either generally or specifically, with or without conditions.

Article 11 sets out the purposes for which information held by Committees, Departments or persons in connection with import controls can be disclosed.

Articles 12 to 16 deal with service of notices, revocations, interpretation, the extent to which this Order applies, and its commencement.

Schedules 1 to 8 list counterfeit currency, restricted veterinary medicines, medicinal products for human use, firearms and ammunition, offensive weapons, toxic chemicals and precursors, emerging drugs of concern and miscellaneous other goods, the importation of which is prohibited without a licence.

Schedule 9 lists goods originating in specified countries or areas, the importation of which is prohibited without a licence. This schedule incorporates Schedule 1 to the United Kingdom Open General Import Licence dated 4th May 2009 as amended from time to time, with the exception of Entry No. 310 (firearms and ammunition) of the schedule.

S. E. KELLY

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