

ALDERNEY STATUTORY INSTRUMENT 1995 No 5

THE IMPORT & EXPORT OF GOODS (CONTROL) (ALDERNEY) ORDER 1995

THE STATES OF ALDERNEY FINANCE COMMITTEE in pursuance of the powers conferred upon it by Article 1 of the Import and Export (Control) (Alderney) Law, 1946, hereby orders :-

1. Subject to the provisions of this Order, no goods shall be imported into or exported from the island or shipped as ships' stores.
2. Section 1 does not prohibit the importation or exportation of any goods, or the shipment of any goods as ships' stores for use on board the ship, under the authority of and in accordance with the conditions of a licence granted by the States Finance Committee or by a person or body of persons authorised by the said Committee to grant such licences.
3. A licence granted under Section 2 may be modified or revoked at any time by any person or body empowered to grant such licences.
4. Section 1 does not prohibit the importation of any goods, other than goods described in Schedule 1, which are proved to the satisfaction of the States Finance Committee to have been consigned from the United Kingdom, the Island of Jersey, any other Island of the Bailiwick of Guernsey or the Isle of Man.
5. Notwithstanding any other provision of this Order, no person shall import any cattle except from any of the other islands of the Bailiwick of Guernsey and unless the cattle have been certified by the Guernsey States Veterinary Officer as being free from Tuberculosis, Brucellosis and Epizootic Bovine Leucosis.
6. Section 4 does not prohibit the importation of any firearms or ammunition of a description set out in Schedule 1 to this Order provided that they are :-
 - (a) imported by a local resident, and at the time of importation there is produced to a customs officer of the States of Guernsey the appropriate certification or permit requirements of the Dangerous Weapons (Alderney) Law, 1965, and the Dangerous Weapons (Alderney) Ordinance, 1965, or
 - (b) imported on board a ship or aircraft, and fully declared as a customs officer of the States of Guernsey as part of the equipment of the ship or aircraft.
7. Section 1 does not prohibit the exportation of any goods, other than goods described in Schedule 2, to the United Kingdom, the Island of Jersey, any other Island of the Bailiwick of Guernsey or the Isle of Man.

8. Section 1 does not prohibit the exportation from the island to a place other than a place in the United Kingdom, the Isle of Man, the Island of Jersey, or any of the other Islands of the Bailiwick of Guernsey, of personal or household effects, whether accompanied or unaccompanied, which are the personal or household effects of the exporter save that a customs officer of the States of Guernsey may, before export, require the exporter of such effects to satisfy that officer that the effects to be exported are the personal or household effects of that exporter, and that the effects do not include articles or goods which are comprised or listed in Schedule 1 or Schedule 1A to the Export of Goods (Control) Order, 1989 (UK SI 1989 No 2376) as amended from time to time or in any re-enactment thereof.
9. No goods shall be unshipped, landed or put on shore except at Braye Harbour or at Alderney Airport and no goods shall be shipped, put off or waterborne to be shipped for exportation, except from such Harbour or such Airport.
10. The Orders set out in Schedule 3 are revoked :
- Provided that any Open General Import Licence granted under an Order revoked by this Order and in force immediately before the commencement of this Order shall continue in force and have effect as if granted under this Order, and may be modified or revoked accordingly.
11. The Interpretation (Guernsey) Law, 1948, shall apply to the Interpretation of this Order as it applies to the Interpretation of a Guernsey enactment.
12. No provision of this Order or of any licence hereunder shall authorise the doing of any thing prohibited, regulated or controlled by any other enactment or statutory instrument.
13. This Order may be cited as the Import and Export of Goods (Control) (Alderney) Order, 1994 and shall come into force on the 10th day of JULY Nineteen hundred and ninety five.

DATED this 10th day of JULY nineteen hundred and ninety five.



Chairman - for and on behalf of the
States of Alderney Finance Committee

EXPLANATORY NOTE

This Order which replaces the Import and Export of Goods (Control) (Alderney) Order, 1994, adds the prohibition, except under licence, of the importation from the United Kingdom, the Island of Jersey, the Island and other Islands of the Bailiwick of Guernsey of indecent or obscene prints, paintings, photographs, books, cards, lithographic and other engravings or any other indecent or obscene articles.

SCHEDULE 1

Section Four

1. Bovine somatotrophin (BST)
2. Excrement of an ass, boar, bull, bullock, calf, colt, cow, donkey, ewe, foal, filly, gelding, goat, heifer, hog, horse, kid, lamb, mare, mule, ox, pig, pony, ram, sheep, sow, stallion, steer or wether or of a domestic fowl, duck, goose, guinea fowl or turkey.
3. Firearms and Ammunition, the following :
 - i) firearms, lethal, including any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and other weapons of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing;
 - ii) component parts (other than wooden gun stocks) of any such firearms or other weapon as aforesaid and any accessory to any such firearm or other weapon designed or adapted to diminish the noise or flash caused by firing the weapon;
 - iii) 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;other than the following :
 - a) blank cartridges not exceeding 1 inch (25mm) in diameter for use in smooth-bore weapons;
 - b) articles more than one hundred years old;
 - c) air guns, air rifles or air pistols incapable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy in excess, in the case of an air pistol of 6ft lb (8.14 joules) or, in the case of an air weapon other than an air pistol, of 12ft lb (16.27 joules) and air weapons designed for use only under water;
 - d) ammunition for air guns, air rifles or air pistols.
4. Indecent or obscene prints, paintings, photographs, books, cards or lithographic or other engravings, or any other indecent or obscene articles.
5. Ivory and its derivatives.
6. Live animals (including birds and poultry) other than cats, dogs (not being the type of dog commonly known as the Pit Bull Terrier, the type of dog known as the Japanese Tosa (or Tosa) or any other type of dog which appears to have been bred for fighting), fish, guinea pigs, hamsters and rabbits.
7. Lobsters, live, of the species Homarus americanus.

8. Marine anti-fouling paint.

9. Offensive weapons, the following :

- a) a knuckleduster, that is, a band of metal or other hard material worn on one or more fingers, and designed to cause injury, and 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 "kyokatsu 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 each end to a hard weight or hand grip;
- o) the weapon sometimes known as a "flick knife" or "flick gun" being 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 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";

other than articles more than one hundred years old.

10. Apparatus for wireless telegraphy consisting of a base station and one or more mobile stations where :

- i) each of such stations is designed or adapted to be used -
 - (a) to send verbal messages to be conveyed over a public tele-communication system; and
 - (b) to receive messages conveyed over a public telecommunication system; and
- ii) each of such stations is capable of simultaneously sending such verbal messages to any and every other such station; and
- iii) the base station only is capable of connection to a public telecommunication system.

which apparatus -

- (1) is not cordless telephone apparatus which is designed or adapted to operate on not more than two of the channels specified in paragraph 1.2 of Performance Specification MPT 1322 first published in August 1982, as amended, and which complies with the terms, provisions and limitations specified in regulation 3 of, and the Schedule to, the Wireless Telegraphy (Exemption) Regulations 1982, as amended, and
- (2) is not designed or adapted for use on frequencies exceeding 853 MHz.

11. Wireless telegraphy apparatus known as "Citizens Band" which is designed or adapted, or has facilities permitting its adaptation, for the purpose of transmitting spoken messages on the frequency band 26.1 MHz to 28 MHz, unless -

- (a) the CB apparatus operates only on one or more of the frequencies specified in paragraph 1.3 of Performance Specification MPT 1320 as amended, published in April 1981, or paragraph 1.3 or Part A of Performance Specification MPT 1333 published in December 1986; and

- (b) the CB apparatus complies with the requirements specified in Schedule 1 to the Wireless Telegraphy (Citizens' Band and Amateur Apparatus) (Various Provisions) Order, 1988; and
 - (c) in the case of CB apparatus which operates on any of the frequencies specified in paragraph 1.3 of Part A of the said MPT 1333, the apparatus is approved for the time being by the Secretary of State under Section 84 of the Telecommunications Act 1984 for the purpose of the said Order of 1988.
12. Wireless telegraphy apparatus designed or adapted for the purpose of transmitting messages in the frequency band 28 MHz to 29.7 MHz and in no other frequency band.
 13. Any cosmetic product containing a substance set out in Schedule 1 to the Cosmetic Products (Safety) Regulations, 1989 (UK SI 1989/2233) as amended from time to time or in any re-enactment thereof.
 14. Feedstuffs intended to be fed to ruminants and which contain protein material (except milk, milk products and dicalcium bone phosphate) derived from ruminants.
 15. The tail of any lobster or the claw of any lobster, edible crab or spinous spider crab, the tail or claw of which, as the case may be, is separated from such lobster, edible crab or spinous spider crab.
 16. 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 1990.
 17. A fishing parlour pot, being a parlour pot within the meaning set down in the States of Alderney Fishing (Parlour Pots) Ordinance, 1992.*

*No. IV of 1992

SCHEDULE 2

Section Six

1. Any cosmetic product containing a substance set out in Schedule 1 to the Cosmetic Products (Safety) Regulations, 1989 (UK SI 1989/2233) as amended from time to time or in any re-enactment thereof.
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 1990.

3. Indecent or obscene prints, paintings, photographs, books, cards, lithographic or other engravings, or any other indecent or obscene articles.

SCHEDULE 3

Section Nine

ORDERS REVOKED

The Import and Export of Goods (Control) (Alderney) Order 1994