

PROJET DE LOI

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* No. XIV of 1993 (Ordres en Conseil Vol. XXXIV, p. 586); as amended by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996 (No. XXXI of 1996, Recueil d'Ordonnances Tome XXVII, p. 139); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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ARRANGEMENT OF SECTIONS

1. Power of Committee to specify fees.
2. Amendments.
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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 [Committee for Employment & Social Security] to specify fees.

1. The [States of Guernsey [Committee for Employment & Social Security]] 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 ("honoraires"),
- (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

^a Article XVIII of Billet d'État No. I of 1993.

^b Ordres en Conseil Vol. III, pp. 414 and 473; Vol. V, p. 30; Vol. XV, p.11; Vol. XXIV, p. 250; and Ordinance No. XXV of 1991.

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),
 - (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 therefor, 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.

^c Ordres en Conseil Vol. VII, p. 324; Vol. VIII, p. 149; Vol. XIX, p. 213; Recueil d'Ordonnances Tome XXIV, p. 162; and Ordinance No. XXV of 1991.

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

^e Ordres en Conseil Vol. XXVII, p. 155.

NOTES

In section 1,

the words "Committee for Employment & Social Security" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016;¹

the words in the second pair of square brackets were substituted by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 11, with effect from 31st October, 1996.

The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

The following Order has been made under section 1:

Health and Safety (Fees) Order, 2025.

Amendments.

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

"XXX.

Les droits, frais, honoraires 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 même nature, 1924", insert the following article-

"ARTICLE 2A.

Les tarifs, droits, honoraires 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".

General provisions as to orders.

3. (1) An order of the [Committee for Employment & Social Security] 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 [Committee for Employment & Social Security] 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 [Committee for Employment & Social Security] 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.

NOTES

In section 3, the words "Committee for Employment & Social Security" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016.³

The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁴

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.

Citation.

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

NOTE

The Law received Royal Sanction on 16th December, 1993 and was registered on the Records of the Island of Guernsey and came into force on 1st February, 1994.

1 These words were previously substituted by the Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 11, with effect from 31st October, 1996; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

2 The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Law were previously transferred to them from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Board of Industry under this Law were previously transferred to it from the Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 1, Schedule 1, paragraph 11, with effect from 31st October, 1996, subject to the savings and transitional provisions in section 2 of the 1996 Ordinance.

3 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

4 The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Law were previously transferred to them from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Board of Industry under this Law were previously transferred to it from the Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 1, Schedule 1, paragraph 11, with effect from 31st October, 1996, subject to the savings and transitional provisions in section 2 of the 1996 Ordinance.