



ISLAND OF ALDERNEY

X
2010

ORDINANCE OF THE STATES

Made 19th May 2010

Coming into force 19th May 2010

The Prohibition of Exportation of Ormers (Alderney) Ordinance, 2010

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 19th May, 2010 and in exercise of the powers conferred on them by section 46 of the Government of Alderney Law, 2004^a taken with paragraph (a)(iii) of Schedule 2 to that Law, hereby order:-

Exportation of ormers prohibited.

1. (1) Subject to subsection (2), no person shall export any ormer.

(2) Subsection (1) does not prohibit the exportation of any ormer under the authority, and in accordance with the conditions, of a licence in writing granted by the Policy and Finance Committee.

Offences and penalties.

2. (1) A person who contravenes section 1(1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the Alderney uniform scale.

^a Order in Council No. VI of 2005.

(2) A person knowingly concerned in an activity prohibited by section 1(1) with intent to evade the prohibition is guilty of an offence.

(3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 5 on the Alderney uniform scale, or to imprisonment for a term not exceeding 6 months, or to both.

Misleading applications for licences.

3. (1) Where for the purpose of obtaining a licence under section 1(2), a person either—

- (a) makes a statement or provides a document or information which to the person's knowledge is false in a material particular, or
- (b) recklessly makes a statement or provides a document or information which is false in a material particular,

that person is guilty of an offence and any licence that has been granted in connection with the application for which the false statement was made or the false document or information was provided is void as from the time it was granted.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the Alderney uniform scale, or to imprisonment for a term not exceeding 3 months, or to both.

Failure to comply with licence conditions, etc.

4. (1) A person is guilty of an offence, who –

- (a) has done any act under the authority of a licence under section 1(2), and

(b) fails to comply with any condition of the licence.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the Alderney uniform scale.

Interpretation.

5. (1) In this Ordinance -

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**exportation**" –

(a) means removal from the Island to any destination outside the Island,

(b) includes shipping as stores,

and cognate expressions shall be construed accordingly,

"**Island**" means the Island of Alderney,

"**ormer**" means the bivalve mollusc *Haliotis tuberculata*, commonly known as ormer,

"**person**" includes any body or authority, and

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

(2) The provisions of the Interpretation (Guernsey) Law, 1948^b apply to the interpretation of this Ordinance throughout the Island as they do to the interpretation of an enactment in force in the Island of Guernsey.

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

Citation.

6. This Ordinance may be cited as the Prohibition of Exportation of Ormers (Alderney) Ordinance, 2010.

Commencement.

7. This Ordinance comes into force on the 19th May, 2010.

S. E. KELLY

Greffier

£1.10

Copies may be purchased from
The States Office
Island Hall

^b Ordres en Conseil Vol. XIII, p. 355.