

ORDER IN COUNCIL

VII
2008

ratifying a *Projet de Loi*

ENTITLED

The Fees, Charges and Penalties (Guernsey) Law, 2007

(Registered on the Records of the Island of Guernsey
on the 19th May, 2008.)



2008

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

19th day of May, 2008 before John Russell Finch, Esquire, Lieutenant Bailiff; present:- Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson and Keith Bichard, O.B.E., Esquires, The Reverend Peter Gerald Lane, Michael Henry De La Mare and Michael John Tanguy, Esquires, Susan Mowbray, and David Osmond Le Conte, Esquire, Jurats.

The Lieutenant Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 7th May 2008 approving and ratifying a Projet de Loi entitled The Fees, Charges and Penalties (Guernsey) Law, 2007, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ORDERED that the said Order in Council be registered on the records of this Island.



At the Court at Buckingham Palace

THE 7th DAY OF MAY 2008

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

"In accordance with Your Majesty's General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

"That, in pursuance of their Resolution of 22nd February 2006, the States of Deliberation at a meeting on 31st January 2007 approved a *Projet de Loi* entitled *The Fees, Charges and Penalties (Guernsey) Law, 2007* and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction *The Fees, Charges and Penalties (Guernsey) Law, 2007*, and to order that it shall have force of law in the Islands of Guernsey, Herm and Jethou.

"The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it".

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Islands of Guernsey, Herm and Jethou and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

Judith Simpson

PROJET DE LOI

ENTITLED

The Fees, Charges and Penalties (Guernsey) Law, 2007

THE STATES, in pursuance of their Resolution of the 22nd February, 2006^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 to prescribe fees by regulation.

1. (1) A fee which is of a class or description set out in the Schedule and which is or may be prescribed by -

- (a) the Law named in Part A of the Schedule in relation to that fee,
- (b) an Ordinance or Resolution of the States under any such Law,
- (c) the Ordinance named in Part B of the Schedule in relation to that fee, or
- (d) a Resolution of the States under any such Ordinance,

^a Article III of Billet d'État No. VI of 2006.

may be prescribed by regulations of the Department or other body named in the Schedule in relation to that fee.

- (2) The States may by Ordinance amend the Schedule -
 - (a) by adding any Law, Ordinance, Department, body or class or description of fee to it,
 - (b) by removing any Law, Ordinance, Department, body or class or description of fee from it, or
 - (c) by amending any entry in it.

Power to charge interest on late payment.

2. (1) Where the States, acting by and through any Department thereof, are owed any monies in respect of a transaction which are not paid on or before the due date, the States may charge interest on the balance for the time being outstanding at such rate as the Department in question may by regulation determine.

(2) Regulations under this section may prescribe the due date applicable to a transaction or any class or description of transaction.

(3) Any interest charged pursuant to regulations under this section is recoverable in the same manner and by means of the same remedies as the original debt.

(4) In this section -

"**due date**" is the date on or before which, whether pursuant to regulations under this section or otherwise, the monies owed in respect of

the transaction are payable to the States,

"**transaction**" includes any agreement, arrangement, dealing, service, circumstance, event or relationship whereby a liability to the States arises or is imposed.

Power to prescribe civil penalties by Ordinance.

3. The States may by Ordinance amend any Law or Order in Council so as to vary the amount of, or to abolish, any civil penalty for the time being prescribed in it.

Other powers not affected.

4. The provisions of this Law are in addition to and not in derogation from any power arising otherwise than under this Law to enact Ordinances, regulations or other descriptions of subordinate legislation.

General provisions as to subordinate legislation.

5. (1) The States may by Ordinance, without prejudice to any other provision of this Law conferring power to enact Ordinances or regulations, amend this Law.

(2) An Ordinance or regulation under this Law -

(a) may be amended or repealed by a subsequent Ordinance or regulation (as the case may be),

(b) may contain such transitional, consequential, incidental, supplementary and savings provisions as the States or the enacting Department or body (as the case may be) think fit, including (without limitation)

provisions repealing, amending, modifying or disapplying any Law, Ordinance or Resolution described in section 1(1), and

- (c) shall, in the case of a regulation (but not in the case of an Order of the Royal Court), be laid before a meeting of the States as soon as possible after being made; and if at that or the next meeting the States resolve that the regulation be annulled, then it shall cease to have effect, but without prejudice to anything done under it or to the making of new regulations.

(3) Any power conferred by this Law to make an Ordinance or regulation 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.

Interpretation.

6. (1) In this Law, unless the context requires otherwise -

"**body**" includes the holder of an office,

"**Department**" of the States means any department, committee or council thereof, however named,

"**fee**" includes a charge or penalty and any other amount due to the States,

"**Greffier**" means Her Majesty's Greffier,

"**regulation**" means, in the case of an instrument made by the Royal Court, an Order of the Royal Court,

"**States**" means the States of Guernsey.

(2) 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.

7. This Law may be cited as the Fees, Charges and Penalties (Guernsey) Law, 2007.

SCHEDULE

Section 1

PART A: LAWS

LAW	CLASS OR DESCRIPTION OF FEE	DEPARTMENT
Loi relative aux Ventes Publiques à l'encan, 1914 ^b	Fees payable to Home Department for grant and renewal of auctioneer's licence	Treasury and Resources Department
Loi ayant rapport aux Licences pour les Salles Publiques, 1914 ^c	Fee payable to Greffier on renewal of salle publique licence	Environment Department
Loi ayant rapport à la fourniture d'eau par les États de cette île aux habitants de la dite île, 1927 ^d	Charges for supply of water; hosepipe charge; reconnection charge	Public Services Department
Matrimonial Causes Law (Guernsey), 1939 ^e	Costs and Court fees	Royal Court
Marriage (Amendment) Law, 1951 ^f	Fees payable in respect of and in connection with marriage	Treasury and Resources Department

^b Ordres en Conseil Vol. V, p. 41.

^c Ordres en Conseil Vol. V, p. 56.

^d Ordres en Conseil Vol. VIII, p. 112; Vol. XXVI, p. 536; and No. XVII of 1997.

^e Ordres en Conseil Vol. XI, p. 318; Vol. XII, p. 278; Vol. XVII, p. 249; Vol. XXII, p. 102; Vol. XXIII, p. 489; Vol. XXVII, p. 99; Vol. XXXI, p. 171; Vol. XXXII, p. 85; Order in Council No. XIX of 1997 and No's. XI and XXXI of 2003.

^f Ordres en Conseil Vol. XV, p. 200.

Births, Deaths and Marriages Certificates (Miscellaneous Provisions) (Guernsey) Law, 1951 ^g	Fees payable in respect of issue of birth, death and marriage certificates	Treasury and Resources Department
Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957 ^h	Harbour dues	Public Services Department
Court of Appeal (Guernsey) Law, 1961	Regulations under section 36(4) as to rates and scales of payment	Royal Court
Pilotage (Guernsey) Law, 1966 ⁱ	Fees payable on examination for, and on grant and renewal of, pilotage licence; and pilotage dues	Public Services Department
Legitimacy (Guernsey) Law, 1966 ^j	Fees payable to Registrar-General	Policy Council
Gambling (Guernsey) Law, 1971 ^k	All fees to be payable to the States for the purposes of any Ordinance under that Law	Home Department

^g Ordres en Conseil Vol. XV, p. 46; amended by Vol. XXVII, p. 40; No. XVIII of 1991; and Recueil d'Ordonnances Tome XXV, p. 238.

^h Ordres en Conseil Vol. XVII, p. 264; Vol. XXIX, p. 340; and No. XXI of 2001.

ⁱ Ordres en Conseil Vol. XX, p. 206; Vol. XXIX, p. 340; and No. XXI of 2001.

^j Ordres en Conseil Vol. XX, p. 267; and No. XVIII of 1991.

^k Ordres en Conseil Vol. XXIII, p. 109; Vol. XXIX, p. 340; and No. XXI of 2001.

Vessels and Speed Boats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972 ^l	Mooring charges	Public Services Department
Nursing Homes and Residential Homes (Guernsey) Law, 1976 ^m	Fee for application for registration of person in respect of nursing home or residential home	Health and Social Services Department
Hawkers and Non-Resident Traders (Guernsey) Law, 1980 ⁿ	Fee payable to Greffier for issue of certificate as to grant of licence; and to States Treasurer for grant or renewal of licence	Commerce and Employment Department
Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988 ^o	Maximum amounts specified in sections 4(4)(a), 5(2)(b), 8(1)(b) and 8(2)	Policy Council
Health Service (Benefit) (Guernsey) Law, 1990 ^p	Prescription charges	Social Security Department

^l Ordres en Conseil Vol. XXIII, p. 515; Vol. XXIX, p. 340; and No. XXI of 2001.

^m Ordres en Conseil Vol. XV, p. 46; amended by Vol. XXVII, p. 40; No. XVIII of 1991; and Recueil d'Ordonnances Tome XXV, p. 238.

ⁿ Ordres en Conseil Vol. XXVII, p. 218; amended by No. XVII of 1989 and No. XX of 1991.

^o Ordres en Conseil Vol. XXXI, p. 83.

^p Ordres en Conseil Vol. XXXII, p. 192; amended by Ordinance XIV of 1993 (Tome XXVI, p. 177); Ordinances XXXIV and XXXV of 1995 (Tome XXVI, pp. 177 and 483); Ordinance XXII of 2002; and Ordinance IX of 2003; modified by Ordinances XXXVI and XL of 1995; Ordinance XI of 1997; and Ordinance I of 1998.

Animal Experiments (Bailiwick of Guernsey) Law, 1992 ^q	Fees payable in connection with applications for licences	Commerce and Employment Department
Companies (Guernsey) Law, 1994 ^r	Fees payable to Greffier	Commerce and Employment Department
Air Transport Licensing (Guernsey) Law, 1995 ^s	Fees payable in respect of applications for grant or renewal of Guernsey air transport licences and by holders of such licences	Commerce and Employment Department
Firearms (Guernsey) Law, 1998 ^t	Fee payable on grant, renewal, replacement or variation of firearm certificate, or shot gun certificate or licence, and on registration of person as firearms dealer	Home Department
Tattooing, Piercing, Acupuncture and Electrolysis (Guernsey and Alderney) Law, 2000 ^u	Fees for application for, and payable annually for, registration of person for purpose of carrying out skin treatment and registration of premises in respect of skin treatment	Health and Social Services Department

^q Order in Council No. X of 1992.

^r Order in Council No. XXXIII of 1994; amended by No. XIV of 1996; No. I of 2001; No. II of 2002; the Companies (Guernsey) (Amendment) Law, 2005; Ordinance No. XXXIII of 2003; and Ordinances XI, XII and XVIII of 2006.

^s Order in Council No. XV of 1995.

^t Order in Council No. XII of 1998.

^u Order in Council No. V of 2000.

PART B: ORDINANCES

ORDINANCE	CLASS OR DESCRIPTION OF FEE	DEPARTMENT
Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins, 1931 ^v	Fee payable to competent authority on application for grant or renewal of bornement	Policy Council
Ordonnance ayant rapport à l'Enregistrement de Patentes, Dessins et Marques de Fabrique, 1932 ^w	Fees payable to States in respect of registration, re-registration, restoration to register and increase of term	Commerce and Employment Department
Ordonnance supplémentaire à l'Ordonnance ayant rapport au Trafic Véhiculaire en cette Île, 1932 ^x	Fee payable to Environment Department on exchange of registration marks	Environment Department
Public Records (Fees for Registration and Certified Copies of Documents) Ordinance, 1960 ^y	Fees payable to Greffier for registration and supply of copies of documents	Treasury and Resources Department

^v Recueil d'Ordonnances Tome VIII, pp. 123, 140 and 147; amended by Tome XI, p. 338 and by Ordres en Conseil Vol. XXXI, p. 469.

^w Recueil d'Ordonnances Tome VI, p. 65; amended by No. II of 1995.

^x Recueil d'Ordonnances Tome VI, p. 88; amended by No. XXXVI of 1997.

^y Recueil d'Ordonnances Tome XII, p. 399; amended by Tome XXI, p. 59 and No. XXI of 2006.

Fishing (Licensing and Protection of Fisheries) Ordinance, 1987 ^z	Fee payable to States Treasurer for grant of fishery licence	Commerce and Employment Department
Airport Fees Ordinance, 1987 ^{aa}	Airport fees, passenger fees, additional availability fees, parking fees and runway approach fees	Public Services Department
Harbours Ordinance, 1988 ^{bb}	Fees for use of harbour facilities	Public Services Department
Income Tax (Exempt Bodies) (Guernsey) Ordinance, 1989 ^{cc}	The annual fee	Treasury and Resources Department
Public Highways (Temporary Closure) Ordinance, 1999 ^{dd}	Fees payable to Greffier and Constables on application for grant, variation of conditions and renewal of al fresco licence	Environment Department

^z Recueil d'Ordonnances Tome XXIV, p. 33.

^{aa} Recueil d'Ordonnances Tome XXIV, p. 9; No. XI of 2001.

^{bb} Recueil d'Ordonnances Tome XXIV, p. 418; No. XII of 1994; No. XII of 2001; and No. XVII of 2003.

^{cc} Recueil d'Ordonnances Tome XXV, p. 106; amended by Tome XXVI, p. 41; no. VI of 1996; and No. XXXIX of 1997.

^{dd} Ordinance I of 1999.