
STATUTORY INSTRUMENTS

1997 No. 1770

MARINE POLLUTION

**The Food and Environment Protection Act
1985 (Guernsey) (Amendment) Order 1997**

Made - - - - - *22nd July 1997*

Coming into force - - - - - *22nd August 1997*

Her Majesty, in pursuance of section 26(1) and (2) of the Food and Environment Protection Act 1985(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Food and Environment Protection Act 1985 (Guernsey) (Amendment) Order 1997 and shall come into force on 22nd August 1997.

2. In article 3 of the Food and Environment Protection Act 1985 (Guernsey) Order 1987(2) (“the Order”), for the words “Schedules 2 to 4” there shall be substituted the words “Schedules 2 and 3”.

3. Section 14 of the Food and Environment Protection Act 1985(3) (“the 1985 Act”) shall extend to the Bailiwick of Guernsey with the substitution for paragraph 10 of the Schedule to the Order of—

“**10.** In section 14—

- (a) in subsection (1), for the words “each licensing authority, as respects licences for which it is the licensing authority,” there shall be substituted the words “the Board”;
- (b) in paragraphs (a) to (d) of subsection (1), for the words “that authority” there shall be substituted the word “it”;
- (c) in subsection (5), for the words “each licensing authority” there shall be substituted the words “the Board”, and for the words “the authority” there shall be substituted the word “it”;
- (d) in subsection (7), after “regulations” there shall be inserted “of the Board”;
- (e) subsection (8) shall be omitted.”.

4. Section 21 of the 1985 Act(4) shall extend to the Bailiwick of Guernsey with the substitution for paragraph 13 of the Schedule to the Order of—

(1) 1985 c. 48.

(2) S.I.1987/665.

(3) Section 14 was substituted by section 147 of the Environmental Protection Act 1990 (c. 43).

(4) Section 21 was amended by section 146(1) and (6) of the Environmental Protection Act 1990 (c. 43).

“13. In section 21—

- (a) subsections (1), (2) and (4) shall be omitted;
- (b) in subsection (3), for the words “to which this subsection applies” there shall be substituted the words “under section 9(2) above”; and
- (c) in subsection (8), for the words “United Kingdom” there shall be substituted the word “Bailiwick”.”.

5. Paragraph 3 of Schedule 2 to the 1985 Act⁽⁵⁾ shall extend to the Bailiwick of Guernsey with the substitution for sub-paragraph (b)(ii) of paragraph 17 of the Schedule to the Order of—

- “(ii) in sub-paragraph (3), for the words from “under” to “an officer” there shall be substituted the words “under Part II of this Act an officer”.”.

N.H. Nicholls
Clerk of the Privy Council

(5) Paragraphs 3(3) of Schedule 2 was amended by section 146(1) and (8) of the Environmental Protection Act 1990 (c. 43).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that section 14 (duty to keep public register of information) of the Food and Environment Protection Act 1985 (“the 1985 Act”), as substituted by section 147 of the Environmental Protection Act 1990 (“the 1990 Act”), section 21 (offences–penalties etc.) of the 1985 Act, as amended by section 146(1) and (6) of the 1990 Act, and paragraph 3 of Schedule 2 (powers in relation to vessels, aircraft etc.) to the 1985 Act, as amended by section 146(1) and (8) of the 1990 Act, shall extend to the Bailiwick of Guernsey with the amendments to the Schedule to the Food and Environment Protection Act 1985 (Guernsey) Order 1987 provided for (in particular, these amendments have the effect that sub-paragraphs (3) to (5) of paragraph 3 which, by virtue of that Schedule, do not currently extend to the Bailiwick of Guernsey, shall now so extend).

It further provides that Schedule 4 to the 1985 Act (which has effect by virtue of section 14 of the 1985 Act as that section was enacted, and which, consequent on the above mentioned extension to the Bailiwick of Guernsey of the new section 14, will be spent) shall no longer extend to the Bailiwick of Guernsey.