

ORDER IN COUNCIL

V
2015

ratifying a Projet de Loi

ENTITLED

The Fire Services Guernsey Amendment Law, 2014

(Registered on the Records of the Island of Guernsey
on the 23rd February, 2015.)



2015

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 23rd day of February, 2015 before Richard James McMahon, Esquire, Deputy Bailiff; present:- Stephen Edward Francis Le Poidevin, Esquire, Susan Mowbray, David Osmond Le Conte, John Ferguson, Stephen Murray Jones, Esquires, Claire Helen Le Pelley, Terry George Snell, David Percy Langley Hodgetts, LVO, Niall David McCathie, Esquires, Margaret Ann Spaargaren, David Allan Grut, Jonathan Grenfell Hooley, Esquires, Jurats

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 11th February, 2015 approving and ratifying a Projet de Loi of the States of Guernsey entitled “The Fire Services (Guernsey) (Amendment) Law, 2014”, 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 be registered on the records of this Island.

J TORODE
Her Majesty’s Greffier



At the Court at Buckingham Palace

THE 11th DAY OF FEBRUARY 2015

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 Resolutions of 24th September 2008 and 25th June 2014, the States of Deliberation at a meeting on 26th November 2014 approved a Projet de Loi entitled the Fire Services (Guernsey) (Amendment) Law, 2014 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 Fire Services (Guernsey) (Amendment) Law, 2014, and to order that it shall have force of law in the Islands of Guernsey and Herm.

“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 and Herm 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.

Richard Tilbrook

PROJET DE LOI

ENTITLED

The Fire Services (Guernsey) (Amendment) Law, 2014

THE STATES, in pursuance of their Resolutions of the 24th September, 2008^a and the 25th June, 2014^b, 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 and Herm.

Amendments to Fire Services (Guernsey) Law, 1989.

1. The principal Law is amended as follows.

2. Between section 1 and section 2 of the principal Law, insert the following section -

"Agreements to provide equipment or services.

1A. (1) Notwithstanding section 1(c)(i) to (iv) or any provision to the contrary in this Law, the Committee may, by written agreement with any person, provide any of the following in return for payment of a prescribed fee or charge -

^a Article IX of Billet d'État No. XII of 2008.

^b Article V of Billet d'État No. XII of 2014.

- (a) any equipment (including on hire or loan),
- (b) any service in connection with any equipment,
- (c) any service in connection with any of the following -
 - (i) inspection, testing or maintenance of, or consultation in relation to, fire alarm systems (including alarm receiving centres) or emergency lighting systems,
 - (ii) inspection, testing or maintenance of, or consultation in relation to, any equipment or other thing or substance used for fire-fighting, for preventing fires or restricting the spread of fire or otherwise related to fire,
 - (iii) inspection of, or consultation in relation to, controlled premises on which the systems, equipment, things or substances mentioned in subparagraph (i) or (ii) are installed or proposed to be installed,
 - (iv) training or consultation in relation to fire safety, preventing fires or restricting the spread of fire, or otherwise related to

fire,

- (v) preliminary assessment of or consultation in relation to drafts of plans of controlled premises proposed to be deposited with the Environment Department in accordance with building regulations (as mentioned in section 24(1)), or
- (vi) preliminary assessment of or consultation in relation to any application proposed to be made to an Authority of the kind mentioned in section 24(2).

(2) In subsection (1)(a) and (b), the reference to "**equipment**" or "**service**" includes any equipment or service, whether or not in any way connected with fire services.

(3) Subsection (1)(b) and (c) may include the provision of written reports, but excludes fire safety education provided to or in a school or a college of further education.

(4) For the avoidance of doubt, fees or charges prescribed for the purposes of subsection (1) may reflect commercial or market rates or charges (for the provision of similar or comparable equipment and services) even if this results in profit for the Committee."

3. In section 8(4) of the principal Law, omit the expressions "Regulations and" and "regulations or".

4. In section 8(5) of the principal Law -

- (a) omit the expression "Regulations and", and
- (b) in each of paragraphs (a) and (b), for "regulations or codes, as the case may be", substitute "codes".

5. In section 12(2) of the principal Law, for ", in respect of controlled premises, the information required to be stated under subsection (5),", substitute "the address of each controlled premises".

6. For section 12(4) of the principal Law, substitute the following subsections -

"(4) A person who is an occupier of premises must serve on the Committee written notice of the occurrence of each event specified in subsection (4AA) -

- (a) as soon as is reasonably practicable, and in any case within 14 days of the occurrence of the event, and
- (b) in accordance with subsection (4AB).

(4AA) Subsection (4) refers to the following events -

- (a) the premises, not being controlled premises

previously, becoming controlled premises,

- (b) the erection of the premises, being controlled premises,
- (c) the occupier first becoming aware that the premises are controlled premises which have not previously been notified to the Committee as controlled premises under this Law, or
- (d) the premises, being controlled premises previously, ceasing to become controlled premises.

(4AB) Written notice of any event, other than an event specified in subsection (4AA)(d), must be accompanied by the prescribed fee or charge."

7. In section 24 of the principal Law, between subsection (2) and subsection (3), insert the following subsections -

"(2A) Upon being consulted on any application under subsection (2), the Committee may withhold its views on the application until the prescribed fee or charge is paid to the Committee by the person making the application (or by the Authority concerned, on behalf of the person making the application).

(2B) For the avoidance of doubt -

- (a) subsection (2A) has effect notwithstanding any

provision to the contrary in any other enactment, and

- (b) fees or charges prescribed for the purposes of subsection (2A) may include fees or charges for any service which the Committee considers necessary or appropriate to perform or provide at any time, in order to form its views on the application."

8. Between section 24 and section 25 of the principal Law, insert the following sections -

"Recovery of fees and charges.

24A. The Committee may recover any fee or charge payable under this Law or any agreement made under this Law as a civil debt due and payable to the Committee.

Committee may waive fees and charges.

24B. The Committee may at any time in its absolute discretion waive or reduce any fee or charge payable under this Law or any agreement made under this Law."

9. Renumber section 25 of the principal Law, "25(1)", and insert the following subsection immediately after the new section 25(1) -

"(2) Subsection (1) does not apply in respect of the provision of any equipment or service for a fee or charge under section 1A(1)."

10. In section 26(1) of the principal Law, immediately before paragraph (a), insert the following paragraph -

"(aa) amend section 1A, in relation to the kind or description of equipment or services which the Committee may, by agreement, provide in return for the payment of a prescribed fee or charge,".

11. Between section 26 and section 27 of the principal Law, insert the following section -

"General provisions as to regulations.

26A. (1) Regulations under this Law -

- (a) may be amended or repealed by subsequent regulations hereunder,
- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Committee to be necessary or expedient, and
- (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 them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

(2) Any power conferred by this Law to make regulations 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 conditions specified in the regulations.".

12. In section 27(1) of the principal Law -

(a) in the definition of "**building**", for "structure other

than a movable one", substitute "or movable structure", and

- (b) insert in the correct alphabetical order the following definition -

"prescribed fee or charge", in relation to any provision of this Law -

- (a) means any fee or charge prescribed for the purposes of the provision by regulations made by the Committee, and
- (b) for the avoidance of doubt, includes any fee or charge calculated at the rate or in the manner prescribed for the purposes of the provision by regulations made by the Committee,".

Interpretation.

13. (1) In this Law, unless the context requires otherwise –

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

"the principal Law" means the Fire Services (Guernsey) Law, 1989^c, and

^c Ordres en Conseil Vol. XXXI, p. 432; as amended by Ordres en Conseil Vol. XXXVII, p. 454; Recueil d'Ordonnances Tome XXVI, p. 57; Tome XXIX, p. 406. See also Ordres en Conseil Vol. XXVI, p. 264; Vol. XXIX, p. 207; Ordinance No. VII of 2010.

"**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) 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.

Repeals.

14. The following Ordinances are repealed -

- (a) the Ordinance entitled "Ordonnance relative à l'Inspection des Appareils à Incendie dans les Salles Publiques, 1936," made on the 29th February, 1936^d, and
- (b) the Inspection of Fire Fighting Appliances in Public Halls (Amendment) Ordinance, 1982^e.

Saving and exclusion.

15. Nothing in this Law, or the amendments made to the principal Law by this Law, restricts or otherwise affects any agreement between the Committee, on the one hand, and the States of Alderney, the Chief Pleas of Sark or any committee of the States of Alderney or the Chief Pleas of Sark, on the other hand, for the provision of assistance in relation to services or equipment related to fire or other emergencies, whether the agreement is in force at, or made after, the

^d Recueil d'Ordonnances Tome VIII, p. 312; as amended by Tome XXII, p. 173. See also Tome XXVI, p. 57 and Tome XXIX, p. 406.

^e Recueil d'Ordonnances Tome XXII, p. 173.

commencement of this Law.

Citation.

16. This Law may be cited as the Fire Services (Guernsey) (Amendment) Law, 2014.

Commencement.

17. This Law shall come into force on a date specified by regulation made by the Committee.

Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey

PRICE £5.00

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