



GUERNSEY STATUTORY INSTRUMENT

2015 No. 114

**The Environmental Pollution (Guernsey)  
(Amendment) Law, 2015 (Commencement) Order, 2015**

*Made*

*17<sup>th</sup> December, 2015*

*Coming into operation*

*17<sup>th</sup> December, 2015*

**THE PUBLIC SERVICES DEPARTMENT**, in exercise of the powers conferred on it by section 27 of the Environmental Pollution (Guernsey) (Amendment) Law, 2015<sup>a</sup> and all other powers enabling it in that behalf, hereby orders:-

**Commencement of the 2015 Law.**

1. (1) The provisions of the Environmental Pollution (Guernsey) (Amendment) Law, 2015 ("**the 2015 Law**") shall come into force on the 17<sup>th</sup> December, 2015, except as set out in paragraph (2).

(2) The exceptions referred to in paragraph (1) are –

- (a) section 11 of the 2015 Law insofar as it inserts a new section 32A (charging for waste management services)

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<sup>a</sup> Order in Council No. XVI of 2015.

into the Environmental Pollution (Guernsey) Law, 2004, and

(b) section 24 of the 2015 Law (amendment to the Competition (Guernsey) Ordinance, 2012).

(3) For the avoidance of doubt, section 11 of the 2015 Law, insofar as it substitutes a new section 32 (public waste management sites) into the Environmental Pollution (Guernsey) Law, 2004 is brought into force in accordance with paragraph (1).

**Interpretation.**

3. (1) In this Order, "**the 2015 Law**" means the Environmental Pollution (Guernsey) (Amendment) Law, 2015.

(2) The Interpretation (Guernsey) Law, 1948<sup>b</sup> applies to the interpretation of this Order.

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

**Citation and commencement.**

4. This Order may be cited as the Environmental Pollution (Guernsey) (Amendment) Law, 2015 (Commencement) Order, 2015 and shall come into force on the 17th December, 2015.

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<sup>b</sup> Ordres en Conseil Vol. XIII, p. 355.

Dated this 17th day of December, 2015

A handwritten signature in black ink, appearing to be 'S. J. Ogier', written in a cursive style.

S. J. Ogier

Minister of the States Public Services Department

For and on behalf of the Department

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force most provisions of Environmental Pollution (Guernsey) (Amendment) Law, 2015 (the 2015 Law) on the 17th December, 2015. The 2015 Law makes amendments to the Environmental Pollution (Guernsey) Law, 2004 (the 2004 Law) and certain other consequential amendments to other legislation.

In particular, the parts of the 2015 Law brought into force –

- amend the functions of the Waste Disposal Authority ("WDA") to clarify that they cover the recovery as well as the disposal of waste;
- amend the current power of the WDA to prescribe by Regulations the charges for acceptance of waste at public waste management sites;
- amend section 33 of the 2004 Law to add applications for waste licences, for operations which might divert waste from strategically important WDA facilities, to those applications to which the special provisions of this section have to be applied by the Director of Environmental Health and Pollution Regulation (the Director);
- transfer certain water pollution functions of the Public Services Department to the Director and make related amendments to sampling and enforcement powers; and
- add a standard exclusion of liability provision for the Director for anything not done in bad faith.

Amendments made by the 2015 Law to insert a new section 32A into the 2004 Law and to amend the Competition (Guernsey) Ordinance, 2012 are not commenced and will be commenced at a later date.

