



The Import (Control) (Guernsey) (Amendment) Order, 2020

Made

14 December, 2020

Coming into operation

See Article 5

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by article 1 of the Import and Export (Control) (Guernsey) Law, 1946^a and of all other powers enabling it in that behalf, hereby makes the following order:-

Brexit-related amendments to Order of 2010 .

1. (1) The Import (Control) (Guernsey) Order, 2010^b ("the principal Order") is amended as follows.

(2) In article 14(1) of the principal Order –

(a) for the definitions of "customs territory" and "goods in free circulation in the European Union", substitute the following definitions respectively –

"customs territory" means –

^a Ordres en Conseil Vol. XII, p. 332; amended by Vol. XXIII, p. 573; Vol. XXXIII, p. 246; Order in Council No. XIV of 2007; Ordinance No. XXXIII of 2003 and No. IX of 2016; the Law is applied to the island of Herm by Recueil d'Ordonnances Tome IX, p. 247.

^b G.S.I. No. 39 of 2010; amended by Ordinance Nos. I, IX and XXI of 2016; G.S.I. No. 68 of 2010; Nos. 8 and 23 of 2012; No. 47 of 2013; Nos. 45 and 70 of 2014; Nos. 17, 52 and 102 of 2015; No. 101 of 2019.

(a) the customs territory described in Article 4 of Regulation (EU) No 952/2013, and

(b) the British Islands,

taken collectively," and

"goods in free circulation in the customs territory" means goods which, prior to their importation into the Island, have satisfied the conditions in –

(a) Article 29 of the Treaty on the Functioning of the European Union, or

(b) any equivalent or comparable provision of an enactment in force in any country in the British Islands",

(b) delete the definition of **"European Union"**, and

(c) in paragraph (b) of the definition of **"Member State"**, for "includes the Bailiwick", substitute "is deemed to include the Bailiwick and any other country in the British Islands".

(3) In Schedule 3 to the principal Order, in paragraph (2)(c), immediately after "directive", insert "or any equivalent or comparable enactment in force in the Bailiwick or any other country in the British Islands".

(4) In Schedule 8 to the principal Order –

(a) in paragraph 1, in entry (b) of Table 1 –

- (i) in column 2, immediately after "customs territory", insert "(within the meaning of that Regulation)", and
 - (ii) in column 3, immediately after "customs territory", insert "(within the meaning of article 14(1) of this Order)",
- (b) in paragraph 2 –
- (i) in both subparagraphs (a) and (b), for "European Union" in each place that the expression occurs, substitute "customs territory", and
 - (ii) at the end of subparagraph (b), insert "or any equivalent or comparable enactment in force in any country in the British Islands.", and
- (c) in Table 2 of paragraph 2, in both entries 1 and 2, in column 4, for "European Union" in each place that the expression occurs, substitute "customs territory".

Other amendments to Order of 2010.

2. (1) The principal Order is also amended as follows.
- (2) In Schedule 3 to the principal Order, in paragraph 3(f), immediately after "Director of Public Health", insert ", or any person appointed as Chief Pharmacist or Medical Director by the Committee for Health & Social Care".
- (3) In Schedule 7 to the principal Order, delete paragraph 10A.
- (4) In Schedule 8 to the principal Order, in Table 1 of paragraph 1, immediately after entry (d), insert the following entry –

"(da)	Any other goods the importation into the European Union of which is prohibited under any Community Regulation	Anywhere outside the customs territory".
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Interpretation.

3. In this Order, "the principal Order" means the Import (Control) (Guernsey) Order, 2010.

Citation.

4. This Order may be cited as the Import (Control) (Guernsey) (Amendment) Order, 2020.

Commencement.

5. (1) Subject to paragraph (2), this Order comes into force on the day after the day on which it is signed.

(2) Article 1 of this Order comes into force on exit day; and for this purpose "exit day" has the meaning given by section 12(1) of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018^c.

Dated this 14 day of December, 2020



R. G. PROW

President of the States Committee for Home Affairs
For and on behalf of the Committee

^c Order in Council No. I of 2019; as amended by G.S.I. No. 6 of 2020.

EXPLANATORY NOTE

(This note is not part of this Order)

This Order amends the Import (Control) (Guernsey) Order, 2010 ("**the principal Order**").

Article 1 of this Order makes amendments to the principal Order to make provision for the UK leaving the European Union.

Article 1(2) of this Order substitutes the definitions of "**customs territory**" and "**goods in free circulation in the European Union**" in article 14(1) of the principal Order with definitions that would treat the UK and the Crown Dependencies as part of the customs territory for the purposes of the principal Order. Goods effectively in free circulation throughout the European Union, the UK or any of the Crown Dependencies would also be treated as if they were in free circulation in the customs territory.

In addition, the definition of "**European Union**" in the principal Order would be deleted, while the definition of "**Member State**" in the principal Order would be extended to include the UK and each of the Crown Dependencies.

Article 1(3) of this Order amends Schedule 3 to the principal Order to extend the reference to registration of a homeopathic medicinal product under Directive 2001/83/EC to the registration of such products under any equivalent enactment in force in the UK or any of the Crown Dependencies.

Article 1(4) of this Order amends Schedule 8 to the principal Order to substitute "European Union" with "customs territory", clarify the meaning of references to "customs territory" and extend references to EU Regulations to include equivalent enactments in force in the UK or any of the Crown Dependencies.

Article 2 of this Order makes other amendments to the principal Order.

Article 2(2) of this Order amends Schedule 3 to the principal Order to permit each of the Chief Pharmacist and Medical Director (in addition to the Director of Public Health) to authorise the importation of medicinal products.

Article 2(3) and (4) of this Order amends Schedules 7 and 8 to the principal Order. These amendments clarify that the prohibition of unlicensed importation of goods, the importation into the European Union of which is prohibited under any Community Regulation, only applies to goods originating from outside the customs territory.

Articles 3, 4 and 5 of this Order are the interpretation, citation and commencement provisions respectively.

Article 1 (Brexit-related amendments to Order of 2010) of this Order comes into force on the day declared to be "exit day" by Order made under the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018. The rest of this Order comes into force on the day after this Order is signed.