

No. 3 - 2020

**The Import (Control) (Alderney) (Amendment) (No. 2) Order,
2020**

Made

31 December, 2020

Coming into operation

See Article 3

THE STATES OF ALDERNEY POLICY AND FINANCE COMMITTEE, in exercise of the powers conferred on it by article 1 of the Import and Export (Control) (Alderney) Law, 1946^a and of all other powers enabling it in that behalf, hereby makes the following order:-

Amendments to Import Order.

1. (1) The Import (Control) (Alderney) Order, 2010^b is amended as follows.
- (2) After Part 1, insert –

"PART 1A
SPS IMPORT CONTROLS

^a Ordres en Conseil No. XII, p. 367; amended by Ordres en Conseil Vol. XXXI, p. 396; Order in Council No. XXI of 2003 and No. XIV of 2007.

^b A.S.I. No. 3 of 2010; amended by Ordinances No. IX of 2016 and No. II of 2019; A.S.I. No. 4 of 2010; Nos. 1, 3 and 6 of 2012; No. 6 of 2013; Nos. 5 and 7 of 2014; Nos. 2, 4 and 5 of 2015; prospectively amended by A.S.I. No. 2 of 2019.

Prohibition of importation of non-GBCD SPS goods.

9A. Subject to article 9B, no person shall import any SPS goods that originate in, or as the case may be, are consigned from a third country.

Importation of EU-EEA SPS goods permitted under Special Import Licence.

9B. (1) Article 9A does not prohibit the importation of any goods originating in, or as the case may be, consigned from the European Union or the EEA when imported under the authority, and in accordance with the conditions, of a licence in writing granted by the Competent Authority under this article on the making of an application in such form, and on payment of such fee, as the Competent Authority may prescribe by notice from time to time.

(2) A licence granted under this article shall be referred to as a "Special Import Licence".

(3) A Special Import Licence may only be granted to natural or legal persons –

(a) resident, established or with a place of business in the Bailiwick, or

(b) in the business of transporting freight.

(4) Subject to paragraphs (5) and (6), articles 4 to 9 apply to Special Import Licences as they apply to licences granted under Part 1.

(5) In their application to Special Import Licences, in articles 4 to 9 "the Committee" shall be read as "the Competent Authority"; and for the avoidance of doubt, the conditions subject to which a Special Import Licence may be granted may

include (without limitation and by way of example) restrictions in respect of where the goods which are the subject of the licence may be consumed, and restrictions on the export of such goods from the Bailiwick; and, in respect of live animals, conditions in respect of access to, the inspection of, and (if determined necessary) the isolation of the animals which are the subject of the licence

(6) Article 5 (Registration with the Committee) shall only apply to Special Import Licences from 1st April 2021, and thereafter such apply as if at the end there were inserted the words ", and shall give to the Competent Authority such further information and shall comply with such further conditions in relation to registration as the Competent Authority may from time to time set out in writing."

Interpretation of this Part.

9C. (1) In this Part –

"EEA" means the European Economic Area,

"**third country**" means any country or territory outside the British Islands, and

"**SPS goods**" means [goods subject to the Preserved OCR].

(2) In this Part, the "**Competent Authority**" means the States of Alderney Policy and Finance Committee."

(3) In Schedule 8, at the end of paragraph 6(e) insert "(with the exception of milk within the meaning of section 1 of the Milk (Control) (Guernsey) Ordinance, 2016)", and after paragraph 20 insert –

"21. Dangerous products within the meaning of the General Product Safety Regulations (U. K. S. I. 2005/1803)".

Citation.

2. This Order may be cited as the Import (Control) (Alderney) (Amendment) (No.2) Order, 2020.

Commencement.

3. 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 day of December, 2020

J. DENT
Chairman of the Policy and Finance Committee
For and on behalf of the Committee

^c Order in Council No. I of 2019.

EXPLANATORY NOTE

(This note is not part of this Order)

This Order amends the Import (Control) (Alderney) Order, 2010 ("**the principal Order**") to create restrictions and controls in respect of food safety and animal and plant health.

DAVID KNIGHT
Alderney Greffier

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