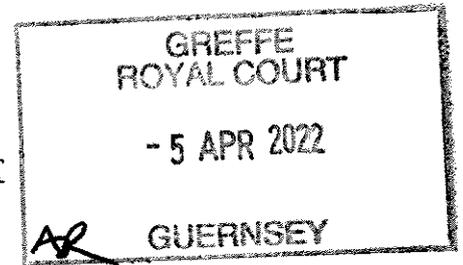


GUERNSEY STATUTORY INSTRUMENT

2022 No. **23**



**The Export Control (Miscellaneous Goods) (Bailiwick of Guernsey)
(Amendment) Order, 2022**

<i>Made</i>	4 th April, 2022
<i>Coming into operation</i>	4 th April, 2022
<i>Laid before the States</i>	, 2022

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by sections 1 and 7 of the Export Control (Bailiwick of Guernsey) Law, 2006^a and of all other powers enabling it in that behalf, hereby makes the following order:-

Amendment to Order of 2010.

1. The Export Control (Miscellaneous Goods) (Bailiwick of Guernsey) Order, 2010^b ("the principal Order") is amended as follows.

2. In article 3 of the principal Order, for paragraphs (a) and (b), substitute the following paragraphs –

"(aa) in the case of goods specified in entry 2 of Schedule 5,
by the Director,

(a) in the case of goods exported from the Island of
Alderney, other than those mentioned in paragraph
(aa), by the Committee, and

^a Order in Council No. XIV of 2007. This enactment has been amended.

^b G.S.I. No. 38 of 2010. This enactment has been amended.

- (b) in any other case, by the Committee for Home Affairs."

3. In article 8 of the principal Order, for paragraph (6), substitute the following paragraph –

"(6) In this article, "**authorised person**" means –

- (a) in the case of a general licence granted by the Director, the Director or any person authorised by the Director,
- (b) in the case of a general licence granted by the Committee, any person authorised by the Committee, and
- (c) in the case of a general licence granted by the Committee for Home Affairs –
 - (i) the Chief Officer,
 - (ii) any person authorised by the Chief Officer, or
 - (iii) any person authorised by the Committee for Home Affairs."

4. In article 10(13)(a) of the principal Order, immediately after "Home Affairs", insert "or the Director".

5. In article 17(1) of the principal Order, for "Department, Committee," substitute "Committee".

6. In article 18 of the principal Order, for paragraph (b), substitute the following paragraph –

"(b) may be sent to the Director (in the case of a notice for the Director), the Chief Executive of the States of Alderney (in the case of a notice for the Committee) or the Chief Officer (in the case of a notice for the Committee of Home Affairs), at their respective principal offices."

7. In article 19(1) of the principal Order –

(a) insert, in the appropriate alphabetical order, the following definition –

"**the Director**" means the person appointed as Director of Environmental Health and Pollution Regulation under section 4 of the Environmental Pollution (Guernsey) Law, 2004," and

(b) in the definition of "**licensing authority**", immediately before paragraph (a), insert the following paragraph –

"(aa) in relation to a licence granted or that may be granted by the Director, means the Director,"

8. In Schedule 5 to the principal Order, for entry 2, substitute the entry set out in the Schedule to this Order.

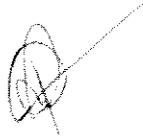
Citation.

9. This Order may be cited as the Export Control (Miscellaneous Goods) (Bailiwick of Guernsey) (Amendment) Order, 2022.

Commencement.

10. This Order comes into force on 28th March, 2022.

Dated this 4th day of April, 2022

A handwritten signature in black ink, appearing to be 'R. Prow', with a long horizontal line extending to the right.

DEPUTY ROBERT PROW

President of the States Committee for Home Affairs

For and on behalf of the Committee

SCHEDULE

NEW ENTRY TO SUBSTITUTE FOR ENTRY 2 IN SCHEDULE 5 TO THE PRINCIPAL
ORDER

Article 8

<p>"2.</p>	<p>(a) Any controlled substance listed in Annex A, B, C or E where –</p> <p>(i) the substance is a bulk gas contained in any canister, tank or other container, or</p> <p>(ii) the substance is listed in Annex A and contained in a product –</p> <p>(A) listed in Annex D, and</p> <p>(B) consigned to any State that is not a party to the Montreal Protocol, within the meaning of Article 4 of the Montreal Protocol.</p> <p>(b) In this entry –</p> <p>"Annex" refers to an Annex to the Montreal Protocol,</p> <p>"the Beijing amendment" means the Beijing Amendment (1999): the Amendment to the Montreal Protocol agreed by the Eleventh Meeting of the Parties (Beijing, 29 November – 3 December, 1999),</p> <p>"controlled substance" –</p> <p>(i) has the meaning given by Article 1(4) of the Montreal Protocol, and</p> <p>(ii) for the avoidance of doubt, includes any new, used, recycled or reclaimed controlled substance, within the meaning given by that provision of the Montreal Protocol, and</p> <p>"the Montreal Protocol" means the Montreal Protocol on Substances that Deplete the Ozone Layer, agreed on 16</p>	<p>Anywhere outside the British Islands".</p>
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September 1987, as amended and adjusted up to and including the Beijing Amendment.	
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EXPLANATORY NOTE

(This note is not part of this Order)

This Order amends the Export Control (Miscellaneous Goods) (Bailiwick of Guernsey) Order, 2010 ("**the principal Order**") to give effect to export restrictions in the Montreal Protocol on Substances that Deplete the Ozone Layer ("**Montreal Protocol**"), as amended and adjusted up to the Beijing Amendment (1999): the Amendment to the Montreal Protocol agreed by the Eleventh Meeting of the Parties (Beijing, 29 November – 3 December, 1999) ("**the Beijing Amendment**").

Article 2 of this Order amends article 3 of the principal Order to authorise the Director of Environmental Health and Pollution Regulation ("**the Director**") to grant licences for the exportation of ozone depleting substances prescribed in the substituted entry 2 of Schedule 5 to the principal Order.

Article 3 of this Order amends article 8 of the principal Order to provide for the Director and persons authorised by the Director to carry out the functions of authorised persons in relation to general licences granted by the Director.

Article 4 of this Order amends article 10(13)(a) of the principal Order to provide for the Royal Court of Guernsey to hear and determine appeals against licensing decisions made by the Director under the principal Order.

Article 5 of this Order amends article 17(1) of the principal Order to delete the reference to "Department" as licensing and permitting functions under the principal Order are now discharged by Committees rather than Departments.

Article 6 of this Order amends article 18 of the principal Order to provide for notices to be given to the Director.

Article 7 of this Order inserts a definition of "**the Director**" and amends the definition of "**licensing authority**" in article 19(1) of the principal Order to provide for licences granted by the Director.

Article 8 of this Order substitutes entry 2 in Schedule 5 to the principal Order with a revised entry that prescribes the controlled substances the exportation of which are prohibited under the Montreal Protocol (as amended and adjusted up to the Beijing Amendment). The exportation of these substances to any country or area outside the British Islands would be prohibited.

Articles 9 and 10 of this Order are the citation and commencement provisions respectively.

This Order comes into force on 4th April, 2022.

