

The Import (Control) (Guernsey) (Amendment) Order, 2022

Made 4th April, 2022

Coming into operation 4th April, 2022

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:-

Amendments to Order of 2010.

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

2. For article 3 of the principal Order, substitute the following article –

"Importation permitted under licence.

3. (1) Article 1(1) does not prohibit the importation of any goods under the authority, and in accordance with the conditions, of a licence in writing granted –

(a) in the case of an ozone depleting substance, by the Director, and

^a Ordres en Conseil Vol. XII, p. 332. This enactment has been amended. 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. This enactment has been amended.

(b) in the case of any other goods, by the Committee.

(2) In this article, "**ozone depleting substance**" means a substance the importation of which is prohibited under this Order by reason only of its inclusion in entry (b) of Table 1 in paragraph 1 of Schedule 8."

3. In the following provisions of the principal Order, for "Committee" in each place where the expression occurs, substitute "licensing authority" –

- (a) article 4,
- (b) article 5, including its heading,
- (c) article 6(4),
- (d) article 8,
- (e) article 9(1), (2), (3), (4), (5), (6)(b), (7), (8) and (9)(a), and
- (f) the definition of "**general licence**" in article 14(1).

4. In article 6 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 Committee –
 - (i) the Chief Officer,

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

5. In article 11(1) of the principal Order, for "Department", substitute "Committee".

6. For article 12 of the principal Order, substitute the following article –

"Service of notices.

12. A notice to be given to the Committee or the Director by a person under this Order –

- (a) may be given by an agent of the person, and
- (b) may be sent to the Chief Officer (in the case of a notice for the Committee) or the Director (in the case of a notice for the Director) at their respective principal offices."

7. In article 14(1) of the principal Order, insert the following definitions in the appropriate alphabetical order –

""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

""the licensing authority", in relation to the granting of a licence or any decision in relation to a licence, means the Committee, or as the case may be, the Director, being the person that granted the licence or has made, or is to make, the decision in relation to the licence,".

8. In Table 1 in paragraph 1 of Schedule 8 to the principal Order, for entry (b), substitute the entry set out in the Schedule to this Order.

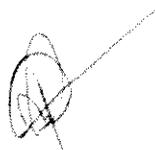
Citation.

9. This Order may be cited as the Import (Control) (Guernsey) (Amendment) Order, 2022.

Commencement.

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

Dated this 4th day of April, 2022



DEPUTY ROBERT PROW

President of the States Committee for Home Affairs

For and on behalf of the Committee

SCHEDULE

NEW ENTRY TO SUBSTITUTE ENTRY (b) IN TABLE 1 IN PARAGRAPH 1 OF
SCHEDULE 8 TO THE PRINCIPAL ORDER

Article 8

"(b)	<p>(1) Any controlled substance listed in Annex A, B, C or E where –</p> <ul style="list-style-type: none">(A) the substance is a bulk gas contained in any canister, tank or other container, or(B) the substance is listed in Annex A and contained in a product –<ul style="list-style-type: none">(i) listed in Annex D, and(ii) consigned from any State that is not a party to the Montreal Protocol, within the meaning of Article 4 of the Montreal Protocol. <p>(2) 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> <ul style="list-style-type: none">(A) has the meaning given by Article 1(4) of the Montreal Protocol, and(B) 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	Anywhere outside the British Islands".
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	<p>"the Montreal Protocol" means the Montreal Protocol on Substances that Deplete the Ozone Layer, agreed on 16 September 1987, as amended and adjusted up to and including the Beijing Amendment.</p>	
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EXPLANATORY NOTE

(This note is not part of this Order)

This Order amends the Import (Control) (Guernsey) Order, 2010 ("**the principal Order**") to give effect to import 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**"). This Order also updates provisions relating to import restrictions on medicinal products and clarifies that import restrictions on goods the importation of which are prohibited by Community Regulations only apply in respect of goods being imported from outside the customs territory.

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 importation of ozone depleting substances prescribed in the substituted entry (b) of Table 1 below paragraph 1 of Schedule 8 to the principal Order.

Article 3 of this Order amends various provisions of the principal Order to substitute "the licensing authority" for "the Committee", in order to reflect the fact that both the Director and the Committee for Home Affairs would be authorised to grant import licences (in different cases).

Article 4 of this Order amends article 6 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 5 of this Order updates article 11(1) of the principal Order to refer to "Committee" instead of "Department", as functions under the principal Order are now discharged by Committees rather than Departments.

Article 6 of this Order substitutes article 12 of the principal Order with a revised article 12, to

provide for notices given to the Director, as well as those given to the Committee for Home Affairs.

Article 7 of this Order inserts definitions of "**the Director**" and "**the licensing authority**" in article 14(1) of the principal Order.

Article 8 of this Order amends Table 1 in paragraph 1 of Schedule 8 to the principal Order. This amendment substitutes entry (b) with a revised entry that prescribes the controlled substances the importation of which are prohibited under the Montreal Protocol (as amended and adjusted up to the Beijing Amendment). The importation of these substances from anywhere outside the British Islands would be prohibited (unless licensed).

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

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