

ORDER IN COUNCIL

X
1979

ratifying a Projet de Loi

ENTITLED

The Health and Safety at Work etc. (Guernsey) Law, 1979

(Registered on the Records of the Island of Guernsey
on the 13th November, 1979.)



1979

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 13th day of November, 1979, before Charles Keith Frossard, Esquire, Deputy Bailiff; present:—Stanley Walter Gavey, Esquire, O.B.E., Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Oliver Symons, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., Lionel Walter Sarre, Esquire, M.B.E., K.P.M. and Sydney Haydn Heard, Esquire, M.B.E., Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of October, 1979, ratifying a *Projet de Loi* entitled "The Health and Safety at Work etc. (Guernsey) Law, 1979", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 19th day of October 1979

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 17th day of September 1979 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 26th day of November 1975, the States of Deliberation at a meeting held on the 31st day of May 1978 approved a Bill or “Projet de Loi” entitled “The Health and Safety at Work etc. (Guernsey) Law, 1979”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Health and Safety at Work etc. (Guernsey) Law, 1979”, and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou.’

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Herm and Jethou.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. E. Leigh

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Health and Safety at Work etc. (Guernsey) Law, 1979

THE STATES, in pursuance of their Resolution of the twenty-sixth day of November, nineteen hundred and seventy-five, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

1. (1) In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpreta-
tion.

“authority” means any person entrusted with powers, or upon whom duties are imposed, by the States;

“the Committee” means the States Labour and Welfare Committee or such other Committee of the States as may for the time being be responsible for the administration of this Law in pursuance of a Resolution of the States passed under this Law;

“contract of employment” means a contract of employment or apprenticeship (whether express or implied and, if express, whether oral or in writing);

“employee” means an individual who works under a contract of employment;

“premises” includes any place and, in particular, includes—

- (a) any vehicle, vessel, aircraft or hovercraft;
- (b) any installation on land (including the foreshore and other land intermittently covered by water), any offshore installation, and any other installation (whether floating, or resting on the seabed or the subsoil thereof, or resting on other land covered with water or the subsoil thereof); and
- (c) any tent or movable structure;

“self-employed person” means an individual who works for gain or reward otherwise than under a contract of employment, whether or not he himself employs others;

“undertaking” means any undertaking by way of trade or business.

(2) Subject to the next following subsection, for the purposes of this Law—

- (a) “work” means work as an employee or as a self-employed person;
- (b) an employee is at work throughout the time when he is in the course of his employment, but not otherwise; and
- (c) a self-employed person is at work throughout such time as he devotes to work as a self-employed person;

and the expressions “work” and “at work” shall be construed accordingly.

(3) The States may from time to time by Ordinance extend the meanings of “work” and “at work” for the purposes of this Law.

Administration.

2. The Committee shall be responsible for carrying out the provisions of any Ordinance made under this Law except for the carrying out of such pro-

visions, if any, as the States may require to be carried out by some other authority.

3. (1) The States may from time to time by Ordinance provide—

Powers of
the States to
make
Ordinances.

- (a) for securing the health, safety and welfare of persons at work;
- (b) for protecting persons, other than persons at work, against risks to health and safety arising out of or in connection with the activities of persons at work;
- (c) for regulating or prohibiting the importation, production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition or use of explosive or highly flammable or otherwise dangerous substances;
- (d) for controlling the emission into the atmosphere of noxious or offensive substances from any premises;
- (e) for the entry into and inspection of any premises for any purpose connected with the exercise of powers conferred under this Law;
- (f) for the taking and detention of samples of any article or substance found in any premises, and of the atmosphere in or in the vicinity of any premises, for any purpose connected with the exercise of powers conferred under this Law;
- (g) for any incidental and supplementary matters for which the States deem it expedient for the purposes of the Ordinance to provide;

and may from time to time make such provision, including provision for requiring any person to

furnish any information and to keep any record, as the States think necessary or expedient for facilitating the introduction or operation of a scheme of control for which provision has been made, or for which, in the opinion of the States, it will or may be found necessary or expedient that provision should be made under this Law.

(2) An Ordinance made under this Law may prohibit the doing of anything regulated by the Ordinance except under the authority of a licence granted by the Committee or some other authority or person as may be specified in the Ordinance, and may be made so as to apply either to persons or undertakings generally or to any particular person or undertaking, and so as to have effect either generally or in any particular area.

Offences.

4. Save as otherwise expressly provided by that Ordinance, any person who contravenes or attempts to contravene or fails to comply with any of the provisions of any Ordinance made under this Law or any direction or requirement imposed under or by virtue of that Ordinance shall be guilty of an offence under that Ordinance.

**Penalties,
etc.**

5. The States may from time to time by Ordinance—

(a) prescribe the penalties which shall be incurred by any person guilty of an offence under any Ordinance made under this Law, and different penalties may be so prescribed for different offences;

(b) provide that where a person is convicted of an offence under any such Ordinance—

(i) in respect of any matters which appear to the Court to be matters which it is

in the power of that person to remedy, the Court may, in addition to, or instead of, imposing any penalty, order that person, within such time as may be fixed by the order, to take such steps as may be specified in the order for remedying the said matters;

- (ii) in respect of any article or substance, the Court may order the article or substance in question to be forfeited and either destroyed or dealt with in such other manner as the Court may order.

6. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Variation of Ordinances.

7. (1) The States may by Ordinance repeal or modify any of the Laws mentioned in the Schedule to this Law.

Repeals, transitional provisions and savings.

(2) An Ordinance made under this section may contain such transitional provisions and savings as appear to the States to be necessary or expedient.

8. This Law may be cited as the Health and Safety at Work etc. (Guernsey) Law, 1979.

Citation.

SCHEDULE

Section seven

Laws which the States may repeal or modify by Ordinance under section seven of this Law

The Explosives (Guernsey) Law, 1905(a).

The Explosives (Guernsey) (Amendment) Law, 1914(b).

The Law entitled "The Explosives (Guernsey) (Amendment) Law, 1951", registered on the seventeenth day of February, nineteen hundred and fifty-one(c).

The Law entitled "Loi relative aux Huiles ou Essences Minérales, ou autres substances de la même nature, 1924", registered on the fifth day of April, nineteen hundred and twenty-five(d).

The Law entitled "Loi supplémentaire à la Loi relative aux Huiles ou Essences Minérales ou autres substances de la même nature (1927)", registered on the sixteenth day of July, nineteen hundred and twenty-seven(e).

The Law entitled "Loi ayant rapport à l'Emploi de Femmes, de Jeunes Personnes et d'Enfants", registered on the twentieth day of November, nineteen hundred and twenty-six(f).

The Law entitled "The Health, Safety and Welfare of Employees Law, 1950", registered on the twenty-second day of April, nineteen hundred and fifty(g).

The Poisonous Substances (Guernsey) Law, 1958(h).

K. H. TOUGH,

Her Majesty's Deputy Greffier.

(a) Ordres en Conseil Vol. III, p. 414 and 473.

(b) Ordres en Conseil Vol. V, p. 30.

(c) Ordres en Conseil Vol. XV, p. 11.

(d) Ordres en Conseil Vol. VII, p. 324.

(e) Ordres en Conseil Vol. VIII, p. 149.

(f) Ordres en Conseil Vol. VIII, p. 29.

(g) Ordres en Conseil Vol. XIV, p. 312.

(h) Ordres en Conseil Vol. XVII, p. 378.