

PROJET DE LOI

ENTITLED

The Public Health (Vessels and Aircraft) (Guernsey) Law, 1950 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XIV, p. 402; as amended by the Public Health and Related Offences (Increase in Fines) (Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 239); the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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ARRANGEMENT OF SECTIONS

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THE STATES, in pursuance of their Resolution of the 19th day of April, 1950, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council shall have force of law in this Island and in the Islands of Alderney, Herm and Jethou.

Definitions.

1. In this Law –

"Coastal waters" means waters within a distance of three nautical miles from any point on the coast measured from low water mark of ordinary spring tides,

"[The Committee]" means the States [Committee for Health & Social Care],

"The Island" includes the Islands of Alderney, Herm and Jethou,

"Vessel" includes any ship or boat, or any other description of vessel used in navigation.

NOTES

In section 1, the words in the first and second pairs of square brackets in the definition of the expression "The Committee" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 6 and section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of these Regulations were transferred to and vested in, respectively,

*the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*²

Power of Committee to make orders.

2. (1) Subject to the provisions of this Law, [the Committee] may, as respects the whole or any part of the Island, including the coastal waters thereof, make provision by order –

- (a) for preventing danger to public health from vessels or aircraft arriving in the Island, and
- (b) for preventing the spread of infection by means of any vessel or aircraft leaving the Island, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any other country,
- (c) with a view to the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases,

and, without prejudice to the generality of the foregoing, may by any such order apply, with or without modifications, to any disease to which the order relates, any enactment relating to the notification of diseases or to notifiable diseases:

PROVIDED THAT, before making any order under this paragraph, [the Committee] shall consult with the States [Committee for Health & Social Care].

(2) Any order made under this section may provide for –

- (a) the signals to be displayed by vessels or aircraft having on board any case of epidemic, endemic or infectious disease,

- (b) the questions to be answered by masters, pilots and other persons on board any vessel or aircraft as to cases of such disease on board during the voyage or on arrival,
- (c) the duties to be performed in cases of such diseases by masters, pilots and other persons on board vessels or aircraft,
- (d) the monetary penalties in respect of any contravention of or failure to comply with any provisions of the order, so, however, that such penalties shall not exceed the amounts specified in section 4 of this Law,
- (e) the detention of vessels or aircraft or of persons on board them,

and may authorise the making of charges and provide for the recovery of such charges and of any expenses incurred in disinfection.

(3) Every order made under this section shall be laid before the States as soon as may be after it is made, and if the States (at the meeting at which such order is laid before them, or at their next subsequent meeting) resolve that it be annulled, it shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new order.

NOTES

In section 2,

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016;

the words "Committee for Health & Social Care" in the second pair of square brackets in the Proviso to subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.³

*The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of these Regulations were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*⁴

The following Orders have been made under section 2:

*Public Health (Aircraft) (Guernsey) Order, 1974;
Public Health (Vessels) (Guernsey) Order, 1974;
Public Health (Aircraft) (Amendment) (Guernsey) Order, 1975;
Public Health (Vessels) (Amendment) (Guernsey) Order, 1975;
Public Health (Aircraft) (Guernsey) (Amendment) Order, 2009;
Public Health (Vessels) (Guernsey) (Amendment) Order, 2009;
Public Health (Vessels) (Guernsey) (Amendment) Order, 2015.*

Power of entry.

3. The Medical Officer of Health, and any person generally or specially authorised in writing in that behalf by [the Committee], subject to the production by him if so required of evidence of his authority, shall have power to enter any premises, vessel or aircraft for the purpose of executing, or superintending the execution of, any order made under this Law.

NOTE

In section 3, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Offences.

4. Any person who wilfully neglects or refuses to obey or carry out, or obstructs the execution of the provisions of any order made under this Law shall, in a case where no provision is made by the order for his punishment, be liable to a fine not exceeding [level 4 on the uniform scale] and, in the case of a continuing offence, to a further fine not exceeding [£200] for every day on which the offence continues after conviction therefor.

NOTES

In section 4,

the words and figure in the first pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;⁵

the symbol and figures in the second pair of square brackets were substituted by the Public Health and Related Offences (Increase in Fines) (Guernsey) Law, 1986, section 1, Schedule, with effect from 16th December, 1986.

The Law received Royal Sanction on 21st July, 1950 and was registered on the Records of the Island of Guernsey and came into force on 12th August, 1950.

¹ The words "Committee for Health & Social Care" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey)

Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Board of Health and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

³ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(e), Schedule 2, paragraph 2(e), with effect from 6th May, 2004.

⁴ The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(e), Schedule 2, paragraph 2(e), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

⁵ These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) (Guernsey) Law, 1986, section 1, Schedule, with effect from 16th December, 1986.