

# PROJET DE LOI

ENTITLED

## **The Health and Safety at Work (Alderney) Law, 1997** \*

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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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\* No. XXXI of 1997 (Ordres en Conseil Vol. XXXVII, p. 518). This Law is applied to certain types of work carried on by persons within the territorial waters of Alderney by the Renewable Energy (Alderney) Law, 2007 (No. XII of 2008).

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## **The Health and Safety at Work (Alderney) Law, 1997**

### ARRANGEMENT OF SECTIONS

1. Power of States to make Ordinances as to health and safety matters.
2. Administration of legislation.
3. Offences.
4. Interpretation.
5. Citation.

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## **The Health and Safety at Work (Alderney) Law, 1997**

**THE STATES**, in pursuance of their Resolution of the 5<sup>th</sup> March, 1997, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

### **Power of States to make Ordinances as to health and safety matters.**

1. (1) The States may by Ordinance provide –
  - (a) for securing the health, safety and welfare of persons at work,
  - (b) for protecting persons, other than persons at work, against risk 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 extending, for the purposes of this Law, the meanings of the expressions "work" and "at work" in section 4,
- (h) for the penalties which shall be incurred by any person guilty of an offence under an Ordinance under this Law, and different penalties may be prescribed for different offences,
- (i) that where a person is convicted of an offence under an Ordinance under this Law –
  - (i) in respect of any matters which appear to the Court to be matters which it is within 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,

- (j) for repealing or amending any provision of the Law entitled "Loi relative aux Explosifs", 1905<sup>a</sup>,
  - (k) 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 to make provision under this Law; and such an Ordinance may (without limitation) include provision for requiring any person to furnish any information and to keep any record,
  - (l) for any ancillary, incidental and supplementary matters.
- (2) An Ordinance under this Law –
- (a) may prohibit the doing of anything regulated by the Ordinance except under the authority of a licence granted by the States Policy and Finance Committee or some other authority or person specified in the Ordinance, subject to the payment of such fee as may be specified by Ordinance,
  - (b) 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,
  - (c) may be amended or repealed by a subsequent

Ordinance hereunder,

- (d) may make such provision, including transitional, consequential, incidental, supplementary and savings provisions, as may appear to the States to be necessary or expedient for the purposes of the Ordinance.

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## NOTES

*The following Ordinance has been made under section 1:*

*Health and Safety at Work (Alderney) Ordinance, 2003.*

*In accordance with the provisions of the Renewable Energy (Alderney) Law, 2007, section 5C(1), with effect from 30th March, 2013, this Law and any provisions made under it shall, subject to section 5C(3) of the 2007 Law and to any exceptions that the States may by Ordinance provide, apply to and in relation to persons at work (within the meaning of this Law) within the territorial waters of Alderney where such work is carried on in connection with the matters set out in the aforesaid section 5C.*

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## **Administration of legislation.**

2. The States Policy and Finance Committee shall be responsible for carrying out the provisions of any Ordinance under this Law except for the carrying out of such provisions, if any, as the States may require to be carried out by some other authority.

## **Offences.**

3. A person who contravenes or attempts to contravene any provision of an Ordinance under this Law or any direction or requirement imposed under or by virtue of such an Ordinance shall, save as otherwise expressly provided by the Ordinance, be guilty of an offence under the Ordinance.

## **Interpretation.**

4. (1) In this Law, except where the context otherwise requires –

**"authority"** means any person entrusted with powers, or upon whom duties are imposed, by the States,

**"contract of employment"** means a contract of employment or apprenticeship (whether express or implied and, if express, whether oral or in writing),

**"contravention"** includes failure to comply, and cognate expressions shall be construed accordingly,

**"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 section 1(g), 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.

**Citation.**

5. This Law may be cited as the Health and Safety at Work (Alderney) Law, 1997.

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**NOTE**

*The Law received Royal Sanction on 17th December, 1997 and was registered on the Records of the Island of Guernsey and came into force on 19th January, 1998.*

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**a**      Ordres en Conseil Vol. IV, p. 57.