

ORDER IN COUNCIL

XXXI

1997

ratifying a Projet de Loi

ENTITLED

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

(Registered on the Records of the Island of Guernsey
on the 19th January, 1998.)



1997

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 19th day of January, 1998 before Sir Graham Dorey, Bailiff;
present:- Stanley Walter John Jehan, Leonard Arthur Moss, Charles
Anthony Spensley, Lawrence Oscar Ozanne, David Charles Lowe,
Esquires, Mrs. Eileen May Glass, Laurence Lenfestey Guille,
Stephen Edward Francis Le Poidevin, Alan Cecil Bisson and David
Michael Jory, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 17th December, 1997, approving and ratifying a *Projet de Loi* entitled "The Health and Safety at Work (Alderney) Law, 1997", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ORDERED:-

1. That the said Order in Council be registered on the records of this Island; and
2. That an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island of which Order in Council the tenor followeth:-

At the Court at Buckingham Palace

The 17th day of December 1997

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 24th day of November 1997 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 Jon Kay-Mouat, Esquire, President of the States of Alderney, setting forth:-

"That at a meeting of the States of Alderney held on the 3rd day of September 1997, the States adopted a Resolution that a Projet de Loi entitled "The Health and Safety at Work (Alderney) Law, 1997" be approved. That at the meeting of the States aforesaid Your Humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said Projet de Loi be sanctioned: That the said Projet de Loi is as 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 Projet de Loi entitled "The Health and Safety at Work (Alderney) Law, 1997" and to order that the same shall have force of Law within the Island of Alderney":

"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 annexed thereto 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 to ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of law within the Island of Alderney.

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, of the said Island of Guernsey, and also the Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. H. Nicholls

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

THE STATES, in pursuance of their Resolution of the 5th 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^a;
 - (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;

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

- (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.

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.