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ALDERNEY STATUTORY INSTRUMENT
2022 No. 2

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

Made

28th March, 2022

Coming into operation

4th April, 2022

THE STATES OF ALDERNEY POLICY AND FINANCE COMMITTEE, in exercise of the powers conferred on it by article 1 of the Import and Export (Control) (Alderney) Law, 1946¹ and of all other powers enabling it in that behalf, hereby makes the following order:-

Amendments to Order of 2010.

1. The Import (Control) (Alderney) Order, 2010² ("**the principal Order**") is amended as follows.

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

"Importation permitted under licence.

¹ Ordres en Conseil Vol. XII, p. 367. This enactment has been amended.

² A.S.I. No. 3 of 2010. This enactment has been amended.

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
- (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 9."

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), (8) and (9), and

5the 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 9 of the principal Order –

- (a) in paragraph (6)(b), for "Chairman of the Committee", substitute "licensing authority", and
- (b) in paragraph (7), for "the Committee's", substitute "the licensing authority's".

6. Revoke Part IA (SPS Import Controls) of the principal Order.

7. In article 11(1) of the principal Order, delete ", Department".

8. 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 Executive of the States of Alderney (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."

9. 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,".

10. In paragraph 5 of Schedule 3 to the principal Order, in the definition of "**personal care**", renumber paragraphs (c) and (d) as paragraphs (a) and (b) respectively.

11. In Schedule 8 to the principal Order –

(a) in paragraph 6(e), delete the following words in the first place they occur: "[[(with the exception of milk within the meaning of section 1 of the Milk (Control) (Guernsey) Ordinance, 2016)]]", and

(b) revoke the following paragraph –

"21. Dangerous products within the meaning of the General Product Safety Regulations (U.K.S.I. 2005/1803)."

12. In Table 1 in paragraph 1 of Schedule 9 to the principal Order, for entry (b), substitute the entry set out in the Schedule to this Order.

Revocation.

13. The Import (Control) (Alderney) (Amendment) (No. 2) Order, 2020³ is revoked.

Citation.

14. This Order may be cited as the Import (Control) (Alderney) (Amendment) Order, 2022.

Commencement.

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

Dated this 28th day of March, 2022



W. J. ABEL

Chairman of the Policy & Finance Committee

For and on behalf of the Committee

³ A.S.I. No. 3 of 2020.

SCHEDULE

NEW ENTRY TO SUBSTITUTE FOR ENTRY (b) IN TABLE 1 IN
PARAGRAPH 1 OF SCHEDULE 9 TO THE PRINCIPAL ORDER

Article 12

<p>"(b)</p>	<p>(1) Any controlled substance listed in Annex A, B, C or E where –</p> <p>(A) the substance is a bulk gas contained in any canister, tank or other container, or</p> <p>(B) the substance is listed in Annex A and contained in a product –</p> <p>(i) listed in Annex D, and</p> <p>(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> <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> <p>(A) has the meaning given by Article 1(4) of the Montreal Protocol, and</p> <p>(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</p>	<p>Anywhere outside the British Islands".</p>
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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) (Alderney) Order, 2010 ("**the principal Order**") to give effect to import restrictions in the Montreal Protocol on Substances that Deplete the Ozone Layer ("**the 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**").

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 in paragraph 1 of Schedule 9 to the principal Order.

Article 3 of this Order amends various provisions of the principal Order to substitute "licensing authority" for "Committee", in order to reflect the fact that both the Director and the States of Alderney Policy & Finance Committee 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 amends article 9(6)(b) and (7) of the principal Order to substitute

references to the Committee with references to the licensing authority.

Article 6 of this Order revokes Part IA (SPS Import Controls) of the principal Order, as the policy objectives of this Part had already been achieved with the amendments made by the Import (Control) (Alderney) (Amendment) Order, 2020 (A.S.I. No. 1 of 2020).

Article 7 of this Order updates article 11(1) of the principal Order to delete the reference to "Department", as functions under the principal Order are now discharged by a Committee rather than a Department.

Article 8 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 States of Alderney Policy & Finance Committee.

Article 9 of this Order inserts definitions of "**the Director**" and "**the licensing authority**" in article 14(1) of the principal Order.

Article 10 of this Order amends paragraph 5 of Schedule 3 to the principal Order to renumber two paragraphs numbered in error in the definition of "**personal care**".

Article 11 of this Order amends Schedule 8 to the principal Order, to remove words duplicated in error in paragraph 6(e) and revoke paragraph 21 relating to dangerous products, as this is a duplicate of paragraph 17.

Article 12 of this Order amends Table 1 in paragraph 1 of Schedule 9 to the principal Order. This amendment replaces entry (b) of that table 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).

Article 13 of this Order revokes the Import (Control) (Alderney) (Amendment) (No. 2)

Order, 2020 (A.S.I. No. 3 of 2020).

Articles 14 and 15 are the citation and commencement provisions respectively.

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