

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Safety of Employees (Electricity) Ordinance, 1956 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XI, p. 201; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Electricity (Guernsey) Law, 2001 (No. XIII of 2001); the Health and Safety at Work (General) (Guernsey) Ordinance, 1987 (Recueil d'Ordonnances Tome XXIV, p. 162); the Transfer of Functions Ordinance, 1991 (Recueil d'Ordonnances Tome XXV, p. 328); the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996 (No. XXXI of 1996, Recueil d'Ordonnances Tome XXVII, p. 139); 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). See also the Health and Safety at Work (General) (Guernsey) Ordinance, 1987 (*supra*); the Health and Safety (Fees) Order, 2015 (G.S.I. No. 2 of 2015).

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The Safety of Employees (Electricity) Ordinance, 1956

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(Made on the 18th April, 1956.)

The Safety of Employees (Electricity) Ordinance, 1956

THE STATES, in exercise of the powers conferred on them by the Health, Safety and Welfare of Employees Law, 1950, and of all other powers thereunto them enabling and in pursuance of their Resolution of the twenty-second day of June, nineteen hundred and fifty-five, hereby order: –

PART I

Interpretation

Interpretation.

1. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"agent" when used in relation to a quarry has the same meaning as in the Quarries (Safety) Ordinance, 1954, when used in relation to any quarry,

"apparatus" means electrical apparatus and includes any machine, apparatus or fitting in which a conductor is used or of which it forms a part,

"authorised person" means a person employed, appointed or selected by the occupier of any premises to which this Ordinance applies to carry out duties incidental to the generation, transformation, conversion, switching, controlling, regulating, distribution or use of electrical energy, such person being competent for the purposes of the provision of this Ordinance in which the expression is used,

["the Committee"] means the [States of Guernsey [Committee for Employment & Social Security]] or such other committee as the States may by Resolution appoint,]

["the Committee for Employment & Social Security"] means the

States [Committee for Employment & Social Security],]

"building operations" has the same meaning as in section twenty-seven of the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952,

"cable" means one or more stranded conductors, separately insulated throughout their length, and when more than one, laid up together, and generally provided with a mechanical protective covering,

"circuit" means an electrical circuit forming a system or branch of a system,

"circuit-breaker" means a mechanical device capable of making and breaking a circuit under normal and abnormal conditions such as that of short circuit,

"conductor" means an electrical conductor arranged to be electrically connected to a system,

"connected with earth" means connected with the general mass of earth in such a manner as will ensure at all times an immediate and safe discharge of electrical energy,

"contravention" includes, in relation to any provision, a failure to comply with that provision and the expression **"contravened"** shall be construed accordingly,

"covered with insulating material" means adequately covered with insulating material of such quality and thickness that there is no danger,

"danger" means danger to health or danger to life or limb from shock, burn or other injury incidental to the generation, transformation, conversion, switching, controlling, regulating, distribution or use of electrical energy,

"driving-belt" includes any driving strap or rope,

"earth plate" means a metallic plate or a metallic pipe or pipes inserted in the ground and in electrical contact with the general mass of earth,

"earthing conductor" means the conductor provided for connecting a point of a system to an earth plate or for connecting a metallic structure to an earth plate,

"electric line" means a wire or wires, conductor or other means used for the purpose of conveying, transmitting or distributing electrical energy with any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting or distributing electrical energy,

"factory" has the same meaning as in the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952,

"flexible cable" means a cable containing one or more cores each formed of a group of wires, the diameters of the cores and of the wires being sufficiently small to afford flexibility,

"fuse" means a device for protecting a circuit from damage by overload by means of the fusion of a specially designed part thereof,

"growing property" has the same meaning as in the Safety of Employees (Growing Properties) Ordinance, 1954,

"inspector" means –

- (a) in relation to a factory, dock, wharf, quay or warehouse, an inspector appointed under the provisions of the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952,

- (b) in relation to a quarry, a person appointed under the provisions of the Quarries (Safety) Ordinance, 1954, to execute and perform the powers and duties of an inspector under that Ordinance, and
- (c) in relation to a growing property, a person appointed under the provisions of the Safety of Employees (Growing Properties) Ordinance, 1954, to execute and perform the powers and duties of an inspector under that Ordinance,

"insulating boots" means boots of such size, quality and construction, according to the circumstances of the use thereof, that a person is thereby adequately protected from danger,

"insulating gloves" means gloves of such size, quality and construction, according to the circumstances of the use thereof, that a person is thereby adequately protected from danger,

"insulating material" means non-conducting material enclosing, surrounding or supporting a conductor or any part thereof and of such quality and thickness as to be suitable for the purposes of the provision of this Ordinance in which the expression is used,

"insulating screen" means a screen of such size, quality and construction, according to the circumstances of the use thereof, that a person is thereby adequately protected from danger,

"insulating stand" means a floor, platform, stand or mat of such size, quality and construction according to the circumstances of the use thereof, that a person is thereby adequately protected from danger,

"isolate" means disconnect from the source of electrical energy,

"live" means electrically charged,

"low voltage" means a voltage not exceeding two hundred and fifty volts under normal conditions, subject to a permissible variation not exceeding six per centum above two hundred and fifty volts,

"machinery" includes any driving-belt,

"medium voltage" means a voltage exceeding two hundred and fifty volts but not exceeding six hundred and fifty volts under normal conditions, subject to a permissible variation not exceeding six per centum above six hundred and fifty volts,

"metallic covering" means an iron or steel wire armouring applied to cables, or a rigid tube of iron, steel, or other hard metal, enclosing conductors,

"occupier" when used in relation to a quarry means the owner or agent of that quarry,

"occupier's installation" means the occupier's wiring together with any apparatus upon the premises connected or intended to be connected thereto,

"occupier's wiring" means the electric lines situate upon the occupier's side of the supply terminals where electrical energy is obtained from a system which is not owned by or under the control of the occupier,

"outdoor substation" means any ground whereon apparatus of the kind included within the definition of the expression "substation" is situate in the open air and includes the said apparatus,

"outdoor switch station" means any ground whereon apparatus of the kind included within the definition of the expression "switch station" is situate in the open air and includes the said apparatus,

"owner" when used in relation to a quarry has the same meaning as

in the Quarries (Safety) Ordinance, 1954, when used in relation to any quarry,

"portable apparatus" means apparatus which from the nature of its use requires to be moved while it is working or which is so designed that it can be moved while it is working,

"portable hand lamp" means a fitting for inspection purposes, suitable for carrying in the hand, comprising an electric lamp and supplied with electrical energy from a circuit by means of a flexible cable,

"prescribed" means prescribed by [the Committee],

"quarry" has the same meaning as in the Quarries (Safety) Ordinance, 1954,

"substation" means any premises or enclosure or part thereof, being large enough to admit the entrance of a person after the apparatus therein is in position, containing apparatus for transforming or converting electrical energy to or from a voltage above medium voltage (other than transforming or converting solely for the operation of switchgear or instruments) with or without other apparatus for switching, controlling or otherwise regulating the electrical energy and includes the apparatus therein,

"switch station" means any premises or enclosure or part thereof, being large enough to admit the entrance of a person after the apparatus therein is in position, containing apparatus for switching, controlling or otherwise regulating electrical energy at a voltage above medium voltage but not for transforming or converting electrical energy (other than transforming or converting solely for the operation of switchgear or instruments) and includes the apparatus therein,

"system" means an individual electrical system in which all the conductors and apparatus are electrically connected to a common source of voltage and includes all the said conductors and apparatus,

"transportable apparatus" means apparatus which from the nature of its use requires to be moved to a new position from time to time between the periods when it is working,

"voltage" means electro-motive force, and in particular the voltage between any pair of conductors forming part of a system or between any part of either conductor and earth, and in the case of alternating current the virtual voltage or root mean square value (that is to say, the square root of the mean or average value of the squares of the instantaneous values of the voltage during a complete cycle).

(2) Except in so far as the context otherwise requires, any reference in this Ordinance to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Ordinance.

NOTES

In section 1,

the words in the first pair of square brackets in subsection (1) were substituted by the Transfer of Functions Ordinance, 1991, section 4, Schedule 3, paragraph 9, with effect from 31st July, 1991;

the words in the second pair of square brackets within first pair of square brackets in subsection (1) were substituted by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 19, with effect from 31st October, 1996;

the words, first, "the Committee" in the first pair of square brackets within the first pair of square brackets in subsection (1) and, second, the words "Committee for Employment & Social Security" in square brackets within the second pair of square brackets within the first pair of square brackets in subsection (1) and, third, the words "the Committee" in square brackets wherever else occurring were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 4, section 2, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1 and section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;¹

the words in the second pair of square brackets in subsection (1) were substituted by the Electricity (Guernsey) Law, 2001, section 35, Schedule 5, Part II, paragraph 16, with effect from 1st February, 2002;

the words "the Committee for Employment & Social Security" and "Committee for Employment & Social Security" in square brackets within

the second pair of square brackets in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(3), Schedule 3, paragraph 4 and section 2, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016.²

The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.³

The following Regulations have been made under this Ordinance:

Safety of Employees (Electricity) Regulations, 1956.

In accordance with the provisions of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 35(1), Schedule 4, with effect from 1st December, 1987, this enactment is one of those to be regarded as "relevant statutory provisions" for the purposes of the 1987 Ordinance.

In accordance with the provisions of the Health and Safety (Fees) Order, 2015, the fees payable for the provision of the services or documents therein referred to under or for the purposes of this Ordinance and any subordinate legislation made hereunder are as contained in article 5 thereof.

PART II

Safety (General Provisions)

Application.

2. (1) The provisions of this Ordinance shall have effect in relation to the generation, transformation, conversion, switching, controlling, regulating, distribution and use of electrical energy at any premises to which this Ordinance applies.

(2) The provisions of this Ordinance shall apply to the following premises, that is to say, to every dock, wharf or quay (including any warehouse belonging to the States of Guernsey and any line or siding used in connection with and for the purposes of the dock, wharf or quay) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used, to every factory, quarry and growing property and to any premises where building

operations are being carried on.

(3) The provisions of this Ordinance in their application to any premises where building operations are being carried on shall have effect as if the person undertaking any such operations were the occupier of those premises.

General duty of occupiers, contractors, workmen and persons employed.

3. (1) It shall be the duty of the occupier of any premises to which this Ordinance applies to comply with the provisions of this Ordinance and to the best of his power enforce the observance thereof.

(2) It shall be the duty of all contractors, workmen and persons employed at any such premises to conduct their work in accordance with the said provisions.

Construction and conditions of use of apparatus, conductors and lines.

4. All apparatus, conductors and electric lines shall be sufficient in size and power for the work which they may be called upon to do and shall be so constructed, installed, protected, worked and maintained as to prevent danger so far as is reasonably practicable.

Standard of construction of apparatus, conductors and lines.

5. The standard of construction of all apparatus, conductors and electric lines installed after the commencement of this Ordinance shall not be lower than that prescribed in the appropriate standard or specification, if any, of the British Standards Institution current at the time of or within the six months next preceding the installation.

Outdoor substations and outdoor switch stations.

6. Any outdoor substation and any outdoor switch station shall (unless the apparatus is completely enclosed in a metal casing connected with earth and is connected with the system by electric lines provided with a metallic covering) be efficiently protected by fencing not less than eight feet in height or other means so as to prevent access to the electric lines and apparatus therein by any person other than an authorised person.

Circuit-breakers and fuses.

7. Every circuit-breaker and every fuse shall be suitably constructed and of adequate breaking capacity for the circuit in which they are used, having regard to the electrical energy available in the circuit, to ensure that they will operate efficiently and without danger.

Electrical motors.

8. (1) Every electrical motor shall be controlled by an efficient switch or switches for starting and stopping so placed as to be easily and safely worked by the person in charge of the motor.

(2) Where any machinery is being driven by any electrical motor there shall be means at hand for either switching off the motor or stopping the machine if necessary to prevent danger.

Insulation of conductors.

9. All conductors, unless so placed and safeguarded as to prevent danger, shall be covered with insulating material:

PROVIDED that the foregoing requirement shall not apply to any circuit in which the voltage does not exceed thirty volts and which is for the time being approved by [the Committee for Employment & Social Security] as a circuit to which this proviso applies.

NOTE

In section 9, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(3), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Insulation of electric lines.

10. All electric lines which are required to be covered with insulating material shall be protected throughout by a tough rubber sheath or other covering suitable for the purpose and approved for the time being by [the Committee for Employment & Social Security].

NOTE

In section 10, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(3), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Conductors and apparatus exposed to abnormal conditions.

11. Any conductor or apparatus exposed to the weather, wet, corrosion, inflammable surroundings or explosive atmosphere or used in any process or for any purpose shall be so constructed or protected and such special precautions shall be taken as may be necessary adequately to prevent danger in view of such exposure or use.

Provision of protective clothing and apparatus.

12. Portable insulating stands, insulating screens, insulating boots, insulating gloves or other suitable means shall be provided and used when necessary adequately to prevent danger and shall be examined periodically by an authorised person.

Portable apparatus.

13. (1) Any flexible cable used with portable or transportable apparatus shall be a multicore cable containing an earthing conductor the cross-sectional area and conductance of which shall not be less than that of the largest of the live conductors comprised in the cable:

PROVIDED that –

- (a) where the cross-sectional area required for each live conductor is such as to render the use of one multicore cable impracticable, single conductor cables, of such construction and with such bonding and earthing as [the Committee for Employment & Social Security] may from time to time approve, may be used in place of two or more multicore cables in parallel,
- (b) a flexible cable used with any portable hand lamp

covered with insulating material may be a two-core cable.

(2) A portable hand lamp shall not be connected to a circuit where the voltage exceeds low voltage.

(3) Any portable hand lamp connected to a circuit shall be provided with a suitable cage to protect the electric bulb from damage and shall be securely connected to the circuit by a flexible cable protected throughout by a tough rubber sheath or other covering for the time being approved by [the Committee for Employment & Social Security].

(4) Any flexible cable for portable or transportable apparatus for alternating current or for a voltage above one hundred and fifty volts direct current shall be connected to the system either by efficient: permanent joints or connections or by a properly constructed connector.

NOTE

In section 13, the words "the Committee for Employment & Social Security" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(3), Schedule 3, paragraph 4, with effect from 1st May, 2016.

Earthing of metallic structures.

14. (1) Subject to the provisions of this section, all metallic structures, other than live conductors, forming part of or enclosing or protecting apparatus or electric lines or adjacent to live conductors so as to be liable to become charged by contact therewith or leakage therefrom, shall be connected with earth.

(2) The provisions of subsection (1) of this section shall not, save in relation to portable or transportable apparatus, apply –

- (a) where the voltage of the live conductors does not exceed low voltage direct current or one hundred and twenty-five volts alternating current, or

- (b) to metallic structures which cannot be touched while the circuit is live.

Earthing conductors.

15. (1) An automatic circuit-opening device shall not be introduced into any earthing conductor which is provided to comply with the provisions of this Ordinance.

(2) Any connection in or to any earthing conductor shall be mechanically secure and electrically efficient.

Isolation of lines, conductors and apparatus.

16. Adequate precautions shall be taken to isolate any electric line, conductor or apparatus, if there is danger therefrom, before the conductors are handled and where necessary to prevent danger, suitable means shall be provided and used to enable the conductors of the circuit upon which work is to be done to be connected with earth before they are handled, and the said conductors shall remain connected with earth until the work is finished.

Restrictions on the undertaking of work.

17. (1) No person except an electrician of the requisite skill and experience shall undertake any work where technical knowledge is required adequately to avoid danger.

(2) No person except an authorised person shall undertake any work incidental to the generation, transformation, conversion, switching, controlling, regulating, distribution, or use of electrical energy.

Testing of installations.

18. (1) The insulation resistance of all parts of an occupier's installation, of the conductance of the earthing conductors comprised therein and of the earth plate or plates associated therewith shall be tested in the prescribed manner at least once in every period of twelve months or such lesser period as may from time to time be prescribed either generally or in relation to any class or description of premises to which this Ordinance applies.

(2) The prescribed particulars of the result of any test under subsection (1) of this section with the date upon which the test was made shall be recorded as soon as may be in a report book to be kept at the premises concerned.

NOTE

In accordance with the provisions of the Safety of Employees (Electricity) Regulations, 1956, with effect from 3rd July, 1956:

the prescribed manner of testing is as set out in regulation 2 of the 1956 Regulations;

the prescribed particulars of the result of any such test are as set out in regulation 3 of, and the Schedule to, the 1956 Regulations.

PART III

General

Duties of persons employed.

19. (1) A person employed at any premises to which this Ordinance applies shall not wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Ordinance for securing the health, safety or welfare of the persons employed at the premises, and where any means or appliance for securing health or safety is provided for the use of any such person under this Ordinance he shall use the means or appliance.

(2) A person employed at any premises to which this Ordinance applies shall not wilfully and without reasonable cause do anything likely to endanger himself or others.

Powers of inspectors.

20. ...

NOTE

Section 20 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.

Power of [Committee] to grant exemptions.

21. (1) Where [the Committee] is satisfied that by reason of emergency or special circumstances the fulfilment of any requirement of this Ordinance is unnecessary, impracticable or unreasonable, [the Committee] may from time to time by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with that requirement.

(2) A certificate granted under subsection (1) of this section may at any time be revoked by [the Committee] and any conditions attached to the grant of any such certificate may at any time be varied by [the Committee].

NOTE

In section 21, the words "Committee" and "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 4, with effect from 1st May, 2016.

PART IV

Offences, penalties and legal proceedings

Offences.

22. (1) In the event of any contravention at or in connection with or in relation to any premises to which this Ordinance applies of any of the provisions of this Ordinance, the occupier of the premises shall, subject as hereafter in this Ordinance provided, be guilty of an offence.

(2) In the event of a contravention by an employed person of the provisions of section nineteen of this Ordinance (which relates to duties of persons employed), that person shall be guilty of an offence and the occupier shall not be guilty of an offence by reason only of the contravention of the provisions of the said section nineteen unless it is proved that he failed to take all reasonable steps to prevent the contravention, but this subsection shall not be taken as affecting any liability of the occupier in respect of the same matters by virtue of some provision

other than the provisions aforesaid.

(3) If the occupier of any premises to which this Ordinance applies avails himself of any special exemption allowed by or under this Ordinance and fails to comply with any of the conditions attached to the exemption, he shall be deemed to have contravened the provisions of this Ordinance.

(4) If any persons are employed at any premises to which this Ordinance applies otherwise than in accordance with the provisions of this Ordinance there shall be deemed to be a separate contravention in respect of each person so employed.

(5) Where an offence under this Ordinance committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Fines for offences for which no express penalty provided.

23. Subject as hereafter in this Ordinance provided, any person guilty of an offence under this Ordinance for which no express penalty is provided by this Ordinance shall be liable on conviction to a fine not exceeding [level 1 on the uniform scale], and if the contravention in respect of which he was so convicted is continued after the conviction he shall, subject to the provisions of the next succeeding section of this Ordinance, be guilty of a further offence and liable on conviction in respect thereof to a fine not exceeding five pounds for each day on which the contravention was so continued.

NOTE

In section 23, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Power of Court to order cause of contravention to be remedied.

24. ...

NOTE

Section 24 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.

Forgery of certificates, false entries and false declarations.

25. ...

NOTE

Section 25 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.

Penalty on persons actually committing offence for which occupier is liable.

26. Where an act or default for which an occupier is liable under this Ordinance is in fact the act or default of some contractor, agent, servant, worker or other person, that contractor, agent, servant, worker or other person shall be guilty of an offence and liable to the like fine as if he were the occupier.

Exemption of occupier from liability.

27. Where the occupier of any premises to which this Ordinance applies who is charged with an offence under this Ordinance proves to the satisfaction of the Court that he has used all due diligence to enforce the execution of this Ordinance and that the offence was due to the act or default of some other person who committed it without his consent, connivance or wilful default, he shall be acquitted of the offence.

Proceedings against persons other than occupiers.

28. Where, under this Ordinance, any person is substituted for the occupier with respect to any provisions of this Ordinance, any summons, notice or proceedings, which for the purpose of any of those provisions is or are by or under this Ordinance required or authorised to be served on or taken in relation to the occupier, is or are hereby required or authorised, as the case may be, to be served on or taken in relation to that person.

Owner of electrical apparatus liable in certain cases instead of occupier.

29. Where at any premises to which this Ordinance applies the owner or hirer of any electrical apparatus is some person other than the occupier of the premises, the owner or hirer shall, so far as respects any obligation imposed under this Ordinance in relation to that electrical apparatus and so far as respects any offence under this Ordinance committed in relation to a person who is employed in or about or in connection with that electrical apparatus and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the premises.

Prosecution of offences.

30. (1) In any proceedings under this Ordinance it shall be sufficient in the charge or summons to allege that the premises are premises to which this Ordinance applies and to state the name of the ostensible occupier of the premises, or where the occupier is a firm, the title of the firm.

(2) Where any offence is committed under this Ordinance by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by or under this Ordinance, the offence shall be deemed to continue until the examination is made, or the report entered, or the other thing done, as the case may be.

Special provisions as to evidence.

31. If a person is found at any premises to which this Ordinance applies at any time at which work is going on or any machinery is in motion, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Ordinance to have been then employed at the premises:

PROVIDED that this section shall not apply to any premises at which the only

persons employed are members of the same family dwelling thereat.

PART V

Extent and commencement

Extent.

32. This Ordinance shall have effect in the Island of Guernsey.

Commencement.

33. This Ordinance shall come into force on the first day of July, nineteen hundred and fifty-six.

¹ The words "Committee for Employment & Social Security" were previously substituted by the Transfer of Functions Ordinance, 1991, section 4, Schedule 3, paragraph 9, with effect from 31st July, 1991; the Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 19, with effect from 31st October, 1996; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

² The words "Committee for Employment & Social Security" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

³ The functions, rights and liabilities of the Commerce and Employment Department (as "the Authority") and of its Minister arising under or by virtue of this Ordinance were previously transferred to them from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Board of Industry were previously transferred to it from the States Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 1, Schedule 1, paragraph 20, with effect from 31st October, 1996, subject to the savings and transitional provisions in section 2 of the 1996 Ordinance; the functions of the States Board of Employment, Industry and Commerce were previously transferred to it from the States Labour and Welfare Committee by the Transfer of Functions Ordinance, 1991, section 2, Schedule 2, paragraph 9, with effect from 31st July, 1991, subject to the savings and transitional provisions in section 3 of the 1991 Ordinance. The functions, rights and liabilities of the Commerce and Employment Department (as "the Board") and of its Minister

arising under or by virtue of this Ordinance were previously transferred to them from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Board of Industry were previously transferred to it from the States Electricity Board by the Electricity (Guernsey) Law, 2001, section 35, Schedule 5, Part II, paragraph 16, with effect from 1st February, 2002.