

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Safety of Employees (Woodworking Machinery) Ordinance, 1959 \***

*[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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\* Recueil d'Ordonnances Tome XII, p. 202; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); 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).

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Safety of Employees (Woodworking Machinery) Ordinance, 1959**

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*(Made on the 11th November, 1959.)*

## **The Safety of Employees (Woodworking Machinery) Ordinance, 1959**

**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 first day of July, nineteen hundred and fifty-nine, 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,

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

**"building operations"** has the same meaning as in section twenty-seven of the Ordinance of 1952,

**"circular saw"** means a circular saw working in a bench, including a rack bench, for the purpose of ripping, deep-cutting or cross-cutting but does not include a swing saw or other saw which is moved towards the wood,

**"contravention"** includes, in relation to any provision, a failure to

comply with that provision, and the expression "**contravened**" shall be construed accordingly,

**"electrical processes or operations"** means the processes or operations mentioned in subsection (1) of section seventy-eight of the Ordinance of 1952,

**"electrical station"** means any premises to which section seventy-eight of the Ordinance of 1952 applies,

**"factory"** has the same meaning as in the Ordinance of 1952,

**"gauge"** means the Imperial Standard Wire Gauge,

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

**"inspector"** means –

- (a) in relation to any premises to which this Ordinance applies, other than quarries and growing properties, an inspector appointed under the provisions of the Ordinance of 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,
- (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,

**"maintained"** means maintained in an efficient state, in efficient

working order and in good repair,

**"the Ordinance of 1952"** means the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952,

**"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,

**"plain band saw"** means a band saw, other than a log or band re-sawing machine, the cutting portion of which runs in a vertical direction,

**"planing machine"** includes a machine for overhand planing or for thickening or for both operations,

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

**"underground room"** means a room any part of which is so situate that half or more than half the whole height thereof measured from the floor to the ceiling is below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room,

**"woodworking machine"** means a circular saw, plain band saw, planing machine, vertical spindle moulding machine or chain mortising machine operating on wood.

(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.

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**NOTES**

*In section 1,*

*the words in the first pair of square brackets were substituted by the*

*Transfer of Functions Ordinance, 1991, section 4, Schedule 3, paragraph 11, with effect from 31st July, 1991;*

*the words in the second pair of square brackets within the definition of the expression "the Committee" in subsection (1) were substituted by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 20, with effect from 31st October, 1996;*

*the words, first, "the Committee" and, second, "Committee for Employment & Social Security" in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 4 and section 2, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016.<sup>1</sup>*

*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.<sup>2</sup>*

*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.*

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## PART II

### *Safety (General Provisions)*

#### **Application.**

2. (1) The provisions of this Ordinance shall have effect in relation to any woodworking machine in use at any premises to which this Ordinance applies.

(2) The provisions of this Ordinance shall apply to the following premises, that is to say –

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- (a) every factory,
  - (b) every quarry,
  - (c) every growing property,
  - (d) 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,
  - (e) any premises where building operations are being carried on,
  - (f) every electrical station.
- (3) The provisions of this Ordinance in their application –
- (a) to any quarry shall have effect as if the owner or agent of the quarry were in any case the occupier of those premises,
  - (b) to any premises mentioned in paragraph (d) of the last foregoing subsection shall have effect as if the person having the actual use or occupation of those premises or any part thereof were the occupier of those premises,
  - (c) 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,
  - (d) to any electrical station shall have effect as if the



employer of any person employed at the premises in or in connection with any electrical process or operation were the occupier of the 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.

**Stopping and starting appliances.**

4. Every woodworking machine shall be provided with an efficient stopping and starting appliance and the control of that appliance shall be in such a position as to be readily and conveniently operated by the person in charge of the machine.

**Working space and floors.**

5. (1) Sufficient clear and unobstructed space shall be maintained at every woodworking machine while in motion to enable the work to be carried on without unnecessary risk.

(2) The floor surrounding every woodworking machine shall be maintained in good and level condition and as far as practicable free from chips or other loose material and shall not be allowed to become slippery.

**Lighting.**

6. (1) Where the natural light at a woodworking machine is inadequate and can be improved by the provision of additional or better windows not involving serious structural alteration or by whitening the walls or tops of the premises or by any other reasonable means, the occupier shall take steps as aforesaid to improve the natural light at the said machine.

(2) The means of artificial lighting for every woodworking

machine shall be adequate and shall be so placed or shaded as to prevent direct rays of light from impinging on the eyes of the operator while he is operating the machine.

**Underground rooms.**

7. A woodworking machine shall not be worked in any underground room which is certified by [the Committee] to be unsuitable for the purpose as regards construction, light, ventilation or in any other respect.

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**NOTE**

*In section 7, the words in square brackets 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.*

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**Temperature of rooms.**

8. The temperature of any part of a room in which a woodworking machine is being worked shall not at any time fall below fifty degrees Fahrenheit, except where and in so far as the construction of the room and the necessities of the business carried on make it impracticable to maintain that temperature.

**Training of persons employed.**

9. (1) Every person while being trained to work a woodworking machine shall be carefully and fully instructed as to the dangers arising in connection with such machine and the precautions to be observed.

(2) A person shall not be employed at a woodworking machine unless he has been sufficiently trained to work that class of machine or unless he works under the adequate supervision of a person who has a thorough knowledge of the working of the machine.

**Circular saws.**

10. (1) Every circular saw shall be fenced as follows, that is to say –
- (a) the part of the saw below the bench table shall be protected by two plates of metal or other suitable

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material, one on each side of the saw, and such plates –

- (i) shall not be more than six inches apart,
  - (ii) shall extend from the axis of the saw outwards to a distance of not less than two inches beyond the teeth of the saw, and
  - (iii) in the case of metal plates which are not beaded, shall be of a thickness at least equal to fourteen gauge, or
  - (iv) in the case of metal plates which are beaded, shall be of a thickness at least equal to twenty gauge,
- (b) behind and in a direct line with the saw there shall be a riving knife, which shall have a smooth surface, shall be strong, rigid and easily adjustable and shall conform to the following conditions, that is to say –
- (i) the edge of the knife nearer the saw shall form an arc of a circle having a radius not exceeding the radius of the largest saw used on the bench,
  - (ii) the knife shall be maintained as close as practicable to the saw, having regard to the nature of the work being done at the time,
  - (iii) the distance at the level of the bench table between the front edge of the knife and teeth of the saw shall not exceed half an inch,
  - (iv) in the case of a saw of a diameter of less than twenty-four inches, the knife shall extend upwards from the bench table to within one

inch of the top of the saw,

- (v) in the case of a saw of a diameter of twenty-four inches or over, the knife shall extend upwards from the bench table to a height of at least nine inches,
- (c) the top of the saw shall be covered by a strong and easily adjustable guard, with a flange at the side of the saw farthest from the fence, and such guard –
  - (i) shall be kept so adjusted that the said flange shall extend below the roots of the teeth of the saw, and
  - (ii) shall extend from the top of the riving knife to a point as low as practicable at the cutting edge of the saw.

(2) A suitable push-stick shall be kept available for use at the bench of every circular saw, which is fed by hand, to enable the work to be carried on without unnecessary risk.

**Plain band saws.**

**11.** Every plain band saw shall be guarded as follows, that is to say –

- (a) both sides of the bottom pulley shall be completely encased by sheet metal or other suitable material,
- (b) the front of the top pulley shall be covered with sheet metal or other suitable material, and
- (c) all parts of the blade shall be enclosed or otherwise securely guarded, except the part of the blade between the bench table and the top guide.

**Planing machines.**

12. (1) A planing machine which is not mechanically fed shall not be used for overhand planing unless it is fitted with a cylindrical cutter block.

(2) Every planing machine used for overhand planing shall be provided with a bridge guard capable of covering the full length and breadth of the cutting slot in the bench and so constructed as to be easily adjusted both in a vertical and horizontal direction.

(3) The feed roller of every planing machine used for thickening, except the combined machine for overhand planing and thickening, shall be provided with an efficient guard.

**Vertical spindle moulding machines.**

13. (1) The cutter of every vertical spindle moulding machine shall, when practicable, be provided with the most efficient guard having regard to the nature of the work which is being performed.

(2) As respects such work as cannot be performed with an efficient guard for the cutter, the wood being moulded at a vertical spindle moulding machine shall, if practicable, be held in a jig or holder of such construction as to reduce as far as possible the risk of accident to the worker.

(3) A suitable spike or push-stick shall be kept available for use at the bench of every vertical spindle moulding machine.

**Chain mortising machines.**

14. The chain of every chain mortising machine shall be provided with a guard which shall enclose the cutters as far as practicable.

**Guards and other appliances.**

15. The guards and other appliances required by the provisions of this Ordinance shall be maintained in an efficient state and shall be constantly kept in position while the machinery is in motion, except when, owing to the nature of the work being done, the use of the guards or appliances is rendered impracticable, and such guards shall be so adjusted as to enable the work to be carried on without

unnecessary risk.

**Exemption of certain woodworking machines from certain requirements.**

**16.** The provisions of subsection (1) of section ten (which relates to circular saws), section eleven (which relates to plain band saws) and subsection (2) and subsection (3) of section twelve (which relates to planing machines) of this Ordinance shall not apply to any woodworking machine in respect of which it can be shown that other safeguards are provided and maintained which render the machine equally safe as it would be if guarded in accordance with the provisions of this Ordinance.

**Obligations as to fencing.**

**17.** Any obligation as to any fencing of any part of any woodworking machine imposed under the provisions of this Ordinance shall be in substitution for any obligation as to fencing in respect of that part of that machine imposed under the provisions of –

- (a) section three of the Ordinance of 1952, or
- (b) section nine of the Quarries (Safety) Ordinance, 1954, or
- (c) section four of the Safety of Employees (Growing Properties) Ordinance, 1954.

**PART III**

*General*

**Duties of persons employed.**

- 18.** (1) A person employed on a woodworking machine shall –
- (a) use and maintain in proper adjustment the guards provided in pursuance of the provisions of this Ordinance,

- (b) use the spikes, push-sticks, jigs or holders provided in pursuance of the provisions of subsection (2) of section ten (which relates to circular saws) and subsection (2) and subsection (3) of section thirteen (which relates to vertical spindle moulding machines) of this Ordinance,

except when, owing to the nature of the work being done, the use of the guards or appliances is rendered impracticable.

(2) A person employed at any premises to which this Ordinance applies shall not –

- (a) wilfully interfere with or misuse any guards or any other appliance provided in pursuance of the provisions of this Ordinance and where such guards or other appliance are provided for the use of any such person under this Ordinance he shall use the guards or appliance,
- (b) wilfully and without reasonable cause do anything likely to endanger himself or others.

**Powers of inspectors.**

**19.** ...

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**NOTE**

*Section 19 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.*

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**Production of inspector's certificate of appointment.**

**20.** ...

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**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.*

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**Power of Authority to grant exemptions.**

21. (1) In any case where [the Committee] is satisfied in respect of any premises to which this Ordinance applies that, owing to the special conditions of the work or otherwise, any of the requirements of this Ordinance can be suspended or relaxed without danger to the persons employed thereat, [the Committee] may from time to time by certificate authorise such suspension or relaxation for such period and on such conditions as it thinks fit.

(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].

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**NOTE**

*In section 21, 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 4, with effect from 1st May, 2016.*

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**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 eighteen 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 eighteen 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.

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**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.*

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

24. ...

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**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.*

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**False declarations.**

25. ...

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**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.*

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**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 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 woodworking machine liable in certain cases instead of occupier.**

29. Where at any premises to which this Ordinance applies the owner or hirer of any woodworking machine 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 woodworking machine 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 woodworking machine 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. 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.

**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 December, nineteen hundred and fifty-nine.

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<sup>1</sup> The words "Committee for Employment & Social Security" were previously substituted by the Transfer of Functions Ordinance, 1991, section 4, Schedule 3, paragraph 11, 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 20, 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.

<sup>2</sup> The functions, rights and liabilities of the Commerce and Employment Department and 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, rights and liabilities of the Board of Industry and of its President were previously transferred to it from the Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 1, Schedule 1, paragraph 21, with effect from 31st October, 1996, subject to the savings and transitional provisions in section 2 of the 1996 Ordinance; the functions of the 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 10, with effect from 31st July, 1991, subject to the savings and transitional provisions in section 3 of the 1991 Ordinance.