

ORDINANCES LAID BEFORE THE STATES

THE PLANT HEALTH (ENABLING PROVISIONS) (GUERNSEY) LAW, 2014 (COMMENCEMENT) ORDINANCE, 2019

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Plant Health (Enabling Provisions) (Guernsey) Law, 2014 (Commencement) Ordinance, 2019", made by the Policy & Resources Committee on the 23rd April, 2019, is laid before the States.

EXPLANATORY MEMORANDUM

This Ordinance commences the Plant Health (Enabling Provisions) (Guernsey) Law, 2014 ("the Law"), under which the Plant Health (Guernsey) Ordinance, 2019 is made, with effect from the date the UK leaves the EU. Section 6 of the Law, which repeals current plant health legislation, is only commenced in relation to the legislation set out in the Schedule to the Ordinance the provisions of which are to be replaced by the proposed Plant Health (Guernsey) Ordinance, 2019. Current legislation relating to noxious and invasive plants and transport of plants remains in force.

The Ordinance was approved by the Legislation Review Panel on the 16th April, 2019 and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. Under the proviso to the said Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

THE PLANT HEALTH (GUERNSEY) ORDINANCE, 2019

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Plant Health (Guernsey) Ordinance, 2019", made by the Policy & Resources Committee on the 23rd April, 2019, is laid before the States.

EXPLANATORY MEMORANDUM

This Ordinance replaces and updates current legislation on trade in plants, trees and certain wood and measures to control and prevent outbreaks of plant pests which are currently contained in separate Ordinances. The provisions reflect the agreed policy principles in the 2006 policy letter (Article IX of Billet d'État No. VIII of 2006) except that the Ordinance does not provide for controls on transportation of plants and the control of noxious and invasive plants in respect of which current controls have for now been retained.

The Ordinance is also consistent with plant health legislation in place in the UK as proposed to be amended as at the date the UK leaves the EU. It comes into force on the date the UK leaves the EU as the trade provisions are based on the British Islands being outside the EU Common Customs Area with different controls for trade in plants between the British Islands and with countries and territories outside those Islands.

Aligning the Ordinance with UK legislation is necessary to ensure that Guernsey plant businesses have access to the UK market so that their plants can be traded within the British Islands if accompanied by a UK plant passport rather than having to be accompanied by the more onerous requirements applying in relation to trade with countries outside those Islands post Brexit. Alignment with these requirements will also assist in meeting the requirements of the International Plant Protection Convention, 1951 the UK's ratification of which has been extended to Guernsey.

Part I of the Ordinance defines the lists of plant pests and relevant material (plants and soil etc.) in relation to which the provisions of the Ordinance apply. This is done by cross-reference to UK lists because of the need to align with the same and to avoid having to make frequent amendments to highly technical lists of pests, vulnerable plants and plant health conditions. There are minor modifications to the UK lists made by section 1 and Schedule 1 including a different treatment for the pest causing Fire Blight as this occurs in the UK but not in Guernsey.

Part II regulates imports of plant pests and relevant material into Guernsey originating from outside the British Islands. There is a new requirement for advance notice to the Committee of imports of certain plants from third countries. The Ordinance prohibits absolutely the import of certain listed plant pests and relevant material and prohibits others unless listed plant health requirements are met subject to exceptions in particular for items imported in passenger luggage. This Part also provides for the documentation required to accompany plants on import from third countries in particular the requirement for a consignment to be accompanied by a phytosanitary certificate and for restrictions on movement until relevant material is checked by an inspector subject to exceptions for goods in transit.

Part III provides for the plant health controls on imports into Guernsey or exports from Guernsey within the British Islands and on movements within Guernsey subject to exceptions including those applying to certain small quantities of material and locally produced plants only sold to final users on the local market. Certain plants etc. must be accompanied by a UK plant passport which can be issued by the appropriate plant health authority in the relevant UK or Crown Dependency jurisdiction or plant traders authorised to do the same within the British Islands.

Part IV provides for a new requirement for certain plant businesses to register with the Committee to carry on their business as mentioned in Appendix 1, paragraph 5) of the 2006 policy letter subject to an exception for local producers only selling to final users on the local market. A registered plant business may apply to issue UK plant passports, subject to the meeting of certain plant health requirements, which the business can then affix to consignments of plants. Under the transitional provisions in Schedule 6, those plant businesses carrying on business when the legislation comes into force will be deemed to be registered subject to making an application to be registered within 6 months. Current authorisations to issue EU Plant passports will continue to apply on the coming into force date as if they were authorisations to issue UK plant passports.

Part V provides for powers for plant health inspectors to control outbreaks or suspected outbreaks of plant diseases and check for compliance with the Ordinance. This includes a power for the Committee to provide for certain measures in relation to particular plant pests by Order.

Part VI updates and replaces current controls, in the Import and Export (Plant Health) Ordinance, 1982 on the planting of potatoes from countries outside the EU, the British Islands and Switzerland which carry higher plant health risks and requires potatoes for planting to meet specified plant health requirements.

Part VII and Schedule 3 provide for plant businesses to apply to the Committee for the issue of a phytosanitary certificate which is required to accompany any plants exported from Guernsey under the law of most of the countries of import consistent with the International Plant Protection Convention. Part VIII and Schedule 4 provide for the issuing of licences by the Committee to allow businesses to carry out certain activities prohibited by the Ordinance or for certain purposes including for trial or scientific purposes.

Part IX provides for certain persons to notify the Committee of the presence or suspected presence of certain plant pests and gives officers of the Committee powers to require information and produce relevant documents relating to plant pests or plants. Provision is also made for the Committee for Home Affairs to disclose information to the Committee for the purposes of the Ordinance subject to standard safeguards.

Part X provides for appeals against specified decisions of the Committee to the Royal Court on standard grounds. Part XI provides for offences for which the maximum penalty is a level 5 fine.

Part XII makes standard provisions and includes a power for the Committee to set fees or charges by Order as proposed in paragraph 3.8 of the policy letter. Section 54 sets out the provisions which can be amended by Order which mainly relate to technical provisions including the Schedules to the Ordinance, substitution of the UK common list of pests and plants for those prescribed by Guernsey Order and designation and regulation of Guernsey pest free areas where a pest is not present on the whole or part of the island. Section 57 and Schedule 6 makes transitional provisions to assist in a smooth transition from the current provisions to the new Ordinance.

The Ordinance was approved by the Legislation Review Panel on the 16th April, 2019 and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. Under the proviso to the said Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The States of Deliberation have the power to annul the Statutory Instruments detailed below.

No. 25 of 2019

NOTIFIABLE ANIMAL DISEASES ORDER, 2019

In pursuance of sections 1(4) and 33 of the Animal Health Ordinance, 1996 made by the Committee *for the* Environment & Infrastructure on 7th March, 2019, is laid before the States.

EXPLANATORY NOTE

This Order substitutes Schedule 1 to the Animal Health Ordinance, 1996 for a new Schedule 1 set out in the Schedule to this Order to reflect the list of diseases by the Office International des Epizooties (OIE) as significant in terms of animal health or important in terms of economic impact.

Schedule 1 to the 1996 Ordinance lists diseases that are notifiable animal diseases and compulsory slaughter diseases and the animals which are susceptible to those diseases for the purposes of controls on diseases set out in the Ordinance. In particular, all such diseases must be notified to the Committee under the Ordinance.

The changes are to add Swine vesicular disease and psittacosis to the list of notifiable diseases.

The Order comes into force on the 7th March, 2019.

No. 47 of 2019

THE METHODS OF VALUATIONS (IMPORT DUTY) REGULATIONS, 2019

In pursuance of sections 4 and 9 of the Customs and Cross-Border Trade (General and Enabling Provisions) (Bailiwick of Guernsey) Law, 2018, The Methods of Valuations (Import Duty) Regulations, 2019, made by the Committee *for* Home Affairs on 1st April 2019, is laid before the States.

EXPLANATORY NOTE

These Regulations make provision for the valuation of goods for the purposes of import duty. Six Methods of valuation are set out in order to calculate the "transaction value", whilst taking account of different specified matters such as the nature of the goods and how they have been transported. These Regulations also provide that sterling is the only currency to be used when calculating the transaction value.

These Regulations come into force on exit day, which is 12th April 2019 as appointed by the European Union (Exit Day and Designated Day) (Brexit) (Bailiwick of Guernsey) Regulations, 2019.

No. 48 of 2019

**THE CUSTOMS AND EXCISE (APPROVED PORTS AND CUSTOMS DECLARATIONS)
(BAILIWICK OF GUERNSEY) (AMENDMENT) REGULATIONS, 2019**

In pursuance of sections 15 and 79 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, The Customs and Excise (Approved Ports and Customs Declarations) (Bailiwick of Guernsey) (Amendment) Regulations, 2019, made by the Committee for Home Affairs on 1st April 2019, is laid before the States.

EXPLANATORY NOTE

These Regulations make minor amendments to the Customs and Excise (Approved Ports and Customs Declarations) (Bailiwick of Guernsey) Regulations, 2019.

These Regulations come into force on exit day within the meaning of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018.

No. 52 of 2019

**THE SANCTIONS (BAILIWICK OF GUERNSEY) LAW, 2018 (COMMENCEMENT) REGULATIONS,
2019**

In pursuance of section 27 of the Sanctions (Bailiwick of Guernsey) Law, 2018, "The Sanctions (Bailiwick of Guernsey) Law, 2018 (Commencement) Regulations, 2019" made by the Policy & Resources Committee on 9th April, 2019 are laid before the States.

EXPLANATORY MEMORANDUM

These Regulations bring into force the Sanctions (Bailiwick of Guernsey) Law, 2018 on 12th April, 2019.

No. 56 of 2019

**THE TERRORIST ASSET FREEZING (DESIGNATIONS) (BREXIT) (BAILIWICK OF GUERNSEY)
REGULATIONS, 2019**

In pursuance of section 5(1) of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, "The Terrorist Asset Freezing (Designations) (Brexit) (Bailiwick of Guernsey) Regulations, 2019" made by the Policy & Resources Committee on 12th April, 2019 are laid before the States.

EXPLANATORY MEMORANDUM

These Regulations are made in consequence of the withdrawal of the United Kingdom from the EU. They amend the definition of "designated person" at section 1 of the Terrorist Asset Freezing (Bailiwick of Guernsey) Law, 2011, which specifies the categories of person who are subject to terrorist asset freezing provisions, to include persons designated by the United Kingdom under the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019.

This will ensure that any such designations will have effect immediate effect in the Bailiwick as soon as they are made.

The full text of the legislation can be found at:

<http://www.guernseylegalresources.gg/article/90621/Statutory-Instruments>