

BILLET D'ÉTAT No. III, 2008

12th March, 2008

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PROJET DE LOI

ENTITLED

The Animal Welfare (Enabling Provisions) (Guernsey) Law, 2008

THE STATES, in pursuance of their Resolutions of the 28th February, 2003^a and the 12th March, 2008^b, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the islands of Guernsey, Herm and Jethou.

Power to enact Ordinances in relation to animal welfare.

1. The States may by Ordinance make such provision as they think fit in relation to animal welfare and the protection of animals.

Specific matters for which Ordinances may make provision.

2. An Ordinance under section 1 may, without limitation, make provision prohibiting or regulating, or otherwise in relation to, the following matters -

- (a) cruelty to animals, including causing them pain, injury, suffering, fear and distress and ill-treating, neglecting and abandoning them,
- (b) the importation, exportation and transportation of

^a Article VI of Billet d'État No. III of 2003.

^b Article ** of Billet d'État No. ** of 2008.

animals,

- (c) experimental and scientific procedures involving the use of animals,
- (d) the hunting, taking and trapping of animals,
- (e) the killing, slaughter, destruction and euthanasia of animals,
- (f) the protection of the dens, burrows, sets and other homes, and the young, of animals including, without limitation, the nests and eggs of birds,
- (g) the keeping, possession, ownership, breeding, buying, selling and other disposal of animals, and disqualification from those activities,
- (h) the feeding, watering, treatment, care, shelter and housing of animals,
- (i) the marking, ringing, tagging, tattooing, micro-chipping or identification in any other manner of animals,
- (j) the importation, exportation, possession, buying and selling of, and other trading or dealing in, dead animals and their skins, plumage or other parts or any derivative thereof,

- (k) the removal, seizure, detention, custody and confiscation of animals,
- (l) the disposal of animal carcasses,
- (m) the control and restraint of animals, and liability for injury or damage caused by them,
- (n) the carrying out of operations on animals, the use of anaesthetics and the practice of veterinary surgery and the paraveterinary professions,
- (o) the provision of services in relation to or ancillary to animals and the care and keeping of animals,
- (p) the licensing of slaughtermen, knackers and farriers,
- (q) the issue of codes of practice, guidance and recommendations, and their status in law,
- (r) the ownership and operation of buildings and other premises and land in or on which animals are kept (including, without limitation, sanctuaries, pet shops, boarding and breeding establishments, kennels, livery and riding stables, slaughterhouses, zoos, aquariums, parks and farms of any description),
- (s) the public exhibition of animals and public performances by them including, without limitation, displays, shows, circuses and competitions,

- (t) the training of animals,
- (u) stray and abandoned animals,
- (v) dangerous, wild and exotic animals,
- (w) the farming and fishing of animals,
- (x) animal fighting,
- (y) the control of disease, infection and infestation in animals and the control of animals on the grounds of nuisance or the protection of public health, plant health or animal health,
- (z) the use of poisons, baits and traps,
- (aa) exceptions and derogations from any prohibition or restriction imposed by an Ordinance or other instrument under this Law including, without limitation, exceptions and derogations for the purposes of education, research and science,
- (bb) powers of entry, inspection, search, detention and arrest for the purpose of ensuring compliance with the provisions of any Ordinance or other instrument under this Law,
- (cc) the seizure and deprivation of ownership or possession

of animals,

(dd) the seizure, deprivation of ownership or possession, destruction and disposal of substances, equipment and other objects and things,

(ee) the implementation of -

(i) any international instrument relating to animal welfare and the protection of animals or any aspect thereof,

(ii) any right, power, liability, obligation, prohibition or restriction created or arising, or any remedy or procedure provided for, by or under any such international instrument,

subject to such exceptions, adaptations and modifications as may be specified in the Ordinance,

(ff) the administration and enforcement of the provisions of any Ordinance or other instrument under this Law and the authorisation of persons (whether police officers, officers of the Department or any other persons or class or description of persons) for the purposes of such administration and enforcement,

(gg) the granting (conditionally or otherwise), variation, revocation and suspension of licences or other descriptions of authorisation for the doing of anything

restricted, regulated or controlled by any Ordinance or other instrument under this Law,

- (hh) the making of applications for such licences or authorisations,
- (ii) the establishment of a tribunal to deal with appeals against decisions made under any Ordinance or other instrument under this Law, and a panel of persons from whom the members of the tribunal are to be drawn,
- (jj) the jurisdiction and powers of the courts, and the constitution and procedure of the courts, in relation to any Ordinance or other instrument under this Law,
- (kk) the levying of fees, and
- (ll) the recovery of costs associated with the administration and enforcement of any Ordinance or other instrument under this Law.

General provisions as to Ordinances, etc.

3. (1) An Ordinance under this Law -

- (a) may be amended or repealed by a subsequent Ordinance hereunder, and
- (b) may contain such transitional, consequential, incidental, supplementary and savings provisions as

the States think fit.

(2) Any power to make an Ordinance under this Law may be exercised -

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

(b) so as to make, as respects the cases in relation to which it is exercised -

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

(iii) any such provision either unconditionally or subject to any prescribed conditions.

(3) Without prejudice to the generality of the foregoing provisions of this Law, an Ordinance under this Law -

(a) may make provision in relation to the creation, trial (summarily or on indictment) and punishment of

offences and may (for the avoidance of doubt) specify penalties which may be imposed by the Magistrate's Court which exceed the limits of jurisdiction for the time being imposed on that Court by section 10 of the Magistrate's Court (Guernsey) Law 1954^c,

- (b) may empower the Department, any other department of the States and any other body (including, without limitation, any court in Guernsey) to make or issue orders, rules, regulations, codes or guidance, whether as to matters in respect of which an Ordinance can be made under this Law or otherwise,
- (c) may make provision for the purpose of dealing with matters arising out of or related to animal welfare and the protection of animals or any international instrument relating thereto,
- (d) may provide that no liability shall be incurred by any specified person or body in respect of anything done or omitted to be done in the discharge or purported discharge of any of their functions under the Ordinance unless the thing is done or omitted to be done in bad faith,
- (e) may make provision under the powers conferred by this Law notwithstanding the provisions of any

^c Ordres en Conseil Vol. XVI, p. 103; Vol. XXVII, p. 170; Vol. XXVIII, p. 5; and No. V of 1989.

enactment for the time being in force,

- (f) may repeal, replace, amend, extend, adapt, modify or disapply -
 - (i) any enactment (including, without limitation, this Law and any enactment specified in the Schedule), but only to the extent that it has force of law in Guernsey, and
 - (ii) any rule of custom or law,
- (g) may make provision of any such extent as is made or as may be made by or under any enactment specified in the Schedule, and
- (h) without prejudice to the generality of the foregoing, may make any such provision of any such extent as might be made by Projet de Loi, but may not provide that a person is to be guilty of an offence as a result of any retrospective effect of the Ordinance.

Interpretation.

4. (1) In this Law, unless the context requires otherwise -

"animal" means any living creature except man,

"animal welfare and the protection of animals" includes, without limitation, the matters set out in section 2,

"the Department" means the States Commerce and Employment Department,

"a department" means any department, council or committee of the States, however styled,

"enactment" means any Law, Ordinance or subordinate legislation,

"Guernsey" includes Herm and Jethou,

"implementation", in relation to -

- (a) any international instrument relating to animal welfare and the protection of animals,
- (b) any right, power, liability, obligation, prohibition or restriction created or arising, or any remedy or procedure provided for, by or under any such international instrument,

includes the enforcement or enactment thereof, and the securing of the administration, execution, recognition, exercise or enjoyment thereof, in or under domestic law,

"instrument under this Law" includes any regulation, rule, order, code or guidance made or issued under an Ordinance under this Law,

"international instrument" means -

- (a) any convention, treaty, protocol or other international

instrument, or any provision thereof, and

- (b) any Community provision within the meaning of section 3(1) of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994^d,

whether or not binding on Guernsey,

"**penalty**" includes fines, imprisonment, confiscation, forfeiture, deprivation of ownership and disqualification from ownership,

"**States**" means the States of Guernsey, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

(2) Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Territorial waters.

- 5. This Law extends to the territorial waters adjacent to Guernsey.

Citation.

- 6. This Law may be cited as the Animal Welfare (Enabling Provisions) (Guernsey) Law, 2008.

^d Order in Council No. III of 1994.

SCHEDULE

ENACTMENTS WHICH MAY BE REPEALED, ETC BY ORDINANCE
UNDER THIS LAW

1. Ordonnance pour la Protection des Pigeons, 1933^e.
2. Stray Dogs Ordinance, 1941^f.
3. Slaughter of Livestock (Use of Humane Killers) Ordinance, 1948^g.
4. Protection of Wild Birds Ordinance, 1949^h.
5. Pests (Control and Destruction) Ordinance, 1965ⁱ.
6. Protection of Animals Ordinance, 1976^j.
7. Dogs (Liability and Protection of Livestock) Ordinance, 1982^k.
8. Summary Offences (Bailiwick of Guernsey) Law, 1982^l (sections 2 and 5).
9. Control of Birds Ordinance, 1985^m.
10. Veterinary Surgery and Animal Welfare Ordinance, 1987ⁿ.

^e Recueil d'Ordonnances Tome VIII, p. 301; and Tome XXIII, p. 262.

^f Recueil d'Ordonnances Tome IX, p. 144 and Tome X, p. 315.

^g Recueil d'Ordonnances Tome VIII, p. 21; and No. XVI of 1996.

^h Recueil d'Ordonnances Tome IX, p. 306; Tome XIV, p. 102; Tome XIX, p. 338; and Tome XXII, p. 136.

ⁱ Recueil d'Ordonnances Tome XIV, p. 103; and Tome XXII, p. 161.

^j Recueil d'Ordonnances Tome XX, p. 369; Tome XXIII, p. 472; and Tome XXVI, p. 110.

^k Recueil d'Ordonnances Tome XXII, p. 190.

^l Ordres en Conseil Vol. XXVII, p. 397; and Vol. XXXII, p. 380.

^m Recueil d'Ordonnances Tome XXIII, p. 258.

ⁿ Recueil d'Ordonnances Tome XXIV, p. 51.

11. Animal Experiments (Bailiwick of Guernsey) Law, 1992^o.
12. Protection of Game Ordinance, 1994^p.
13. Any enactment made under an enactment mentioned in this Schedule.

^o Order in Council No. X of 1992.

^p Recueil d'Ordonnances Tome XXVI, p. 337.

PROJET DE LOI

ENTITLED

The Competition and Trading Standards (Enabling Provisions) (Guernsey) Law, 2008

THE STATES, in pursuance of their Resolutions of the 27th July, 2006^a and the 12th March, 2008^b, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the islands of Guernsey, Herm and Jethou.

Power to enact Ordinances in relation to competition and trading standards.

1. The States may by Ordinance make such provision as they think fit in relation to -

- (a) the abuse of a dominant position by undertakings,
- (b) anti-competitive practices of undertakings,
- (c) the merger and acquisition of undertakings, and
- (d) trading standards.

Meaning of abuse of a dominant position.

2. In this Law an "**abuse of a dominant position**" means an abuse by

^a Article XVIII of Billet d'État No. XIII of 2006.

^b Article ** of Billet d'État No. ** of 2008.

one or more undertakings of a dominant position within any market in Guernsey for goods or services and, without limitation, includes -

- (a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions,
- (b) limiting production, markets or technical development to the prejudice of consumers,
- (c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage,
- (d) making the conclusion of contracts subject to the acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of the contracts.

Meaning of anti-competitive practice.

3. In this Law an "**anti-competitive practice**" means any agreement between undertakings which has the object or effect of preventing competition within any market in Guernsey for goods or services and, without limitation, includes -

- (a) directly or indirectly fixing purchase or selling prices or any other trading conditions,
- (b) limiting or controlling production, markets, technical development or investment,

- (c) sharing markets or sources of supply,
- (d) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage,
- (e) making the conclusion of contracts subject to the acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of the contracts.

Meaning of merger and acquisition.

4. (1) A "merger or acquisition" occurs for the purposes of this Law when -

- (a) there is a transfer from one undertaking ("the transferor") to another ("the transferee") of the business of the transferor, or
- (b) an undertaking, or a person who controls an undertaking, directly or indirectly acquires or establishes control of -
 - (i) another undertaking, or
 - (ii) the business of another undertaking.

(2) Control of a business or undertaking may be direct or indirect

and exists if decisive influence is capable of being exercised in respect of it.

In determining whether decisive influence exists there shall be taken into account, in addition to the ostensible effect in law of any document, transfer, assignment or other instrument or act, all relevant facts and circumstances of the case.

(3) A merger or acquisition also occurs for the purposes of this Law -

- (a) if an undertaking acquires the whole or a substantial part of the assets of another undertaking and the result of the acquisition is to place the acquiring undertaking in a position to replace or substantially replace the other undertaking in the business in which it was engaged immediately before the acquisition, or
- (b) on the creation of a joint venture.

(4) A joint venture is created when a business previously carried on independently by two or more undertakings, or a new business, is carried on jointly by them, whether or not in partnership or by means of their joint control of, or ownership of shares in the capital of, a body corporate.

(5) Without prejudice to the generality of the foregoing, a merger or acquisition -

- (a) may be achieved in any manner, including -

- (i) by purchase, lease, acquisition of shares or assets, or by some other disposition or by operation of law,
- (ii) by amalgamation of or other combination between undertakings or their businesses,

and whether or not the parties to the merger or acquisition, or their business or assets, thereafter maintain identities which are distinct,

- (b) may be effected by a single transaction or by a series of two or more transactions, and
- (c) may take place whether or not any property is transferred by the transferor to the transferee.

(6) References in this section to an undertaking or business are references to the whole or any part of the undertaking or business.

Meaning of trading standards.

5. In this Law "**provision**" in relation to trading standards means provision in relation to -

- (a) the protection of consumers,
- (b) the protection of undertakings in the carrying on of business,
- (c) the supply of goods and services, and

- (d) the standards to be observed by and enforceable against undertakings supplying or concerned in the supply of goods and services,

and, without limitation, and subject to such exceptions, adaptations and modifications as the States think fit, includes provision corresponding to that which is made by or which may be made under any Act of Parliament set out in the Schedule.

Specific matters for which Ordinances may make provision.

6. (1) An Ordinance under section 1 may, without limitation, make provision in relation to the following matters -

- (a) the prohibition, restriction or regulation of matters set out in section 1,
- (b) exceptions, exemptions and derogations from any such prohibition, restriction or regulation including, without limitation, exceptions, exemptions and derogations -
 - (i) in the public interest,
 - (ii) as a matter of public policy,
 - (iii) for the benefit of consumers, or
 - (iv) on social, community, economic, ethical and other grounds,

- (c) the establishment of an office of Director General of Competition ("**the Director General**"), whether as an office of a department of the States or as a separate legal entity, with responsibility for the administration and enforcement of this Law and any Ordinance under section 1(a), (b) or (c), and with such rights, liabilities, functions and capacity as may be specified by Ordinance,
- (d) the appointment, term of office and termination of office of the Director General,
- (e) the vesting of any right, liability, power and property in the Director General,
- (f) the investigation by the Director General of matters set out in section 1(a), (b) or (c) and the making and publication by him of reports on those matters, whether at the direction of the Department or the States,
- (g) the Director General's powers of entry, inspection, search and inquiry for the purposes of -
 - (i) the administration and enforcement of any Ordinance under section 1(a), (b) or (c),
 - (ii) carrying out investigations and making reports, and

- (iii) generally for the performance of his functions,
- (h) the production, seizure, retention, use and disclosure of documents and information,
- (i) the obtaining and exchanging of information,
- (j) the service of documents,
- (k) the establishment by the Director General of his office, the appointment of his staff and the delegation of his functions,
- (l) the issue by the Director General of codes of practice, guidance and recommendations, and their status in law,
- (m) the imposition by the Director General of directions, orders, penalties, fines, interim measures and other sanctions,
- (n) the appointment by the Director General of any person or body to advise him in relation to the exercise of his functions,
- (o) the production and publication by the Director General of reports and accounts and the auditing of accounts,
- (p) the making of grants and loans to the Director General,

- (q) the establishment by the Director General of a fund and the status of that fund for income tax purposes,
- (r) the objectives to be promoted and the other matters to be taken into account by the Director General, the Department and the States in carrying out their respective functions under this Law and any Ordinance under it,
- (s) the giving to the Director General of directions and recommendations by the Department, the States or any other body,
- (t) co-operation and the provision of mutual assistance by the Director-General, in relation to matters set out in section 1(a), (b) or (c), with or to authorities -
 - (i) discharging functions corresponding to his own, or
 - (ii) which are of any prescribed class or description,
- (u) privilege and duties of confidentiality and exceptions, exemptions and derogations therefrom,
- (v) the implementation of -
 - (i) any international instrument relating to matters

set out in section 1 or any aspect thereof,

- (ii) any right, power, liability, obligation, prohibition or restriction created or arising, or any remedy or procedure provided for, by or under any such international instrument,

subject to such exceptions, adaptations and modifications as may be specified in the Ordinance,

- (w) the administration and enforcement of any Ordinance under this Law including, without limitation, provision as to -

- (i) appeals in relation to decisions in respect of such administration and enforcement,

- (ii) modes of civil enforcement (including, without limitation, proceedings for injunctions),

- (iii) modes of criminal enforcement,

- (iv) remedies in respect of contraventions of any prohibition, restriction or regulation imposed by an Ordinance under this Law, and

- (v) the establishment of a tribunal and a panel of persons from whom the members of the tribunal are to be drawn,

and otherwise as to the administration of justice in relation to matters set out in section 1,

- (x) the jurisdiction and powers of the courts, and the constitution and procedure of those courts, in relation to matters set out in section 1,
- (y) provision as to evidence including, without limitation, rules as to the admission of evidence and evidential presumptions,
- (z) the authorisation of, and conferring of functions on, any person, body or office including, without limitation, the Director General of Competition, the Director General of Utility Regulation, the Department and the States (and their respective officers) for the purposes of the administration and enforcement of any Ordinance under this Law,
- (aa) the granting (conditionally or otherwise), refusal, variation, revocation and suspension of licences or other descriptions of authorisation or approval for the doing of anything restricted, regulated or controlled by an Ordinance under this Law,
- (bb) the making of applications for such licences, authorisations or approvals,
- (cc) the levying of fees, and

- (dd) the recovery of costs associated with the administration and enforcement of any Ordinance under this Law.

(2) References in paragraphs (f), (g), (l), (m), (n), (o) and (t) of subsection (1) -

- (a) to the Director-General, include references to the Trading Standards service of the Department,
- (b) to section 1(a), (b) or (c), are references to, in the case of the Trading Standards service, section 1(d).

General provisions as to Ordinances, etc.

7. (1) The States may by Ordinance amend this Law.

The provisions of this subsection are without prejudice to any other provision of this Law conferring power to enact Ordinances (and vice versa).

(2) An Ordinance under this Law -

- (a) may be amended or repealed by a subsequent Ordinance hereunder, and
- (b) may contain such transitional, consequential, incidental, supplementary and savings provisions as the States think fit.

(3) Any power to make an Ordinance under this Law may be exercised -

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised -
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
 - (iii) any such provision either unconditionally or subject to any prescribed conditions.
 - (iv) different provision for different classes, descriptions and categories of markets, businesses and undertakings.

(4) Without prejudice to the generality of the foregoing provisions of this Law, an Ordinance under this Law -

- (a) may make provision in relation to the creation, trial (summarily or on indictment) and punishment of

offences and may (for the avoidance of doubt) specify penalties which may be imposed by the Magistrate's Court which exceed the limits of jurisdiction for the time being imposed on that Court by section 10 of the Magistrate's Court (Guernsey) Law 1954^c,

- (b) may empower the Department, any other department of the States and any other body (including, without limitation, any court in Guernsey) to make or issue orders, rules, regulations, codes or guidance, whether as to matters in respect of which an Ordinance can be made under this Law or otherwise,
- (c) may make provision for the purpose of dealing with matters arising out of or related to matters set out in section 1 or any international instrument relating to such matters,
- (d) may provide that no liability shall be incurred by any specified person, body or office in respect of anything done or omitted to be done in the discharge or purported discharge of any of their functions under the Ordinance unless the thing is done or omitted to be done in bad faith,
- (e) may make provision under the powers conferred by this Law notwithstanding the provisions of any

^c Ordres en Conseil Vol. XVI, p. 103; Vol. XXVII, p. 170; Vol. XXVIII, p. 5; and No. V of 1989.

enactment for the time being in force,

- (f) may repeal, replace, amend, extend, adapt, modify or disapply -
 - (i) any enactment (but only to the extent that it has force of law in Guernsey), or
 - (ii) any rule of custom or law,
- (g) without prejudice to the generality of the foregoing, may make any such provision of any such extent as might be made by Projet de Loi, but may not provide that a person is to be guilty of an offence as a result of any retrospective effect of the Ordinance.

Interpretation.

8. (1) In this Law, unless the context requires otherwise, the expressions listed below shall be construed as follows -

"abuse of a dominant position" : see section 2,

"agreement between undertakings" means any type of agreement, arrangement or understanding between undertakings, whether or not legally enforceable, and includes a decision by an association of undertakings and a concerted practice involving undertakings,

"anti-competitive practice" : see section 3,

"business" includes any economic activity, trade or profession,

whether or not carried on for profit,

"control" of a business or undertaking : see section 4(2),

"the Department" means the Commerce and Employment Department,

"a department" means any department, council or committee of the States, however styled,

"Director General" means the Director General of Competition, the office of whom is to be established by Ordinance under this Law,

"document" includes information stored or recorded in any form (including, without limitation, in electronic form); and, in relation to information stored or recorded otherwise than in legible form, references to its production, however expressed, include (without limitation) references to the production of the information in a form -

- (a) in which it can be taken away, and
- (b) in which it is visible and legible or from which it can readily be produced in a visible and legible form,

"electronic form", in relation to the storage or recording of documents, includes storage or recording by means of any form of information storage technology,

"enactment" means any Law, Ordinance or subordinate legislation,

"Guernsey" includes Herm and Jethou,

"implementation", in relation to -

- (a) any international instrument,
- (b) any right, power, liability, obligation, prohibition or restriction created or arising, or any remedy or procedure provided for, by or under any such international instrument,

includes the enforcement or enactment thereof, and the securing of the administration, execution, recognition, exercise or enjoyment thereof, in or under domestic law,

"international instrument" means -

- (a) any convention, treaty, protocol or other international instrument, or any provision thereof, and
- (b) any Community provision within the meaning of section 3(1) of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994^d,

whether or not binding on Guernsey,

"joint venture" : see section 4(4),

^d

Order in Council No. III of 1994.

"market in Guernsey" includes -

- (a) any market which operates only in a part of Guernsey,
and
- (b) so far as it operates in Guernsey or a part of
Guernsey, any market which operates there and in
another country or territory or in a part of another
country or territory,

and references to a market for goods or services include references to a
market for goods and services,

"merger or acquisition" : see section 4,

"person" includes an individual and also -

- (a) a body corporate, and
- (b) a partnership or other unincorporated body of persons,

incorporated or established with or without limited liability in any part of the
world,

"prescribed" means prescribed by Ordinance under this Law,

"prevent", in relation to competition, means prevent, restrict or
distort competition or, in each case, attempt to do so,

"price" includes any charge, fee or valuable consideration of any description, and any discount, margin or other element of a price,

"service" includes any benefit, advice, privilege or facility which is, or which is to be, provided, granted or conferred in the course of business,

"standards" includes customs, practices and principles,

"States" means the States of Guernsey,

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect,

"supply" includes -

- (a) in relation to goods, supply (including re-supply) by way of sale, exchange, lease, hire or hire-purchase, and
- (b) in relation to services, provide, sell, lease, grant or confer,

"trading standards" : see section 5,

"undertaking" means a person carrying on a business and includes an association, whether or not incorporated, which consists of or includes such persons.

- (2) Any reference in this Law to an enactment or Act of

Parliament is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation.

9. This Law may be cited as the Competition and Trading Standards (Enabling Provisions) (Guernsey) Law, 2008.

SCHEDULE

ORDINANCES UNDER THIS LAW MAY MAKE PROVISION
CORRESPONDING TO THAT IN THE FOLLOWING ACTS

1. Misrepresentation Act 1967^e.
2. Trade Descriptions Act 1968^f.
3. Supply of Goods (Implied Terms) Act 1973^g.
4. Fair Trading Act 1973^h.
5. Hallmarking Act 1973ⁱ.
6. Prices Act 1974^j.
7. Consumer Credit Act 1974^k.
8. Torts (Interference with Goods) Act 1977^l.
9. Unfair Contract Terms Act 1977^m.
10. Sale of Goods Act 1979ⁿ.
11. Supply of Goods and Services Act 1982^o.

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| ^e | 1967 c. 7. |
| ^f | 1968 c. 29. |
| ^g | 1973 c. 13. |
| ^h | 1973 c. 41. |
| ⁱ | 1973 c. 43. |
| ^j | 1974 c. 24. |
| ^k | 1974 c. 39. |
| ^l | 1977 c. 32. |
| ^m | 1977 c. 50. |
| ⁿ | 1979 c. 54. |

12. Consumer Protection Act 1987^p.
13. Property Misdescriptions Act 1991^q.
14. Sale and Supply of Goods Act 1994^r.
15. Late Payment of Commercial Debts (Interest) Act 1998^s.
16. Enterprise Act 2002^t.
17. Consumer Credit Act 2006^u.
18. Any statutory instrument made under an Act of Parliament mentioned in this Schedule.

o	1982 c. 29.
p	1987 c. 43.
q	1991 c. 33.
r	1994 c. 35.
s	1998 c. 20.
t	2002 c. 40.
u	2006 c. 14.

PROJET DE LOI

ENTITLED

The Road Traffic (Parking Fees and Charges) (Enabling Provisions) (Guernsey) Law, 2008

THE STATES, in pursuance of their Resolutions of the 28th day of March, 2003^a, the 31st day of March, 2006^b and the 12th day of March, 2008^c, 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 Guernsey.

General power to make Ordinances regulating parking in and upon any designated public place.

1. The States may by Ordinance make such provision as they think fit regulating the parking of any vehicle in, or other object or thing upon, any designated public place.

Specific matters for which Ordinances may make provision.

2. An Ordinance under section 1 may, without limitation, make provision in relation to the following matters -

- (a) the prohibition of the parking of any vehicle in, or other object or thing upon, any designated public place,

^a Resolutions 5, 6 and 7 on Article XXI of Billet d'État No. IV of 2003.

^b Resolution 20 (as amended) on Article VIII of Billet d'État No. VII of 2006.

^c Article ** of Billet d'État No. ** of 2008.

(b) exemption from any prohibition upon the parking of any vehicle in, or other object or thing upon, any designated public place, during such periods, and subject to such conditions, as may be specified, including, without limitation, conditions relating to -

(i) the payment of specified fees or charges, and

(ii) the display -

(A) in such manner and during such periods,

(B) within, or upon, such part of the vehicle, or other object or thing,

(C) of such evidence of the payment of such fees or charges including, without limitation, such document, disc, symbol or other thing,

as may be specified,

(c) the levying of fees or charges,

(d) liability for payment of fees or charges levied under this Law,

(e) exemption from liability for payment of fees or

charges levied under this Law including, without limitation, exemption for any specified category of -

- (i) vehicle,
- (ii) vehicle owner, or
- (ii) person in charge of a vehicle,

from liability for payment, upon such conditions as may be specified,

- (f) the suspension of any prohibition upon the parking of any vehicle in, or other object or thing upon, any designated public place -

- (i) during such period, and
- (ii) upon such conditions,

as may be specified,

- (g) action and measures that may be taken by any specified person, or court, to ensure compliance including, without limitation -

- (i) the immobilisation,
- (ii) the removal and detention, and

(iii) the making of orders relating to -

(A) the forfeiture, and

(B) the destruction, or other disposal,

of any vehicle, or other object or thing, pending, in the case of immobilisation or removal or detention, payment of any fee, charge or penalty levied or payable in respect of the vehicle, or object or thing, under this Law,

(h) the penalties which may be imposed for breach of any Ordinance, and

(i) the courts and persons which, or who, may impose penalties for breach of any Ordinance, including, without limitation -

(i) police officers,

(ii) specified departments of the States, and

(iii) persons authorised by any specified department of the States.

General provisions as to subordinate legislation.

3. (1) An Ordinance under this Law -

(a) may be amended or repealed by a subsequent

Ordinance hereunder, and

- (b) may contain such transitional, consequential, incidental, supplementary and savings provisions as the States think fit.

(2) Any power to make an Ordinance under this Law may be exercised -

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

- (b) so as to make, as respects the cases in relation to which it is exercised -

- (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

- (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

- (iii) any such provision either unconditionally or subject to any prescribed conditions.

(3) Without prejudice to the generality of the foregoing

provisions of this Law, an Ordinance under this Law -

- (a) may make provision in relation to the creation, trial (summarily or on indictment) and punishment of offences and may (for the avoidance of doubt) specify penalties which may be imposed by the courts,
- (b) may empower the Department, any other department, and any other body, to make or issue orders, rules, regulations, codes or guidance, whether as to matters in respect of which an Ordinance can be made under this Law or otherwise,
- (c) may provide that no liability shall be incurred by any specified person or body in respect of anything done or omitted to be done in the discharge or purported discharge of any of their functions under the Ordinance unless the thing is done or omitted to be done in bad faith,
- (d) may make provision under the powers conferred by this Law notwithstanding the provisions of any enactment for the time being in force,
- (e) may repeal, replace, amend, extend, adapt, modify or disapply -
 - (i) any enactment (including, without limitation, this Law), but only to the extent that it has force of law in Guernsey, and

- (ii) any rule of custom or law, and
- (f) without prejudice to the generality of the foregoing, may make any such provision of any such extent as might be made by Projet de Loi, but may not provide that a person is to be guilty of an offence as a result of any retrospective effect of the Ordinance.

Interpretation.

4. In this Law, unless the context excludes –

"a department" means any department, council or committee of the States, however styled,

"the Department" means the States Environment Department,

"designated public place" means a public place designated under any Ordinance or instrument under this Law,

"enactment" means any Law, Ordinance or subordinate legislation,

"instrument under this Law" includes any regulation, rule, order, code or guidance made or issued under an Ordinance under this Law,

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on a public highway,

"parking" includes placing, storing, leaving and abandoning,

"public highway" includes any road, street, lane or place to which the public has access whether on foot or with animals or vehicles and whether on payment or otherwise,

"public place" includes a public highway and any premises, place or area to which the public have access, whether on payment or otherwise,

"specified" means specified by any Ordinance or instrument under this Law,

"States" means the States of Guernsey,

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect, and

"vehicle" includes a motor vehicle, a trailer (whether or not attached to a motor vehicle) and a bicycle.

Citation.

5. This Law may be cited as the Road Traffic (Parking Fees and Charges) (Enabling Provisions) (Guernsey) Law, 2008.

Commencement.

6. This Law shall come into force on the day appointed by Ordinance of the States; and different days may be appointed for different provisions.