

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

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

No. 59 of 2017

NOTIFIABLE ANIMAL DISEASES ORDER, 2017

In pursuance of sections 1(4) and 33 of the Animal Health Ordinance, 1996, the Notifiable Animal Diseases Order, 2017, made by the Committee *for the* Environment & Infrastructure on 24th August, 2017, 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 currently published by the Office International des Epizooties as significant in terms of animal health or important in terms of economic impact.

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

The main updates are to –

- move African Swine Fever from the list of compulsory slaughter diseases to the list of other notifiable diseases so that pigs with that disease will not be subject to the compulsory slaughter provisions in the Ordinance;
- add Aujeszky's disease (to which pigs and dogs are susceptible), Chytridiomycosis (chytrid fungus disease) (to which amphibians are susceptible), Epizootic Haemorrhagic Virus Disease (to which deer are susceptible), Epizootic Lymphangitis (to which equines are susceptible), Goat Pox (to which goats are susceptible), Paramyxovirus of Pigeons (to which birds are susceptible), Porcine Epidemic Diarrhoea (PED) (to which pigs are susceptible), Rinderpest (Cattle Plague) (to which cattle are susceptible), Sheep Pox (to which sheep are susceptible) and Teschen disease (Porcine enterovirus encephalomyelitis) (to which pigs are susceptible) to the list of notifiable animal diseases;
- remove Marek's disease, Melioidosis, Transmissible gastroenteritis and Tularemia from the list of notifiable animal diseases; and
- amend the animals listed as susceptible to *Echinococcus granulosus* and *Echinococcus multilocularis*.
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This Order comes into force on the 24th day of August, 2017.

No. 78 of 2017

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL BENEFIT)
(AMENDMENT NO.3) REGULATIONS, 2017**

In pursuance of section 35 of the Health Service (Benefit) Law, 1990, the Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No.3) Regulations, 2017 made by the Committee for Employment & Social Security on 3rd October, 2017, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the Health Service (Benefit) (Limited List) Regulations, 1990 to substitute, for the reference in regulation 2B of those Regulations to the definition of "nurse prescriber" in the Health Service (Benefit) (Nurse Prescribers) Ordinance, 2013, a reference to the definition of "nurse prescriber" in the Health Service (Benefit) (Approved Prescribers) Ordinance, 2017.

These Regulations come into force on the 1st November, 2017.

No. 79 of 2017

THE HEALTH SERVICE (PHARMACEUTICAL BENEFIT) (AMENDMENT) REGULATIONS, 2017

In pursuance of section 35 of the Health Service (Benefit) Law, 1990, the Health Service (Pharmaceutical Benefit) (Amendment) Regulations, 2017 made by the Committee for Employment & Social Security on 3rd October, 2017, are laid before the States.

EXPLANATORY NOTE

The Health Service (Benefit) (Approved Prescribers) Ordinance, 2017 authorises approved prescribers, including nurse prescribers, to issue medical prescriptions for pharmaceutical benefits.

The Health Service (Pharmaceutical Benefit) Regulations, 1990 ("1990 Regulations") set out forms to be used by professionals entitled to issue the medical prescriptions for pharmaceutical benefits, including a form to be used by nurse prescribers.

These Regulations amend the 1990 Regulations to replace the form required to be used by nurse prescribers with a form to be used by all approved prescribers, including nurse prescribers.

These Regulations also extend provisions of the 1990 Regulations relating to medical prescriptions to medical prescriptions issued by any approved prescriber (including a nurse prescriber).

These Regulations come into force on the 1st November, 2017.

No. 80 of 2017

**THE CONTROL OF POISONOUS SUBSTANCES (GUERNSEY) (AMENDMENT) REGULATIONS,
2017**

In pursuance of section 4 of the Poisonous Substances (Guernsey) Law, 1994, the Control of Poisonous Substances (Guernsey) (Amendment) Regulations, 2017 made by the Committee for Employment & Social Security on 3rd October, 2017, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the Control of Poisonous Substances (Guernsey) Regulations, 2014 as amended ("the principal Regulations"), to remove the requirement for professional users to revalidate their certificate of competence, and have regulated equipment inspected by a competent person, every 5 years.

Regulation 2(a) replaces the requirement in regulation 9(1)(b)(iii) of the principal Regulations for professional users to keep records of examinations of regulated equipment by competent persons ("examination records") with a requirement to keep records of maintenance operations carried out on the equipment ("maintenance records").

Regulation 2(b) replaces the requirement in regulation 9(2)(c) of the principal Regulations to keep examination records for 10 years, with a requirement to keep maintenance records for 7 years after the maintenance operation is carried out (in line with regulation 9(2)(a) and (b)).

Regulation 3 deletes the definition of "competent person" in regulation 19(1) of the principal Regulations, as this expression would no longer occur in the principal Regulations after these Regulations come into force.

Regulation 4 amends paragraph 2 of Schedule 3 to the principal Regulations to remove the requirement for professional users to obtain or renew a certificate of competence every five years. It also substitutes paragraphs 6 and 7 of that schedule with a new paragraph 6 requiring professional users to have regulated equipment calibrated in the 12-month period before the application of poisonous substances, and maintained in accordance with the manufacturer's instructions.

Regulation 5 substitutes paragraphs 3A and 3B of Schedule 5 to the principal Regulations with a new paragraph 3A that states that certificates of competence (including any deemed certificates of competence) continue to have effect until any expiry date specified on the certificate, unless revoked earlier.

Regulation 6 revokes the Control of Poisonous Substances (Guernsey) (Amendment) Regulations, 2016, as the amendments made by those regulations have been superseded by these Regulations.

No. 82 of 2017

**THE FIREARMS AND WEAPONS (FORMS AND PARTICULARS) (GUERNSEY) REGULATIONS
2017**

In pursuance of Section 10(1), 12(2), 15(1), 20A(3), 23B(3), 29(1), 30(2), 31(3), 36(1), 36(3) and (5), 40(1), 43(1) and 55A of the Firearms and Weapons (Guernsey) Law, 1998, The Firearms And Weapons (Forms and Particulars) (Guernsey) Regulations 2017, made by the Committee *for* Home Affairs on 9th October 2017, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the forms to be used, and particulars and conditions to be included, under the Firearms and Weapons (Guernsey) Law, 1998, for:

- a permit for possession of firearms or ammunition without a certificate,
- a permit for an auctioneer to sell by auction, expose for sale by auction or
- have in his possession for sale by auction a firearm or ammunition without being registered as a firearms dealer,
- a permit to remove a firearm from or to a ship, or a signalling apparatus from or to an aircraft or aerodrome,
- an application for a licence to possess a loaded shotgun in a public place,
- an application for a permit to possess and use an air weapon in a public place for vermin control,
- an application for a firearm certificate or shot gun certificate,
- a firearm certificate or a shotgun certificate,
- the register of firearms dealers,
- an application for a certificate of registration as a firearms dealer,
- the particulars to be furnished to the Chief Officer where a person registered as a firearms dealer proposes to carry on business at a place of business which is not entered in the register of firearms dealers, and
- the particulars to be entered in the register of transactions where a person by way of trade or business manufactures, sells or transfers firearms or ammunition.
- a certificate of registration as a firearms dealer

These Regulations come into force on the 1st November, 2017.

No. 83 of 2017

**THE FIREARMS AND WEAPONS (EXCEPTIONS, EXEMPTIONS AND DEFENCES) (GUERNSEY)
REGULATIONS, 2017**

In pursuance of Sections 5A(2) and (3), 5B(4), 20(2), 26A and 55A of the Firearms and Weapons (Guernsey) Law, 1998, The Firearms and Weapons (Exceptions, Exemptions and Defences) (Guernsey) Regulations, 2017, made by the Committee *for* Home Affairs on 9th October 2017, is laid before the States.

EXPLANATORY NOTE

These Regulations make provision in connection with defences, exceptions and exemptions in relation to offences in the Firearms and Weapons (Guernsey) Law, 1998 ("**the Law**").

Regulation 1 describes persons who may organise and hold historical re-enactments for the purposes of the defence specified in section 5A(2) of the Law.

Regulation 2 sets out a further defence to the offence of manufacturing, importing or selling realistic imitation firearms in section 5A(1) of the Law. This defence relates to making realistic imitation firearms available for the purposes of permitted activities (such as insured airsoft activities) or permitted events.

Regulation 3 places an evidential burden on a person seeking to establish a defence under regulation 2.

Regulations 4 and 5 make provision in connection with the definition of "**realistic imitation firearm**" in section 5B of the Law. These regulations specify the sizes and colours, respectively, which are to be regarded as unrealistic for an imitation firearm.

Regulation 6 specifies exceptions to the offence of carrying an air weapon or imitation firearm in a public place. These exceptions relate to over-18s or any over-12 club member carrying an air weapon or imitation firearm to or from club premises or shooting-permitted premises in a securely-fastened case.

Regulation 7 specifies an exception to the offence of sale or supply to, or possession by, an under-18 of air weapons or imitation firearms. This exception allows air weapons or imitation firearms to be sold or supplied to or possessed by an over-12 club member.

Regulation 8 specifies another exemption from the offence of supply to or possession by, an under-18 of air weapons or imitation firearms. This exemption allows an air weapon or imitation firearm to be lent to, or possessed by, an over-12 solely in order to enable its use under the personal supervision of an over-18 with reasonable safeguards in shooting-permitted premises.

Regulation 9 provides for an exemption similar to regulation 8 in relation to spearguns. Regulation 9 is an exemption from the offence of supply to or possession by, an under-18, of spearguns that are declared to be regulated weapons under the Firearms and Weapons (Guernsey) Ordinance, 2016. This exemption allows a speargun to be lent to, or possessed by, an over-12 solely in order to enable its use under the personal supervision of an over-18 with reasonable safeguards.

Regulation 10 is the interpretation provision. Regulations 11 and 12 are the citation and commencement provisions respectively.

These Regulations come into force on the 1st November, 2017.

No. 84 of 2017

THE FIREARMS AND WEAPONS (FEES) (GUERNSEY) REGULATIONS, 2017

In pursuance of Sections 16(1A), 20A(8), 23B(8), 35(1), 36(5), 38(1) and (2) and 55A of the Firearms and Weapons (Guernsey) Law, 1998, The Firearms and Weapons (Fees) (Guernsey) Regulations, 2017, made by the Committee *for* Home Affairs on 9th October 2017, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the fees payable under the Firearms and Weapons (Guernsey) Law, 1998 in respect of –

- (a) the grant, renewal, replacement or variation of a firearm certificate, shot gun certificate or visitor's temporary permit,
- (b) the grant, replacement or variation of –
 - (i) a licence to have a shot gun in a public place, or
 - (ii) a permit for having an air weapon, or using an air weapon to fire a missile in a public place, for vermin control, and
- (c) renewal or renewal of registration as a firearms dealer.

These Regulations come into force on the 1st November, 2017.

No. 85 of 2017

THE FIREARMS AND WEAPONS (APPROVED RANGES) (GUERNSEY) REGULATIONS, 2017

In pursuance of Sections 22 and 55A of the Firearms and Weapons (Guernsey) Law, 1998, The Firearms and Weapons (Approved Ranges) (Guernsey) Regulations, 2017, made by the Committee *for* Home Affairs on 9th October 2017, is laid before the States.

EXPLANATORY NOTE

These Regulations approve ranges at which firearms may be fired, specify the classes of firearms that may be used on such approved ranges and prescribe the regulations for such use, for the purposes of section 22 of the Firearms and Weapons (Guernsey) Law, 1998 ("**the Law**").

These regulations are made for the purposes of transitioning to the new statutory framework created by the Firearms (Guernsey) (Amendment) Law, 2016, pending the making of new regulations concerning approved firing ranges and the rules applicable to the use of these ranges.

Regulation 1 approves the ranges and prescribes the general and special conditions of use of those ranges, as specified in Schedule 1 to these Regulations.

Regulation 2 empowers the Committee *for* Home Affairs and any person authorised by the Committee to enter and inspect any approved range at any reasonable time.

Regulation 3 prohibits any person from obstructing the Committee or an authorised person in the exercise of powers conferred by regulation 2.

Regulation 4 gives effect to additional requirements relating to use of the Fort Le Marchant Rifle Range.

Regulation 5 creates offences relating to use of an approved range otherwise than in accordance with the general and special conditions, failure to carry out functions assigned by Schedule 1, and breach of regulation 3 or any provision of Schedule 2.

Regulations 6, 7 and 8 are the interpretation, citation and commencement provisions respectively.

In effect, these Regulations save sections 1(1), 2, 3, 4(1) and 8 of, and Schedules 1 and 2 to, the Firearms Ordinance, 1987 as regulations, despite the repeal of that Ordinance by the Firearms (Amendment) Law, 2016. The offences created by these Regulations are similar to the offences under that now-repealed Ordinance.

These Regulations come into force on the 1st November, 2017.

No. 92 of 2017

**THE DATA PROTECTION (TRANSFER IN THE SUBSTANTIAL PUBLIC INTEREST)
(AMENDMENT) ORDER, 2017**

In pursuance of paragraph 4(2) of Schedule 4 to, and section 66(2) of, the Data Protection (Bailiwick of Guernsey) Law, 2001, The Data Protection (Transfer In The Substantial Public Interest) (Amendment) Order, 2017 made by the Committee *for* Home Affairs on 24th April 2017, is laid before the States.

EXPLANATORY NOTE

This Order amends the definition of "the Stock Exchange" in the Data Protection (Transfer in the Substantial Public Interest) Order, 2002 to change the reference to the "Channel Islands Securities Exchange Authority Limited" to the "The International Stock Exchange Authority Limited (Guernsey company registration number 57527)".

This reflects the change of name of the regulated exchange entity.

This Order comes into force on the 26th day of April, 2017.

The full text of the statutory instruments and other legislation included in this document can be found at:

<http://www.guernseylegalresources.gg/article/158414/2017>