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PROJET DE LOI

ENTITLED

The Competition and Trading Standards (Enabling Provisions) (Guernsey) Law, 2007

THE STATES, in pursuance of their Resolution of the 27th July, 2006^a, 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 one or more undertakings of a dominant position within any market in Guernsey for

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

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 enactment 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^b,

- (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 enactment for the time being in force,

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

- (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,

"anti-competitive practice" : see section 3,

"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,

"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, Act of Parliament, Order in Council, regulation, order, rule of court or other legislative instrument having effect in Guernsey, and includes any provision of this Law,

"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^c,

whether or not binding on Guernsey,

^c Order in Council No. III of 1994.

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

"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,

"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 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, 2007.

SCHEDULE

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

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

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

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

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

PROJET DE LOI

ENTITLED

The Fees, Charges and Penalties (Guernsey) Law, 2007

THE STATES, in pursuance of their Resolution of the 22nd February, 2006^a, 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 prescribe fees by regulation.

1. (1) A fee which is of a class or description set out in the Schedule and which is or may be prescribed by -

- (a) the Law named in Part A of the Schedule in relation to that fee,
- (b) an Ordinance or Resolution of the States under any such Law,
- (c) the Ordinance named in Part B of the Schedule in relation to that fee, or
- (d) a Resolution of the States under any such Ordinance,

^a Article III of Billet d'État No. VI of 2006.

may be prescribed by regulations of the Department or other body named in the Schedule in relation to that fee.

- (2) The States may by Ordinance amend the Schedule -
 - (a) by adding any Law, Ordinance, Department, body or class or description of fee to it,
 - (b) by removing any Law, Ordinance, Department, body or class or description of fee from it, or
 - (c) by amending any entry in it.

Power to charge interest on late payment.

2. (1) Where the States, acting by and through any Department thereof, are owed any monies in respect of a transaction which are not paid on or before the due date, the States may charge interest on the balance for the time being outstanding at such rate as the Department in question may by regulation determine.

(2) Regulations under this section may prescribe the due date applicable to a transaction or any class or description of transaction.

(3) Any interest charged pursuant to regulations under this section is recoverable in the same manner and by means of the same remedies as the original debt.

(4) In this section -

"**due date**" is the date on or before which, whether pursuant to regulations under this section or otherwise, the monies owed in respect of

the transaction are payable to the States,

"**transaction**" includes any agreement, arrangement, dealing, service, circumstance, event or relationship whereby a liability to the States arises or is imposed.

Power to prescribe civil penalties by Ordinance.

3. The States may by Ordinance amend any Law or Order in Council so as to vary the amount of, or to abolish, any civil penalty for the time being prescribed in it.

Other powers not affected.

4. The provisions of this Law are in addition to and not in derogation from any power arising otherwise than under this Law to enact Ordinances, regulations or other descriptions of subordinate legislation.

General provisions as to subordinate legislation.

5. (1) The States may by Ordinance, without prejudice to any other provision of this Law conferring power to enact Ordinances or regulations, amend this Law.

(2) An Ordinance or regulation under this Law -

(a) may be amended or repealed by a subsequent Ordinance or regulation (as the case may be),

(b) may contain such transitional, consequential, incidental, supplementary and savings provisions as the States or the enacting Department or body (as the case may be) think fit, including (without limitation)

provisions repealing, amending, modifying or disapplying any Law, Ordinance or Resolution described in section 1(1), and

- (c) shall, in the case of a regulation (but not in the case of an Order of the Royal Court), be laid before a meeting of the States as soon as possible after being made; and if at that or the next meeting the States resolve that the regulation be annulled, then it shall cease to have effect, but without prejudice to anything done under it or to the making of new regulations.

(3) Any power conferred by this Law to make an Ordinance or regulation 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.

Interpretation.

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

"**body**" includes the holder of an office,

"**Department**" of the States means any department, committee or council thereof, however named,

"**fee**" includes a charge or penalty and any other amount due to the States,

"**Greffier**" means Her Majesty's Greffier,

"**regulation**" means, in the case of an instrument made by the Royal Court, an Order of the Royal Court,

"**States**" means the States of Guernsey.

- (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.

Citation.

7. This Law may be cited as the Fees, Charges and Penalties (Guernsey) Law, 2007.

SCHEDULE

Section 1

PART A: LAWS

LAW	CLASS OR DESCRIPTION OF FEE	DEPARTMENT
Loi relative aux Ventes Publiques à l'encan, 1914 ^b	Fees payable to Home Department for grant and renewal of auctioneer's licence	Treasury and Resources Department
Loi ayant rapport aux Licences pour les Salles Publiques, 1914 ^c	Fee payable to Greffier on renewal of salle publique licence	Environment Department
Loi ayant rapport à la fourniture d'eau par les États de cette île aux habitants de la dite île, 1927 ^d	Charges for supply of water; hosepipe charge; reconnection charge	Public Services Department
Matrimonial Causes Law (Guernsey), 1939 ^e	Costs and Court fees	Royal Court
Marriage (Amendment) Law, 1951 ^f	Fees payable in respect of and in connection with marriage	Treasury and Resources Department

^b Ordres en Conseil Vol. V, p. 41.

^c Ordres en Conseil Vol. V, p. 56.

^d Ordres en Conseil Vol. VIII, p. 112; Vol. XXVI, p. 536; and No. XVII of 1997.

^e Ordres en Conseil Vol. XI, p. 318; Vol. XII, p. 278; Vol. XVII, p. 249; Vol. XXII, p. 102; Vol. XXIII, p. 489; Vol. XXVII, p. 99; Vol. XXXI, p. 171; Vol. XXXII, p. 85; Order in Council No. XIX of 1997 and No's. XI and XXXI of 2003.

^f Ordres en Conseil Vol. XV, p. 200.

Births, Deaths and Marriages Certificates (Miscellaneous Provisions) (Guernsey) Law, 1951 ^g	Fees payable in respect of issue of birth, death and marriage certificates	Treasury and Resources Department
Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957 ^h	Harbour dues	Public Services Department
Court of Appeal (Guernsey) Law, 1961	Regulations under section 36(4) as to rates and scales of payment	Royal Court
Pilotage (Guernsey) Law, 1966 ⁱ	Fees payable on examination for, and on grant and renewal of, pilotage licence; and pilotage dues	Public Services Department
Legitimacy (Guernsey) Law, 1966 ^j	Fees payable to Registrar-General	Policy Council
Gambling (Guernsey) Law, 1971 ^k	All fees to be payable to the States for the purposes of any Ordinance under that Law	Home Department

^g Ordres en Conseil Vol. XV, p. 46; amended by Vol. XXVII, p. 40; No. XVIII of 1991; and Recueil d'Ordonnances Tome XXV, p. 238.

^h Ordres en Conseil Vol. XVII, p. 264; Vol. XXIX, p. 340; and No. XXI of 2001.

ⁱ Ordres en Conseil Vol. XX, p. 206; Vol. XXIX, p. 340; and No. XXI of 2001.

^j Ordres en Conseil Vol. XX, p. 267; and No. XVIII of 1991.

^k Ordres en Conseil Vol. XXIII, p. 109; Vol. XXIX, p. 340; and No. XXI of 2001.

Vessels and Speed Boats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972 ^l	Mooring charges	Public Services Department
Nursing Homes and Residential Homes (Guernsey) Law, 1976 ^m	Fee for application for registration of person in respect of nursing home or residential home	Health and Social Services Department
Hawkers and Non-Resident Traders (Guernsey) Law, 1980 ⁿ	Fee payable to Greffier for issue of certificate as to grant of licence; and to States Treasurer for grant or renewal of licence	Commerce and Employment Department
Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988 ^o	Maximum amounts specified in sections 4(4)(a), 5(2)(b), 8(1)(b) and 8(2)	Policy Council
Health Service (Benefit) (Guernsey) Law, 1990 ^p	Prescription charges	Social Security Department

^l Ordres en Conseil Vol. XXIII, p. 515; Vol. XXIX, p. 340; and No. XXI of 2001.

^m Ordres en Conseil Vol. XV, p. 46; amended by Vol. XXVII, p. 40; No. XVIII of 1991; and Recueil d'Ordonnances Tome XXV, p. 238.

ⁿ Ordres en Conseil Vol. XXVII, p. 218; amended by No. XVII of 1989 and No. XX of 1991.

^o Ordres en Conseil Vol. XXXI, p. 83.

^p Ordres en Conseil Vol. XXXII, p. 192; amended by Ordinance XIV of 1993 (Tome XXVI, p. 177); Ordinance XXXIV and XXXV of 1995 (Tome XXVI, pp. 177 and 483); Ordinance XXII of 2002; and Ordinance IX of 2003; modified by Ordinance XXXVI and XL of 1995; Ordinance XI of 1997; and Ordinance I of 1998.

Animal Experiments (Bailiwick of Guernsey) Law, 1992 ^q	Fees payable in connection with applications for licences	Commerce and Employment Department
Companies (Guernsey) Law, 1994 ^r	Fees payable to Greffier	Commerce and Employment Department
Air Transport Licensing (Guernsey) Law, 1995 ^s	Fees payable in respect of applications for grant or renewal of Guernsey air transport licences and by holders of such licences	Commerce and Employment Department
Firearms (Guernsey) Law, 1998 ^t	Fee payable on grant, renewal, replacement or variation of firearm certificate, or shot gun certificate or licence, and on registration of person as firearms dealer	Home Department
Tattooing, Piercing, Acupuncture and Electrolysis (Guernsey and Alderney) Law, 2000 ^u	Fees for application for, and payable annually for, registration of person for purpose of carrying out skin treatment and registration of premises in respect of skin treatment	Health and Social Services Department

^q Order in Council No. X of 1992.

^r Order in Council No. XXXIII of 1994; amended by No. XIV of 1996; No. I of 2001; No. II of 2002; the Companies (Guernsey) (Amendment) Law, 2005; Ordinance No. XXXIII of 2003; and Ordinances XI, XII and XVIII of 2006.

^s Order in Council No. XV of 1995.

^t Order in Council No. XII of 1998.

^u Order in Council No. V of 2000.

PART B: ORDINANCES

ORDINANCE	CLASS OR DESCRIPTION OF FEE	DEPARTMENT
Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins, 1931 ^v	Fee payable to competent authority on application for grant or renewal of bornement	Policy Council
Ordonnance ayant rapport à l'Enregistrement de Patentes, Dessins et Marques de Fabrique, 1932 ^w	Fees payable to States in respect of registration, re-registration, restoration to register and increase of term	Commerce and Employment Department
Ordonnance supplémentaire à l'Ordonnance ayant rapport au Trafic Véhiculaire en cette Île, 1932 ^x	Fee payable to Environment Department on exchange of registration marks	Environment Department
Public Records (Fees for Registration and Certified Copies of Documents) Ordinance, 1960 ^y	Fees payable to Greffier for registration and supply of copies of documents	Treasury and Resources Department

^v Recueil d'Ordonnances Tome VIII, pp. 123, 140 and 147; amended by Tome XI, p. 338 and by Ordres en Conseil Vol. XXXI, p. 469.

^w Recueil d'Ordonnances Tome VI, p. 65; amended by No. II of 1995.

^x Recueil d'Ordonnances Tome VI, p. 88; amended by No. XXXVI of 1997.

^y Recueil d'Ordonnances Tome XII, p. 399; amended by Tome XXI, p. 59 and No. XXI of 2006.

Fishing (Licensing and Protection of Fisheries) Ordinance, 1987 ^z	Fee payable to States Treasurer for grant of fishery licence	Commerce and Employment Department
Airport Fees Ordinance, 1987 ^{aa}	Airport fees, passenger fees, additional availability fees, parking fees and runway approach fees	Public Services Department
Harbours Ordinance, 1988 ^{bb}	Fees for use of harbour facilities	Public Services Department
Income Tax (Exempt Bodies) (Guernsey) Ordinance, 1989 ^{cc}	The annual fee	Treasury and Resources Department
Public Highways (Temporary Closure) Ordinance, 1999 ^{dd}	Fees payable to Greffier and Constables on application for grant, variation of conditions and renewal of al fresco licence	Environment Department

^z Recueil d'Ordonnances Tome XXIV, p. 33.

^{aa} Recueil d'Ordonnances Tome XXIV, p. 9; No. XI of 2001.

^{bb} Recueil d'Ordonnances Tome XXIV, p. 418; No. XII of 1994; No. XII of 2001; and No. XVII of 2003.

^{cc} Recueil d'Ordonnances Tome XXV, p. 106; amended by Tome XXVI, p. 41; no. VI of 1996; and No. XXXIX of 1997.

^{dd} Ordinance I of 1999.

The Motor Taxation (Abolition) (Guernsey) Ordinance, 2006

THE LEGISLATION SELECT COMMITTEE, in pursuance of the States' Resolution of the 26th October, 2006^a, and in exercise of the powers conferred on the States by sections 2(9), 2(14), 2(15), 16, 25 and 28 of the Motor Taxation and Licensing (Guernsey) Law, 1987, as amended^b and all other powers enabling the States in that behalf, and on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948, as amended^c, hereby order:-

Abolition of motor tax.

1. (1) Motor tax and vehicle licences are abolished.
- (2) Subsection (1) comes into force on the 1st January, 2008.

Power to issue vehicle licences of different periods.

2. (1) Vehicle licences may be issued, before the 1st January, 2008, in respect of periods of -

- (a) six months,
- (b) twelve months, or
- (c) any other whole number of months expiring on the 31st

^a Article XII of Billet d'État No. XVII of 2006.

^b Ordres en Conseil Vol. XXX, p. 341; No. XI of 1995; and No. IX of 2000.

^c Ordres en Conseil Vol. XIII, p. 288 (there are amendments not material to this Ordinance).

December, 2007.

(2) The Environment Department shall continue to levy a surcharge of 50 pence for the issue of a vehicle licence in respect of a period of six months which expires before the 31st December, 2007.

Repeals.

3. (1) The enactments specified in the Schedule are repealed on the 1st January, 2008.

(2) Prior to that date, those enactments are modified to the extent necessary to give effect to this Ordinance.

Extent.

4. This Ordinance has effect in the Islands of Guernsey and Alderney.

Citation and commencement.

5. (1) This Ordinance may be cited as the Motor Taxation (Abolition) (Guernsey) Ordinance, 2006.

(2) This Ordinance, apart from section 1(1), comes into force on the 4th December, 2006.

SCHEDULE

Section 3

REPEALED ENACTMENTS

PART I - LAWS

1. NAME OF ENACTMENT	2. EXTENT OF REPEAL
Loi relative aux Automobiles, 1926 ^d	The whole Law
Loi supplémentaire relative aux Automobiles, 1932 ^e	The whole Law
Loi supplémentaire à la Loi relative aux Automobiles, 1937 ^f	The whole Law
Loi supplémentaire à la Loi relative aux Automobiles et concernant les Tracteurs Agricoles, 1946 ^g	In section 1, the definition of "La Loi de 1926"; and section 2
Loi de 1950 supplémentaire à la Loi relative aux Automobiles ^h	The whole Law
The Motor Vehicles (Taxation and Licensing) (Amendment) Law, 1956 ⁱ	The whole Law
The Motor Vehicles (Taxation and Licensing) (Tractors) Law, 1957 ^j	The whole Law

^d Ordres en Conseil Vol. VIII, p. 56.

^e Ordres en Conseil Vol. IX, p. 257.

^f Ordres en Conseil Vol. XI, p. 121.

^g Ordres en Conseil Vol. XII, p. 380.

^h Ordres en Conseil Vol. XIV, p. 436.

ⁱ Ordres en Conseil Vol. XVII, p. 11.

^j Ordres en Conseil Vol. XVII, p. 241.

The Motor Vehicles (Taxation) (Amendment) Law, 1957 ^k	The whole Law
The Motor Vehicles (Amendment) (Guernsey) Law, 1960 ^l	Sections 2 and 3
The Motor Vehicles (Amendment) (Guernsey) Law, 1966 ^m	Sections 2 and 3
The Motor Vehicles and Road Traffic (Penalties) (Guernsey) Law, 1982 ⁿ	Sections 1(a) and 3

^k Ordres en Conseil Vol. XVII, p. 246.

^l Ordres en Conseil Vol. XVIII, p. 257.

^m Ordres en Conseil Vol. XX, p. 246.

ⁿ Ordres en Conseil Vol. XXVII, p. 415.

PART II - ORDINANCES

1. NAME OF ENACTMENT	2. EXTENT OF REPEAL
Ordonnance supplémentaire à l'Ordonnance ayant rapport au Trafic Véhiculaire en cette île, 1932 ^o	Articles 1, 2, 2A, 3, 4, 5, 6, 14, 16, 17, and Schedules I and II
The Vehicular Traffic (Short Period Licences) Ordinance, 1940 ^p	The whole Ordinance
The Alderney (Application of Legislation) Ordinance, 1948 ^q	The entry in Schedule 2 relating to the Loi relative aux Automobiles, 1926
The Vehicular Traffic (Motor Licences) (Amendment) Ordinance, 1965 ^r	The whole Ordinance
The Vehicular Traffic (Motor Licences) (Amendment) Ordinance, 1970 ^s	Sections 1(a) and 2 and the Schedule
The Indirect Taxes, Duties and Impôts (Increase of Rates) (Budget) Ordinance, 1994 ^t	Sections 2, 3 and 5 and Schedules 2 and 3
The Registration Marks (Sale and Retention) Ordinance, 1997 ^u	Section 14(a)
The Motor Tax (Amendment) Ordinance, 2004 ^v	The whole Ordinance

^o Recueil d'Ordonnances, Tome VI, p. 89.

^p Recueil d'Ordonnances, Tome VIII, p. 226.

^q Recueil d'Ordonnances Tome IX, p. 280.

^r Recueil d'Ordonnances Tome XIV, p. 125.

^s Recueil d'Ordonnances Tome XVI, p. 503.

^t Recueil d'Ordonnances Tome XXVI, p. 350; amended by No. XLIII of 2004.

^u No. XXXVI of 1997.

^v No. XLIII of 2004.

The European Communities (Bailiwick of Guernsey) (Amendment) Ordinance, 2006

THE LEGISLATION SELECT COMMITTEE, in exercise of the powers conferred on the States by sections 2 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994^a and on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948, as amended^b, hereby orders:-

Accessions.

1. In section 1(1) of the European Communities (Bailiwick of Guernsey) Law, 1973, as amended^c, immediately after paragraph (m)^d in the definition of "the Treaties" or "the Community Treaties", there is inserted -

"and (n) the treaty concerning the accession of the Republic of Bulgaria and the Republic of Romania to the European Union, signed at Luxembourg on 25th April 2005."

Extent.

2. This Ordinance shall have effect throughout the Bailiwick of Guernsey.

^a Order in Council No. III of 1994.

^b Ordres en Conseil Vol. XIII, p. 288 (there are amendments not material to this Ordinance).

^c Ordres en Conseil Vol. XXIV, p. 87; Vol. XXVII, p. 242; Vol. XXIX, pp. 127 and 419 and No. XXV of 2002; also amended by Ordinances No. XIX of 1994; No. XVII of 1998; No. XLVII of 2001; and No. XVIII of 2003.

^d Paragraph (m) was inserted by Ordinance No. XVIII of 2003.

Citation.

3. This Ordinance may be cited as the European Communities (Bailiwick of Guernsey) (Amendment) Ordinance, 2006.

Commencement.

4. This Ordinance shall come into force on the 1st January, 2007.