

GUERNSEY STATUTORY INSTRUMENT

2016 No. 8

**The Control of Poisonous Substances (Guernsey)
(Amendment) Regulations, 2016**

<i>Made</i>	<i>4th February, 2016</i>
<i>Laid before the States</i>	<i>2016</i>
<i>Coming into operation</i>	<i>5th February, 2016</i>

THE STATES OF GUERNSEY COMMERCE AND EMPLOYMENT DEPARTMENT, in exercise of the powers conferred on it by sections 1 and 4 of the Poisonous Substances (Guernsey) Law, 1994^a, hereby makes the following regulations:-

Amendment of the Control of Poisonous Substances (Guernsey) Regulations, 2014.

1. The Control of Poisonous Substances (Guernsey) Regulations, 2014^b are amended as follows –

(a) in Schedule 3 to those Regulations –

(i) delete the word "and" at the end of subparagraph (c) of paragraph 2, and

(ii) for subparagraph (d) of paragraph 2, substitute the following subparagraphs –

"(d) hold a certificate of competence for the use of poisonous substances, and

^a Ordres en Conseil Vol. XXXV (2), p. 388; as amended by Recueil d'Ordonnances Tome XXVII, p. 139 and Tome XXIX, p. 406.

^b G.S.I. No. 18 of 2014.

- (e) obtain a new certificate of competence, or renew his certificate of competence, for the use of poisonous substances at least once every 5 years from the date on which the certificate of competence was issued.", and
- (b) in Schedule 5 to those Regulations, between paragraphs 3 and 4, insert the following paragraphs –

"3A. A certificate of competence recognised by the Department under the 1995 Regulations and valid immediately before the commencement of these Regulations is to be regarded as a certificate of competence for the purposes of these Regulations until the expiry of the later of the following dates–

- (a) the 31st August, 2017, or
- (b) the 5th anniversary of the date when the certificate of competence was issued.

3B. Paragraph 2(e) of Schedule 3 has no effect before the 1st September, 2017."

Interpretation.

2. (1) In these regulations, unless the context requires otherwise –

"**enactment**" means any Law, Ordinance or subordinate legislation,
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) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these regulations.

(3) Any reference in these regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended and applied.

Citation.

3. These Regulations may be cited as the Control of Poisonous Substances (Guernsey) (Amendment) Regulations, 2016.

Commencement.

4. These Regulations come into force on the 5th day of February, 2016.

Dated this fourth day of February 2016.

Deputy A BROUARD
Deputy Minister of the Commerce and Employment Department
For and on behalf of the Department

^c Ordres en Conseil Vol. XIII, p. 355.

EXPLANATORY NOTE

(This note is not part of the regulations)

These Regulations make transitional provisions relating to the commencement of the the Control of Poisonous Substances (Guernsey) Regulations, 2014 ("**principal Regulations**").

A provision of the principal Regulations required professional users of poisonous substances to obtain a new certificate of competence, or renew their certificates every 5 years. However, a suitable competence scheme for the use of poisonous substances is not expected to be established on the island of Guernsey, and the relevant certificates are not expected to be issued, until 2017.

In light of this, it is considered appropriate to postpone the implementation of this requirement until 1st September, 2017. In the meantime any certificate of competence recognised under the previous Control of Poisonous Substances Regulations, 1995 will continue to be regarded as a valid certificate of competence until that date, or the expiry of 5 years from the date on which the certificate was issued, whichever is the later.

These Regulations will come into force on the 5th February, 2016.