

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**THE HEALTH AND SAFETY AT WORK (GENERAL) (GUERNSEY) (AMENDMENT)
ORDINANCE, 2025**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Health and Safety at Work (General) (Guernsey) (Amendment) Ordinance, 2025" and to direct that the same shall have effect as an Ordinance of the States.

EXPLANATORY MEMORANDUM

This Ordinance amends the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, principally by the insertion (at section 1(3)) of a new regulation-making power into section 36 through the insertion of new subsections (1A) to (1D). The provisions inserted into section 36 confer on the Committee for Employment & Social Security ("CfESS") the power to make regulations for the purpose of regulating and controlling specified work-related activities (defined at inserted (1B)) "that, in the view of the Committee –

- (a) involve significant hazards or risk, or
- (b) otherwise engender significant public concern,

such that it is in the public interest for the undertaking of those activities to be so controlled and regulated".

The inserted provisions specify that such regulation and control shall be by way of the issue of licences and related supplementary provision. The provisions also provide that such regulations may specify that the undertaking of specified work-related activities without a licence is prohibited and an offence under section 25 (offences).

The Ordinance shall come into force on being made.

The Health and Safety at Work (General) (Guernsey) (Amendment) Ordinance, 2025

THE STATES, in pursuance of their Resolution of the 21st day of November, 2024^a, and in exercise of the powers conferred upon them by section 3(1) of the Health and Safety at Work etc. (Guernsey) Law, 1979^b, and section 2 of the Health, Safety and Welfare of Employees Law, 1950^c, and all other powers enabling them in that behalf, hereby order:-

Amendment of Ordinance.

1. (1) The Health and Safety at Work (General) (Guernsey) Ordinance, 1987^d is amended as follows.

(2) In section 25 (offences), at the end of paragraph (o) of subsection (1) for "." substitute ",", and after paragraph (o) insert –

"(p) to contravene any requirement or prohibition imposed by Regulations made under section 36(1A), in circumstances where those Regulations specify that such a contravention shall be an offence."

^a Article VIII of Billet d'État No. XX of 2024.

^b Ordres en Conseil Vol. XXVII, p. 155; this enactment has been amended.

^c Ordres en Conseil Vol. XIV, p. 312; this enactment has been amended.

^d Recueil d'Ordonnances Tome XXIV, p. 162; this enactment has been amended.

(3) In section 36 (power to make Regulations), after subsection (1)
insert –

"(1A) The Committee may, from time to time, make Regulations providing for the regulation and control, by way of the issue of licences by the Committee and related supplementary provision, of specified work-related activities that, in the view of the Committee –

- (a) involve significant hazards or risk, or
- (b) otherwise engender significant public concern,

such that it is in the public interest for the undertaking of those activities to be so controlled and regulated.

(1B) For the purposes of subsection (1A), "**work-related activities**" means activities undertaken in the course of a person's work, or otherwise closely related to the undertaking of a person's work.

(1C) Regulations under subsection (1A) may provide that the undertaking of specified work-related activities falling within that subsection without a licence issued by the Committee authorising the undertaking of those activities is prohibited, and that contravention of that prohibition is an offence under section 25(1)(p).

(1D) Without prejudice to the generality of subsection (1A), and for the avoidance of doubt, Regulations under that subsection may provide for the following matters –

- (a) the imposition of conditions in respect of the undertaking of specified work-related activities falling within subsection (1A) by way of their inclusion in licences issued by the Committee ("**licence conditions**"),
- (b) the variation and removal of licence conditions, and the modification of a licence for any other purpose specified in the Regulations,
- (c) the period of the validity of a licence,
- (d) the circumstances in which a licence shall cease to be valid, including, but not limited to, the circumstances in which the Committee may revoke a licence,
- (e) the charging of fees by the Committee in respect of applications for the issue, modification and renewal of a licence, and other applications and related matters specified in the Regulations,
- (f) the contravention of specified requirements and prohibitions imposed by or under the Regulations (including, but not limited to, requirements and prohibitions set out in licence conditions, if those licence conditions so

provide on their face) to be an offence under and in accordance with section 25(1)(p),

- (g) the form of an application for the issue, modification and renewal of a licence,
- (h) the grounds on which an application for the issue, modification or renewal of a licence may be granted or refused, and
- (i) appeals against decisions in respect of the issue, renewal, modification and revocation of licences."

(4) In section 36(2), for "subsection (1)" substitute "subsections (1) and (1A)".

Citation.

2. This Ordinance may be cited as the Health and Safety at Work (General) (Guernsey) (Amendment) Ordinance, 2025.