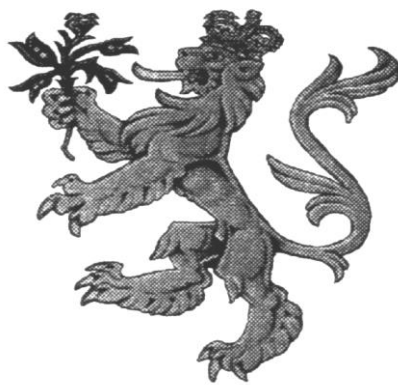


STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 8TH JULY 2020

Price: £2.35

BILLET D'ETAT

FOR WEDNESDAY 8TH JULY 2020

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 1730hrs on Wednesday 8th July 2020.

William Tate
President

Item I The Speed Trials (Alderney) Ordinance, 2020

The following letter was received from Mr Graham McKinley, Chairman of the General Services Committee:-

"I am pleased to be able to report that the General Services Committee has received a request from the Guernsey Kart and Motor Club for permission to organise a three-day Sprint and Hill Climb event from the 17th to the 19th September this year. The Committee, having delegated permission to the Chief Executive's office to deal with matter, has noted the times and dates of the event and raised no objection.

The Speed Trials (Alderney) Ordinance will allow competing vehicles to exceed the statutory speed limit and permit the closure of the highway along the course as detailed below:

- (a) on the road extending from Whitegates to Mannez Lighthouse and Route des Mielles to Hammond Memorial between 0700 and 1900 hours on Thursday 17th September 2020;
- (b) the road extending from Le Grand Val (Judges Pond) to Tourgis Hill between 0700 to 1900 hours on Friday 18th September 2020; and
- (c) Tourgis Hill along the extent of the Hill Climb course, from the road junction of the Petit Val with Route de Picaterre to the junction of Tourgis Hill Road with Le Grand Val between 0700 to 1900 hours on Saturday 19th September 2020.

As in past years, the Guernsey Kart and Motor Club has undertaken to put in place all necessary safety precautions and to liaise with the Police, Ambulance and Fire Service for these events.

I would be grateful if 'The Speed Trials (Alderney) Ordinance, 2020' is placed before the States of Alderney at its next meeting together with an appropriate proposition.

Graham McKinley OBE, Chairman"

Committee Meeting Attendees:-

Mr Graham McKinley, Chairman
Ms Annie Burgess, Deputy Chair

Mr Mike Dean
Mr Kevin Gentle
Mr Christian Harris
Mr Steve Roberts

The States of Alderney is asked to approve “The Speed Trials (Alderney) Ordinance, 2020”

*Proposer: Mr Graham McKinley
Seconder: Mr Mike Dean*

Item II The Public Holiday (“Homecoming Day”) (Alderney) Ordinance, 2005

The following letter was received from Mr James Dent, Chairman of the Policy and Finance Committee:-

“The States of Alderney at its meeting of 21st November, 2005 approved “The Public Holiday (“Homecoming Day”) (Alderney) Ordinance, 2005. The background to this decision was that 15th December, 2005 marked the 60th Anniversary of the homecoming – the arrival by ship of the first islanders to return following the evacuation. The event was marked in a variety of ways, including a special stamp issue and a commemorative stone bearing an inscription. Many were of the view that the anniversary of this important event should be formally recognised on an annual basis by the declaration of a public holiday. The Public Holiday (“Homecoming Day”) (Alderney) Ordinance, 2005 was drafted by the Law Officers to give effect to this and states that:

1. (1) Subject to subsection (2) the 15th day of December in each year is a public holiday in Alderney.

(2) Where in any year the 15th December falls on a Saturday or a Sunday, that day is not a public holiday, but the Monday first preceding that day is a public holiday.

This subject was raised at the January meeting of the Policy and Finance Committee on 23rd January 2020 where the Committee resolved to debate this matter at a meeting of the full States.

I shall be obliged if you will place this matter before the States at its next meeting for debate without resolution.

James Dent, Chairman”

Committee Meeting Attendees:-

Mr James Dent, Chairman
Mr David Earl, Deputy Chair
Ms Annie Burgess
Mr Mike Dean
Mr Kevin Gentle
Mr Christian Harris
Mr Louis Jean
Mr Graham McKinley OBE
Mr Steve Roberts
Mr Alex Snowdon

*Proposer: Mr James Dent
Seconder: Ms Annie Burgess*

Item III The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.3) Regulations, 2020

The following letter was received from Mr James Dent, Chairman of the Policy and Finance Committee:-

“These Regulations are emergency regulations made by the Civil Contingencies Authority under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 ("the Law"). They are made on the occurrence of an emergency, within the meaning of the Law, in the Bailiwick, arising from the urgent need to prevent, control or mitigate the spread of the virus Severe Acute Respiratory Syndrome Coronavirus 2 and the disease caused thereby, COVID-19 (referred to together in these regulations as coronavirus). They are prefaced with a statement by the Civil Contingencies Authority, as required by section 12(2) of the Law. COVID-19 was made a notifiable disease for the purposes of the Public Health Ordinance, 1936 on 10th February 2020.

These Regulations revoke and re-enact (with minor modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations came into force on the 13th June, 2020 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

Part I - screening, assessment and powers to detain etc.

This Part places a requirement to self-isolate on persons arriving in the Bailiwick, enables the Medical Officer of Health to place restrictions and requirements on other persons who are or who may be infected with coronavirus, and makes provision in respect of related matters, including powers for the Medical Officer of Health to impose screening requirements, to detain people and to keep people in isolation. The provisions also create criminal offences and confer powers of enforcement on police officers, and provide for applications to vary or revoke requirements or restrictions imposed under this part to be made to the Royal Court.

Part II - control of premises, gatherings etc., and movement of persons

This Part enables the States Committee for Health & Social Care ("the Committee") to impose restrictions in relation to licensed (and other non-residential) premises, and empower the Committee to impose restrictions in relation to events, gatherings and meetings, and the movement of people outside their homes. The regulations in this Part also create criminal offences, and confer powers of enforcement on police officers. The Committee must consult the Medical Officer of Health before exercising the powers under the regulations, and in addition must consult Her Majesty's Procureur when issuing a direction imposing restrictions in relation to the movement of persons outside their homes; and when exercising powers in relation to premises in Alderney and Sark, the relevant Committees on those islands must also be consulted.

Part III –mental health

Schedule 1 to these Regulations sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraphs 4 to 6 of Schedule 1 modify the Mental Health (Bailiwick of Guernsey) Law, 2010 ("the Law") to permit an approved medical practitioner (rather than only a second opinion approved doctor) to provide a certificate for the purposes of section 56 of the Law and, in doing so, that practitioner will only be required to consult with one person, where the practitioner is of the opinion that is not reasonably practicable or would involve unreasonable delay to comply with the unmodified requirements.

Paragraphs 7 to 8 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal ("the Tribunal") may properly be constituted according to specified criteria.

Parts IV and V - registration of deaths and still-births, and cremations in Guernsey

These Parts temporarily modify procedures in relation to registration of deaths and still births in Guernsey and Sark and in Alderney (Part IV) and in relation to cremations in Guernsey (Part V). These amendments are to remove requirements for things to be done in person and to simplify procedures relating to registration of deaths and still-births and cremations during the current emergency situation.

The modifications in relation to registration of deaths and still-births are to remove requirements to make declarations of death in person, for a doctor signing a medical certificate of death to certify that he or she had attended the deceased during his or her last illness and to disapply requirements limiting the time a body is kept provided it is in the custody of the States of Guernsey (where the body is in Guernsey), the States of Alderney (where the body is in Alderney) or the relevant funeral director.

The modifications in relation to cremations are to remove the requirements for an application for cremation to be verified by being countersigned or by the applicant giving a declaration made on oath and for a confirmatory medical certificate to be given (Form C in the Cremation Ordinance, 1972).

Part VI - parochial meetings, etc.

Part VI makes provision enabling parish business to be conducted despite the inability to hold parish meetings. For all normal parish business, including approval of the expenditure to be incurred by each parish, and the rates to be levied in order to meet that expenditure, decisions will be made by the Constables and Douzaine in respect of all matters, but after consultation with the Rector and Churchwardens where the decision concerns ecclesiastical matters. Notice of the matters to be determined and the proposed decision in each case will be published in La Gazette Officielle and further information and documents will be made available on a specified website; and ratepayers will be given an opportunity to make representations. Meetings of the Constables and Douzaine may be held remotely, in line with the provisions for States' Committees already agreed. The Constables and Douzaine must take into account of any representations received. Their decision must be notified to the ratepayers who will then have the opportunity to oppose the application to the Royal Court for confirmation of the decision in relation to the "remède", having given prior notification to the Greffe and the parish of their intention to object. Any necessary elections during the emergency period may be substituted by appointments by the Dean of the Douzaine, after consultation with the Rector and Churchwardens where appropriate. Such appointments will expire one month after the regulations cease to have effect when an election will need to be held in order to fill any vacancy in the normal way.

Part VII - health and safety

Part VII allows the Chief Health and Safety Officer ("the Chief Officer") to grant a certificate disapplying the requirements for examination, testing and inspection set out in regulation 29 and Schedule 2 in respect of equipment, an occupier's electrical installation or gas appliance and flue (as the case may be) specified in an application. A certificate may only be given where the Chief Officer is of the opinion that the disapplication will not prejudice the safety of any person operating the equipment etc. or any other person likely to be affected by its operation. The certificate may only disapply the relevant requirement for a period of up to 30 days, and may not disapply any other health and safety requirement (and, in particular, the requirement to keep the equipment etc. in a safe condition and good working order).

Part VIII – the Court of Appeal, and the registration of legislation

The provisions in Part VIII enable the Court of Appeal to conduct its proceedings remotely, and enable a Judge of Appeal to be sworn into office by the Royal Court constituted by the Bailiff sitting alone.

Part IX - schools

Part IX empowers the Medical Officer of Health to exercise her powers to require schools to take measures to prevent the spread of infection in Sark, and provide, for the avoidance of doubt, that such measures may include the immediate closure of any school.

Part X - the States of Deliberation, the States of Alderney and the Chief Pleas of Sark

States of Deliberation

The regulations relating to the States of Deliberation provide that the Reform (Guernsey) Law, 1948 shall apply as if modified by the insertion of a new Article enabling the States of Deliberation to meet remotely. This Part also empowers the States' Assembly & Constitution Committee to make Rules of Procedure governing remote meetings of the States held pursuant to the inserted Article, and includes provision modifying the application of the Reform (Guernsey) Law, 1948 and the States Reform (Guernsey) Law, 2015 to enable the terms of office of People's Deputies elected in 2016 (and at any subsequent election to fill any casual vacancy) to extend beyond 30th June 2020, and the General Election to be held in June 2021 instead of June 2020.

States of Alderney

The regulations relating to the States of Alderney apply the Government of Alderney Law, 2004 as if modified by adding a new Part relating to emergency procedures in relation to meetings of the States of Alderney and committees of the States of Alderney, including provision allowing meetings of the States of Alderney to take place remotely during the current emergency. The Part only applies where the President of the States of Alderney has made a determination, following representations from the Civil Contingencies Authority, that it is appropriate for it to apply in the light of the circumstances in Alderney in relation to coronavirus. The Part will cease to apply when the President makes a determination, following representations from the Civil Contingencies Authority in the light of circumstances in Alderney in relation to coronavirus, that it is appropriate for it to cease to apply.

The emergency procedures include special arrangements so that public meetings do not need to be held, to allow for proxy voting in the States of Alderney, to reduce the quorum of the States of Alderney and to allow members of committees of the States of Alderney to take part in meetings remotely.

Chief Pleas of Sark

The regulations relating to the Chief Pleas of Sark make special arrangements for the procedures of the Chief Pleas and its committees by removing the obligation to hold meetings in public, allowing for proxy voting in the Chief Pleas, reducing the quorum for meetings of the Chief Pleas and allowing members of the committees of the Chief Pleas to take part in meetings remotely. They also make provision for meetings of the Chief Pleas to be held remotely if the Speaker, upon representations of the Civil Contingencies Authority, considers that it might not be possible to convene or maintain a quorate physical meeting of the Chief Pleas. The regulations make provision for the procedure to be followed when a remote meeting, as defined, is held, including modifications to the existing Chief Pleas of Sark Rules of Procedure.

Part XI - miscellaneous and final provisions

The provisions in Part XI include regulations providing for the deemed variance of Long Term Employment Permits, Medium Term Employment Permits and Short Term Employment Permits, to allow the holder to be resident without being

employed and to be employed by a different employer from that specified in the Permit; and for the modification of the Population Management (Guernsey) Law, 2016 and other legislation to the extent necessary to give effect to this.

They include a regulation (38) providing for the Committee for the Environment & Infrastructure to permit the cutting and collecting of seaweed when this would otherwise be prohibited (so facilitating the on-Island manufacture of sanitising gels). They also include provisions dealing with offences by legal persons and unincorporated bodies, revocation and savings, interpretation, citation, extent (they are Bailiwick-wide) and commencement.

I should be grateful if you would place this matter before the States of Alderney with an appropriate proposition.

James Dent, Chairman”

Committee Meeting Attendees:-

Mr David Earl, Deputy Chair
Ms Annie Burgess
Mr Mike Dean
Mr Kevin Gentle
Mr Christian Harris
Mr Louis Jean
Mr Graham McKinley OBE
Mr Steve Roberts
Mr Alex Snowdon

The States of Alderney is asked not to annul “The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.3) Regulations, 2020”

Proposer: Mr James Dent

Secunder: Mr Alex Snowdon

Item IV The Alderney Property Tax (Enabling Provisions) Law, 2020

The following letter was received from Mr James Dent, Chairman of the Policy and Finance Committee:-

“The Alderney Property Tax (Enabling Provisions) Law, 2020, which is closely based on the Taxation of Real Property (Enabling Provisions) (Guernsey and Alderney) Law, 2005, empowers the States of Alderney by Ordinance to make provision in relation to the taxation of real property in Alderney. The new tax will be called "Alderney property tax". Alderney property tax will be based (so far as assessment, liability, administration and collection are concerned) on Guernsey's current taxation of real property regime (“TRP”), which will continue to have effect in Alderney but will from the 1st January, 2021 be levied at a zero rate. Alderney property tax will also replace Alderney occupiers' rate, currently levied by Alderney Ordinance under the Alderney (Application of Legislation) Law, 1948.

Section 1 empowers the States of Alderney by Ordinance to make such provision as they think fit in relation to the taxation of real property in Alderney; defines "Alderney property tax" and “real property”; and lists the specific matters in relation to which an Ordinance under the Law may make provision. Examples are the rates of, and the allowances, discounts and deductions in respect of, Alderney property tax; the times at which, the periods in respect of which, and the manner in which,

Alderney property tax is payable; the classes, descriptions and categories of real property subject to Alderney property tax; the persons liable to pay Alderney property tax, and the persons excepted or exempted from liability; and appeals in relation to the calculation, assessment and levying of Alderney property tax and the valuation, measurement, assessment and categorisation of real property.

Section 2 contains the standard general provisions and powers as to the making, amendment and repeal of Ordinances.

Section 3 lists specific enactments which may be amended by an Ordinance, including the Alderney (Application of Legislation) Law, 1948 and any enactment which refers to Alderney occupiers' rate and TRP.

Sections 4 and 5 deal respectively with interpretation and citation'.

I would be grateful if you would place the The Alderney Property Tax (Enabling Provisions) Law, 2020 before the next meeting of the States of Alderney with an appropriate proposition.

James Dent, Chairman"

The States of Alderney is asked to approve the draft *Projet de Loi* entitled "The Alderney Property Tax (Enabling Provisions) Law, 2020", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

Committee Meeting Attendees:-

Mr James Dent, Chairman
Mr David Earl, Deputy Chair
Ms Annie Burgess
Mr Mike Dean
Mr Kevin Gentle
Mr Christian Harris
Mr Louis Jean
Mr Graham McKinley OBE
Mr Steve Roberts
Mr Alex Snowdon

Proposer: Mr James Dent

Secunder: Mr David Earl

Item V **The Appointment of States Auditors**

The following letter was received from Mr James Dent, Chairman of the Policy and Finance Committee:-

"For a number of years, KPMG Channel Islands Limited have been the States appointed external auditors. Their appointment has been agreed, in accordance with The Government of Alderney Law, 2004, (as amended), at the first meeting of the States in each given year. Periodically, a full tender process has been carried out, the last time being in 2010. The current contract with KPMG expires in 2020 and the Policy and Finance Committee agreed to test the market by inviting tenders from audit providers.

At the conclusion of this process, and following a presentation by the company, the Finance Committee recommended the appointment of Grant Thornton Limited (Channel Islands).

In summary, the proposal from Grant Thornton showed significant savings over the period of the contract. It also demonstrated a commitment to delivering high quality audits with significant relevant experience in the public sector (as the current States of Guernsey provider).

The Policy and Finance Committee considered a report on the recommendation of the Finance Committee and at their meeting of the 21st May, 2020, unanimously agreed to recommend to the States the appointment of Grant Thornton Limited (Channel Islands). The proposal includes other States entities.

I would be grateful if you would place this matter before the States of Alderney with the proposition below.

James Dent, Chairman”

Committee Meeting Attendees:-

Mr James Dent, Chairman
Mr David Earl, Deputy Chair
Ms Annie Burgess
Mr Mike Dean
Mr Kevin Gentle
Mr Christian Harris
Mr Louis Jean
Mr Graham McKinley
Mr Steve Roberts
Mr Alex Snowdon

The States of Alderney is asked to agree to the appointment of Grant Thornton Limited (Channel Islands) as the auditor of the States of Alderney and the States of Alderney Water Board for five years with effect from the 2020 accounts

Proposer: Mr James Dent

Seconder: Mr David Earl

Item VI Questions and Reports

No Questions or Reports received at time of publication.

Note:- The legislation referred to in this Billet d'Etat may be viewed online at www.GuernseyLegalResources.gg and www.alderney.gov.gg.

Issued: Friday 26th June 2020