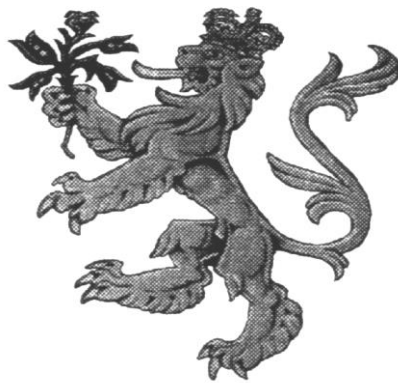


STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 14TH OCTOBER 2020

Price: £2.35

BILLET D'ETAT

FOR WEDNESDAY 14TH OCTOBER 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 14th October 2020. This will be preceded by the People's Meeting, which will be held on Wednesday 7th October 2020 at 7:00 pm in the Island Hall.

William Tate
President

Item I **The Duty on Share Transfers (Variation of Ratio) (Alderney) Ordinance, 2020.**
The Duty on Long Leases (Variation of Ratio) (Alderney) Ordinance, 2020.

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

“At its meeting on 9th September 2020, the States of Alderney agreed to instruct the Law Officers to make the necessary amendments to The Duty on Long Leases (Variation of Rate and Ratio) (Alderney) Ordinance, 2003 and The Duty on Share Transfers (Variation of Rate and Ratio) (Alderney) Ordinance, 2003 so that 100% of the revenues are paid into the States of Alderney revenue account from 2021.

This followed an agreement from the States of Guernsey Policy & Resources Committee in accordance with the direction set out in the Review of the Financial Relationship between Guernsey and Alderney which was agreed in 2016.

The existing legislation provides that the States of Alderney retains 2% of the duty total. The current duty levels are 4% for transactions up to £150,000, 4.5% from £150,000 to £250,000 and 5% over £250,000. The balance of 2%, 2.5% and 3% being payable to the States of Guernsey.

These Ordinances will repeal the relevant sections in existing legislation related to the ratios and enable the States of Alderney to retain all of the document duty receipts from transactions involving share transfers and long leases in future. The ordinances will come into force from 1st January 2021.

The rates of duty will be confirmed by ordinance alongside all other prescribed documents later in this year.

I would be grateful if you would place this letter before the next meeting of the States of Alderney with an appropriate proposition.

James Dent, Chairman”

The States of Alderney is asked to:

- 1. Approve the Duty on Share Transfers (Variation of Ratio) (Alderney) Ordinance, 2020;**

and

- 2. Approve the Duty on Long Leases (Variation of Ratio) (Alderney) Ordinance, 2020.**

Committee Meeting Attendees:-

Ms A Burgess

Mr M Dean

Mr J Dent, Chair

Mr D Earl

Mr K Gentle

Mr C Harris

Mr L Jean

Mr G McKinley OBE

Mr S Roberts

Mr A Snowdon

Proposed by Mr James Dent

Seconded by Mr Christian Harris

Item II

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.4) Regulations, 2020 and The Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey) (No.4) (Amendment) 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.

The Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey) (No.4) Regulations 2020 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 10th July 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 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 to provide for applications to vary or revoke requirements or restrictions imposed under this part to be made to the Royal Court.

Part II – mental health and health and safety

Schedule I to these Regulations sets out the modifications to be made to mental health legislation having effect in the Bailiwick.

Paragraph 4 modifies 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 purposes of section 56 of the Law.

Paragraphs 5 to 6 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal may properly be constituted according to specific criteria.

Regulation 14 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 14 and Schedule 2 in respect of equipment or occupier's installation (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 III - miscellaneous and final

Regulation 16 enables 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.

Regulation 17 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. The Regulation will cease to have effect on 18th July - the day after the last day of the summer term.

Regulation 18 provides 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). The Regulation will cease to have effect on 16th July - the day on which the permanent statutory seasonal prohibition expires.

The Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey) (No.4) (Amendment) Regulations, 2020 provide for offences under the Regulations to be assigned matters (within the meaning of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972), including for the purpose schedule 5 to the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003. This means that the provisions of the latter Law relating to the investigation of offences conducted by police officers shall apply to investigations of those offences conducted by customs officers.

These Regulations also revoke provisions relating to schools and the cutting of seaweed, the effect of which has expired.

The Regulations came into force on the 23rd July 2020 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

I would be grateful if The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.4) Regulations, 2020 and The Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey) (No.4) (Amendment) Regulations, 2020 are placed before the next meeting of the States of Alderney with an appropriate proposition.

James Dent, Chairman

The States of Alderney is asked not to annul:

1. **“The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.4) Regulations, 2020”**

and

2. **The Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey) (No.4) (Amendment) Regulations, 2020.**

Committee Meeting Attendees:-

Ms A Burgess

Mr M Dean

Mr J Dent, Chair

Mr D Earl

Mr K Gentle

Mr C Harris

Mr L Jean

Mr G McKinley OBE

Mr S Roberts

Mr A Snowdon

Proposed by Mr James Dent

Seconded by Mr Alex Snowdon

Item III

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.6) Regulations, 2020, and The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.6) (Amendment) Regulations, 2020

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

“The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (N.6) Regulations, 2020 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.

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.6) Regulations, 2020 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 4th September, 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 - mental health and health and safety

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 modify the Mental Health (Bailiwick of Guernsey) Law, 2010 to permit an approved medical practitioner (rather than only a second opinion approved doctor) to provide a certificate for the purposes of section 56 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.

Regulation 16 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 16 and Schedule 2 in respect of equipment, occupier's 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 III - miscellaneous and final

Regulation 18 makes provision for persons who are subject to a requirement to self-isolate, or some other restriction that means they are unable lawfully to vote at a polling station, to apply for a postal vote in the October General Election up to and including 5pm on 2nd October, notwithstanding the earlier cut-off date for applications for postal votes set out in the Reform (Guernsey) (Amendment) Law, 1972.

Regulation 19 makes provision in relation to Senior Decision Makers ("SDMs") appointed by the Guernsey Financial Services Commission, including providing for SDMs to hold oral hearings remotely.

Regulation 20 enables the Court of Appeal to conduct its proceedings remotely.

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.6) (Amendment) Regulations, 2020 amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) Regulations, 2020. They revoke regulations 16 (disapplication of requirement to thoroughly examine etc.) and 17 (interpretation of this Part) of those Regulations and provide that any certificate issued under regulation 16 that is in force on the commencement of these Regulations shall continue to have effect as if granted under section 29A of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987.

These Regulations came into force on the 25th September, 2020 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

I would be grateful if The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.6) Regulations, and The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.6) (Amendment) Regulations, 2020 are placed before the next meeting of the States of Alderney with an appropriate proposition.

James Dent, Chairman"

The States of Alderney is asked not to annul:-

1. **"The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.6) Regulations, 2020"**

and

2. **"The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.6) (Amendment) Regulations, 2020"**.

Committee Meeting Attendees:-

Ms A Burgess
Mr J Dent, Chair
Mr K Gentle
Mr C Harris
Mr L Jean
Mr G McKinley OBE
Mr S Roberts
Mr A Snowdon

Proposed by Mr James Dent
Seconded by Mr Alex Snowdon

Item IV **Budgets for 2021 and Revised Budgets 2020**

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

“Under Section 58 of the Government of Alderney Law, 2004, the Policy & Finance Committee is required to publish the proposed budgets for 2021 and report on the budgets for 2020.

The attached Budget Report provides a full explanation relating to the States of Alderney and the States of Alderney Water Board budgets.

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

James Dent, Chairman”

The States of Alderney is asked, after consideration of the Budget Report, to:-

- 1. Accept the States of Alderney Revenue and Capital Budgets for 2021**
- 2. Approve a 5% increase to the combined 2020 yield of Occupiers Rates and TRP to enable rates to be set for Alderney Property Tax rates of charge 2021**
- 3. Approve that the rates of Fuel Duty will be kept consistent with the States of Guernsey for 2021**
- 4. Approve that the rates of Document Duty will be kept consistent with the States of Guernsey for 2021**
- 5. Accept the States of Alderney Water Board Revenue and Capital Budgets for 2021**
- 6. Maintain the Water Rates of charge for 2021 at 2020 levels**

Committee Meeting Attendees:-

Mr J Dent, Chairman
Mr K Gentle, Deputy Chair
Ms A Burgess
Mr C Harris
Mr L Jean
Mr G McKinley OBE
Mr S Roberts

Proposed by Mr James Dent
Seconded by Mr Christian Harris

Item V **Appointment of Temporary Chief Executive**

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

The Government of Alderney Law (s.53) makes provision for the appointment of both temporary and deputy Chief Executives (CE) so that:-

“If at any time the office of Chief Executive is vacant or the Chief Executive is absent from, or unable to perform the functions of, his office a Deputy or temporary Chief Executive shall act in his place and, while so acting, shall have all functions assigned to the Chief Executive by law and by Standing Order or resolution of the States.”

It is a debateable point whether such appointments need to be ratified by the full States but the advice of the Law Officers is that to do so removes any shadow of doubt.

At its September meeting Policy and Finance resolved to agree the appointment of Adrian Lewis as temporary Chief Executive and to seek the confirmation from the States of Alderney at its October meeting.

I would be grateful if this matter is placed 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 appointment of Mr Adrian Lewis as temporary Chief Executive of the States of Alderney.

Committee Meeting Attendees:-

Mr J Dent, Chair
Mr K Gentle, Deputy
Ms A Burgess
Mr C Harris
Mr L Jean
Mr G McKinley OBE
Mr S Roberts
Mr A Snowdon

Proposed by Mr James Dent
Seconded by Mr Kevin Gentle

Item VI **Requête**

Under Section 45(4) of the Government of Alderney Law, 2004, four Members of the States have signed the following Requête

“THE HUMBLE PETITION of the undersigned Members of the States of Alderney

SHEWETH:

1. That at their meeting on 14th January 2020 the States resolved under Item VI to appoint all ten States Members to be members of the Policy and Finance Committee.
2. That your petitioners no longer have confidence in a ten person committee delivering good governance for the people of the Island

ALDERNEY, this 1st day of September, 2020”

THESE PREMISES CONSIDERED, your Petitioners humbly pray that the States of Alderney maybe pleased to resolve, pursuant to section 49(4) and 50(1) of the Government of Alderney Law, 2004:

Whether, after consideration of the Requête dated 1st September 2020 they are of the opinion to direct that:

1. The States of Alderney to elect a new Policy and Finance Committee consisting of a Chairman and four Members

AND YOUR PETITIONERS WILL EVER PRAY

ALDERNEY, this 1st day of September, 2020"

Requête signed by:-
Mr Kevin Gentle
Mr Graham McKinley
Mr Christian Harris
Ms Annie Burgess

Item Proposed by Mr Kevin Gentle
Seconded by Mr Graham McKinley

Item VII Questions and Reports

The following reports were received from Mr James Dent:-

1. Alderney eGambling Limited Financial Statements 2019
2. Alderney Gambling Control Commission Financial Statements 2019
3. Royal Connaught Residential Home Limited Financial Statements 2019

No Questions 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 2nd October 2020