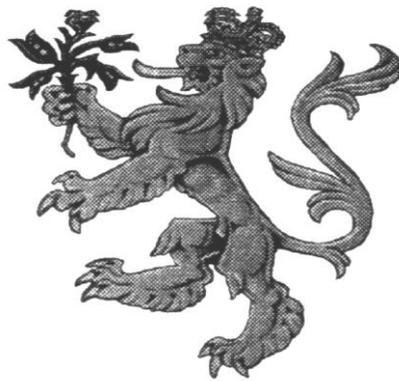


STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 11TH NOVEMBER 2020

Price: £2.35

BILLET D'ETAT

FOR WEDNESDAY 11TH NOVEMBER 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 11th November 2020. This will be preceded by the People's Meeting, which will be held on Wednesday 4th November 2020 at 7:00 pm in the Island Hall.

William Tate
President

Item I **The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.7) 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 3rd October, 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 require people to self-isolate. 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 — miscellaneous and final

The Schedule 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 17 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 18 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 19 enables the Court of Appeal to conduct its proceedings remotely. Regulation 20 makes provision in relation to the constitution of the Civil Contingencies Authority after the election by the States of the President of the Policy & Resources Committee following the General Election, and before the Presidents of the other Committees (who are, under the Law, the other permanent members of the Authority) are elected by the States.

I would be grateful if The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.7) 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 “The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.7) Regulations, 2020”

Proposed by Mr James Dent
Seconded by Mr Alex Snowdon

Item II **The States of Alderney Election Procedure (Amendment) Ordinance, 2020**

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

“Further to recent events the Lieutenant Governor asked the Law Officers to advise the States of Alderney on the options for providing greater clarity in respect of the term ‘Ordinarily Resident’ in the context of the 1987 Election Procedures Ordinance.

The Law Officers have carried out this review and have provided the attached draft amendment for the Committee's consideration. The hope is that the amendment could be approved by the States at the meeting on 11 November in readiness for the Ordinary Elections nominations deadline on 18 November.

The main difficulty with the current nomination form is that it effectively requires the Clerk/Chief Executive to declare the potential candidate to be duly nominated on the nomination paper having been duly delivered and the proposer, seconder and candidate all being entered in the register of electors. The proposed change serves to highlight to the candidate and those who are proposing them of the need for certain criteria to be met which also assists with the requirement at section 6(4) of the Ordinance for the Clerk (Chief Executive/Returning Officer) to take all reasonable steps to satisfy himself that the nominated person is eligible for election, and hopefully avoiding placing the Clerk in a potentially difficult position.

Separately the Law Officers have offered some suggestions on the guidance the Clerk, as the statutory official, could issue in respect of the term Ordinary Residence.

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 States of Alderney Election Procedure (Amendment) Ordinance, 2020

Proposed by Mr James Dent
Seconded by Mr Kevin Gentle

Item III **Questions and Reports**

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 29th October 2020