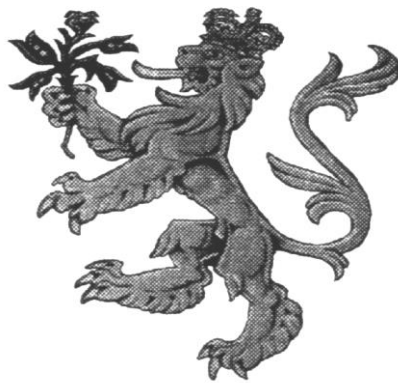


# **STATES OF ALDERNEY**



# **BILLET D'ETAT**

WEDNESDAY 19<sup>TH</sup> MAY 2021

Price: £2.40

## **BILLET D'ETAT**

### **FOR WEDNESDAY 19<sup>TH</sup> MAY 2021**

#### **Members of the States:**

I have the honour to inform you that the Meeting of the States will be held at 2.30 pm on Wednesday 19<sup>th</sup> May 2021. This will be preceded by the People's Meeting, which will be held on Wednesday 12<sup>th</sup> May 2021 at 7.00 pm in the Island Hall.

**William Tate  
President**

#### **Item I**      **Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.5) Regulations, 2021**

**The following letter was received from Mr Bill Abel, 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 modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations came into force on the 30<sup>th</sup> April, 2021 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.

Regulation 4 gives effect to Schedule 1, which makes provision in respect of Critical Workers. A person who has been granted a Critical Worker Exemption will have to self-isolate in accordance with, and otherwise comply with, the provisions of Schedule 1.

Schedule 2 to these regulations, which is given effect by regulation 5, provides for shorter periods of self-isolation to be undertaken by persons who arrive from a place specified as a Category 2 country or a Category 3 country on the States of Guernsey website, and who elect to comply with the restrictions and requirements set out therein.

Finally, this Part also provides that a person of 12 years or over who chooses not to take both a day of arrival test for COVID-19 and a test on day 13 after arrival will have to self-isolate for 21 days; otherwise, a person who does undergo those tests is required to self-isolate until receipt of a negative result for the day 13 test. A child under 12 has to self-isolate for 14 days after arrival.

*Part II — miscellaneous and final*

Schedule 3 to these Regulations, which is given effect by regulation 18, sets out the modifications to be made to mental health legislation having effect in the Bailiwick. Paragraphs 4 and 5 modify the Mental Health Review Tribunal Procedure Rules, 2012 to provide that the Mental Health Review Tribunal may properly be constituted according to specified criteria.

Regulation 19 provides 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.

I would be grateful if “The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.5) Regulations, 2021” are placed before the next meeting of the States of Alderney with an appropriate proposition.

Bill Abel, Chairman”

**The States of Alderney is asked not to annul “The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.5) Regulations, 2021”**

Proposed by Mr Bill Abel  
Seconded by Mr Alex Snowdon

**Item II      Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No.5) (Bailiwick of Guernsey) Regulations, 2021**

**The following letter was received from Mr Bill Abel, 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 apply where a vaccine against the coronavirus has been temporarily authorised under the UK's Human Medicines Regulations, 2012 and designated under regulations made under the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, and the vaccine is sold, supplied or administered in accordance with a Patient Group Direction or protocol approved or consented to by the States of Guernsey Committee for Health & Social Care. They only apply to a vaccine administered on or after the 15th December, 2020 (the date on which the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (Bailiwick of Guernsey) Regulations, 2020 came into force) and before the vaccine receives either a UK marketing authorisation or a European Medicines Agency marketing authorisation for administration in the circumstances concerned.

Where these Regulations apply they will limit the aggregate amount of damages and costs that may be awarded by any court in respect of death or personal injury suffered by any one person receiving the vaccine administered in accordance with the Patient Group Direction or protocol.

These Regulations revoke (and replace) the Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No. 4) (Bailiwick of Guernsey) Regulations, 2021.

These Regulations came into force on the 30th April, 2021 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) (Vaccine) (Limitation of Liability) (No.5) (Bailiwick of Guernsey) Regulations, 2021" are placed before the next meeting of the States of Alderney with an appropriate proposition.

Bill Abel, Chairman"

**The States of Alderney is asked not to annul "The Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No.5) (Bailiwick of Guernsey) (Regulations, 2021"**

Proposed by Mr Bill Abel  
Seconded by Mr Alex Snowdon

### **Item III** **The Police Force (Bailiwick of Guernsey) (Amendment) Law, 2021**

**The following letter was received from Mr Bill Abel, Chairman of the Policy and Finance Committee:-**

"This policy letter proposes an extension to the law that permits police officers from the United Kingdom and the Bailiwick of Jersey, to temporarily undertake duties in the island of Guernsey, to also cover the islands of Alderney and Sark. The additional policing assistance, arranged through mutual aid agreements, is required from time-to-time to meet special demands on the resources of the Island Police

Force, particularly during critical incidents, major investigations and Royal/VIP visits. Legal advice has recently highlighted that an amendment to legislation is required to ensure that the authority for such officers to perform their duties in those islands, is beyond doubt.

The Police Force (Guernsey) Law, 1986 allows for visiting officers to temporarily possess the same powers and privileges, and be subject to the same duties, as local police officers, following an application by the Committee for Home Affairs to the Bailiff. Once authorised, these mutual aid officers come under the direct command of the Chief Officer of the Island Police Force, and are subject to the authority and jurisdiction of the Guernsey courts. However, this Law only applies to the island of Guernsey, not Alderney or Sark, and there is no equivalent legislation in these jurisdictions. It would appear that the Alderney (Application of Legislation) Law, 1948 and the Reform (Sark) Law, 2008 may not be relied upon to provide the certainty required.

There is a serious risk to policing operations in support of Alderney and Sark if these additional officers are unable to be authorised. For example, the advanced plans for Royal visits to the Bailiwick include UK personal protection officers, however these plans cannot currently be extended to the other islands. It is far more efficient to seek the assistance of specialist officers from other jurisdictions as and when needed, than to permanently maintain all the potential skills locally. Without such an amendment the communities of Alderney and Sark will not have access to the same level of protection as that of the residents of Guernsey.

The Policy and Finance Committee at its meeting of 22<sup>nd</sup> April resolved to approve The Police Force (Bailiwick of Guernsey) (Amendment) Law 2021.

I would be grateful if this matter is placed before the next meeting of the States of Alderney with an appropriate proposition.

Bill Abel, Chairman”

**The States of Alderney is asked to approve Projet de Loi entitled “The Police Force (Bailiwick of Guernsey) (Amendment) Law, 2021” and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.**

Proposed by Mr Bill Abel  
Seconded by Mr Boyd Kelly

#### **Item IV**     **Termination of the Nunnery Lease**

**The following letter was received from Mr Bill Abel, Chairman of the Policy and Finance Committee:-**

**“Resolutions for the use of the Nunnery**

At the March 2017 Policy and Finance Committee meeting it was confirmed that Nunnery should be used as a field centre; and to provide hostel accommodation for the assistant bird warden, and ornithological interest and heritage groups. The income would help maintain and improve the fabric of the heritage site and guarantee public access to it.

However, the Nunnery building was not considered to be safe and refurbishment was required before the Nunnery could be utilised to fulfil its purpose.

At the June 2017 States meeting following extended debate capital funding totalling £280,000 was agreed to refurbish the Nunnery. However the original estimate was exceeded and a total of £317,500 was spent.

#### **Award of Lease**

The initial lease was awarded to the Alderney Wildlife Trust (AWT). Subsequently, the lease was transferred to the Alderney Bird Observatory (ABO) on its split from the AWT.

The lease was awarded on a peppercorn rent (£99 pa) to fulfil the purpose of the Nunnery as a field centre and to provide hostel accommodation for the bird warden and heritage groups. However, the ABO have used the centre as a source of revenue to support the aims of the ABO and to provide income for the ABO.

The provision of subsidised accommodation by the ABO, in competition with other Accommodation Providers on the Island has been a point of contention over the period of the lease.

#### **Lease Termination**

The lease fell due for termination as of the 31<sup>st</sup> December 2020 and continues on a monthly roll-over basis with a 3-month notice period for termination.

The P&F Committee being responsible for 'Forts', and the setting of lease conditions, is now considering options for a commercially based lease to recoup the substantial capital expenditure on the Nunnery and wishes to terminate the lease.

Extract from P&F Meeting of the 22<sup>nd</sup> April 2021

Item: 08/04/2020 Exception Reporting & Questions by Members

8.1 General Services Committee

Alderney Bird Observatory and Nunnery Lease – Report from GSC Chairman dated April 2021 tabled and discussed.

The Policy & Finance Committee resolved to approve:

- That the termination of the Nunnery lease be debated in the full States (Mr Carter, Mr Kelly, Mr Harris & Mr Jenkins against);
- That a formal application should be made to the Finance Committee from the Alderney Bird Observatory for any grant funding for consideration; and
- That any grant request for a new ringing room also be made to the Finance Committee for consideration (Mr Gentle abstained).

As this decision is considered to be of Public Interest, the Policy and Finance at its meeting of the 22<sup>nd</sup> April 2021, resolved to submit the termination of the Nunnery Lease to the States of Alderney for approval.

Bill Abel, Chairman"

**The States of Alderney is asked to approve the termination of the ABO's lease of the Nunnery.**

Proposed by Mr Bill Abel  
Seconded by Mr Boyd Kelly

**Item VIII**    **Questions and Reports**

**No Questions or Reports were received at time of publication.**

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

**Issued: 7 May 2021**