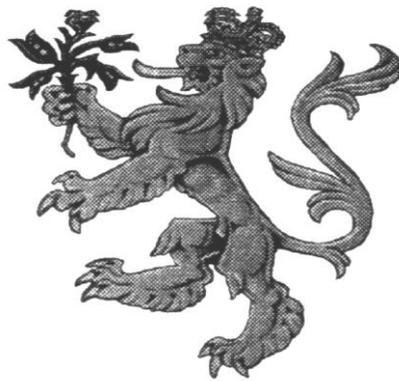


STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 21 JULY 2021

Price: £2.40

BILLET D'ETAT

FOR WEDNESDAY 21 JULY 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 21st July 2021. This will be preceded by the People's Meeting, which will be held on Wednesday 14th July 2021 at 7.00 pm in the Island Hall.

**William Tate
President**

Item I **Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.7) 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 18th June, 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.7) 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.7) Regulations, 2021”

Proposed by Mr Bill Abel
Seconded by Mr Alex Snowdon

Item II Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.7) (Amendment) 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 amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 7) Regulations, 2021- The primary purpose of the amendments made is to provide for what are referred to as “Blue Arrivals” — that is, persons arriving in the Bailiwick after having spent all of the last 14 days in the Common Travel Area and at least two weeks after receiving a full course of an EMA or MHRA authorised vaccine against coronavirus administered in the Common Travel Area — not to have to self-isolate or be subject to any other restriction or condition on arrival. The amendments also make provision in relation to children travelling with Blue Arrivals, and clarify requirements in respect of the duties on persons travelling to the Bailiwick to provide information, including by way of the Travel Tracker website. The regulations also provide that arrivals in self-isolation or passive follow up when these Regulations come into force, and who would have been Blue Arrivals had they arrived after the commencement of these Regulations, are no longer subject to those restrictions.

These Regulations came into force 1st July, 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) (General Provision) (Bailiwick of Guernsey) (No.7) (Amendment) 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.7) (Amendment) Regulations, 2021”

Proposed by Mr Bill Abel
Seconded by Mr Alex Snowdon

Item III **Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No.7) (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.6) (Bailiwick of Guernsey) Regulations, 2021.

These Regulations came into force on the 18th June, 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.7) (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.7) (Bailiwick of Guernsey) Regulations, 2021"

Proposed by Mr Bill Abel
Seconded by Mr Alex Snowdon

Item IV Amendment to Rule 4.1 (a) of States of Alderney Rules of Procedure

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

"The Policy and Finance Committee recently discussed whether an amendment to the Rules of Procedure for the States of Alderney could improve the timeliness of decision making by providing alternative ways in which committees may reach a quorate decision. The Committee is of the view that a minor change to the existing Rules would enable more timely decisions for some items where the committee are content to make a decision other than by a quorate meeting face to face.

Therefore, at its meeting on 18th June, 2021, Policy and Finance Committee resolved to recommend to the States that Rule 4.1. (a) be amended accordingly. Set out below is the current wording and the proposed wording of Rule 4.1. (a) of the Rules of Procedure.

Current wording

The current Rules of Procedure rule 4.1. (a) states:

"4. The matters to be included in a Billet d'Etat for a meeting of the States are:-

1. (a) any letter to the President, except for a letter to which Rule 4A applies, signed by the Chairman of a Committee of the States and referring to a matter which falls within the mandate of that Committee and which has been approved by a quorate meeting of that Committee (whether unanimously or by a majority), and received by the President at least 16 days before that meeting or within such other lesser time as the President may notify to Members of the States."

This currently means letters, that don't fall under Rule 4A, may miss a Billet deadline due to –

- Either special meetings needing to be called, or the letter waiting for approval until the next scheduled meeting of the committee, potentially adding a month to the process.
- Or the committee approving a broad policy and leaving the detail to be contained in a letter signed by the Chair, this is a matter for the committee, although without circulation of a final form of letter, there may be room for misunderstandings, potentially adding more time to the process, irrespective of any debate that might ensue at the States meeting.

The optimum position is that the contents are approved by the Members at a quorate meeting in the full knowledge of what is being proposed. However if they prefer, or prefer to have the option, the answer is to change the Rule to ensure that in practice a draft of the Letter is circulated (in practice by electronic recording means, which usually means email) for comment, before submission to the President.

Proposed wording

A solution to the timing issue, and to mitigate misunderstandings without stifling debate, is to change the Rule as recommended below.

- "1 (a) any letter to the President, except for a letter to which Rule 4A applies, signed by the Chairman of a Committee of the States and referring to a matter which falls within the mandate of that Committee and the preparation of which has been approved by electronic recording of a quorate meeting of that Committee (whether unanimously or by a majority), and received by the President at least 16 days before that meeting or within such other lesser time as the President may notify to Members of the States."

In practice this means circulation of a draft letter for approval may be conducted by email giving committee members the opportunity to question, amend or call for a quorate meeting on the matter. Once there is quorate approval, either by electronic recording means or face to face meeting, the Letter will be submitted to the President in the usual manner. The Chief Executive's Office will ensure this practice in future.

Members are asked to consider the proposal as set out above, as advised by the Law Officers in consultation with the President.

Recommendation

The States of Alderney is recommended to resolve that Rule 4.1. (a) of the States of Alderney Rules of Procedure 2010 (last amended 16th October 2019) is amended as above.

Bill Abel, Chairman

The States of Alderney is asked to approve that Rule 4.1. (a) of the States of Alderney Rules of Procedure 2010 (last amended 16th October 2019) is amended to read:-

"1 (a) any letter to the President, except for a letter to which Rule 4A applies, signed by the Chairman of a Committee of the States and referring to a matter which falls within the mandate of that Committee and the preparation of which has been approved by electronic recording means of a quorate meeting of that Committee (whether unanimously or by a majority), and received by the President at least 16 days before that meeting or within such other lesser time as the President may notify to Members of the States."

Proposed by Mr Bill Abel
Seconded by Mr Ian Carter

Item V 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 and www.alderney.gov.gg

Issued: 9 July 2021