



States of Alderney
Office of the President

BILLET D'ÉTAT

WEDNESDAY 17TH NOVEMBER 2021

£2.40

Billet d'État

Wednesday 17th November 2021

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 2.30pm on Wednesday 17th November 2021.

This will be preceded by the People's Meeting, which will be held on Wednesday 10th November 2021 at 7.00pm in the Island Hall, convened by Mr Bill Abel.

William Tate
President

Item I Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.11) (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. 11) Regulations, 2021.

The amendments remove the requirement for Blue Arrivals that is, persons who are doubly vaccinated and have arrived in the Bailiwick having spent all of the previous 10 days in the Common Travel Area — to take Lateral Flow Tests for COVID-19 on the day of arrival and specified days thereafter.

They also extend the period in which an arrival in the Bailiwick may provide information as to his or her travel history (on the Travel Tracker website) from 48 hours before travel to 8 days before travel. These Regulations came into force on 20 October, 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.11) (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.11) (Amendment) Regulations, 2021".

Proposed by Mr Bill Abel
Seconded by Mr Alex Snowdon

Item II **Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.12) 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 27th October, 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 appeals against requirements or restrictions imposed under this Part by the Medical Officer of Health (as well as in respect of determinations concerning vaccination status and decisions in respect of specific conditions imposed on Critical Workers) 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 reduced, or no, self-isolation to be undertaken by persons who arrive from a place

specified as a Green List Country or a Red List Country on the States of Guernsey website, and who elect to comply with the testing requirements set out therein.

Arrivals from Green List Countries are treated differently depending on whether they have a full vaccination history within the meaning of the Regulations. It imposes a requirement on arrivals from Green List Counties with a full vaccination history to take on their day of arrival a self-administered lateral flow test for COVID 19 provided to them on arrival; to report any positive test results to Public Health; and to comply with any direction given to them on so doing. It makes a failure (without reasonable excuse) to comply with these requirements a criminal offence. The Regulations also impose a requirement to pay a fee for the provided tests before travel.

This Part also provides for 'Blue Arrivals' — that is, persons (including children) arriving in the Bailiwick from within the Common Travel Area - to be free from self-isolation on arrival.

Finally, this Part provides that a person (other than a child under 5) who does not wish to undergo any testing on arrival has to self-isolate for 10 days on arrival.

Part II — miscellaneous and final

Schedule 3 to these Regulations, which is given effect by regulation 22, 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.

I would be grateful if "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.12) 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.12) Regulations, 2021".

Proposed by Mr Bill Abel
Seconded by Mr Alex Snowdon

Item III The Partnership (Alderney) Law, 2021 and The Limited Partnerships (Alderney) Law, 2021

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

"Partnership (Alderney) Law, 2021

The Partnership (Alderney) Law, 2021 essentially replicates for Alderney the provisions of the Partnership (Guernsey) Law, 1995. In so doing it provides a statutory basis for partnerships in Alderney in a form that will be familiar to Bailiwick businesses. It sets out what is meant by a 'partnership' and rules for determining if a partnership exists, the powers of partners to bind a partnership (or 'firm'); rules in respect of the personal liability of partners and partnerships in certain circumstances; and administrative provisions in respect of matters such as expelling partners and varying the terms of partnerships. There are also detailed provisions providing for the

dissolution of partnerships in different circumstances, including dissolution by order of the Court of Alderney on application by a partner, and the rights and obligations of partners on dissolution.

The Law also makes necessary consequential amendments to Bailiwick-wide financial regulatory legislation to ensure that Alderney partnerships are brought within its scope in the same way as Guernsey partnerships.

Limited Partnerships (Alderney) Law, 2021

Subject to one important difference, this Law in large part replicates for Alderney the provisions of the Limited Partnerships (Guernsey) Law, 1995. A limited partnership has both general partners (with joint and several liability for partnership debts, like conventional partners) and limited partners who have no management authority, but also no liability for firm debts.

The Law differs from the Guernsey Law (and the United Kingdom legislation) in providing that that one or more of the limited partners may be an “administrative partner” who may take part in the management of the business in the same way as a general partner, even though his or her liability would remain limited. As such, an “administrative partner” would in some ways be in a similar position to a limited partner in a private fund limited partnership formed under the Limited Partnership Act 1907 (as amended) though with some important differences: his or her power to act in the management of the partnership business would not be restricted in the same way as it is under the amended 1907 Act, and s/he could bind the partnership. The main provisions in respect of administrative partners are found in Part II of the Law.

The Law requires limited partnerships to have a registered office in Alderney and to be entered on a Register of Limited Partnerships to be established and maintained by the Greffier. It also provides that a limited partnership may be a legal person if the general partners so elect at the time of registration. Like the Guernsey Law, the Law makes provision in respect of administrative matters such as the keeping of records and the appointment of auditors to prepare accounts, and changes to the partnership. It also makes detailed provision as regards the dissolution of limited partnerships, including upon the making of an order by the Court of Alderney.

The Law also makes necessary consequential amendments to Bailiwick-wide financial regulatory legislation to ensure that Alderney limited partnerships are brought within its scope in the same way as Guernsey limited partnerships (subject to appropriate provision for administrative partners).

I would be grateful if “The Partnership (Alderney) Law, 2021” and “The Limited Partnerships (Alderney) Law, 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 to:

1. Approve “The Partnership (Alderney) Law, 2021”;

and

2. Approve “The Limited Partnerships (Alderney) 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 Kevin Gentle

Item IV **Public Holidays in 2022**

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

“Policy and Finance Committee is seeking States of Alderney approval for changes to do with creating a holiday in 2022 to celebrate Her Majesty The Queen’s Platinum Jubilee.

The proposal which was brought to the notice of the Policy and Finance Committee by the States of Guernsey Committee *for Economic Development* includes a change to the late May 2022 public holiday to designate Thursday 2nd June in place of 30th May (so moving the late May public holiday) as well as creating an additional public holiday on Friday 3rd June to celebrate Her Majesty The Queen’s Platinum Jubilee. This will see a four-day weekend which will provide the opportunity for the public to celebrate the first British monarch to reach such a milestone. This proposed change also enables Alderney to align itself to the United Kingdom (UK) which announced plans some months ago to mark The Queen’s 70th Anniversary as Monarch.

Policy and Finance Committee were asked to consider this proposal at its meeting of 30th September 2021 where the Committee resolved by a majority to approve that Thursday 2nd June 2022 shall be a public holiday in place of Monday 30th May 2022; to approve an additional public holiday on Friday 3rd June 2022 and for the necessary legislation to be drafted for full States approval.

The Public Holidays (Alderney) Ordinance, 2021 has been drafted in accordance with the Policy and Finance Committee resolution of 30th September.

I would be grateful if “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 “The Public Holidays (Alderney) Ordinance, 2021”.

Proposed by Mr Bill Abel
Seconded by Kevin Gentle

Item V **Amendments to eGambling Legislation**

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

“As part of its commitment to the Bailiwick of Guernsey AML/CFT Strategy and the forthcoming Moneyval Evaluation, the Alderney Gambling Control Commission has reviewed the current eGambling legislative framework against the Financial Action Task Force (FATF) Recommendations. At its meeting on the 29th July 2021, the AGCC approved in principle the following proposed amendments:

- The Gambling (Alderney)(Amendment) Law 2021 (the Law)
- The Alderney eGambling (Amendment) Ordinance 2021 (the Ordinance)

One of the FATF Recommendations is that any sanction available to Regulatory Supervisors for any AML/CFT failings must be dissuasive, effective and proportionate to deter money laundering and/or terrorist financing. The current maximum financial regulatory penalty is £25,000, which the AGCC believes is not in compliance with the FATF Recommendations.

Therefore, it is proposed that the maximum regulatory financial penalty be increased from £25,000 to £250,000 or 10% of turnover, whichever is the greater.

Further, it is also proposed that the criminal penalty for money laundering/terrorist financing offences be increased to five years imprisonment or an unlimited fine. In practice any money laundering/terrorist financing offence will be dealt with under the Proceeds of Crime Laws in place in the Bailiwick which carries greater punishment. However, the penalty for these types of offences in the eGambling legislative framework should still be compliant with the FATF Recommendations.

Whilst reviewing these penalties, a review of all penalties in the legislation was undertaken to ensure that they remain, proportionate, effective and dissuasive. It is proposed that the penalties for the minor offences be increased to mirror the maximum penalty of the Court of Alderney which is 12 months imprisonment or £10,000. There is one further amendment which modernises the drafting in Section 13(1) of the draft Law and consolidates the maximum penalty into one.

Finally, there are other consequential amendments within these drafts which seek to address some issues in earlier amendments.

The Memorandum of Understanding between the Home Department, States of Guernsey, The States of Alderney and AGCC states that any proposed amendments to the eGambling legislation must be sent to the Home Department for comment. AGCC have confirmed that the Home Department have had sight of the proposed amendments and have confirmed they have no comments on them.

The Law Officers have drafted these amendments in line with the AGCC instructions; and Richard Walker, Director of Financial Crime Policy, has been consulted to ensure they are in harmony with the Bailiwick AML/CFT Strategy and the FATF Recommendations.

I would be grateful if "The Gambling (Alderney)(Amendment) Law, 2021" and "The Alderney eGambling (Amendment) Ordinance, 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 to:

1. Approve "The Gambling (Alderney) (Amendment) Law, 2021", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto;

and

2. Approve "The Alderney eGambling (Amendment) Ordinance, 2021".

Proposed by Mr Bill Abel
Seconded by Mr Boyd Kelly

Item VI Alderney Property Tax Appeals Panel

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

“Section 23 of the Alderney Property Tax Ordinance, 2020 requires the States of Alderney to establish an Alderney Property Tax Appeals (APT) Panel for the purpose of hearing and determining any appeals against relevant decisions. These are specified in the Ordinance as:

- (a) a decision as to the amount of APT due in respect of any real property,
- (b) a decision as to the property reference into which any real property falls,
- (c) a decision as to the plan area of any real property or the number of assessable units thereof,
- (d) a decision as to the ownership of any real property,
- (e) a decision to levy a flat rate penalty or interest in accordance with section 9 of the Ordinance,
- (f) a decision to amend or not to amend the Register under section 13(8).

The Chair of the APT Appeals Panel will appoint a Tribunal of three from the Panel to hear and determine any appeals.

Following a recruitment process, four candidates have been identified for the Panel. All are also current members of the Guernsey Taxation on Real Property Panel which carries out exactly the same function for the States of Guernsey in respect of TRP. No Alderney resident applied for the roles but all candidates are resident in Guernsey. This does bring the advantage of minimising the potential risk of conflict with Alderney property owners in the event of an appeal.

The Policy and Finance Committee at its meeting on 30th September recommended that Mrs Julia White, Mrs Audrey Branch, Mr Raymond Le Poidevin and Mr Keith Bell be appointed as members of the Alderney Property Tax Appeals Panel.

The Policy and Finance also recommended that Mrs Julia White be appointed as Chair and Mr Keith Bell as Deputy Chair.

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

Bill Abel, Chairman”

The States of Alderney is asked to approve the appointment of Mrs Julia White; Mrs Audrey Branch; Mr Raymond Le Poidevin and Mr Keith Bell to become members of the Alderney Property Tax Appeals Panel and furthermore, to approve the appointment of Mrs Julia White as Chair and Mr Keith Bell as Deputy Chair of that Panel.

Proposed by Mr Bill Abel
Seconded by Mr Ian Carter

Item VII Accounts for Information

The attached reports, for information purposes, were received from Mr Abel, Chairman of the Policy & Finance Committee:-

1. **Alderney Commission for Renewable Energy Annual Report & Accounts 2019 and 2020**
2. **Alderney eGambling Limited Financial Statements 2020**
3. **Alderney Gambling Control Commission Financial Statements 2020**
4. **Royal Connaught Residential Home Limited Financial Statements 2020**

Item VIII **Questions and Reports**

No Questions or Reports were received at the 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: 5 November 2021