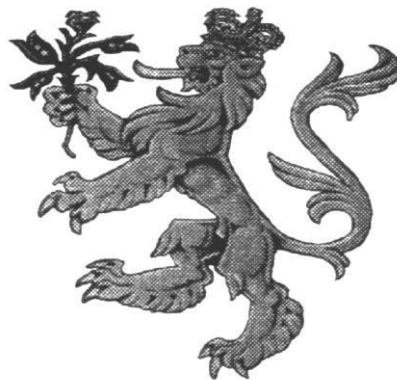


# STATES OF ALDERNEY



# BILLET D'ETAT

WEDNESDAY 13<sup>TH</sup> JANUARY 2021

Price: £2.35

## **BILLET D'ETAT**

### **FOR WEDNESDAY 13<sup>TH</sup> JANUARY 2021**

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 5:30 pm on Wednesday 13<sup>th</sup> January 2021. This will be preceded by the People's Meeting, which will be held on Wednesday 6<sup>th</sup> January 2021 at 7:00 pm in the Island Hall.

William Tate  
President

**Item I**      **Opening of the States of Alderney Annual Meeting**

**Item II**      **Election Procedure**

The States of Alderney is asked to approve that the following elections should be by verbal vote, otherwise Rule 20 of the Rules of Procedure of the States Alderney, shall come into operation, ie., voting shall, unless the States otherwise resolves, be carried out by written ballot.

**Item III**      **Election of Vice President**

The States of Alderney is asked to elect a Vice President for 2021.

**Item IV**      **Appointment of Auditors**

The States of Alderney is asked to appoint Grant Thornton Limited (Channel Islands) to be the States' Auditors for 2021.

**Item V**      **Appointment of Committee Chairmen**

The States of Alderney is asked to elect the Chairmen of the following Committees:

1. Policy and Finance Committee
2. General Services Committee
3. Building and Development Control Committee

**Item VI**      **Appointment of Members of the Policy and Finance Committee**

The States of Alderney is asked to elect a minimum of two Members in addition to the Chairman, to the Policy and Finance Committee.

**Item VII**      **Appointment of Committee Members of other Committees**

The States of Alderney is asked to elect the members of the following committees, in addition to the Chairmen:-

1. A minimum of two Members to the General Services Committee
2. A minimum of two Members to the Building and Development Control Committee

**Item VIII**      **Election of Alderney Representatives to sit in the Guernsey States of Deliberation**

Following the procedure as laid out in the Resolution of The States of Alderney dated 18<sup>th</sup> October 2006, and the Plebiscite election of 12<sup>th</sup> December 2020, the States of Alderney is asked:-

- (a) To elect two members to sit in the Guernsey States of Deliberation for 2021, and
- (b) To elect two other members to sit in the Guernsey States of Deliberation as Alternative Representatives for 2021.

**Item IX**      **Other Appointments: Commonwealth Parliamentary Association**

The States of Alderney is asked to elect three members to sit on the Management Committee in the affairs of the Alderney Branch of the Commonwealth Parliamentary Association (the President being Ex-officio Chairman) for 2021.

**Item X Other Appointments:- St Anne's School Management Committee**

The States of Alderney is asked to resolve to appoint, for a period of one year, renewable at the next Annual January Meeting, one member as a Representative on the Management Committee of St Anne's School.

**Item XI The Damages (Assumed Rate of Return and Related Matters) (Enabling Provisions) (Guernsey and Alderney) Law, 2020**

The attached letter dated 14<sup>th</sup> December 2020 was received by the President from the Bailiff of Guernsey, Mr Richard J McMahon.

The States of Alderney is asked to give their approval to the *Projet de Loi* entitled "The Damages (Assumed Rate of Return and Related Matters) (Enabling Provisions) (Guernsey and Alderney) Law, 2020", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

**Item XII The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.9) 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 0th February 2020.

These Regulations revoke and re-enact (with minor modifications and the addition of two Schedules) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations came into force on the 27<sup>th</sup> November, 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.

Schedules 1 and 2 to these Regulations set out exceptions to the requirement to self-isolate on arrival in the Bailiwick, in respect of critical workers and persons eligible to take part in the 7 day self-isolation option. This provision was previously made by the Civil Contingencies Authority in variations (separate from the emergency regulations) to the requirement to self-isolate that were published on the States of Guernsey website.

*Part II miscellaneous and final*

Schedule 3 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 to permit an approved medical practitioner (rather than only a second opinion approved doctor) to provide a certificate for the purposes of section 56 where the practitioner is of the opinion that it is not reasonably practicable or would involve unreasonable delay to comply with the unmodified requirement of that section.

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 specified criteria.

Regulation 18 makes provision in relation to Senior Decision Makers ("50MB) appointed by the Guernsey Financial Services Commission, including providing for SDMs to hold oral hearings remotely.

Regulation 19 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. Regulation 20 enables the Court of Appeal to conduct its proceedings remotely.

I would be grateful if "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.9) 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.9) Regulations, 2020"**

Proposed by Mr Kevin Gentle  
Seconded by Mr Alex Snowdon

**Item XIII Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.10) 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 will come into force on the 15<sup>th</sup> December, 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.

Schedules 1 and 2 to these Regulations set out exceptions to the requirement to self-isolate on arrival in the Bailiwick, in respect of critical workers and persons eligible to take part in the 7 day self-isolation option and who take a day 13 test.

*Part II — miscellaneous and final*

Schedule 3 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 to permit an approved medical practitioner (rather than only a second opinion approved doctor) to provide a certificate for the purposes of section 56 where the practitioner is of the opinion that it is not reasonably practicable or would involve unreasonable delay to comply with the unmodified requirement of that section.

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 specified criteria.

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 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.

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

I would be grateful if "The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.10) 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.10) Regulations, 2020"**

Proposed by Mr Kevin Gentle  
Seconded by Mr Alex Snowdon

**Item XIV The European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Alderney) Ordinance, 2020.**

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

"On 2 December the Policy and Finance Committee were made aware by the Director of Public Health and officials in Guernsey of the urgent need for a COVID-19 vaccination to be designated as being acceptable for use in the Bailiwick.

The Committee for Health & Social Care (HSC) has a requirement, both legally and through States' resolution, to consult Alderney and Sark prior to making regulations locally to authorise a vaccine to be sold, supplied and administered by the Bailiwick of Guernsey under the Human Medicines Regulations, 2012.

The Committee were advised that as a result of steps taken in the UK that day HSC had been able to start the necessary internal processes to plan a firm roll-out of a vaccination programme.

Any new medical product has to be approved by the Guernsey Medicines Committee and a special meeting was to be held the following morning to consider whether it had sufficient information to recommend to the Committee for HSC to allow the use the vaccine locally. The recommendation to the Medicines Committee from the medical professionals was that HSC be recommended to approve the designation of the Pfizer/BioNTech's COVID-19 vaccine for use in the Bailiwick.

The Policy and Finance Committee was therefore asked exceptionally to indicate by email circulation whether it wished to express support for the introduction of this vaccine subject to the Medicines Committee being satisfied of its safety and efficacy. Nine of the P&F Members instantly indicated their support for the designation of the vaccine subject to the Medicines Committee being satisfied of its safety and efficacy and the Director of Public Health was advised immediately.

HSC subsequently asked whether, in the interests of efficiency, the Policy and Finance Committee would be prepared to confirm that it supported the designation of the various Covid-19 vaccines that the Medicines Committee might be recommending subject of course to their safety and efficacy. This would negate the need to consult Alderney on each brand of this vaccine when it is clear that we will need to rely on their detailed medicines and health knowledge. The Policy and Finance Committee resolved at its meeting of the 17<sup>th</sup> December to ratify its decision made by email to express support for the introduction of the

Pfizer/BioNTech COVID-19 vaccine subject to the Medicines Committee being satisfied of its safety and efficacy, and to advise HSC that its view in relation to all other COVID-19 vaccines that may be under consideration will be the same in that it will be supportive subject to the Medicines Committee being satisfied of the safety and efficacy of each product.

The Policy & Finance Committee also agreed to submit to a meeting of the States of Alderney "The European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Alderney) Ordinance 2021" to provide immunity in relation to those involved in the supply and distribution of the vaccine.

I would be grateful if "The European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Alderney) Ordinance, 2021" 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 European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Alderney) Ordinance, 2021".**

Proposed by Mr Kevin Gentle  
Seconded by Mr Alex Snowdon

**Item XV** **The Acquisition of Immovable Property by Aliens (Brexit) (Repeal) (Alderney) Regulations, 2020**

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

"The Committee at a special meeting held on the 24<sup>th</sup> August resolved unanimously to approve that officers work with St James Chambers to repeal the Acquisition of Immovable Property by Aliens of Foreign Companies (Alderney) Law, 1973 as soon as practically possible and to amend and repeal any other legislation relating to this matter which would conflict with future EU exit or OECD guidelines and principles. This followed advice that after the end of the Brexit transition period it would be highly unwise for Alderney to be discriminating on grounds of nationality. Such ongoing discrimination might become a reason for Alderney to be excluded from World Trade Organisation agreements leaving the Island unable to trade, even potentially with the other Channel Islands without having complex import and export tariffs.

As this matter is Brexit related, the committee has the power to repeal the legislation under special powers introduced across the Bailiwick to deal with any urgent legislative issues. To do so however requires the Committee to have a certificate/letter from the Law Officers confirming this is the appropriate course of action. A letter to this effect was received dated 8<sup>th</sup> December 2020 from HM Comptroller.

It is noted that the Regulations will also repeal the the Loi relative la requisition de Propriete Immobiliere en cette Ile par des Etrangers ou par des Societe Etrangeres of 1906 as there is concern that it would be inconsistent with World Trade Organisation obligations, which will apply directly across the entire Bailiwick from the end of the Transition Period to retain provisions discriminating against foreign companies without a corresponding reservation at the WTO.



The Committee resolved at its meeting of the 17<sup>th</sup> December to approve the Acquisition of Immovable Property by Aliens (Brexit) (Repeal) (Alderney) Regulations, 2020 as a consequence of the withdrawal of the United Kingdom from the European Union.

I would be grateful if "The Acquisition of Immovable Property by Aliens (Brexit) (Repeal) (Alderney) 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 Acquisition of Immovable Property by Aliens (Brexit) (Repeal) (Alderney) Regulations, 2020"**

Proposed by Mr Kevin Gentle  
Seconded by Mr Graham McKinley

**Item XVI    Employment Permits (Brexit) (Alderney) Regulations 2020**

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

"These Regulations are made in consequence of the withdrawal of the United Kingdom from the EU.

Section 1(1) of the Employment Permits (Alderney) Law, 1975 requires only nationals of the European Community (European Union) to obtain an employment permit to work in Alderney. The only exceptions are local residents and the like, and anyone exempted by Ordinance.

As from 11pm, 31<sup>st</sup> December, 2020 (exit day within the meaning of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018) the UK is ending the free movement of EEA citizens as a consequence of the UK's withdrawal from the EU, and the Bailiwick's immigration laws will also be amended to do the same.

Furthermore under the Bailiwick's World Trade Organisation obligations (which will be the Bailiwick's primary international trade obligations after exit day) it would be unlawful to discriminate against the nationals of any one or more countries, unless it were based on an international agreement binding on the Bailiwick.

Regulation 1(1) and (2) of these Regulations amends that provision to require any person (regardless of their nationality) to obtain an employment permit to work in Alderney, subject to the above-mentioned statutory exceptions. Regulation 1(3) deletes definitions in the Employment Permits (Alderney) Law, 1975 that are no longer needed, as a consequence of that amendment.

Regulation 2 disapplies the new requirement to obtain permits, in relation to non-Community nationals who had undertaken or been engaged in gainful employment in Alderney prior to the commencement of these Regulations, and were either in gainful employment or ordinarily resident in Alderney immediately before that commencement.

These Regulations will come into force on exit day within the meaning of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018.

I would be grateful if "The Employment Permits (Brexit) (Alderney) 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 Employment Permits (Brexit) (Alderney) Regulations, 2020"**

Proposed by Mr Kevin Gentle  
Seconded by Mr Graham McKinley

**Item XVII   Questions and Reports**

No Questions or Reports 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: 23 December 2020**