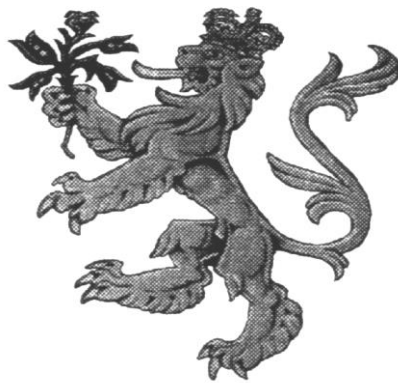


# STATES OF ALDERNEY



# BILLET D'ETAT

WEDNESDAY 21<sup>ST</sup> APRIL 2021

Price: £2.35

## **BILLET D'ETAT**

### **FOR WEDNESDAY 21<sup>ST</sup> APRIL 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 21<sup>st</sup> April 2021. This will be preceded by the People's Meeting, which will be held on Wednesday 14<sup>th</sup> April 2021 at 7.00 pm in the Island Hall.

**William Tate**  
President

#### **Item I**      **Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.3) 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 minor modifications) regulations previously made by the Civil Contingencies Authority in respect of the coronavirus pandemic.

These Regulations came into force on the 5th March, 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.

This Part also prohibits non-essential travel into the Bailiwick. Further provision in respect of essential travel, and the granting of Essential Travel Permits, is set out in Schedule 1. The effect of this prohibition is that it is unlawful for a person to travel into the Bailiwick from outside unless he or she has been granted either an Essential Travel Permit or a Critical Worker Exemption. A person who has been granted an Essential Travel Permit will have to self-isolate on arrival in accordance with regulations 5 and 6, and 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 2. 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 - control of premises, gatherings etc., and movement of persons*

This Part enables the Civil Contingencies Authority to impose restrictions in relation to licensed (and other non-residential) premises, and empower the Committee to impose restrictions in relation to events, gatherings and meetings, and the movement of people outside their homes. The regulations in this Part also create criminal offences, and confer powers of enforcement on police officers. The Authority must consult the Medical Officer of Health before exercising the powers under the regulations, and in addition must consult Her Majesty's Procureur when issuing a direction imposing restrictions in relation to the movement of persons outside their homes; and when exercising powers in relation to premises in Alderney and Sark, the relevant Committees on those islands must also be consulted.

*Parts III and IV - registration of deaths and still-births, and cremations in Guernsey*

These Parts temporarily modify procedures in relation to registration of deaths and still births in Guernsey and Sark and in Alderney (Part III) and in relation to cremations in Guernsey (Part IV). These amendments are to remove requirements for things to be done in person and to simplify procedures relating to registration of deaths and still-births and cremations during the current emergency situation.

The modifications in relation to registration of deaths and still-births are to remove requirements to make declarations of death in person, for a doctor signing a medical certificate of death to certify that he or she had attended the deceased during his or her last illness and to disapply requirements limiting the time a body is kept provided it is in the custody of the States of Guernsey (where the body is in Guernsey), the States of Alderney (where the body is in Alderney) or the relevant funeral director.

The modifications in relation to cremations are to remove the requirements for an application for cremation to be verified by being countersigned or by the applicant giving a declaration made on oath and for a confirmatory medical certificate to be given (Form C in the Cremation Ordinance, 1972).

*Part V - the States of Deliberation and the Chief Pleas of Sark*

The regulations relating to the States of Deliberation provide that the Reform (Guernsey) Law, 1948 shall apply as if modified by the insertion of a new Article enabling the States of Deliberation to meet remotely. It also empowers the States' Assembly & Constitution Committee to make Rules of Procedure governing remote meetings of the States held pursuant to the inserted Article. The

regulations relating to the Chief Pleas of Sark temporarily modify the application of the Sark (Reform) Law, 2008 to allow Committees of the Chief Pleas to meet remotely.

#### Part VI - parochial meetings, etc.

Part VI makes provision enabling parish business to be conducted despite the inability to hold parish meetings. For all normal parish business, including approval of the expenditure to be incurred by each parish, and the rates to be levied in order to meet that expenditure, decisions will be made by the Constables and Douzaine in respect of all matters, but after consultation with the Rector and Churchwardens where the decision concerns ecclesiastical matters. Notice of the matters to be determined and the proposed decision in each case will be published in La Gazette Officielle and further information and documents will be made available on a specified website; and ratepayers will be given an opportunity to make representations. Meetings of the Constables and Douzaine may be held remotely, in line with the provisions for States' Committees already agreed. The Constables and Douzaine must take into account of any representations received. Their decision must be notified to the ratepayers who will then have the opportunity to oppose the application to the Royal Court for confirmation of the decision in relation to the "remède", having given prior notification to the Greffe and the parish of their intention to object. Any necessary elections during the emergency period may be substituted by appointments by the Dean of the Douzaine, after consultation with the Rector and Churchwardens where appropriate. Such appointments will expire one month after the regulations cease to have effect when an election will need to be held in order to fill any vacancy in the normal way.

#### Part VII - schools

Part VII 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.

#### Part VIII – miscellaneous and final

Schedule 3 to these Regulations, which is given effect by regulation 36, 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 37 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. It also amends the Population Management (Guernsey) Law, 2016 to impose a duty on the Administrator of Population Management to consult a determining officer appointed under Schedule 1 before granting an Employment Permit.

Regulation 38 temporarily modifies the Offences (Fixed Penalties) (Guernsey) Law, 2009. The modification enables fixed penalty notices in the sum of £100 to

be issued by police officers to persons who fail, without reasonable excuse, to comply with a direction or requirement of a police officer to wear a face covering, where the Regulations and any Direction made under them require the wearing of a face covering.

Regulation 39 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 40 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.3) 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.3) Regulations, 2021"**

Proposed by Mr Bill Abel  
Seconded by Mr Alex Snowdon

**Item II**      **Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.3) (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 Schedule I to the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.3) Regulations, 2021. The purpose of the amendments is to enable Essential Travel Permits to be issued for the purpose of travelling to Sark and Alderney to take up employment in the hospitality sector on those Islands.

These Regulations come into force on the 10th March, 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.3) (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.3) (Amendment) Regulations, 2021”**

Proposed by Mr Bill Abel  
Seconded by Mr Alex Snowdon

**Item III      Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.3) (Amendment) (No.2) 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 come into force on Guernsey entering ‘Stage 3 of the exit from lockdown’, and in large part revoke the prohibition on non-essential travel, and other provisions that are no longer necessary with the lifting of existing internal restrictions within Guernsey (including all of Parts II to VI), and make minor amendments consequential on those revocations. They also revoke a provision in respect of the GFSC on the coming into force of equivalent permanent provision.

These Regulations came into force on the 22nd March, 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.3) (Amendment) (No.2) 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.3) (Amendment) (No.2) Regulations, 2021”**

Proposed by Mr Bill Abel  
Seconded by Mr Alex Snowdon

**Item IV**      **Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.4) 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 2nd 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.

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 2 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. 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 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.4) 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.4) Regulations, 2021"**

Proposed by Mr Bill Abel  
Seconded by Mr Alex Snowdon

**Item V**

**Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No.3) (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. 2) (Bailiwick of Guernsey) Regulations, 2021.

These Regulations came into force on the 5th March, 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.3) (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.3) (Bailiwick of Guernsey) (Regulations, 2021"**

Proposed by Mr Bill Abel  
Seconded by Mr Alex Snowdon

**Item VI**      **Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No.4) (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. 3) (Bailiwick of Guernsey) Regulations, 2021.

These Regulations will come into force on the 2nd 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.4) (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.4) (Bailiwick of Guernsey) (Regulations, 2021"**

Proposed by Mr Bill Abel  
Seconded by Mr Alex Snowdon

**Item VII**    **The Speed Trials (Alderney) Ordinance, 2021**

**The following letter was received from Mr Boyd Kelly, Chairman of the General Services Committee:-**

"I am pleased to be able to report that the Guernsey Kart and Motor Club applied to the General Services Committee for permission to organise a three-day Sprint and Hill Climb event from the 16<sup>th</sup> to the 18<sup>th</sup> September this year. The Committee at its meeting on 16<sup>th</sup> February 2021, having delegated permission to the Chief Executive's office, has noted the times and dates of the event and raised no objection.

The Speed Trials (Alderney) Ordinance will allow competing vehicles to exceed the statutory speed limit and permit the closure along the course (a) on the road extending from Whitegates (Hammond Memorial) to Route des Mielles (Corblets Bay car park), (b) the road extending from Le Grand Val (Judges Pond) to Tourgis Hill and (c) Tourgis Hill along the extent of the Hill Climb course, from the road junction of the Petit Val with Route de Picaterre to the junction of Tourgis Hill Road with Le Grand Val.

As in past years, the Guernsey Kart and Motor Club has undertaken to put in place all necessary safety precautions and to liaise with the Police, Ambulance and Fire Service for these events.

I would be grateful if 'The Speed Trials (Alderney) Ordinance, 2021' is placed before the States of Alderney at its next meeting together with an appropriate proposition.

Boyd Kelly, Chairman"

**Committee Members:-**

Mr Boyd Kelly, Chairman  
Ms Annie Burgess, Deputy Chair  
Mr Rhys Jenkins  
Mr Christian Harris  
Mr Steve Roberts

**The States of Alderney is asked to approve “The Speed Trials (Alderney) Ordinance, 2021”**

Proposed by Mr Boyd Kelly  
Seconded by Ms Annie Burgess

**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: 9 April 2021**