



States of Alderney
Office of the President

BILLET D'ÉTAT

WEDNESDAY 20TH JULY 2022

£2.40

Billet d'État

Wednesday 20th July 2022

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 20th July 2022.

This will be preceded by the People's Meeting, which will be held on Wednesday 13th July 2022 at 7.00pm in the Island Hall, convened by Mr Kevin Gentle.

William Tate
President

His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey, Lieutenant General Cripwell CB, CBE and Mrs Cripwell will be in attendance.

Item I The Abortion (Alderney) Law, 2022

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

“Following the policy letter entitled “Modernisation of The Abortion (Guernsey) Law, 1997”, dated 2nd March 2020 from the Committee for Health and Social Care and subsequent amending legislation to the 1997 Law, it was noted that the Guernsey Law only extends to Guernsey, Herm and Jethou. Alderney, it appears has been operating under “The Loi sur L'Avortement, 1910”, which is focussed on those who support abortion and does not have any reference to any type of legalised activity. We have been assured that there is no change in position in terms of abortion provision for Alderney women, as it is a procedure that falls under Obstetrics and Gynaecology which is a secondary health care service provided in Guernsey which women in Alderney are entitled to receive under the Guernsey Law, Alderney not currently having an Abortion Law does not affect this position.

The Policy and Finance Committee resolved at its meeting of 24th June 2021 to request that the Law Officers draft an Alderney Abortion Law subject to a Bailiwick wide law not being an option.

Law Officers Chambers have drafted The Abortion (Alderney) Law, 2022” which mirrors the legislation currently in place in Guernsey, the Law also provides a specific offence for someone (other than an appropriate person) who procures or attempts to procure an abortion. Access to these services is not in dispute, however it is recognised that Alderney law needs to be updated to work with what is available in Guernsey, and from Guernsey in Alderney if appropriate, to ensure no such services can be procured in Alderney other than by appropriate persons ie., a doctor.

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

Ian Carter, Chairman”

The States of Alderney is asked to approve the Projet de Loi entitled "The Abortion (Alderney) Law, 2022", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

Proposed by Mr Ian Carter

Seconded by Mr Alex Snowdon

Item II The Employment Permits (Exemption) (Alderney) (Amendment) Ordinance, 2022

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

The Policy and Finance Committee at its meeting of the 25th April resolved that the schedule to “The Employment Permits (Exemptions) (Alderney) Ordinance 1980”, should be reviewed and revised as it was brought to the attention of the Committee that some of the exempted categories listed on the schedule were outdated and did not offer flexibility in emergency situations whereby certain categories of employment were required on island at short notice, this was made evident during the COVID pandemic.

The draft ordinance “The Employment Permits (Exemptions) (Alderney) (Amendment) Ordinance, 2022” was tabled at the meeting of the Policy and Finance Committee on 27th June 2022 for its consideration. The ordinance will, if approved by the States of Alderney, amend the schedule of The Employment Permits (Exemptions) (Alderney) Ordinance, 1980 to include Carers, Pharmacists and also essential workers to the island who we need to carry out essential works to our infrastructure; The ordinance also includes a provision whereby if the Chief Executive of the States certifies that the employment of a person is essential to Alderney, and the immediate deployment of that person in the employment concerned is necessary in the circumstances, they will also be exempt from the requirement of an employment permit under the Employment Permits (Alderney) Law, 1975.

If approved by the States the ordinance will come into force on the date of the States resolution.

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

Ian Carter, Chairman”

The States of Alderney is asked to approve “The Employment Permits (Exemption) (Alderney) (Amendment) Ordinance, 2022” to make provision for Agency care workers, Essential workers, Midwives or nurses and Pharmacists and also essential workers to the island who we need to carry out essential works to our infrastructure; to be exempted categories of employment under the Employment Permits (Alderney) Law, 1975.

Proposed by Mr Ian Carter

Seconded by Mr Kevin Gentle

Item III **Credit and Finance Legislation**

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

“In response to the Policy letter entitled “Credit and Finance Legislation”, dated 2nd December, 2020, of the Policy & Resources Committee and the Committee for Economic Development, it was resolved by the States of Deliberation (and supported by the Policy and Finance Committee) that the appropriate legislation be drafted to give effect to the repeal of the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008 and the preparation of a new Credit and Finance Law.

The Lending, Credit and Finance (Bailiwick of Guernsey) Law, 2022 has subsequently been drafted by Law Officers Chambers and by way of context the Law covers several main themes:

- the establishment of a supervisory framework, including licensing, in relation to the provision of retail credit on customer protection grounds;
- the establishment of a supervisory framework, including licensing, of virtual asset service providers – VASPs; and
- the replacement of the Non-Regulated Financial Services Businesses Law and the AML/CFT registration framework under that law with a wider licensing, and regulatory, framework (non-regulated financial services businesses comprising firms such as non-bank lenders).

The final two bullet points above are relevant to the MoneyVal evaluation in the Spring of 2024 and as such The Lending, Credit and Finance (Bailiwick of Guernsey), Law, 2022 is an integral part of the Bailiwick’s preparations for MoneyVal and is to be considered by the States of Deliberation at its July meeting to enable it to come into force for January 2023.

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

Ian Carter, Chairman”

The States of Alderney is asked to approve the draft *Projet de Loi* entitled "The Lending, Credit and Finance (Bailiwick of Guernsey) Law, 2022", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

*Proposed by Mr Ian Carter
Seconded by Mr Christian Harris*

Item IV **Reciprocal Health Arrangement between The Bailiwick of Guernsey and the United Kingdom**

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

“The Policy and Finance Committee at its meeting on the 27th June 2022 considered the Policy letter entitled “Reciprocal Health Arrangement between the Bailiwick of Guernsey and the United Kingdom” dated 13th June, 2022 and resolved for the Policy Letter and propositions relating to the States of Alderney be submitted to the July Billet

for approval.

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

Ian Carter, Chairman"

The States of Alderney is asked to decide:-

Whether, after consideration of the Policy Letter entitled "Reciprocal Health Arrangement between the Bailiwick of Guernsey and the United Kingdom" dated 13th June, 2022, they are of the opinion:-

1. To approve the principles (set out in Section 9 of the Policy Letter) for the States of Alderney's participation in a future Reciprocal Health Arrangement with the United Kingdom's Government for the benefit of eligible Alderney residents when visiting the UK and in regard to the costs for the provision of planned treatment pre-authorised by the States of Guernsey.
2. To request Guernsey's Policy & Resources Committee to maintain efforts to ensure that Alderney's interests (and, subject to the necessary authorisations from Guernsey and Sark, the Bailiwick's interests) continue to be represented to the UK Government's Department of Health and Social Care during negotiations on the Reciprocal Health Arrangement and any associated arrangements/ agreements.
3. To authorise Guernsey's Policy & Resources Committee, in consultation with the Committee for Health & Social Care, if the Committee is of the view that the provisions of the final forms of the Reciprocal Health Arrangement with the UK Government's Department of Health and Social Care and any associated arrangements/agreements give satisfactory effect to the principles (set out in Section 9 of the Policy Letter), to agree and enter into that Arrangement and any associated arrangements/agreements, on behalf of Alderney.
4. To direct the Policy & Finance Committee to agree the necessary arrangements with Guernsey's Policy & Resources Committee, in consultation with the Committee for Health & Social Care, to implement, monitor and manage the final agreed Reciprocal Health Arrangement and any associated arrangements/agreements to the extent necessary in the context of transferred services under the 1948 Agreement.
5. To request Guernsey's Committee for Health & Social Care to make the necessary arrangements to implement, monitor and manage the Reciprocal Health Arrangement and any associated arrangements/agreements on behalf of the Bailiwick, based on the arrangements agreed under Proposition 4.

Proposed by Mr Ian Carter

Seconded by Mr Alex Snowdon

Item V

The Church of England – The attachment of The Bailiwick of Guernsey to the Diocese of Salisbury

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

"The Policy and Finance Committee has considered the Policy letter entitled "The Church of England – The Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury" dated 9th March 2022 from the Policy and Resources Committee and resolved for the Policy Letter and propositions relating to the States of Alderney be submitted to the July Billet for formal approval.

It is noted that this matter has already been considered by the States of Deliberation on 28th April 2022 and the delay in this matter being considered in Alderney was due to an administrative oversight and is acknowledged that Alderney had not received the relevant information as early as had been hoped.

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

Ian Carter, Chairman"

The States of Alderney is asked:-

1. To note the recommendations as set out in the report of the Archbishop of Canterbury's Commission on the relationship of the Channel Islands with the wider Church of England;
2. To signify agreement to the substance of the provision of an Order in Council made under prerogative powers and under the Channel Islands Measure 2020, in respect of its application to Alderney, including, but not limited to:
 - (a) the attachment of the Bailiwick of Guernsey to the Diocese of Salisbury;
 - (b) the transfer of the episcopal oversight of the Bishop of Winchester to the Bishop of Salisbury;
 - (c) that a man or a woman may be consecrated as a bishop; and
 - (d) the simplified mechanism for the application to the Bailiwick of Measures of the Church of England set out in section 5 of this policy letter; and
3. To note the ongoing work to draft Canons for the Deanery of Guernsey and that, once drafted, these Canons will be given effect in the Bailiwick by way of an Order in Council.

Proposed by Mr Ian Carter

Seconded by Mr Bill Abel

Item VI Amendment to The Dangerous Weapons (Alderney) Ordinance, 1965

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

"Following a review of the Dangerous Weapons (Alderney) Ordinance, 1965 amendments are proposed which update and modify the provisions within the Ordinance, thus bringing the legislation into the 21st century. It was also evident that there is an immediate need to address issues of clarification of meaning and in the interests of public safety, an issue which is high on the States of Alderney risk register,

and which constitutes part of the Bailiwick risk register. Amendments made have included input from a public consultation, existing and previous weapons licence holders.

The Policy and Finance Committee at its June meeting resolved to approve the proposed amendments to the Dangerous Weapons (Alderney) Ordinance, 1965 and for this item to be placed before the next meeting of the full States for formal approval.

“The Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022“ has been drafted by Law Officers Chambers.

Changes in the legislation include amendment and clarification of the meaning of expressions used within the ordinance; including a new Section 1A to provide a meaning of “adequate public liability insurance”.

A provision is made under Section 3 of the ordinance to provide for a weapon certificate to be granted to a person over the age of 15 years to purchase, acquire or have in the person's possession a smooth bore gun if the person is a member of an approved club.

Under Section 4 there is provision to exempt a States Armourer from the requirement of holding a weapons certificate whilst he has in his possession a dangerous weapon or ammunition whilst acting in the execution of his duties; and a new Section 4A to deal with the disposal of dangerous weapons held for safekeeping and public safety.

Under Section 5 clarification is made regarding the restriction on the use of dangerous weapons and the exemptions attached to some uses; a new Section 5A is inserted to provide for a permit to shoot vermin or pests with smooth bore gun, rifle or air rifle.

A new Section 8A provides for approvals to be given to a person by the Clerk of the States (the Chief Executive) under any provision of the Ordinance and Section 10A provides for powers of search with a warrant.

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

Ian Carter, Chairman”

The States of Alderney is asked to approve “The Dangerous Weapons (Alderney) (Amendment) Ordinance, 2022”

*Proposed by Mr Ian Carter
Seconded by Mr Boyd Kelly*

Item VII **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

Issue Date: 8 July 2022