

No. 42 of 2020

Proposition in pursuance of Rule 18 submitted by the Chairman of the Civil Contingencies Authority

The States are asked to decide whether they are of the opinion to approve the Emergency Powers (Coronavirus) (Parochial Matters and Miscellaneous Provisions) (Bailiwick of Guernsey) Regulations, 2020.

THE EMERGENCY POWERS (CORONAVIRUS) (PAROCHIAL MATTERS AND MICELLANEOUS PROVISIONS) (BAILIWICK OF GUERNSEY) REGULATIONS, 2020

In pursuance of section 16 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, "The Emergency Powers (Coronavirus) (Parochial Matters and Miscellaneous Provisions) (Bailiwick of Guernsey) Regulations, 2020", made by the Civil Contingencies Authority on 2nd April, 2020, are intended to be laid before the States on 14th April, 2020. Under that section they will lapse at the end of the period of seven days beginning with the date of laying unless, during that period, a proposition is put before the States to approve them which is not carried, in which case the regulations shall lapse, or the States pass a resolution approving them.

EXPLANATORY NOTE

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 the spread of the virus Severe Acute Respiratory Syndrome Coronavirus (SARS-CoV-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.

Part 1 of the Regulations 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 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. Two sets of regulations already made setting dates for elections in St Peter Port and St Pierre du Bois are revoked.

Part 2 of the Regulations allows the Chief Health and Safety Officer ("the Chief Officer") to grant a certificate disapplying the requirements for examination, testing and inspection set out in regulation 8 and the Schedule in respect of equipment, occupier's installation or gas appliance and flue (as the case may be) specified in an application. A certificate may only be given where the Chief Officer is of the opinion that the disapplication will not prejudice the safety of any person operating the equipment etc. or any other person likely to be affected by its operation. The certificate may only disapply the relevant requirement for a period of up to 30 days, but does not disapply any other health and safety requirement (and, in particular, the requirement to keep the equipment etc. in a safe condition and good working order).

Part 2 also provides for the Committee for the Environment & Infrastructure to permit the cutting and collecting of seaweed when this would otherwise be prohibited (so facilitating the on-Island manufacture of sanitising gels), and makes provision to enable the Court of Appeal to conduct its proceedings remotely.

These Regulations came into force on the day they were made (namely, 2nd April, 2020). Provided they do not lapse or are not revoked earlier, they will remain in force for a period of 30 days from the date they were made.

LAYING OF REGULATIONS MADE UNDER SECTIONS 12 AND 13 OF THE CIVIL CONTINGENCIES (BAILIWICK OF GUERNSEY) LAW, 2012

Section 16 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 states:

Duration and scrutiny of emergency regulations.

16. (1) Emergency regulations shall be laid before the States as soon as is reasonably practicable after being made.
- (2) Emergency regulations shall lapse at the end of the period of seven days beginning with the date of laying, unless during that period –
 - (a) a proposition is put before the States to approve the regulations which is not carried, in which case the regulations shall lapse immediately, or

(b) the States pass a Resolution approving them.

(3) Emergency regulations which have not lapsed under subsection (2) shall lapse –

(a) at the end of the period of 30 days beginning with the date on which they are made, or

(b) at such earlier time as may be specified in the regulations.

(4) If the States pass a Resolution that emergency regulations shall cease to have effect, the regulations shall cease to have effect –

(a) at such time, after the passing of the Resolution, as may be specified in it, or

(b) if no time is specified in the Resolution, on the passing of the Resolution.

(5) If the States pass a Resolution that emergency regulations shall have effect with a specified amendment, the regulations shall have effect as amended, with effect from –

(a) such time, after the passing of the Resolution, as may be specified in them, or

(b) if no time is specified in the Resolution, at the beginning of the day after that on which the Resolution was passed.

(6) Nothing in this section –

(a) shall prevent the making of new regulations, or

LAYING OF URGENT PROPOSITIONS UNDER RULES OF PROCEDURES FOR THE STATES OF DELIBERATION AND THEIR COMMITTEES

Further, Rule 18 of the Rules of Procedures for the States of Deliberation and their Committees prescribes as follows:

Urgent propositions

18. A proposition as regards which an immediate decision is necessary or desirable may, with the permission of the Presiding Officer, be submitted to the States on behalf of a Committee or by the Presiding Officer in his or her own right at any Meeting, and may be debated and decided upon, with or without amendment, at that Meeting. Such proposition shall be in writing and shall be headed “Proposition in pursuance of Rule 18 submitted by the [President of the ... Committee / Presiding Officer]”, and copies thereof shall be delivered beforehand to the Presiding Officer, Her Majesty’s Procureur and the President of the Policy & Resources Committee;

Provided that:

- (a) if the postponement of the debate, or of the taking of a decision, on the proposition be moved and be supported by not less than one third of the Members voting on the motion, the debate, or the taking of a decision, on the proposition, as the case may be, shall be postponed until a date to be fixed by the Presiding Officer; and
- (b) on any such postponement, a motion for the immediate publication or circulation, in such manner as the Presiding Officer shall decide, of all relevant material shall have effect if supported by not less than one third of the Members voting on the motion.