



BILLET D'ÉTAT

WEDNESDAY, 25th NOVEMBER, 2020

XXV
2020

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The Income Tax (Substance Requirements) (Implementation) (Amendment) Regulations, 2020
The Airport Fees (Guernsey and Alderney) Regulations, 2020
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The Mooring Charges (Guernsey) Regulations, 2020
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The States Housing (Tribunal and Appeals) (Guernsey) (Amendment) Regulations, 2020
The Employment and Discrimination Tribunal (Guernsey) Order, 2020
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The Customs and Excise (Safety and Security) (Bailiwick of Guernsey) Regulations, 2020
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BILLET D'ÉTAT

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I hereby give notice that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY** the **25th November, 2020** at **9.30 a.m.**, to consider the items listed in this Billet d'État which have been submitted for debate.

R. J. McMAHON
Bailiff and Presiding Officer

The Royal Court House
Guernsey

6th November, 2020

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

ELECTION AND RE-ELECTION TO THE POPULATION EMPLOYMENT ADVISORY PANEL

The States are asked to decide:-

Whether, after consideration of the Policy Letter 'Election and Re-election to the Population Employment Advisory Panel' dated 17th August 2020, they are of the opinion:-

1. To elect Natasha Newell, as Chairperson of the Population Employment Advisory Panel, with immediate effect until 30 September 2024;
2. To elect Jonathan Squire as an ordinary member of the Panel, and as the Tourism and Hospitality representative with immediate effect until September 2024.
3. To re-elect as ordinary members of the Panel-
 - a. Mr Timothy Langlois, as the Public Sector representative (including Private Health and Education) with immediate effect until September 2024.
 - b. Mr Kenny McDonald, as the Service Industries representative with immediate effect until September 2024.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR HOME AFFAIRS

ELECTION AND RE-ELECTION TO THE POPULATION EMPLOYMENT ADVISORY PANEL

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

17th August 2020

Dear Sir

1 Executive Summary

- 1.1 In 2013 (Billet d'État XI¹), the States of Deliberation agreed to the establishment of an Advisory Panel to provide independent advice in relation to population management policies to the then Policy Council. In 2015 (Billet d'État XIV²), the States of Deliberation approved the Constitution of the panel.
- 1.2 It was further agreed by the States of Deliberation in 2015 that the Panel Members would be appointed by the States of Deliberation on the recommendation of the Policy Council. This responsibility subsequently transferred to the Committee for Home Affairs ("The Committee") following the changes to the machinery of government on 1st May 2016.
- 1.3 In September 2016 (Billet d'État XXIII³), the panel was renamed the Population Employment Advisory Panel ("The Panel") and the States of Deliberation appointed the original members to the Panel. The Mandate of the Panel was amended at this States' meeting to provide that:

"The six ordinary members shall [...] serve a four year term of office, save that the membership shall be staggered such that three of the ordinary members are replaced every two years. As a consequence, three of the original members will be elected for only a two year term of office."

¹ [Billet d'État XI, 2013](#)

² [Billet d'État XIV, 2015](#)

³ [Billet d'État XXIII 2016](#)

2 Panel Current Membership

2.2 The sector grouping and the current Panel Members are as follow:

Chairperson	Mr Peter Gillson
Construction/Infrastructure/Utilities	Mr Timothy Guilbert
E-Industry and potential new sectors	Ms Lucy Kirby
Finance and Professional Services	Mr Timothy Martin
Public Sector (including private health and education)	Mr Timothy Langlois
Service Industries	Mr Kenny McDonald
Tourism and Hospitality	Mr Luke Wheadon

2.2 The Committee was notified during 2020, that both Mr Gillson and Mr Wheadon would step down at the end of their tenure.

2.3 The Committee would like to take this opportunity to put on record its thanks and appreciation to all the Panel members for the time they dedicate to their volunteer roles.

3 Election of new Panel Chairperson

3.1 Advocate Natasha Newell has worked with local legal firms since 2014 was called to the Guernsey Bar in 2018 having worked as a barrister in London and a lawyer in Brussels. Advocate Newell specialises in employment law.

3.2 Advocate Newell was appointed to the Chair of the Housing Appeals Tribunal in 2014, where she still sits as an ordinary member.

3.3 The Committee considers that Advocate Newell's professional background will be an asset to the Panel and that her knowledge of the Population Management Law and understanding of the associated policies will be beneficial to the Panel and assist when advising the Committee how the regime can best support industry.

3.4 The Committee is satisfied that Advocate Newell role as an employment lawyer will not present a conflict of interest in fulfilling the responsibilities of Chairperson on the advisory panel, but rather that this knowledge will prove beneficial.

4 Election of new Panel Member

4.1 Tourism and Hospitality Representative

Mr Jonathan Squire is currently the General Manager of the St Pierre Park Hotel with over 36 years of experience in the hotel industry.

Mr Squire has worked for Hand Picked Hotels for 12 years, managing three hotels in the UK before arriving in Guernsey September 2018.

Initially commuting, Mr Squire moved to the island in May 2019. Mr Squire has built positive relationships personal and professional with colleagues in the hospitality industry and he has developed a close working relationship with Visit Guernsey and Guernsey Chamber of Commerce.

5 Re-election of Panel Members

5.1 Public Sector (including private health and education) Representative

Mr Tim Langlois was first appointed in the Panel in September 2016 and he has since represented the interest of the public sector, private health and education in the Panel and the Committee.

Mr Langlois is a career civil servant and experienced HR Director with responsibility for leading the HR delivery function within the States of Guernsey, the Island's largest employer.

Due to the wide range of services provided by the States, it employs a diverse workforce within a broad range of professions including teaching, health and social care, emergency and uniformed services, manual professions and the Civil Service.

With oversight of the HR function, including the recruitment and retention issues that impact on each of these service areas, Mr Langlois is well placed to be the public sector representative on the Panel.

This representation also extends to the employment needs within the on-island private sector health and education providers because of the close links that exist with the relevant public sector bodies.

5.2 Service Industry Representative

Mr McDonald was first elected to the Panel in April 2020. Mr McDonald's career in the retail industry spans over 30 years, during which time he has worked for

Sainsbury's, Le Riche Group and currently with the Channel Islands Cooperative Society. Mr McDonald is currently responsible for the operation and development of all the Channel Islands Co-operative retail outlets in both Jersey and Guernsey. Mr McDonald is a member of the Guernsey Chamber of Commerce sub-group and he is the secretary of the Retail Sector LBG Group which has been set up to spearhead the retail industry's focus on developing and supporting the growth of the retail industry.

6 Compliance with Rule 4

- 6.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 6.2 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- 6.3 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.
- 6.4 In accordance with Rule 4(5), the Propositions relate to the duties of the Committee to advise the States and to develop and implement policies on matters relating to its purpose including the Population Management Regime.

Yours faithfully

M M Lowe
President

M P Leadbeater
Vice-President

V Oliver
P R Le Pelley
J C S F Smithies

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

POLICE COMPLAINTS COMMISSION - APPOINTMENT OF MEMBER

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled “Police Complaints Commission – Appointment of Member”, dated 28th September 2020, they are of the opinion:-

1. To appoint of Mrs Judith Soraya Watson as an ordinary member of the Police Complaints Commission for a period of 4 years with immediate effect.

The above Proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

POLICE COMPLAINTS COMMISSION - APPOINTMENT OF MEMBER

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

28th September 2020

Dear Sir

1 Executive Summary

- 1.1 The purpose of this Policy Letter is to formally appoint a member of the Police Complaints Commission (“the Commission”).

2 Background

- 2.1 The Police Complaints Commission was established by the Police Complaints (Guernsey) Law, 2008 (“The Law”) with effect from 1st July 2011. The Commission is an independent panel which maintains oversight of how complaints against the police are handled.
- 2.2 The Schedule to the Law sets out the composition of, and appointment process to, the Commission, and establishes that:-
- the Commission shall consist of a Chairman and five ordinary members;
 - the Chairman and ordinary members shall be appointed for a term of four years by the States of Deliberation upon the recommendation of the Committee *for* Home Affairs;
 - members of the Commission may be reappointed.

3 Appointment of New Ordinary Member – 4 year term

- 3.1 The Police Complaints (Guernsey) Law, 2008 establishes the Police Complaints Commission which comprises of a Chairman and 5 ordinary Members; there are currently two vacancies on the Commission.
- 3.2 An open recruitment process took place in order to attract applicants. Whilst no

formal qualifications are required for the role, it is necessary for individuals to be fair, objective and non-judgemental and to have the ability to understand complex matters.

- 3.3 The Committee *for* Home Affairs is pleased to nominate Mrs Watson to serve as an ordinary member of the Police Complaints Commission for four years with immediate effect. It is considered that Mrs Watson has the necessary experience and qualities to play a positive role in the Commission and will further complement group dynamics.
- 3.4 Mrs Watson is a retired company director of Vets4Pets and prior to that was a dispensing Optician at Specsavers. She has some experience dealing with complaints and with a wide range of issues, and demonstrated in interview that she was able to understand complex documentation and consider different views and perspectives. Mrs Watson has volunteered at the shop at the Princess Elizabeth Hospital for 17 years, serving occasionally on the wards. This has given her a wide range of experience with many different people from all walks of life.
- 3.5 In interview Mrs Watson presented as a good communicator, she was confident when discussing her opinions and was not afraid to ask questions. Mrs Watson was able to identify the challenges faced by the local police force and it was felt that she was able to contribute fairly and objectively to provide independent oversight of police complaints. Mrs Watson has the capacity and flexibility to prepare for and attend meetings as may be required.

4 Compliance with Rule 4

- 4.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 4.2 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the proposition has the unanimous support of the Committee.
- 4.3 In accordance with Rule 4(5), the Propositions relate to the duties of the Committee "to advise the States and to develop and implement policies on matters relating to its purpose, including:[...] law enforcement, including policing and customs".

Yours faithfully

M M Lowe
President

M P Leadbeater
Vice-President

V S Oliver
J Smithies
P Le Pelley

ORDINANCE LAID BEFORE THE STATES

THE PUBLIC TRANSPORT (AMENDMENT) ORDINANCE, 2020

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Public Transport (Amendment) Ordinance, 2020", made by the Policy & Resources Committee on the 24th August, 2020, is laid before the States.

EXPLANATORY MEMORANDUM

This Ordinance amends the Public Transport Ordinance, 1986 ("the 1986 Ordinance") so as to add a new category of public service vehicle licence to enable vehicles designed or adapted to carry eight or fewer passengers to be used for the purposes of a public excursion service, that is a road service for the carriage of passengers at separate fares on a journey commencing at one or more places and returning to those places; and stopping along the journey but not to take up or set down passengers.

The Ordinance was approved by the Legislation Review Panel on the 18th August, 2020 and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. Under the proviso to the said Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

THE HEALTH AND SAFETY AT WORK (GENERAL) (GUERNSEY) (AMENDMENT) ORDINANCE, 2020

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Health and Safety at Work (General) (Guernsey) (Amendment) Ordinance, 2020", made by the Policy & Resources Committee on the 8th September, 2020, is laid before the States.

EXPLANATORY MEMORANDUM

This Ordinance permits the Chief Health and Safety Officer ("Chief Officer", which includes any inspector acting under that Officer's authority) to grant certificates disapplying inspection and examination requirements under health and safety legislation, where it is appropriate to do so. The majority of the provisions set out in this Ordinance replicate those found in the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) Regulations, 2020 ("the Regulations") and previous iterations of the Regulations. These provisions were included in the Regulations on the basis that the required examinations and inspections of specified equipment could not be carried out by relevantly qualified engineers based off-island as a result of the travel restrictions in force due to the Covid-19 pandemic. The certificates disapplying the requirements are necessary, as the operators of that equipment would otherwise contravene the relevant legislation and therefore invalidate their insurance cover if they operated it. However, the Chief Officer can only

grant a certificate where doing so would not prejudice the safety of any operator or other person; in addition, the certificate cannot exempt a person from the requirement to keep the equipment in a safe condition and good working order.

It is now considered appropriate for this power to be inserted into the relevant health and safety legislation by Ordinance. The relevant provisions will therefore be put on a permanent basis in order to deal with any potential "second wave" of the Covid-19 pandemic (which might require the disapplication of additional provisions) and for any other appropriate reason, and to allow disapplication certificates to be granted for periods of up to 6 months. Accordingly, this Ordinance amends the Health and Safety at Work (General) (Guernsey) Ordinance, 1987 to allow certificates to be granted in relation to: (a) the legislative requirements set out in the most recent Regulations (or an earlier iteration of them), and (b) any requirement or prohibition relating to health and safety which the relevant Committee has prescribed by Regulations. The Ordinance also provides an indemnity for the Chief Officer, provided bad faith is not shown in the exercise of functions under this Ordinance. The relevant provisions in the Regulations will be revoked in due course, although any remaining certificates granted under the Regulations will be saved.

The Ordinance was approved by the Legislation Review Panel on the 7th September, 2020 and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. Under the proviso to the said Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

No. 75 of 2020

THE SOCIAL INSURANCE (CONTRIBUTIONS) (AMENDMENT AND TRANSITIONAL PROVISIONS) REGULATIONS, 2020

In pursuance of sections 6, 8, 11, 15 and 116 of the Social Insurance (Guernsey) Law, 1978, "The Social Insurance (Contributions) (Amendment and Transitional Provisions) Regulations, 2020", made by the Committee *for* Employment & Social Security on 17th August, 2020, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the Social Insurance (Contributions) Regulations, 2000 ("the 2000 Regulations") to provide for a change to the basis of assessment of income-related Class 2 (self-employed) and Class 3 (non-employed) contributions in relation to any contribution year beginning on or after 1st January 2021 so as to pay contributions based on actual income for that year. This is to align the basis of assessment for such social insurance contributions to be consistent with that for income tax.

The Regulations also allow for an election to be made in respect of the contribution year 2020 to pay self-employed or non-employed contributions on actual income for that year. The right to make an election is given because many self-employed and non-employed persons may have had a reduced income in 2020 due to coronavirus (regulations 2 and 7).

These Regulations also amend the 2000 Regulations, to award contribution credits to those classified as employed contributors at 25th March 2020 who lack contributions on their record for the period of lockdown due to COVID-19 from 25th March to 19th June, 2020 (see regulation 6).

These Regulations also amend the 2000 Regulations to clarify that Class 2 or Class 3 contributions cards may be in electronic form and make other consequential amendments (regulations 3 to 5).

These Regulations came into force on the 18th August, 2020.

No. 85 of 2020

**THE INCOME TAX (SUBSTANCE REQUIREMENTS) (IMPLEMENTATION)
(AMENDMENT) REGULATIONS, 2020**

In pursuance of section 203A of the Income Tax (Guernsey) Law, 1975, as amended, “The Income Tax (Substance Requirements) (Implementation) (Amendment) Regulations, 2020” made by the Policy & Resources Committee on 10th September 2020, are laid before the States.

EXPLANATORY MEMORANDUM

These Regulations amend the Income Tax (Substance Requirements) (Implementation) Regulations, 2018, which implement and enable the administration and enforcement in domestic law of substance requirements in respect of companies which are tax resident, by bringing self-managed collective investment vehicles within the scope of the regulations and various other consequential modifications.

No. 86 of 2020

THE AIRPORT FEES (GUERNSEY AND ALDERNEY) REGULATIONS, 2020

In pursuance of the powers conferred upon it by section 2(1) of the Airport Fees Ordinance, 1987, as amended, and as delegated to it by section 1(1)(d) of the Fees, Charges and Penalties (Guernsey) Law, 2007, made by the States Trading Supervisory Board on 10th September, 2020, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the fees for the use of Alderney Airport and Guernsey Airport. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these dues and charges may now be prescribed by regulations of the States’ Trading Supervisory Board.

These Regulations come into force on 1st April, 2021.

No. 87 of 2020

THE HARBOUR DUES AND FACILITIES CHARGES (GUERNSEY) REGULATIONS, 2020

In pursuance of the powers conferred upon it by sections 2 and 3 of the Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957, section 33 of the Harbours Ordinance, 1988, sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, made by the States Trading Supervisory Board on 10th September, 2020, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the harbour dues payable under section 2 of the Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957, and the charges payable for the use of harbour facilities under section 33(1) of the Harbours Ordinance, 1988. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these dues and charges may now be prescribed by regulations of the States' Trading Supervisory Board.

These Regulations came into force on 1st January, 2021.

No. 88 of 2020

THE MOORING CHARGES (GUERNSEY) REGULATIONS, 2020

In pursuance of section 2 of the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972, sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007 made by the States Trading Supervisory Board on 10th September, 2020, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the mooring charges payable under section 2 of the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972 (the "**1972 Law**"). Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these charges may now be prescribed by regulations of the States' Trading Supervisory Board.

These Regulations come into force on the 1st April, 2021.

No. 89 of 2020

THE PILOTAGE DUES (GUERNSEY) REGULATIONS, 2020

In pursuance of the powers conferred upon it by sections 1, 2, 3 and 8 of the Pilotage Dues and Fees Ordinance, 1987 and sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, made by the States Trading Supervisory Board on 10th September, 2020, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the pilotage dues and related charges payable under the Pilotage Dues and Fees Ordinance, 1987. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these dues and charges may now be prescribed by regulations of the States' Trading Supervisory Board.

These Regulations came into force on 1st January, 2021.

No. 90 of 2020

THE STATES HOUSING (TRIBUNAL AND APPEALS) (GUERNSEY) (AMENDMENT) REGULATIONS, 2020

In pursuance of sections 2 and 5 of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004, "The States Housing (Tribunal and Appeals) (Guernsey) (Amendment) Regulations, 2020", made by the Committee *for* Employment & Social Security on 15th September, 2020, are laid before the States.

EXPLANATORY NOTE

These Regulations further amend the States Housing (Tribunal and Appeals) (Guernsey) Regulations, 2005, by providing for the resignation, and removal by the Royal Court in defined circumstances, of Housing Appeals Panel members, and by making further provision relating to the internal reviews of relevant decisions prior to an appeal to the Royal Court being made. These Regulations also prevent any person working in service of the Committee *for* Employment & Social Security from becoming a member of the Housing Appeals Panel.

These Regulations came into force on the 16th September, 2020.

No. 91 of 2020

THE EMPLOYMENT AND DISCRIMINATION TRIBUNAL (GUERNSEY) ORDER, 2020

In pursuance of sections 5 and 8 of, and paragraph 3 of the Schedule to, the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005, “The Employment and Discrimination Tribunal (Guernsey) Order, 2020”, made by the Committee *for* Employment & Social Security on 15th September, 2020, is laid before the States.

EXPLANATORY NOTE

This Order sets out the powers of the Employment and Discrimination Tribunal to dismiss or strike out a complaint or response.

Article 1 makes provision for the Tribunal to be able to dismiss a complaint or response, or part of either, where the complaint or response has no reasonable prospect of success. The Tribunal is also able to dismiss a complaint that it has no jurisdiction to consider.

Article 2 makes provision for the Tribunal to be able to strike out all or part of a complaint or response for, among other reasons, that the complaint or response is scandalous or vexatious or has no reasonable prospect of success.

Article 3 provides for the review of decisions to dismiss or strike out, and article 4 provides for the Chairman to be able to exercise powers to dismiss or strike out when sitting alone.

Article 5 amends the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005 to provide that the Chairman of the Tribunal may be appointed before the other members.

Article 7 is the application, citation and commencement provision. It makes clear that from 1st November 2020, the Order applies to all ongoing proceedings before the Tribunal, as well as new proceedings brought after that date.

This Order came into force on the 1st day of November, 2020.

No. 92 of 2020

**THE DATA PROTECTION (GENERAL PROVISIONS) (BAILIWICK OF GUERNSEY)
(AMENDMENT NO. 2) REGULATIONS, 2020**

In pursuance of sections 37(1), 39, 40, and 109 of, and paragraphs 1(2) and 2 of Schedule 4 to, the Data Protection (Bailiwick of Guernsey) Law, 2017, The Data Protection (General Provisions) (Bailiwick of Guernsey) (Amendment No. 2) Regulations, 2020, made by the Committee *for* Home Affairs on 14th September 2020, is laid before the States.

EXPLANATORY NOTE

These Regulations amend the Data Protection (General Provisions) (Bailiwick of Guernsey) Regulations, 2018 ("the principal Regulations").

These Regulations amend the principal Regulations to provide for certain registered controllers and processors to effectively act as levy collection agents for entities ("relevant entities") that are potentially eligible to be exempt from registration under the Data Protection (Bailiwick of Guernsey) Law, 2017 ("the Law").

A company, foundation, limited liability partnership or limited partnership qualifies as a relevant entity, unless it is a large organisation (50 or more full-time equivalent employees), a non profit organisation, a levy collection agent or is required to designate a data protection officer under the Law.

Any of these persons may act as a levy collection agent for relevant entities where duly authorised by those entities: a full fiduciary licensee under the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2000; a licensed institution under the Banking Supervision (Bailiwick of Guernsey) Law, 1994; a licensed insurer under the Insurance Business (Bailiwick of Guernsey) Law, 2002; a licensed insurance intermediary or licensed insurance manager under the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002; a person carrying on a financial services business registered under the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008; or a person licensed to carry on a controlled investment business under the Protection of Investors (Bailiwick of Guernsey) Law, 1987.

These Regulations amend the principal Regulations to require levy collection agents to give the Data Protection Authority annual returns, and exempt from registration relevant entities that have authorised these levy collection agents to act as such agents. Levy collection agents will have to pay a registration fee and an annual levy that would vary according to the number of relevant entities that have authorised them to act as levy collection agents.

These Regulations also amend the principal Regulations to exempt from registration controllers and processors that only cause or permit personal data to be processed where the processing is occasional, does not include any large scale or systematic processing and is not high-risk.

These Regulations also require all controllers and processors registered before the 31st December 2020 to give the Data Protection Authority an annual return in 2021.

Finally these Regulations amend the principal Regulations to prescribe revised registration fees and annual levies payable for registration. A consolidated registration fee and annual levy is payable for public entities linked to the States of Guernsey, the States of Alderney and the Chief Pleas of Sark respectively. Large organisations will have to pay a higher registration fee and annual levy than persons that are not large organisations.

As part of the transition to the new fees and levies regime commencing in 2021, no registration fee or annual levy would be payable between the 1st October and 31st December 2020.

Other than the transitional provision, these Regulations will come into force on the 1st January 2021. The transitional provision will come into force on the 1st October, 2020.

No. 96 of 2020

**THE CUSTOMS AND EXCISE (SAFETY AND SECURITY)
(BAILIWICK OF GUERNSEY) REGULATIONS, 2020**

In pursuance of sections 14B and 79 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, The Customs and Excise (Safety and Security) (Bailiwick of Guernsey) Regulations, 2020, made by the Committee *for* Home Affairs on 28th September 2020, is laid before the States.

EXPLANATORY NOTE

These Regulations impose a requirement to submit safety and security entry summary declarations and exit summary declarations in respect of goods being imported into the Bailiwick from outside the United Kingdom, Jersey and the Isle of Man (together with the Bailiwick comprising the "Customs Territory"), and goods exported from the Bailiwick to outside the Customs Territory. They provide for some goods to be exempt from this requirement, and introduce a civil penalty regime for breaches of the regulations.

These Regulations come into force on 1st July, 2021.

No. 97 of 2020

THE EUROPEAN UNION (COPYRIGHT) (MARRAKESH TREATY) (BREXIT) (BAILIWICK OF GUERNSEY) REGULATIONS, 2020

In pursuance of section 11(10) of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, “The European Union (Copyright) (Marrakesh Treaty) (Brexit) (Bailiwick of Guernsey) Regulations, 2020” made by the Policy & Resources Committee on 29th September 2020, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the Copyright (Bailiwick of Guernsey) Ordinance, 2005 in order to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled of 27 June 2013 as a consequence of the UK withdrawal from the EU.

These Regulations came into force on 29th September 2020.

No. 98 of 2020

THE PERFORMERS’ RIGHTS (RECIPROCAL PROTECTION) (BAILIWICK OF GUERNSEY) REGULATIONS, 2020

In pursuance of section 51(3) of the Performers’ Rights (Bailiwick of Guernsey) Ordinance, 2005, “The Performers’ Rights (Reciprocal Protection) (Bailiwick of Guernsey) Regulations, 2020” made by the Committee *for* Economic Development on 29th September 2020, are laid before the States.

EXPLANATORY NOTE

These Regulations extend the protections afforded under the Performers' Rights (Bailiwick of Guernsey) Ordinance, 2005 to certain countries.

These Regulations came into force on 29th September 2020.

No. 99 of 2020

THE COPYRIGHT (APPLICATION TO ROME CONVENTION COUNTRIES) (BAILIWICK OF GUERNSEY) REGULATIONS, 2020

In pursuance of section 221(3) of the Copyright (Bailiwick of Guernsey) Ordinance, 2005, “The Copyright (Application to Rome Convention Countries) (Bailiwick of Guernsey) Regulations, 2020” made by the Committee *for* Economic Development on 29th September 2020, are laid before the States.

EXPLANATORY NOTE

These Regulations extend the protections afforded under the Copyright (Bailiwick of Guernsey) Ordinance, 2005 to Rome Convention Countries.

These Regulations came into force on 29th September 2020.

The full text of the legislation can be found at: <http://www.guernseylegalresources.gg>

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

PROJET DE LOI

Entitled

**THE DAMAGES (ASSUMED RATE OF RETURN AND RELATED MATTERS)
(ENABLING PROVISIONS) (GUERNSEY AND ALDERNEY) LAW, 2020**

The States are asked to decide:-

Whether they are of the opinion to approve the draft 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.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

This Law provides for the discount rate (relating to the assumed rate of return from the investment of a sum awarded as damages for future pecuniary loss in respect of personal injury) to be set by regulations made by the Policy & Resources Committee, and for further relevant provision (in relation to the recovery of healthcare costs by the States, and limits on the quantum of damages) to be made by Ordinance. The Law requires that there be consultation before regulations are made setting the discount rate, and allows for there to be different rates of return for different classes of case. It also provides for a court to be able to make periodic payment orders when awarding damages for future pecuniary loss in respect of personal injury.

PROJET DE LOI

ENTITLED

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

THE STATES, in pursuance of their Resolution of the 27th March, 2019^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Alderney, Herm and Jethou.

Assumed rate of return on investment of damages.

1. (1) Subject to subsection (2), in determining the return to be expected from the investment of a sum awarded as damages for future pecuniary loss in respect of personal injury a court shall, subject to and in accordance with regulations made by the Committee for the purposes of this section, take into account such rate of return (if any) as may from time to time be prescribed by such regulations.

(2) Subsection (1) shall not prevent a court taking a different rate of return into account if any party to the proceedings shows that it is more

^a Article IV of Billet d'État No. V of 2019.

appropriate in the case in question, if regulations under that subsection so provide.

(3) Subject to section 7(2), regulations under subsection (1) shall be made after consultation with such persons as appear to the Committee to be appropriate, and may prescribe different rates of return for different classes of case and may, without limitation, distinguish between classes of case by reference to -

- (a) the description of pecuniary loss involved,
- (b) the length of period during which future pecuniary loss is expected to occur, and
- (c) the time when future pecuniary loss is expected to occur.

(4) The Committee shall regularly, and at least every five years, review –

- (a) the prescribed rate of return in regulations made under subsection (1) and determine whether it should be –
 - (i) changed to a different rate, or
 - (ii) kept unchanged, or
- (b) if no rate of return is for the time being prescribed by regulations made under subsection (1), whether a rate should be so prescribed and, if so, what the rate should be,

but for the avoidance of doubt, a failure by the Committee so to do shall not invalidate any regulations made by the Committee for the purposes of this section.

Periodic Payment Orders.

2. (1) A court awarding damages for future pecuniary loss in respect of personal injury –

(a) may order that damages are wholly or partly to take the form of periodical payments, and

(b) shall consider whether to make that order.

(2) A court awarding other damages in respect of personal injury may, if the parties consent, order that the damages are wholly or partly to take the form of periodical payments.

(3) An order that damages are wholly or partly to take the form of periodical payments shall be referred to as a "**Periodic Payment Order**".

(4) A court may not make a Periodic Payment Order unless satisfied that the continuity of payment under the order is reasonably secure.

(5) A Periodic Payment Order may include provision –

(a) about how payments are to be made, and

(b) requiring the party responsible for the payments to take specified action to secure continuity of payment,

and the Order may contain such incidental, ancillary, consequential and supplementary provision, and may be made on such terms and conditions and subject to such penalty, as the court thinks proper.

(6) Where a person has a right to receive payments under a Periodic Payment Order, or where an arrangement is entered into in satisfaction of a Periodic Payment Order, that person's right under the order or arrangement may not be assigned or charged without the approval of the court which made the order; and-

- (a) a court shall not approve an assignment or charge unless satisfied that special circumstances make it necessary, and
- (b) a purported assignment or charge, or agreement to assign or charge, is void unless approved by the court.

(7) Rules of court enacted by Order of the Royal Court may require a court to take specified matters into account when considering –

- (a) whether to make a Periodic Payment Order,
- (b) the security of the continuity of payment, and
- (c) whether to approve an assignment or charge or agreement to assign or charge.

(8) Where a Periodic Payment Order is made, an alteration of the method by which the payments are made shall be treated as a breach of the order

(whether or not the method was specified under subsection (5)(a)) unless –

- (a) the court which made the order declares its satisfaction that the continuity of payment under the new method is reasonably secure, or
- (b) the source of payment under the new method is a committee of the States of Guernsey or the States of Alderney.

(9) In this section "**damages**" includes an interim payment which the court orders the defendant to make to the plaintiff.

Recovery of healthcare costs.

3. (1) The States may by Ordinance prescribe a scheme that applies where -

- (a) a person ("**the compensator**") has made or is to make payment (or is making payment under a Periodic Payment Order) of a sum awarded as damages, for or in respect of pecuniary loss in respect of personal injury suffered by another person ("**the victim**"), and
- (b) benefits have been paid to or for the victim in respect of the personal injury, or any other costs relating to healthcare arising from or in respect of the personal injury have been incurred by or in respect of the victim, by or on behalf of the States of Guernsey.

(2) A scheme prescribed by an Ordinance made under subsection (1) may also apply where a sum has been paid or is being paid by the compensator to the victim voluntarily or in pursuance of an agreement, and subsection (1)(a) shall be construed accordingly.

(3) A scheme prescribed by Ordinance made under subsection (1) shall have the purpose of enabling the States of Guernsey (where the scheme applies) to recover from the compensator as a civil debt the benefits paid and costs incurred.

(4) Without prejudice to the provisions of section 7 (general provisions as to subordinate legislation), an Ordinance under subsection (1) may make such provision that the States think fit for the purpose set out in subsection (3) including, without limitation –

- (a) provision in respect of different classes and sums of awards of damages and payments, including by reference to the distinguishing factors set out in section 1(3) and in respect of damages awarded by way of a Periodic Payment Order, and in respect of different benefits and costs, different classes of benefits and costs, and differing amounts of benefits and costs,
- (b) the creation of powers for the States of Guernsey to demand information in respect of the payment of benefits and the incurring of costs, including (without limitation) provision in respect of –

- (i) the information or class or description of information to be provided,
 - (ii) the form and manner in which the information must be provided,
 - (iii) the means by which the information must be provided,
 - (iv) the time within which the information must be provided, and
 - (v) the periods to which the information must relate,
- (c) provision that in prescribed circumstances, some or all of benefits paid and costs incurred may not be recovered,
- (d) provision in respect of reviews of, and appeals against, decisions to recover benefits paid and costs incurred, and
- (e) provision as to the creation and punishment of offences, but such provision may not –
- (i) provide for offences to be triable only on indictment,

- (ii) authorise the imposition, on summary conviction of an offence, of a term of imprisonment or a fine exceeding the limits of jurisdiction for the time being imposed on the Magistrate's Court by section 9 of the Magistrate's Court (Guernsey) Law, 2008^b,
- (iii) authorise the imposition, on conviction on indictment of any offence, of a term of imprisonment exceeding two years.

Courts to disregard benefits paid and costs incurred when assessing damages.

4. In assessing damages in respect of any personal injury a court shall disregard the amount of any benefits paid or likely to be paid, and of any other costs relating to healthcare incurred or likely to be incurred by the States of Guernsey, in respect of that personal injury.

Power by Ordinance to limit awards of damages.

5. (1) The States may by Ordinance prescribe limits in respect of the quantum of damages for losses in respect of personal injury that may be awarded by a court.

(2) Without prejudice to the provisions of section 7 (general provisions as to subordinate legislation), an Ordinance under this section may prescribe different limits to apply in different circumstances, and for different periods and different purposes, including by reference to the distinguishing factors

^b Order in Council No. XVIII of 2009; amended by Ordinance No. XXII of 2009; and No. IX of 2016.

set out in section 1(3) and in respect of damages awarded by way of a Periodic Payment Order.

Power by Ordinance to amend sections 3 and 4 in respect of the States of Alderney.

6. The States may by Ordinance amend section 3 (recovery of healthcare costs) and section 4 (courts to disregard benefits paid and costs incurred when assessing damages) for the purpose of inserting provision in those sections (including, in the case of section 3, in one or more subsections thereof) in respect of the States of Alderney that is equivalent to the provision therein in respect of the States of Guernsey.

General provisions as to subordinate legislation.

7. (1) Regulations under this Law shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

(2) A power to make an Ordinance or regulations under this Law shall, where it is exercised in respect of Alderney, be exercised following consultation with the Policy and Finance Committee of the States of Alderney, but a failure to comply with this subsection shall not invalidate any Ordinance or regulations made under this Law.

Interpretation.

8. (1) In this Law -

"**Committee**" means the Policy & Resources Committee of the States of Guernsey,

"**personal injury**" includes any disease and any impairment of a person's physical or mental condition, and

"**Periodic Payment Order**" has the meaning given in section 2.

(2) In this Law, "**benefits**" means any payments made, or care, treatment or other services provided, by or on behalf of the States of Guernsey to an individual in respect of the costs of or associated with healthcare received by that individual, including but not limited to benefits payable and care, treatment or other services supplied whether under the Health Service (Benefit) (Guernsey) Law, 1990^c and the Social Insurance (Guernsey) Law, 1978^d and any Ordinance or subordinate legislation made thereunder or otherwise; and for the purposes of this definition, making payments includes but is not limited to providing benefits in kind, and

^c Ordres en Conseil Vol. XXXII, p. 192; amended by Order in Council No. IX of 2003; No. II of 2011; No. IV of 2018; Recueil d'Ordonnances Tome XXVI, pp. 177 and 483; Ordinance Nos. XXII and XXVII of 2002; No. XXI and XXXIII of 2003; No. XLII of 2006; No. XLIII of 2007; No. XXII of 2015; Ordinance Nos. IX and XLIV of 2016; and No. XLIV of 2016; the Law is applied with modifications to Alderney by Recueil d'Ordonnances Tome XXV, p. 204.

^d Ordres en Conseil Vol. XXVI, p. 292; amended by Ordres en Conseil Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol XXXI, p. 278; Vol. XXXII, p. 59; Vol. XXXIV, p. 510; Vol. XXXV(1), p. 164; Vol. XXXVI, pp. 123 and 343; Vol. XXXVIII, p. 59; Vol. XXXIX, p. 107; Order in Council No. X of 2000; No. IX of 2001; No. XXIII of 2002; No. XXIV of 2003; No. XI of 2004; No. XVIII of 2007; No. V of 2012; No. IV of 2014; No. III of 2016 and No. IV of 2018; Recueil d'Ordonnances Tome XXV, p. 148; Tome XXVI, p. 177; Ordinance No. XXXIII of 2003; No. XLIV of 2007; Nos. VII and XLII of 2009; No. XVII of 2011; No. XXXVIII of 2012; No. XXX of 2013; Nos. IX and XXX of 2016; Nos. XIII, XXIII and XXXIV of 2017; Nos. XXVII and XXXVI of 2018; and Alderney Ordinance No. VIII of 2018.

providing through statutory or administrative arrangements for the reduction or elimination of a sum that would otherwise be payable in respect of such costs.

(3) The States may by Ordinance amend the definition of "benefits" at subsection (2); and for the avoidance of doubt, such amendment may include (but is not limited to) the insertion of provision in respect of the States of Alderney that is equivalent to the provision made in that definition in respect of the States of Guernsey.

Citation.

9. This Law may be cited as the Damages (Assumed Rate of Return and Related Matters) (Enabling Provisions) (Guernsey and Alderney) Law, 2020.

Commencement.

10. This Law shall come into force on the day appointed by Ordinance of the States; and different dates may be appointed for different provisions and for different purposes.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) (AMENDMENT)
ORDINANCE, 2020**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Land Planning and Development (General Provisions) (Amendment) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

This Ordinance amends section 7 of the Land Planning and Development (General Provisions) Ordinance, 2007. The first amendment is to provide in subsection (1)(b) that only one copy of specified documents has to be provided with an application for planning permission instead of four copies. The second amendment is to delete paragraph (d) of subsection (5) so that applications for outline permission can be made in respect of development comprising the erection, re-erection, extension or alteration of a building which requires an environmental impact assessment (EIA) under the planning legislation. The amendment would allow an application for outline permission to be submitted for the Leale's Yard site, as recommended in the Development Framework relating to that site, and other similar complex sites requiring an EIA which it is believed would facilitate the development of such sites.

The Land Planning and Development (General Provisions) (Amendment) Ordinance, 2020

THE STATES, in pursuance of their Resolutions of the 16th July, 2020^a, and in exercise of the powers conferred upon them by sections 16(6), 81 and 89 of the Land Planning and Development (Guernsey) Law, 2005^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of the General Provisions Ordinance.

1. (1) The Land Planning and Development (General Provisions) Ordinance, 2007^c is amended as follows.

(2) In section 7 (application for planning permission) –

(a) in subsection (1)(b), for "4 copies" substitute "one copy",
and

(b) in subsection (5) –

(i) at the end of paragraph (b), insert "or",

(ii) at the end of paragraph (c), delete "or", and

^a Article XIII of Billet d'État No. XV of 2020.

^b Order in Council No. XVI of 2005; section 81 is amended by Ordinance No. IX of 2016; there are other amendments not relevant to this Ordinance.

^c Ordinance No. XXI of 2007; as amended by Ordinance No. IX of 2016 and No. III of 2019.

- (iii) delete paragraph (d).

Citation.

2. This Ordinance may be cited as the Land Planning and Development (General Provisions) (Amendment) Ordinance, 2020.

Commencement.

3. This Ordinance shall come into force on the 25th November, 2020.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**THE SOCIAL INSURANCE (RATES OF CONTRIBUTIONS AND BENEFITS, ETC.)
ORDINANCE, 2020**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

This Ordinance sets the percentage rates of Class 1 to 3 social insurance contributions which are unchanged for 2021. It sets the upper and lower income limits, amounts of contributions and the Class 3 income allowance; it also increases the amounts of the contributory social insurance benefits set out in the First Schedule. All limits and benefits are increased by 2.6%. The Ordinance prescribes the percentages for the Guernsey Health Service Fund Allocation and the Long-term Care Insurance Fund Allocation, which are unchanged from those set for 2020. The Ordinance comes into force on 1st January, 2021, except for section 7 in relation to social insurance benefits which comes into force on the 4th January, 2021.

The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2020

THE STATES, in pursuance of their Resolution of the 18th August, 2020^a, and in exercise of the powers conferred upon them by sections 5, 6, 8, 19, 48(2), 49(4), 61, 101, 101A and 116 of the Social Insurance (Guernsey) Law, 1978^b, and all other powers enabling them in that behalf, hereby order:-

Percentage rates of primary and secondary Class 1 contributions.

1. For the purposes of the Social Insurance (Guernsey) Law, 1978, ("**the Law**") -

- (a) the percentage rate of a primary Class 1 contribution shall be 6.6%, and
- (b) the percentage rate of a secondary Class 1 contribution shall be 6.6%.

^a Article IV of Billet d'État No. XVI of 2020.

^b Ordres en Conseil Vol. XXVI, p. 292; amended by Ordres en Conseil Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol XXXI, p. 278; Vol. XXXII, p. 59; Vol. XXXIV, p. 510; Vol. XXXV(1), p. 161; Vol. XXXVI, pp. 123 and 343; Vol. XXXVIII, p. 59; Vol. XXXIX, p. 107; Order in Council No. X of 2000; No. IX of 2001; No. XXIII of 2002; No. XXIV of 2003; No. XI of 2004; No. XVIII of 2007; No. V of 2012; No. IV of 2014; No. III of 2016; No. IV of 2018 and No. XIII of 2019; Recueil d'Ordonnances Tome XXV, p. 148; Tome XXVI, p. 177; Ordinance No. XXXIII of 2003; No. XLIV of 2007; Nos. VII and XLII of 2009; No. XVII of 2011; No. XXXVIII of 2012; No. XXX of 2013; Nos. IX and XXX of 2016; Nos. XIII and XXIII of 2017; No. XXVII of 2018 and No. XXXVI of 2019; and Alderney Ordinance No. VIII of 2018.

Upper weekly and upper monthly earnings limits for the purpose of Class 1 contributions.

2. For the purposes of the Law -

- (a) the upper weekly earnings limit for primary and secondary Class 1 contributions shall be £2,955, and
- (b) the upper monthly earnings limit for primary and secondary Class 1 contributions shall be £12,805.

Lower income limit.

3. For the purposes of the Law, the lower income limit for Class 3 contributions shall be £19,240 per annum.

Percentage rate and amount of Class 2 contributions.

4. For the purposes of the Law -

- (a) the percentage rate of a Class 2 contribution shall be, in respect of any person other than a person to whom the following paragraph of this section applies, 11.0%, and
- (b) the amount of a Class 2 contribution shall be, in respect of an overseas voluntary contributor, being a person who is not resident in Guernsey and who, satisfying prescribed conditions, is desirous of paying Class 2 contributions under the Law, £111.69 per week.

Percentage rates and amount of Class 3 contributions.

5. (1) For the purposes of the Law –

(a) the percentage rates of a Class 3 contribution shall be –

(i) in respect of a voluntary contributor, being a person who is not liable to pay a Class 3 contribution but, satisfying prescribed conditions, is desirous of paying contributions in accordance with section 8(4) of the Law, 5.7%,

(ii) in respect of a person who has attained pensionable age, 3.4%, and

(iii) in respect of all other persons, 10.4%, and

(b) the amount of a Class 3 contribution shall be, in respect of an overseas voluntary contributor, being a person who is not resident in Guernsey and who, satisfying prescribed conditions, is desirous of paying Class 3 contributions under the Law, £101.03 per week.

(2) The percentage of a minimum Class 3 contribution payable in accordance with section 8(5) of the Law by a person who is normally in employed contributor's employment shall be 100%.

Amount of the Class 3 income allowance.

6. For the purposes of the Law, the amount of the Class 3 income allowance

shall be £8,695.

Rates and amounts of benefits.

7. (1) For the purposes of the Law, the weekly rate of each description of benefit set out in column 1 of Part I of the first schedule to this Ordinance shall be the rate specified in relation thereto in column 2, and the amounts by which that rate may be increased in respect of an adult dependant shall be the amount specified in column 3.

(2) For the purposes of the Law, where the extent of the disablement is assessed for the period to be taken into account as amounting to 20% or more, industrial disablement benefit shall be payable for that period at the appropriate weekly rate specified in Part II of the first schedule to this Ordinance.

(3) For the purposes of the Law, the amounts of death grant, maternity grant, adoption grant and bereavement payment shall be the appropriate amounts specified in relation thereto in Part III of the first schedule to this Ordinance.

Guernsey Health Service Fund Allocation and Long-term Care Insurance Fund Allocation.

8. The percentages determined in respect of the contribution year for the purposes of sections 101 (the Guernsey Health Service Fund Allocation) and 101A (the Long-term Care Insurance Fund Allocation) of the Law are those specified in columns 2 and 3 of the second schedule to this Ordinance of the aggregate amount paid in respect of each of the classes of contribution specified in column 1 of that schedule.

Repeal.

9. The Social Insurance (Rates of Contributions and Benefits, etc.)

Ordinance, 2019^c is repealed.

Interpretation.

10. In this Ordinance, "**prescribed conditions**" means conditions prescribed by Regulations under the Law.

Citation.

11. This Ordinance may be cited as the Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2020.

Extent.

12. This Ordinance shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Commencement.

13. (1) Section 7 of this Ordinance shall come into force on the 4th January, 2021.

(2) All other sections of this Ordinance shall come into force on the 1st January, 2021.

^c Ordinance No. XXIX of 2019.

FIRST SCHEDULE

Section 7

RATES AND AMOUNTS OF BENEFITS

PART I

**Benefit, other than industrial disablement benefit, death grant,
maternity grant, adoption grant and bereavement payment**

Description of Benefit (1)	Weekly rate (2)	Increase for adult dependant (where payable) (3)
1. Industrial injury benefit	£168.07	Nil
2. Incapacity benefit	£201.95	Nil
3. Maternal health allowance	£228.83	
4. Newborn care allowance	£228.83	
5. Parental allowance	£228.83	
6. Old age pension:		
(a) payable to a woman by virtue of her husband's insurance while he is alive	£114.39	-
(b) in any other case	£228.37	£114.39
7. Sickness benefit	£168.07	Nil
8. Unemployment benefit	£168.07	Nil
9. Widowed parent's allowance	£240.16	-
10. Widow's pension/Bereavement allowance	£206.50	-

PART II

Industrial disablement benefit

Degree of disablement	Weekly rate
100%	£184.03
90%	£165.63
80%	£147.23
70%	£128.82
60%	£110.42
50%	£92.02
40%	£73.61
30%	£55.21
20%	£36.81

PART III

Death grant, maternity grant, adoption grant and bereavement payment

Description of grant	Amount
1. Death grant	£657
2. Maternity grant	£421
3. Adoption grant	£421
4. Bereavement payment	£2,074

SECOND SCHEDULE

Section 8

GUERNSEY HEALTH SERVICE FUND ALLOCATION AND LONG-TERM CARE
INSURANCE FUND ALLOCATION

Class and sub-class of contribution (1)	Health Service Fund Allocation (2)	Long-term Care Insurance Fund Allocation (3)
Class 1 secondary contributions paid in respect of employed persons of pensionable age (6.6%)	24.24%	Nil
Class 1 primary (6.6%) and secondary (6.6%) contributions other than those referred to above	21.97%	13.64%
Class 2 contributions paid in respect of overseas voluntary contributors	Nil	Nil
Class 2 contributions other than those referred to above (11.0%)	24.55%	16.36%
Class 3 contributions paid in respect of voluntary contributors (5.7%)	Nil	Nil
Class 3 contributions paid in respect of overseas voluntary contributors	Nil	Nil
Class 3 contributions paid by persons over the age of 65 years (3.4%)	38.24%	61.76%
Class 3 contributions other than those referred to above (10.4%)	26.92%	18.27%

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE PLANT HEALTH (GUERNSEY) (REPEAL) ORDINANCE, 2020

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Plant Health (Guernsey) (Repeal) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

This Ordinance repeals the Plant Health (Guernsey) Ordinance, 2019 ("the 2019 Ordinance"). The 2019 Ordinance has never come into force and has been superseded by the Plant Health (Implementation) Ordinance, 2020.

The Plant Health (Guernsey) (Repeal) Ordinance, 2020

THE STATES, in exercise of the powers conferred upon them by sections 1 to 3 of the Plant Health (Enabling Provisions) (Guernsey) Law, 2014^a and sections 1 and 3 of the European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018^b, and all other powers enabling them in that behalf, hereby order:-

Repeal of the 2019 Ordinance.

1. The Plant Health (Guernsey) Ordinance, 2019^c is repealed.

Citation.

2. This Ordinance may be cited as the Plant Health (Guernsey) (Repeal) Ordinance, 2020.

Commencement.

3. This Ordinance shall come into force on the 27th November, 2020.

^a Order in Council No. X of 2014; amended by Ordinance No. IX of 2016 and Ordinance No. XXXVI of 2019.

^b Order in Council No. V of 2019.

^c Ordinance No. XVII of 2019.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE PREFERRED DEBTS (GUERNSEY) (AMENDMENT) ORDINANCE, 2020

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Preferred Debts (Guernsey) (Amendment) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

This Ordinance amends the Preferred Debts (Guernsey) Law, 1983 ("the 1983 Law"). The 1983 Law sets out the order of priority in which debts should be paid in the distribution of property of a person whose affairs have been declared to be in a state of désastre or on the winding up of an insolvent company. The amendments place (a) the total capped amount paid by the Guernsey Banking Deposit Compensation Board ("the Board") in respect of a qualifying deposit (within the meaning of the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008) subrogated to the Board as a preferred debt ahead of existing preferred debts in the 1983 Law, and (b) any other amount in respect of a qualifying deposit in excess of that capped amount as a preferred debt behind other existing preferred debts.

The Preferred Debts (Guernsey)

(Amendment) Ordinance, 2020

THE STATES, in pursuance of their Resolution of the 4th June, 2020^a, and in exercise of the powers conferred on them by section 9A of the Preferred Debts (Guernsey) Law, 1983, as amended^b, and all other powers enabling them in that behalf, hereby order :-

Amendment of the Preferred Debts Law.

1. (1) The Preferred Debts (Guernsey) Law, 1983 is amended as follows.

(2) In section 1(1) -

(a) before paragraph (a), insert -

"(za) in the case of a bank, in priority to all other debts, all amounts paid up to the total amount of compensation payable in respect of qualifying deposits with that bank in accordance with section 12(2) of the Banking Deposit Compensation Scheme (Bailiwick of Guernsey)

^a Article XIV of Billet d'État No. XI of 2020.

^b Ordres en Conseil Vol. XXVIII, p. 184; as amended by No. VII of 1992; No. III of 1993, Ordres en Conseil Vol. XXXIV, p. 299; No. IX of 1998; No. XIV of 2008; and by Ordinance No. XXXI of 2005; and No. XXIII of 2006.

Ordinance, 2008^c ("**the DCS Ordinance**"), when read with section 14 of that Ordinance, by the Guernsey Banking Deposit Compensation Board ("**the Board**") as compensation for qualifying deposits in accordance with the DCS Ordinance,".

- (b) in paragraph (a), after "in priority to all other debts" insert "other than debts to which paragraph (za) relates",
- (c) in paragraph (b), for "paragraph (a) relates" substitute "paragraph (za) or (a) relates",
- (d) at the end of paragraph (b), for "." substitute ", and", and
- (e) after paragraph (b), insert -

"(c) in the case of a bank, in priority to all other debts other than debts to which paragraph (za), (a) or (b) relates, any amount representing a qualifying deposit with that bank to which paragraph (za) does not relate."

(3) In section 9(1), at the appropriate places insert the following definitions –

^c No. XLVIII of 2008 (Recueil d'Ordonnances Tome XXXIII, p. 238); as amended by Ordinance No. XXX of 2014; and No. IX of 2016.

""**bank**" has the meaning given by the Banking Supervision (Bailiwick of Guernsey) Law, 1994,"

""**the Board**" has the meaning given in section 1(1)(za),"

""**the DCS Ordinance**" has the meaning given in section 1(1)(za)," and

""**qualifying deposit**" has the meaning given by the DCS Ordinance, 2008".

Citation.

2. This Law may be cited as the Preferred Debts (Guernsey) (Amendment) Ordinance, 2020.

Commencement.

3. This Ordinance shall come into force on the 27th November, 2020.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**THE SOCIAL SECURITY (RECIPROCAL AGREEMENT WITH THE REPUBLIC OF LATVIA)
ORDINANCE, 2020**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Social Security (Reciprocal Agreement with the Republic of Latvia) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

This Ordinance provides for an agreement between the States of Guernsey and the Government of the Republic of Latvia on social security to have effect in Guernsey.

This is done under section 113 of the Social Insurance (Guernsey) Law, 1978 and provides for reciprocity in relation to pensions and benefits arising from pension contributions between the two Parties.

The Social Security (Reciprocal Agreement with the Republic of Latvia) Ordinance, 2020

THE STATES, in exercise of the powers conferred on them by section 113 of the Social Insurance (Guernsey) Law, 1978^a, and all other powers enabling them in that behalf, hereby order:-

Agreement to have effect.

1. (1) The Agreement between the States of Guernsey and the Government of the Republic of Latvia on Social Security, signed in Guernsey and in Riga on 23rd September, 2020 ("**the Agreement**"), as set out in the Schedule, shall have full force and effect.

(2) The Social Insurance (Guernsey) Law, 1978 shall have effect subject to such modifications as may be required for the purpose of giving effect to the Agreement.

Extent.

2. This Ordinance extends to the islands of Guernsey, Alderney, Herm and Jethou^b.

^a Ordres en Conseil Vol. XXVI, p. 292; Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol. XXXI, p. 278; Vol. XXXII, p. 59; Vol. XXXIV, p. 510; Vol. XXXV(1), p. 161; Vol XXXVI, pp. 123 and 343; Vol XXXVIII, p. 59; Vol. XXXIX, p. 107; Vol. XL, p. 351; Order in Council No. IX of 2001; No. XXIII of 2002; No. XXIV of 2003; No. XI of 2004; No. XVIII of 2007; No. V of 2012; No. IV of 2014; Recueil d'Ordonnances Tome XXV, p. 148; Tome XXVI, p. 177; Ordinance Nos. XX and XXXIII of 2003; No. XLIV of 2007; No. VII of 2009; No. XLII of 2009; No. XVII of 2011; No. XXXVIII of 2012; No. XXX of 2013, Ordinance No. XXI of 2015.

^b in terms of Article 1(a) of the Agreement

Citation.

3. This Ordinance may be cited as the Social Security (Reciprocal Agreement with the Republic of Latvia) Ordinance, 2020.

Commencement.

4. This Ordinance shall come into force on the same day as is specified in Article 19(1) of the Agreement.

SCHEDULE

AGREEMENT

BETWEEN

THE STATES OF GUERNSEY AND THE GOVERNMENT OF THE REPUBLIC OF LATVIA ON SOCIAL SECURITY

The States of Guernsey and the Government of the Republic of Latvia,
Wishing to establish reciprocity in the field of Social Security in respect of Pensions,
Have agreed as follows:

ARTICLE 1

DEFINITIONS

1. For the purpose of this Agreement, the following definitions apply, except where the text provides otherwise:

(a) **Territorial scope**

"Guernsey" means the Islands of Guernsey, Alderney, Herm and Jethou;

"Latvia" means the Republic of Latvia;

(b) **General definitions**

"benefit" means any supplement to pension and benefits linked to the death of a pensioner or beneficiary under the legislation of Latvia;

"competent authority" means -

- (i) in relation to Guernsey, the Office *of the* Committee for Employment & Social Security of the States of Guernsey, and
- (ii) in relation to Latvia, the Ministry of Welfare;

"competent institution" means -

- (i) in relation to Guernsey, the Office *of the* Committee for Employment & Social Security of the States of Guernsey, and
- (ii) in relation to Latvia, the State Social Insurance Agency;

"contribution period" means –

- (i) in relation to Guernsey, a period in respect of which contributions appropriate to the pension are payable, have been paid or treated as paid under the legislation concerned;
- (ii) in relation to Latvia, a period in respect of which state social security contributions are made under the legislation of Latvia;

"equivalent period" means -

- (i) in relation to Guernsey, a period for which contributions appropriate to the pension have been credited under its legislation, and
- (ii) in relation to Latvia a period accumulated before 1996 which is deemed as an insurance period under the legislation of Latvia;

"insurance period" means a contribution period or an equivalent period;

"insured" means -

- (i) in relation to Guernsey, that contributions have been paid by, or are payable by, or in respect of, or have been credited in respect of, the person concerned, and
- (ii) in relation to Latvia, that compulsory or voluntary social

insurance contributions have been paid by, or in respect of the person concerned, or that person has acquired equivalent periods;

"legislation" means, in relation to a Party, such of the legislation specified in Article 2 as applies in the territory of a Party;

"Party" means -

- (i) Guernsey, and
- (ii) Latvia;

"pension" means –

- (i) in relation to Guernsey, old age pension under the legislation of Guernsey;
- (ii) in relation to Latvia, old age pension and survivor's pension under the legislation of Latvia;

"pension capital" means the pension capital sum calculated under the legislation of Latvia for the purposes of determining the amount of the pension;

"qualifying year" means –

- (i) in relation to Guernsey, an insurance period of not less than fifty weeks under the legislation of Guernsey;
- (ii) in relation to Latvia, an insurance period of 12 months.

2. Other words and expressions which are used in this Agreement have the meanings respectively assigned to them in the legislation concerned.

3. Any reference in this Agreement to an "Article" means an Article of this Agreement, and any reference to a "paragraph" is a reference to a paragraph of the Article in which the reference is made, unless it is stated to the contrary.

ARTICLE 2

SCOPE OF LEGISLATION AND PERSONS COVERED

1. This Agreement shall apply:
 - (a) in relation to Guernsey, to the Social Insurance (Guernsey) Law, 1978, as amended;
 - (b) in relation to Latvia, to the Law on State Social Insurance (1998), the Law on State Pensions (1996) and the Law on State Funded Pensions (2001).
2. Subject to paragraphs 3 to 5, this Agreement shall apply also to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph 1.
3. This Agreement shall apply, unless the Parties agree otherwise, only to pensions and benefits under the legislation specified in paragraph 1 at the date of entry into force of this Agreement and for which specific provision is made in this Agreement.
4. This Agreement shall not apply to any agreement on social security which either Party has concluded with a third party or to any laws or regulations which amend the legislation specified in paragraph 1 for the purpose of giving effect to such an agreement, but shall not prevent either Party from taking into account under its legislation the provisions of any other agreement which that Party has concluded with a third party.

5. This Agreement shall apply:
- (a) in relation to Guernsey, to any person who is, or has been, subject to the legislation of either Party;
 - (b) in relation to Latvia, to any person residing in the territory of either Party who is, or has been, subject to the legislation of either Party and, where applicable, to other persons in regard to the rights they derive from that person.

ARTICLE 3

EQUAL TREATMENT

1. Subject to paragraph 2, a person who is, or has been, subject to the legislation of one Party shall, while the person is in the territory of the other Party, have the same rights and obligations under the legislation of the other Party as a national of that Party, subject to the provisions of this Agreement.
2. Paragraph 1 shall not apply to the Law on State Pensions of Latvia regarding insurance periods accumulated prior to 1 January 1991 outside the Republic of Latvia.

ARTICLE 4

PROVISIONS FOR THE EXPORT OF PENSIONS AND BENEFITS

A person who would be entitled to receive a pension under the legislation of one Party if the person were in the territory of that Party, including a pension by virtue of this Agreement, shall be entitled to receive that pension while the person is in the territory of the other Party, as if the person were in the territory of the former Party. This provision

shall equally apply to pensions awarded by either Party prior to entry into force of the Agreement, and to the benefits covered by this Agreement in relation to Latvia.

ARTICLE 5

GENERAL PROVISION FOR PENSIONS

Where a person is entitled to a pension based solely on the legislation of one Party, without taking into account the insurance periods of the other Party, the entitlement shall be determined and pension awarded based on the insurance periods of the former Party only.

ARTICLE 6

AGGREGATION OF PERIODS

1. For the purpose of determining entitlement to a pension under the legislation of Guernsey in accordance with Articles 7, 8 and 10, contribution periods or equivalent periods completed under the legislation of Latvia shall be treated as if they had been contribution periods or equivalent periods completed under the legislation of Guernsey.
2. For the purpose of determining entitlement to a pension under the legislation of Latvia in accordance with Articles 9 and 10, contribution periods or equivalent periods completed under the legislation of Guernsey shall be treated as if they had been contribution periods or equivalent periods completed under the legislation of Latvia.

ARTICLE 7

PRO-RATA PENSIONS UNDER THE LEGISLATION OF GUERNSEY

1. Subject to Articles 5, 6(1), 8 and 10 to 12, this Article shall apply to determine a person's entitlement to pension under the legislation of Guernsey.
2. In accordance with Article 6(1), the competent authority of Guernsey shall determine:
 - (a) the amount of the theoretical pension which would be payable if all the relevant insurance periods completed under the legislation of both Parties had been completed under the legislation of Guernsey;
 - (b) the proportion of such theoretical pension which bears the same relation to the whole as the total of the insurance periods completed under the legislation of Guernsey bears to the total of all the relevant insurance periods completed under the legislation of both Parties.

The proportionate amount thus calculated shall be the rate of pension actually payable by the competent authority of Guernsey.

3. For the purpose of the calculation in paragraph 2, where all the insurance periods completed by any person under the legislation of Guernsey amount to less than 50 weeks, those periods shall be treated in accordance with Article 12.

ARTICLE 8

INSURANCE PERIODS TO BE TAKEN INTO ACCOUNT

For the purpose of applying Article 7, the competent authority of Guernsey shall take account only of insurance periods completed under the legislation of either Party which would be taken into account for the determination of pensions under the legislation of

Guernsey if they had been completed under its legislation.

ARTICLE 9

PENSIONS AND BENEFITS UNDER THE LEGISLATION OF LATVIA

1. Subject to Articles 5, 6(2) and 10 to 12, this Article shall apply to determine a person's entitlement to pension under the legislation of Latvia.
2. If, under the legislation of Latvia, entitlement to pension is established through the aggregation provisions of Article 6 (2), Latvia shall calculate the pension only on the basis of pension capital accumulated through insurance periods completed in Latvia.
3. Benefits shall be awarded based on the legislation of Latvia.

ARTICLE 10

OVERLAPPING PERIODS

1. For the purpose of applying Articles 7 and 9:
 - (a) where a compulsory contribution period completed under the legislation of one Party coincides with a compulsory contribution period completed under the legislation of the other Party, each Party shall take into account only the compulsory contribution period completed under its own legislation;
 - (b) where a voluntary contribution period completed under the legislation of one Party coincides with a voluntary contribution period completed under the legislation of the other Party, each Party shall take into account only the voluntary contribution period completed under its own legislation;

- (c) where a contribution period, other than a voluntary contribution period, completed under the legislation of one Party coincides with an equivalent period completed under the legislation of the other Party, only the contribution period shall be taken into account;
- (d) where an equivalent period completed under the legislation of one Party coincides with an equivalent period completed under the legislation of the other Party, account shall be taken only of the equivalent period completed under the legislation under which the insured person was last insured before the day when the periods in question began or, if the person was never insured before that day, under the legislation under which the person first became insured after the day when the periods in question ended;
- (e) Latvia shall take into account voluntary periods completed under its legislation.

2. For the purpose of applying Article 7, where a compulsory contribution period or an equivalent period completed under the legislation of one Party coincides with a voluntary contribution period completed under the legislation of the other Party, only the compulsory contribution period or equivalent period shall be taken into account, provided that the amount of pension payable shall be increased by the amount by which the pension payable under the legislation of that Party would have been increased if all voluntary contributions paid under that legislation had been taken into account.

ARTICLE 11

NON-SIMULTANEOUS ENTITLEMENT

Where a person does not simultaneously satisfy the conditions for entitlement to a pension under the legislation of both Parties, the person's entitlement from each Party shall be established as and when the person satisfies the conditions applicable under the legislation of that Party, taking account, where appropriate, of Articles 7 and 9.

ARTICLE 12

INSURANCE PERIODS OF LESS THAN ONE QUALIFYING YEAR

Where all the insurance periods completed by a person under the legislation of one Party total less than one qualifying year, those periods shall be treated as if completed under the legislation of the other Party. Where such periods cannot be used to enhance the entitlement of the person, they shall be disregarded and neither Party shall be required to pay a pension for those periods.

ARTICLE 13

ARRANGEMENT FOR ADMINISTRATION AND CO-OPERATION

1. The competent authorities of the two Parties shall:
 - (a) establish the administrative arrangement necessary for the application of this Agreement;
 - (b) communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Agreement or about changes to their national legislation in so far as these changes affect the application of this Agreement;

- (c) assist one another on any matter relating to the application of this Agreement as if the matter were one affecting the application of their own legislation. This assistance shall be free of charge.
2. No certificate, document or statement of any kind written in an official language of either Party shall be rejected on the ground that it is written in a foreign language.
3. Any document of an official nature required to be produced for the application of this Agreement and conveyed between the Parties shall be exempt from any requirement of authentication by diplomatic or consular authorities or similar formality.
4. Unless disclosure is required under the legislation of a Party or by order of a court, any information about an individual which is sent in accordance with, and for the purposes of, this Agreement to that Party by the other Party is confidential and shall be used only for the purpose of implementing this Agreement and the legislation to which this Agreement applies.

ARTICLE 14

SUBMISSION OF CLAIM OR APPEAL

Any claim or appeal which should, for the purposes of the legislation of one Party, have been submitted within a prescribed period to the competent institution of that Party, shall be treated as if it had been so submitted if it is submitted within the same period to the competent institution of the other Party.

ARTICLE 15

CURRENCY AND PAYMENT PROCEDURE

1. Payment of any pension or benefit in accordance with this Agreement may be made in the currency of the Party whose competent institution makes the payment and any such payment shall constitute a full discharge of the obligation in respect of which payment has been made.
2. Where a person in the territory of one Party is receiving a pension or benefit under the legislation of the other Party, it shall be payable by whatever procedure the competent institution of the latter Party deems appropriate.

ARTICLE 16

RESOLUTION OF DISPUTES

The competent authorities shall make all reasonable efforts to resolve through an agreement between them any dispute about the interpretation or application of this Agreement.

ARTICLE 17

DURATION AND TERMINATION OF AGREEMENT

This Agreement shall remain in force for an indefinite period. Either Party may denounce it at any time by giving six (6) months' notice in writing to the other Party.

ARTICLE 18
RIGHTS ON TERMINATION OF THIS AGREEMENT NOT REPLACED BY
ANOTHER

In the event of the termination of this Agreement, and unless a new agreement containing provisions regulating the matter is made, any right to a pension acquired by a person in accordance with this Agreement shall be maintained and negotiations shall take place between the competent authorities or competent institutions, as the case may be, for the settlement of any other rights then in course of acquisition by virtue of its provisions.

ARTICLE 19
ENTRY INTO FORCE

1. Each of the Parties shall notify the other in writing through diplomatic channels when all of their respective measures necessary for entry into force of this Agreement have been completed. This Agreement shall enter into force on the first day of the third month following the month after the date of the later of these notifications.

2. The commencement date of a pension or benefit payable by virtue of this Agreement shall be determined in accordance with the legislation of the Party concerned, but in no case will be earlier than the date on which this Agreement comes into force.

Signed in Guernsey and in Riga in the English and Latvian languages on 23rd September, 2020. Both texts are equally authentic.

Michelle Le Clerc

Ramona Petraviča

For the States of Guernsey

For the Government of the
Republic of Latvia

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

**AMENDMENTS TO STATUTORY MINIMUM WAGE ARRANGEMENTS TO COME INTO
FORCE ON 1ST JANUARY 2021**

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Amendments to Statutory Minimum Wage arrangements to come into force on 1st January 2021', dated 8th October 2020, they are of the opinion:-

1. To approve the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2020 (as set out in Appendix 1 to this Policy Letter), which pursuant to sections 1(3) and 3(1) of the Law, prescribe the hourly minimum wage rates set out below with effect from 1st January 2021:
 - a. adult minimum wage rate: £8.70 per hour (for workers aged 18 and over), and
 - b. young person's minimum wage rate: £8.25 per hour (for workers aged 16 and 17).

The above Proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

AMENDMENTS TO STATUTORY MINIMUM WAGE ARRANGEMENTS TO COME INTO
FORCE ON 1ST JANUARY 2021

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

8th October 2020

Dear Sir

1. Executive Summary

- 1.1. In accordance with the provisions of the Minimum Wage (Guernsey) Law, 2009, (“the Law”) the Committee *for* Employment & Social Security (“the Committee”) is seeking States’ agreement to its proposals to increase the statutory minimum wage rate.
- 1.2. Section 31(3) of the Law provides that Regulations made by the Committee that set the hourly minimum wage rates shall not have effect until approved by a resolution of the States.
- 1.3. In November 2018, the States noted the Committee’s medium term plan for minimum wage rates to be increased in equal annual increments over the course of five years, until the minimum wage rates reach 60% of median earnings by 2023. However, having consulted with representative groups of employers and employees, in the current context of the Covid-19 pandemic and the consequences for the local economy, the Committee recommends a pause in the medium term plan for one year. The Committee will instead propose increasing the minimum wage and associated rates for 2021 by 2.4%, being RPIX for the year to June 2020.
- 1.4. The Committee recommends the setting of the following minimum wage rates, to take effect from 1st January 2021:
 - Adult minimum wage rate at £8.70 per hour (currently £8.50) for workers aged 18 and over.

- The young person's minimum wage rate at £8.25 per hour (currently £8.05) for workers aged 16 and 17.
- 1.5. The Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2020 (Appendix 1), have been drafted to give effect to the change in rates.
- 1.6. The Committee also intends to increase the associated accommodation and food offsets. These offsets set the maximum amount an employer is permitted to deduct from an employee's wage in compensation for providing accommodation and meals. These changes, which do not require States approval, are shown below for information.
- Accommodation & food offset: £117 per week (currently £114).
 - Accommodation only offset: £84 per week (currently £82).
- 1.7. The Committee is of the view that the underlying strategy will remain the same and the medium term plan will resume when the rates are set for 2022. The target date for the minimum wage to equal 60% of median earnings should be extended to 2024.

2. Introduction

- 2.1. The October 2007 States' resolution (following Billet d'État XXII of 2007, Article 9) to approve proposals for a statutory minimum wage, gave backing to the fundamental principle that it is unacceptable for employees and workers to be paid low wages to the point of exploitation.
- 2.2. The minimum wage rates are not intended to reflect a 'living wage', particularly as different households have different family make-ups and different needs. There are several initiatives adopted by the Committee, such as a wide range of benefits, grants and social housing, which assist those with a low income.
- 2.3. In 2010, the States approved a resolution following an amendment from Deputy Fallaize (Billet d'État XI of 2010, Article 11) which was worded as follows:

“5. To direct the Commerce and Employment Department, whilst having regard to the requirements of the Minimum Wage (Guernsey) Law, 2009, to take fully into account when reviewing minimum wage rates that it is a policy objective of the States of Deliberation that the Young Persons' Minimum Wage Rate and the Adult Minimum Wage Rate should be equalised as soon as possible.”

A further resolution was approved in 2017 following a successful amendment, from Deputy Roffey, in November 2017 (Billet d'État XXIII of 2017, Article 9), which was:

“2. To direct the Committee *for* Employment & Social Security, when they bring proposals to the States for the adult and young persons' minimum wage levels for 2019 to provide clarity on their medium term plan for increasing minimum wage levels”.

- 2.4. The Committee considered both amendments when determining the minimum wage rates for 2021.

3. The medium term plan for increasing minimum wage rates

- 3.1. The purpose of the 2017 Roffey amendment was to provide greater certainty for both employers and employees and to allow them to plan over the medium term. The Committee deemed the medium term to be the next five years for the purpose of implementing the resolution.
- 3.2. In preparing its proposals for 2018, the Committee considered a variety of options for minimum wage levels over the medium term and invited the community to offer their views on the matter during consultations. Among the options that were examined, the Committee considered whether minimum wage rates should be linked to median earnings, or whether it would be more appropriate for the minimum wage rate to increase in line with inflation (RPIX).
- 3.3. On recommendation from the Committee, the States noted the Committee's policy that the minimum wage rates should be linked to median earnings, so that a person working a fulltime (40 hour) week should earn at least 60% of the median earnings figure. This would ensure that the gap between the Island's lowest paid workers and the workforce average could never grow too wide.
- 3.4. As the jump from 2018 minimum wage (£7.75) to 60% of the then median earnings figure (£9.33) was large, a gradual increase to reach this rate over the medium term was considered necessary. It was agreed that the target should be met by increasing the minimum wage rate in equal increments over a five year period.
- 3.5. Median earnings for the year to Quarter 1 of 2020 was £34,409 per annum. Taking 60% of this figure and dividing it by 52 weeks and then by 40 hours, produces an hourly rate of £9.93. This figure is 60% of median earnings , adjusted using the latest available median earnings figure, which is the target of the five year medium term plan, to be reached in 2023.

Table 4 – Minimum wage rates illustrated over the medium term, based on the 60% of median earnings approach

Adult Rate		
Year	Estimated rates in Oct 2018 report	2019 and 2020 actuals and indicative rates for 2021 to 2023
2019	£8.07	£8.10
2020	£8.39	£8.50
2021	£8.71	£8.98
2022	£9.03	£9.46
2023	£9.35	£9.93

- 3.6. If adhering to the formula and usual practice, the Committee would round the adult minimum wage rate for 2021 to the nearest five pence, which is £9.00. This would be an increase of 5.9%.
- 3.7. Mindful of the medium term plan, there is still an obligation in Law for consideration of certain factors and to consult representatives of employers and employees.

4. Factors to be taken into account

- 4.1. The Law requires the Committee to consider and take into account a number of factors before making Regulations setting the minimum wage rates. These are set out below:
- the current rate of the minimum wage in the United Kingdom, the Isle of Man and Jersey,
 - the current economic and trading conditions prevailing in Guernsey,
 - the rate of inflation in Guernsey,
 - the rate of unemployment in Guernsey,
 - current rates of pay in Guernsey,
 - the increase or decrease in rates of pay in Guernsey over the previous twelve months,
 - and such other factors as appear to be relevant.
- 4.2. The Committee recognises the need for employers to attract and retain quality staff. The Committee considers that to do so, Guernsey must, among other things, offer pay rates that are attractive compared with other competitive jurisdictions. The current minimum wage rates for the UK, the Isle of Man and Jersey are listed below:

Table 1 – Current Minimum Wage Rates – UK, the Isle of Man and Jersey

Minimum Wage Rates (Hourly)			
	Young Person	Adult	Effective from
Guernsey	£8.05 (aged 16-17)	£8.50 (aged 18 and over)	1 st Jan 2020
United Kingdom	£4.55 (aged 16-17) £6.45 (aged 18-20)	£8.20 (aged 21-24) £8.72 (aged 25 and over)	1 st Apr 2020
Isle of Man	£6.15 (aged over 16 but under 18)	£8.25 (aged 18+, except development workers) £7.30 (development worker)	1 st Oct 2019
Jersey	Year 1: £6.24 Year 2: £7.28 ¹	£8.32 (aged 16 and over)	1 st April 2020

- 4.3. While the UK and Jersey increased their minimum wage rates earlier this year in April 2020, the sheer scale of the Covid-19 pandemic had not yet been fully realised. All three jurisdictions are now pausing to review their strategies in light of the impact the pandemic is having on the economy and society as a whole.
- 4.4. Increasing Guernsey's minimum wage by 2.4% (RPIX) would set it at £8.70, which is just below the UK's national living wage rate of £8.72. Although the cost of living is greater in Guernsey, it is important to keep in mind that it is not possible to draw a straight comparison between Guernsey and the UK as the over 25 rate is intended to be a living wage rather than a minimum wage.
- 4.5. Unemployment in Guernsey reached record levels this year during the Covid-19 pandemic lockdown. As restrictions have eased, the level of unemployment has reduced significantly, but with 690 people wholly unemployed at the end of August 2020 it remains at around double the usual number for the time of year.

Such other factors that appear to the Committee to be relevant

- 4.6. The following were identified as relevant when considering the statutory minimum wage rates:
- public and political expectations,
 - ensuring Guernsey remains competitive with the UK, Jersey and the Isle of Man,
 - the impact on businesses,
 - the In-Work Poverty review by the Scrutiny Management Committee,

¹ The young person's rates in Jersey are referred to as the Trainee Rates. Those who are on a Social Security training programme can receive those rates for a maximum period of two years.

- the impact of Brexit,
 - the impact of Covid-19.
- 4.7. While the Committee has taken all of the above factors into account when considering its proposals, the impact of Covid-19 has been the most prominent issue. The Covid-19 pandemic has had an unprecedented impact on the local economy as well as economies elsewhere. It has affected the viability of businesses.
- 4.8. Strong representations have been received from businesses to the effect that any increase in the minimum wage will further threaten the survival of businesses that are already facing great financial difficulty. The Committee is sympathetic to these representations.
- 4.9. On the other hand, as the minimum wage by definition supports the very lowest paid in the community, the Committee believes that the minimum wage should at least keep pace with inflation so that the lowest paid do not effectively go backwards in their pay rates.
- 4.10. The Committee has therefore decided to pause the medium term plan instead to increase the minimum wage in line with RPIX (2.4%) for 2021.
- 4.11. Despite initiating a pause, the underlying strategy will remain the same and the Committee intends the medium term plan to resume in 2022. The target date to achieve the aim of the medium term plan (i.e. for a person working forty hours per week at the minimum wage to earn an amount equal to 60% of median earnings) is therefore pushed back to 2024 to allow businesses time to recover from the impact of the pandemic.

5. Duty to consult

- 5.1. Section 5 of the Law requires the Committee to:
- “...consult such organizations, or associations of organizations, representative of employers and employees in Guernsey, and such other organizations and bodies, as appear to the Department to be appropriate.”
- 5.2. In 2018, the Committee carried out a large-scale public consultation on minimum wage rates. However, as the Committee is now normally working to a five-year plan noted by the States, the Committee, for the second year running, decided that it would undertake a limited scope consultation by direct correspondence with relevant employers and employees’ organisations.

- 5.3. The Committee wrote to the main industry groups which included, but was not limited to, the retail, hospitality, and finance sectors and representatives of unions. From the 20 letters sent, the Committee received 8 responses; 5 from industry bodies, 2 from civil society groups and 1 from the States of Guernsey as an employer. The feedback emphasised the significant impact that the Covid-19 pandemic has had on local businesses this year and the view that increasing the minimum wage rates in accordance with the medium term plan (5.9%) would be too burdensome for employers in the present economic context.

6. Proposed rates for 2021

Adult minimum wage rate

- 6.1. In line with RPIX, the Committee proposes an increase in the adult minimum wage rate from £8.50 to £8.70 per hour (rounded to the nearest five pence).

Young person's minimum wage rate

- 6.2. The young person's rate will also be increased in line with RPIX from £8.05 to £8.25 per hour (rounded to the nearest five pence).
- 6.3. While the States has resolved to equalise the young person's rate with the adult minimum rate, the Committee decided that increasing in accordance with RPIX will be more proportionate given the current economic conditions, and therefore an effort to narrow the gap between that and the adult rate will continue when the medium term plan resumes.

Accommodation and food offsets

- 6.4. The rates for accommodation and food offsets are uprated proportionately with the adult minimum wage rate. The proposed rates for 2021 are:

- Accommodation & food offset: £117 per week (currently £114)
- Accommodation only offset: £84 per week (currently £82)

7. Conclusions

- 7.1. Having considered the criteria and relevant factors as set out in the Law, the Committee has concluded that there is a case to pause the medium term plan and to increase the statutory minimum wage rate with effect from 1st January, 2021, in accordance with RPIX for June 2020.

- 7.2. The Committee maintains the view that the gap between the Island's lowest paid workers and the workforce average should never grow too wide and intends to resume the medium term plan in 2022. The target date to achieve the aim of the medium term plan will therefore be pushed back to 2024.
- 7.3. Increasing the adult minimum wage rate to the proposed level strikes a balance between setting rates that are affordable for responsible employers operating in Guernsey, taking into consideration the present economic context, and supports the lowest paid in the community by keeping pace with inflation and not decreasing in value.

8. Compliance with Rule 4 of the Rules of Procedure

- 8.1. If the current Payroll Co-support scheme for businesses adversely affected by Covid-19 is extended into 2021, an increase in the minimum wage rates would commensurately increase the cost of the scheme as it is directly based on the minimum wage. However, if the scheme does continue into 2021, it is expected that it will be on a very narrow basis and the Committee is advised by officers of the Policy & Resources Committee that the increase in cost would be minimal. Meanwhile, the modest increase in the minimum wage rate will be of assistance to low-paid workers in sectors not covered by the payroll support scheme.
- 8.2. The Committee's proposition aligns with its purpose, which is "To foster a compassionate, cohesive and aspirational society in which responsibility is encouraged and individuals and families are supported through a scheme of social protection relating to pensions, other contributory and non-contributory benefits, social housing, employment, re-employment and labour market legislation". The proposition is in line with the themes of the Policy & Resource Plan, approved by the States in November 2016 (Billet d'État XXVIII of 2016) and updated in June 2019 (Billet d'État IX of 2019), which are to be inclusive and equal, and to foster a mature international identity.
- 8.3. It is confirmed that the attached proposition has the unanimous support of the Committee.

Yours faithfully

M K Le Clerc
President

S L Langlois
Vice-President

P J Roffey
J A B Gollop
E A McSwiggan

M J Brown
Non-States Member

A R Le Lièvre
Non-States Member

GUERNSEY STATUTORY INSTRUMENT

2020 No.

**The Minimum Wage (Prescribed Rates and Qualifications)
(Guernsey) (Amendment) Regulations, 2020**

<i>Made</i>	<i>8th October, 2020</i>
<i>Coming into operation</i>	<i>1st January, 2021</i>
<i>Laid before the States</i>	<i>, 2020</i>

THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY, in exercise of the powers conferred on it by sections 1(3), 3(1) and 31 of the Minimum Wage (Guernsey) Law, 2009², and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Substitution of Schedule to principal Regulations.

1. The principal Regulations are amended by substituting, for the Schedule to those Regulations, the schedule contained in the Schedule to these Regulations.

Interpretation.

2. In these Regulations, "**the principal Regulations**" means the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) Regulations, 2012³.

² Order in Council No. I of 2010; as amended by Order in Council No. XIII of 2010; and Ordinance No. IX of 2016.

³ G.S.I. No. 40 of 2012; as amended by G.S.I. Nos. 15 and 49 of 2014; No. 40 of 2015; No. 42 of 2016; No. 89 of 2017; No. 60 of 2018; and No. 85 of 2019.

Transitional and savings provisions.

3. (1) These Regulations do not have effect in relation to any worker and his or her work until the first day of the first pay reference period of the worker in respect of that work.

(2) For the avoidance of doubt, before the first day of the first pay reference period of the worker in respect of that work, the principal Regulations have effect in relation to that worker and that work as if these Regulations had not been made.

(3) In this regulation, "**the first pay reference period**", in relation to a worker and his or her work, means the first pay reference period of the worker, in respect of that work, beginning on or after the date specified in regulation 4 for these Regulations to come into force.

Citation and commencement.

4. These Regulations may be cited as the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2020, and come into force on the 1st January, 2021.

Dated this 8th day of October, 2020

M. K. LE CLERC

President of the Committee for Employment & Social Security

For and on behalf of the Committee

SCHEDULE

(Regulation 1)

SCHEDULE TO BE SUBSTITUTED FOR THE SCHEDULE TO THE PRINCIPAL REGULATIONS

"SCHEDULE MINIMUM WAGE RATES

Regulations 1(1) and 2(1)

Adult Minimum Wage Rate	£8.70 per hour.
Young Person's Minimum Wage Rate	£8.25 per hour."

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

AMENDMENTS TO STATUTORY MINIMUM WAGE ARRANGEMENTS TO COME INTO
FORCE ON 1ST JANUARY 2021

The President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH

8th October 2020

Dear Sir

Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(2) of the Rules of Procedure of the States of Deliberation and their Committees, the Committee *for* Employment & Social Security requests that 'Amendments to Statutory Minimum Wage Arrangements' be considered at the States Meeting to be held on 25th November 2020.

It would be helpful for the Policy Letter to be considered at the earliest opportunity as employers need time to prepare for the increase in the minimum wage prior to implementation on 1st January 2021.

Yours faithfully



Michelle Le Clerc
President

Shane Langlois
Vice-President

John Gollop, Emilie McSwiggan, Peter Roffey

Mike Brown, Andrew Le Lievre
Non-States Members

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

INDEPENDENT MONITORING PANEL:
NOTIFICATION OF RESIGNATIONS

The States are asked to decide: -

Whether, after consideration of the Policy Letter dated 17th August 2020, of the Committee *for* Home Affairs, they are of the opinion:

1. to note the resignation of Ms Joanna Susan Hunter with effect from 20th July 2020, and
2. to note the resignation of Mr Jared Harvey with effect from 28th August 2020

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

INDEPENDENT MONITORING PANEL:
NOTIFICATION OF RESIGNATIONS

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

17th August 2020

Dear Sir

1. Executive Summary

- 1.1. The purpose of this Policy Letter is to formally notify the Assembly of the resignation of two of the Independent Monitoring Panel (“the Panel”) Members, Mrs Joanna Susan Hunter and Mr Jared Harvey.
- 1.2. Mrs Hunter and Mr Harvey were appointed on 11th December 2019. Due to changes in their circumstances they have both decided to step down.

2. Background

- 2.1. The Panel is an independent body made up of members of the public who make unannounced visits to Guernsey Prison. Members provide independent oversight of the day-to-day operations of the Prison and prison conditions, monitor the administration of the prison, the treatment of prisoners and whether the statutory objectives of the prison system are being met, and serve to protect the well-being of prisoners.
- 2.2. The Committee takes this opportunity again to put on record its sincere thanks and appreciation to all existing Panel Members for their continued dedication and commitment to their roles.

3. Resignation of Member

- 3.1. Schedule 3 to the Prison (Guernsey) Ordinance, 2013 states that *“The Panel is to consist of not less than four members”* and that *“a Panel Member may resign from office at any time by giving notice in writing to the Committee”*.
- 3.2. The Committee received notification of Mrs Hunter and Mr Harvey’s resignation on 4th August 2020.
- 3.3. Schedule 3 to the Ordinance states that *‘The Committee must notify the States of the resignation or removal from office of the Chairman or any other Panel member at the first available opportunity’*.
- 3.4. The Committee would like to take this opportunity to put on public record its thanks and appreciation to Mrs Hunter and Mr Harvey for their contribution.

4 Compliance with Rule 4

- 4.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 4.2 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.
- 4.3 In accordance with Rule 4(5), the Propositions relate to the duties of the Committee to advise the States and to develop and implement policies on matters relating to its purpose including [...] imprisonment, parole, probation and rehabilitation.

Yours faithfully

M M Lowe
President

M P Leadbeater
Vice-President

V Oliver
P R Le Pelley
J C S F Smithies

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

TRANSFER OF COMMITTEE FUNCTION - MOTOR SPORT EVENTS

The States are asked to decide: -

Whether, after consideration of the Policy Letter dated 12th October, 2020, of the Committee *for* Home Affairs, they are of the opinion to:

1. amend the Road Traffic (Speed Limits and Trials) Ordinance, 1987 to:
 - a. transfer responsibility for the grant of approval to stage any race or trial of speed on a public highway from the Committee *for* Home Affairs to the Committee *for the* Environment & Infrastructure;
 - b. remove the requirement set out in section 4(1)(a) of an interval of time between competitors' performances; and
 - c. clarify the type and purposes of conditions which may be imposed under section 4(1)(b)(ii) when approval is given.
2. direct the preparation of such legislation as is necessary to give effect to their above decision.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

TRANSFER OF COMMITTEE FUNCTION - MOTOR SPORT EVENTS

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

12th October, 2020

Dear Sir

1. Executive Summary

- 1.1 It is proposed to amend the Road Traffic (Speed Limits and Trials) Ordinance, 1987 to transfer legal responsibility for the granting of permission to stage motor racing events (such as hill climbs or speed trials) on the public highway from the Committee *for* Home Affairs (CfHA) to the Committee *for the* Environment & Infrastructure (CfEI).
- 1.2 Following the transfer of responsibility, the statutory requirement for an interval of time between competitors' performances should be replaced by a power for the CfEI to apply any conditions that it considers necessary or appropriate (including the requirement for the event in question to have the approval of the relevant British governing body for the motorsport in question or an equivalent approved body).

2. Background

- 2.1 Section 4(1) of the Road Traffic (Speed Limits and Trials) Ordinance, 1987 makes it a criminal offence to take part in any race or trial of speed between motor vehicles on the public highway except where the person is taking part in an race or trial of speed:
- (a) in which there is an interval of time between motor vehicles participating in the contest,
 - (b) held with the approval of the CfHA and subject to such conditions as it prescribes.

- 2.2 Persons seeking to organise and participate in motor sport time trials on the public highway, such as Le Val des Terres hill climb or Vâzon sprint meetings, therefore require permission from the CfHA.
- 2.3 This authority is a legacy inherited by CfHA from the former Island Police Committee that had previously been responsible for the administration of a range of highway and traffic matters, much of which has been transferred over the years to the current CftEI and its predecessors. For clarity, the traffic management for most events was transferred in 2017, such as sporting and charity events, festivals and cultural events involving road closures.
- 2.4 The Head of Law Enforcement currently assists the CfHA with the processing of applications for motor sport time trials which are then passed to CftEI staff.
- 2.5 Responsibility for other sections of the speed limit legislation has already been passed to the CftEI, which also coordinates road closures for other events as well as ground works and maintenance for the island's road network.
- 2.6 Motor racing events that take place somewhere other than on closed public highways, such as sand racing on the Island's beaches, are approved by the Royal Court and are not subject to this legislation or the amendments proposed in this policy letter.
- 2.7 Section 4(1)(a) of the Ordinance currently states that there must be an interval of time between competitors' performances. However, for certain events with longer stages this is unnecessary as there are sufficient safeguards in place to prevent two competitors from racing on the same part of the track. As with other similar motor racing events, motorsport clubs have to provide a range of safety measures and the events must be conducted strictly in accordance with their sport's regulations. The time interval rule is not required for all events, but could be imposed by the CftEI by way of a condition, where needed. It is therefore proposed that this requirement for all events set out at section 4(1)(a) is repealed.
- 2.8 Section 4(1)(b)(ii) of the Ordinance allows the Committee to prescribe additional conditions, for safeguarding participants and spectators "or otherwise". It is proposed that this power be clarified to permit the imposition of any conditions which the Committee thinks are necessary or appropriate, including (but not limited to) post-event site clearance.
- 2.9 Furthermore, in order to ensure appropriate safety standards are upheld, it is intended that a standard condition of approval would require the relevant British governing body for the motorsport in question or an equivalent body approved by CftEI to (a) provide technical oversight on course safety, vehicle

scrutiny and safe running procedures for the staging of these events, and (b) give approval before an event could be held in Guernsey.

3. Conclusion

- 3.1 It is important that road closures are well-coordinated and the proposed transfer of authority will assist with an improved, joined-up approach consistent with effective traffic management for events affecting the island's road network.
- 3.2 There are no perceived increase in costs involved in the administration of the Ordinance following the transfer of authority.
- 3.3 The C^fHA and C^ftEI both agree that these are sensible and practical changes.

4. Compliance with Rule 4

- 4.1 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications. She has advised that there is no reason in law why the Propositions should not be put into effect / other.
- 4.2 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.
- 4.3 In accordance with Rule 4(5), the Propositions relate to the duties of the Committee as prescribed by the Road Traffic (Speed Limits and Trials) Ordinance, 1987.
- 4.4 Also in accordance with Rule 4(5), the Committee consulted with the Committee *for the* Environment & Infrastructure and Guernsey Police.

Yours faithfully

M M Lowe
President

M P Leadbeater
Vice-President

V S Oliver
P R Le Pelley
J C S F Smithies