

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The States of Deliberation have the power to annul the Statutory Instruments detailed below.

No. 52 of 2021

THE BUILDING (GUERNSEY) (AMENDMENT) REGULATIONS, 2021

In pursuance of section 89 of the Land Planning and Development (Guernsey) Law, 2005, The Building (Guernsey) (Amendment) Regulations, 2021, made by the Development and Planning Authority are laid before the States.

EXPLANATORY NOTE

These Regulations amend the Building (Guernsey) Regulations, 2012 ("Building Regulations").

Regulation 11 inserts a new Part VIIA into the Building Regulations requiring a person carrying out specified building work to give fire safety information, in relation to the building and its services and fittings, to the owner of a building. The information is such that will assist the building to be operated and maintained with reasonable safety. The requirement applies to specified building work (including the erection of, or extension to, a building) in relation to all buildings except private dwelling-houses. The regulation also requires the owner of a building, from time to time, to give the information to a new owner and to ensure that the information is brought to the attention of occupiers and workmen carrying out works in the building. Consequential amendments are to other Parts of the Building Regulations by regulations 5(b) and 7.

Regulations 2(a) and (d), 3, 4, 10 and 13 make various amendments to the Building Regulations to provide for associated independent living units. Such units cover wings or extensions to houses or outbuildings in the garden of a house which comprise a dwelling and are occupied by a person[s] who is allowed access to the main house and its facilities. The provisions allow for such units to meet reduced requirements under the Building Regulations, compared to a new dwelling, providing they continue to be used by a person who has access to the main dwelling house and its facilities. If such a wing or outbuilding ceases to be an associated independent living unit, for example, because it is sold to be used by a person who does not have access to the main house and its facilities, then this would be a material change of use to create a new dwelling under the Building Regulations so that the wing or outbuilding etc. would have to meet all the requirements of the Building Regulations applying to ordinary independent dwellings. If a new associated independent dwelling unit is created it would still have to meet specified relevant requirements of the Building Regulations as provided in the amendments.

Regulation 14 amends Schedule 2 to reword the description of the small detached buildings exempted from most requirements of the Building Regulations in Class IV, to remove the exemption for sun lounges in Class VI and to widen the current exemption in Class VII so that it applies to free standing walls, in all locations, which meet the conditions in the exemption. Regulation 15 makes a related transitional provision for buildings which are in the course of being built in reliance on the exemption for sun lounges. The opportunity has also been taken

in regulations 2(c), 5(a), 6, 9 and 12 to make amendments to other regulations to update them or to clarify certain provisions.

Regulation 16 makes consequential amendments to Schedule 2 the Land Planning and Development (Fees and Commencement) Ordinance, 2008 in relation to fees payable on the deposit of full plans under the Building Regulations.

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

No. 61 of 2021

**THE CUSTOMS AND EXCISE (SAFETY AND SECURITY) (BAILIWICK OF GUERNSEY)
(AMENDMENT) REGULATIONS, 2021**

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) (Amendment) Regulations, 2021, made by the Committee *for* Home Affairs on 7th June 2021, is laid before the States.

EXPLANATORY NOTE

These Regulations amend the Customs and Excise (Safety and Security) (Bailiwick of Guernsey) Regulations, 2020 to delay their coming into force from 1st July 2021 to 1st January 2022. This change has been made to assist businesses and aligns with the commencement of the equivalent United Kingdom provisions under a new timetable for introducing import border control processes after Brexit.

These Regulations came into force on being made.

No. 66 of 2021

**THE IMMIGRATION AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL)
(BAILIWICK OF GUERNSEY) (AMENDMENT) REGULATIONS, 2021**

In pursuance of section 5 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 as extended to the Bailiwick by the Immigration (Guernsey) Order 2020, The Immigration and Social Security Co-ordination (EU Withdrawal) (Bailiwick of Guernsey) (Amendment) Regulations, 2021, made by the Committee for Home Affairs on 21st June 2021, is laid before the States.

EXPLANATORY NOTE

These Regulations amend regulation 13 of the Immigration and Social Security Co-ordination (EU Withdrawal) (Bailiwick of Guernsey) Regulations, 2020 ("the principal Regulations").

Regulation 13 of the principal Regulations revoked paragraphs 256, 257 and 257A of the Immigration (Bailiwick of Guernsey) Rules, 2008 ("the Immigration Rules") whilst deeming persons who had been given notice under any of those paragraphs that they could remain in

the Bailiwick indefinitely to have been given indefinite leave to remain.

Regulation 2 of these Regulations inserts new paragraphs (5A), (5B) and (5C) in regulation 13 of the principal Regulations. These paragraphs deem persons who, immediately before the principal Regulations commenced, were eligible to be given notice that they could remain in the Bailiwick indefinitely under the now-revoked paragraphs of the Immigration Rules, to have been given indefinite leave to remain even if they had not been given such notice under those paragraphs.

This is to preserve the position of those persons, and ensure that none of them would be in the Bailiwick unlawfully (with consequences for any application for British nationality they might make in the future), in case they fail to apply for indefinite leave to remain before 1 July 2021.

These Regulations will come into force on the 30th June 2021

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