



**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 28TH SEPTEMBER, 2022**

**The States resolved as follows concerning Billet d'État No XVII
dated 12th September 2022**

APPOINTMENTS LAID BEFORE THE STATES

**APPOINTMENT OF CHAIRMAN OF THE GUERNSEY BANKING DEPOSIT COMPENSATION
BOARD**

In accordance with section 3(4) of the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008 as amended, the following appointment, by the Committee for Economic Development to the Guernsey Banking Deposit Compensation board was laid before the States of Deliberation:-

- Mr. Richard Denton as Chairman with effect from 2nd July 2022. Mr. Denton has been appointed as Chairman until 1st July 2023.

**APPOINTMENT OF ORDINARY MEMBERS OF THE GUERNSEY BANKING DEPOSIT
COMPENSATION BOARD**

In accordance with section 3(4) of the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008 as amended, the following appointments, by the Committee for Economic Development to the Guernsey Banking Deposit Compensation board were laid before the States of Deliberation:-

- Ms. Karen Gibbons as ordinary member with effect from 1st September 2022. Ms. Gibbons has been appointed as ordinary member until 31st August 2026.
- Mr. Robert Girard as an ordinary member with effect from 1st September 2022. Mr. Girard has been appointed as an ordinary member until 31st August 2027.
- Mr. Stuart Lawson as ordinary member with effect from 1st September 2022. Mr. Lawson has been appointed as ordinary member until 31st August 2025.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

No. 29 of 2022

THE AVIATION REGISTRY (ELIGIBILITY) REGULATIONS, 2022

In pursuance of section 12(1) of the Aviation Registry (Guernsey) Law, 2013, “The Aviation Registry (Eligibility) Regulations, 2022”, as amended, made by the Committee for Economic Development on 21st April, 2022, were laid before the States.

No. 51 of 2022

THE PLANT HEALTH (AMENDMENT OF TRANSITIONAL PROVISION) (GUERNSEY) REGULATIONS, 2022

In exercise of the powers conferred on it by Article 108 of Reserved Regulation 2016/2031 of the European Parliament and of the Council on protective measures against plants and pests, and all other powers enabling it in that behalf “The Plant Health (Amendment of Transitional Provision) (Guernsey) Regulations, 2022” made by the Committee for the Environment and Infrastructure on 20th June 2022, were laid before the States.

No. 53 of 2022

THE BENEFICIAL OWNERSHIP (DEFINITION) (AMENDMENT) REGULATIONS, 2022

In pursuance of section 31 and 39 of the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017, “The Beneficial Ownership (Definition) (Amendment) Regulations, 2022”, made by the Policy & Resources Committee on 12th July, 2022, were laid before the States.

No. 54 of 2022

THE PAROCHIAL ELECTIONS (ST PETER PORT) (NO.4) REGULATIONS, 2022

In pursuance of the powers conferred on it by Articles 54(4) and 77C of the Reform (Guernsey) Law, 1948 and all other powers enabling it in that behalf, “The Parochial Elections (St Peter Port) (No.4) Regulations, 2022” made by the States’ Assembly & Constitution Committee on 20th July, 2022, were laid before the States.

No. 55 of 2022

THE SANCTIONS (IMPLEMENTATION OF UK REGIMES) (BAILIWICK OF GUERNSEY) (BREXIT) (AMENDMENT) (NO. 3) REGULATIONS, 2022

In pursuance of section 27(5) of the Sanctions (Bailiwick of Guernsey) Law, 2018, “The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) (Amendment) (No. 3) Regulations, 2022”, made by the Policy & Resources Committee on 26th July 2022, were laid before the States.

LEGISLATION

POLICY & RESOURCES COMMITTEE

THE INCOME TAX (GUERNSEY) (AMENDMENT) ORDINANCE, 2022 P.2022/65

- I. To approve the draft Ordinance entitled "The Income Tax (Guernsey) (Amendment) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

POLICY & RESOURCES COMMITTEE

THE INCOME TAX (GUERNSEY) (AMENDMENT) (NO. 2) ORDINANCE, 2022 P.2022/66

- II. To approve the draft Ordinance entitled "The Income Tax (Guernsey) (Amendment) (No. 2) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

THE PUBLIC HIGHWAYS (TEMPORARY CLOSURE) (AMENDMENT) ORDINANCE, 2022 P.2022/67

- III. To approve the draft Ordinance entitled "The Public Highways (Temporary Closure) (Amendment) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

THE REFORM (GUERNSEY) (AMENDMENT) LAW, 2022 P.2022/68

- IV. To approve the draft Projet de Loi entitled "The Reform (Guernsey) (Amendment) Law, 2022", and to authorise the Bailiff to present a most humble petition to His Majesty praying for His Royal Sanction thereto.

S.M.D. ROSS
STATES' GREFFIER



**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 30TH SEPTEMBER, 2022**

**The States resolved as follows concerning Billet d'État No XVII
dated 12th September 2022**

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

**THE PREVENTION OF DISCRIMINATION (GUERNSEY) ORDINANCE, 2022
P.2022/70**

- V. To approve the draft Ordinance entitled "The Prevention of Discrimination (Guernsey) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States subject to the amendments indicated below:

In paragraph 41(b) of the Schedule, for "sports term" substitute "sports team".

For section 5, substitute –

Religion or belief.

5. (1) Religion or belief is a protected ground.

(2) Religion means any religion and a reference to religion includes a reference to a lack of religion.

(3) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.

(4) In relation to the protected ground of religion or belief -

- (a) a reference to a person who has a particular protected ground is a reference to a person of a particular religion or belief,
- (b) a reference to persons who share a protected ground is a reference to persons who are of the same religion or belief.

2. In paragraph 5 of the Schedule, for "religious belief", substitute "religion or belief".
3. In paragraph 11 of the Schedule, for "religious belief", substitute "religion or belief".
4. In paragraph 17 of the Schedule, for "religious belief", substitute "religion or belief".
5. In paragraph 24 of the Schedule, for "religious belief", substitute "religion or belief".
6. In paragraph 25(2) of the Schedule, for "religious belief", substitute "religion or belief".
7. In paragraph 35 of the Schedule, for "religious belief", substitute "religion or belief".
8. In paragraph 39 of the Schedule, whenever it occurs, for "religious belief", substitute "religion or belief".

In section 75 -

1. (a) delete "(1)",
(b) for paragraph (c) substitute—
"(c) shall not have effect unless and until approved by a resolution of the States.",
(c) delete subsection (2).

2. In section 67 -

- (a) in subsection (1), after "codes of practice" insert "or guidance",
(b) delete subsection (2), and renumber subsections (3) and (4) accordingly.

In section 67 -

1. (a) in subsection (1), delete "or guidance",
(b) insert the following subsection (2) and renumber subsections (2) and (3) accordingly—

"(2) The Committee may issue guidance in respect of people's rights and duties under this Ordinance, and such guidance may, without limitation, provide information about what is required in an accessibility action plan as required by section 37, or otherwise specify established standards of accessibility which would fulfil the duty imposed by that section."

For section 14(6)(a), substitute –

"(a) **"contract of employment"** means a contract of service or apprenticeship, whether express or implied and whether written or oral,".

In section 27, renumber subsection (5) as subsection (6) and insert the following subsection -

"(5) For the avoidance of doubt, in the circumstances and in respect of the matters set out in subsections (1) and (2), A does not discriminate against B or C (as the case may be) by imposing requirements to possess relevant skills, experience or professional integrity, or by requiring the passing of examinations.".

In paragraph 5(5) of the Schedule, delete: "on the ground that doing so is necessary for the public good".

In paragraph 6(2) of the Schedule, delete: ", provided that the action taken is a proportionate means of achieving that aim".

In the Schedule, after paragraph 4, insert:-

"Freedom of Expression"

5. (1) This paragraph does not apply to victimisation under this Ordinance.

(2) This paragraph does not apply where the conduct of a person ("A") amounts to harassment under this Ordinance of another ("B") and -

(a) A's conduct has the purpose of –

(i) violating B's dignity, or

(ii) creating an intimidating, hostile or degrading, humiliating or offensive environment for B, or

(b) occurs in circumstances where it would appear to a reasonable person that it would have the effect referred to in subparagraphs (i) and (ii) of paragraph (a).

(3) For the avoidance of doubt, an expression of an opinion, political view, religious belief or any implied or actual view or position on any subject does not by and of itself constitute an act of discrimination prohibited by this Ordinance.”,

and renumber subsequent provisions and amend relevant cross-references accordingly.

In paragraph 43 of the Schedule—

- a) at the end of the subparagraph 2(b) for "house of multiple occupation", substitute - "house in multiple occupation.", and
- b) for subparagraph (3) substitute—

“(3) In this paragraph—

- (a) "**close relative**" has the same meaning as in section 3, and
- (b) "**house in multiple occupation**" means a dwelling comprised of accommodation for three or more households, in addition to A or A's close relative, where the accommodation for each household is let, or available for letting, on a separate tenancy or similar agreement."

In section 55(4), for ", save where" to the end substitute "save where there is a complaint, or complaints, of victimisation as part of the joined complaints, in which case the maximum award limits in paragraph (a) and (b) do not apply to the victimisation complaint, or complaints as the case may be, in respect of which (regardless of how many victimisation complaints are made) the appropriate limit for a single claim as set out in sections 50, 51 or 52 would apply."

In section 56, for subsection (3) substitute—

"(3) Where there is a complaint or complaints of victimisation under this Ordinance made by A as part of the joined complaints, the maximum award limits in subsection (2) do not apply to the victimisation complaint, or complaints as the case may be, in respect of which (regardless of how many victimisation complaints are made) the appropriate limit for a single claim as set out in section 50 would apply."

POLICY & RESOURCES COMMITTEE

THE BAILIWICK'S FURTHER PARTICIPATION IN UK FREE TRADE AGREEMENTS

P.2022/71

- VI. After consideration of the Policy Letter entitled "The Bailiwick's Further Participation in UK Free Trade Agreements" dated 19th August, 2022:-
1. To approve in principle that Guernsey should seek to participate in the Comprehensive and Progressive Agreement on Trans-Pacific Partnership('CPTPP') in its entirety (including provisions relating to trade in goods and to trade in services).
 2. To authorise the Policy & Resources Committee (in respect of Guernsey and, subject to the necessary authorisations from Alderney and Sark, in respect of those islands) to finalise negotiations and agree to the terms of the Bailiwick's participation in the CPTPP (or the relevant provisions of the CPTPP), and to signal such agreement to HM Government in the UK.
 3. To agree that the policy baseline in respect of Guernsey's participation in non-goods elements of any UK Free Trade Agreement ('FTA') (or other trade arrangement) shall be participation which is the same as, or is consistent with, that approved by the States of Deliberation in respect of the CPTPP.
 4. To endorse the process and approach outlined in this Policy Letter regarding Guernsey's (and the wider Bailiwick's) participation in UK FTAs (or other trade arrangements).
 5. To authorise the Policy & Resources Committee (in respect of Guernsey and, subject to the necessary authorisations from Alderney and Sark, in respect of those islands) to negotiate and agree to the Bailiwick's participation in UK FTAs (or other trade arrangements), or relevant provisions of them, in accordance with any policy baselines approved by the States of Deliberation in relation to Guernsey, the States of Alderney in relation to Alderney and the Chief Pleas of Sark in relation to Sark and to signal such agreement to HM Government in the UK.
 6. To agree that there shall be implemented such measures (including legislative measures) as the Policy & Resources Committee thinks fit for the purpose of ensuring that Guernsey may comply and remain in compliance with obligations that arise from participation in any UK FTA (or other trade arrangement).
 7. To direct the preparation of such legislation as may be necessary to give effect to the above decisions

COMMITTEE FOR ECONOMIC DEVELOPMENT

AMENDMENTS TO THE CRIMINAL JUSTICE FRAMEWORK P.2022/73

- X. After consideration of the policy letter entitled "Amendments to the Criminal Justice Framework", dated 25th July 2022:-
1. To agree to the introduction of legislation creating preventive offences, as set out in section 3 of the Policy Letter;
 2. To agree to the introduction of legislation creating disclosure obligations in criminal cases as set out in section 4 of the Policy Letter;
 3. To agree to the introduction of legislation to enable deferred prosecution agreements as set out in section 5 of this Policy Letter;
 4. To agree to amend the Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007 to introduce a reverse burden of proof, a summary forfeiture procedure and protection against liability for the authorities, as set out in sections 6 and 7 of this Policy Letter;
 5. To agree that the amendments referred to in paragraph 4 should be included in the new legislation for civil forfeiture that is currently being drafted, as set out in sections 6 and 7 of this Policy Letter;
 6. To agree to amend the legislation governing confiscation in criminal cases to change the way that property subject to saisie is treated as set out in section 8 of this Policy Letter;
 7. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

POLICY & RESOURCES COMMITTEE

SCHEDULE FOR FUTURE STATES' BUSINESS P.2022/75

- XII. After consideration of the Schedule for Future States' Business, which sets out items for consideration at the Ordinary States Meeting on 19th October 2022, to approve the Schedule.

S.M.D. ROSS
STATES' GREFFIER