

GUERNSEY STATUTORY INSTRUMENT

2020 No.

**The Emergency Powers (Coronavirus) (States
Procedures) (Alderney) Regulations, 2020**

<i>Made</i>	<i>25th March, 2020</i>
<i>Coming into operation</i>	<i>25th March, 2020</i>
<i>Laid before the States</i>	<i>, 2020</i>
<i>Laid before the States of Alderney</i>	<i>, 2020</i>

WHEREAS there are one or more persons within the Bailiwick who are or may be infected with Severe Acute Respiratory Syndrome Coronavirus 2, resulting in the occurrence of an emergency within the meaning of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012^a ("**the Law**");

AND WHEREAS the Civil Contingencies Authority ("**the Authority**") (having consulted the Medical Officer of Health in respect of the risk to public health created thereby, and by the spread of Severe Acute Respiratory Syndrome Coronavirus 2, the virus causing the disease COVID-19, and in respect of the measures necessary to prevent or slow the spread of infection) is satisfied that the conditions set out in section 13 of the Law are satisfied, and that the following regulations contain only provisions

^a Order in Council No. XIV of 2012; amended by Ordinance No. IX of 2016; and No. II of 2017.

which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency referred to above;

AND WHEREAS the Authority is satisfied that the effect of the following regulations is in due proportion to that emergency, and that they are compatible with the Convention rights within the meaning of section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000^b;

NOW THEREFORE THE AUTHORITY, in exercise of the powers conferred on it by sections 12(1), 14, 19 of the Law, and of all other powers enabling it in that behalf, hereby orders:-

Modification of the Government of Alderney Law.

1. The Government of Alderney Law, 2004^c shall apply as if modified by the insertion of the following part after Part IV –

"PART IVA

EMERGENCY PROCEDURES

Application.

55A. (1) This Part shall apply only in the circumstances set out in subsection (2) and despite any other provisions of or under this Law.

(2) The circumstances are that the President has made a determination, upon representations from the Civil Contingencies Authority,

^b Order in Council No. XIV of 2000; amended by No. I of 2005; Ordinance No. XXXVII of 2001; No. XXXIII of 2003; No. XX of 2015; No. IX of 2016; No. XXVI of 2018; and G.S.I. No. 27 of 2006.

^c Order in Council No. III of 2005; amended by No. XXII of 2010, No. XI of 2012; No. V of 2014; and Alderney Ordinance No. IX of 2016.

in the light of circumstances prevailing in the Island in relation to Severe Acute Respiratory Syndrome Coronavirus 2, which make it appropriate for this Part to apply.

(3) This Part shall cease to apply if the President makes a further determination, upon representations from the Civil Contingencies Authority in the light of circumstances prevailing in the Island in relation to Severe Acute Respiratory Syndrome Coronavirus 2, that it is appropriate for it to cease to apply.

People's Meetings.

55B. (1) A people's meeting need not be held under section 42 before a meeting of the States and subsection (2) shall apply to that States' meeting if a people's meeting has not been so held.

(2) After the reading of each item in the Billet d'État, the President shall call upon a member of the States to provide a report summarising relevant comments made in writing by members of the public in response to the publication of the Billet d'État under section 41; and Rules 11 and 12 of the States of Alderney Rules of Procedure, made on the 17th March, 2010, shall apply as if they referred to that member and that report.

Public attendance and participation at meetings of the States.

55C. States meetings need not be open to the public.

Proxy voting at meetings of the States.

55D. (1) The President may prescribe certain reasons for absence ("**Authorised Absence**") from a meeting of the States, which shall entitle a member of the States ("**first member**") to arrange for the first member's vote to be cast by another member acting as proxy if the first member's circumstances

require the first member to take an Authorised Absence from a meeting of the States.

(2) The President shall make directions as to the manner in which proxy arrangements under subsection (1) shall operate in relation to an Authorised Absence.

Quorum at a meeting of the States.

55E. (1) The quorum at a meeting of the States is a minimum of 5 States members holding office at the time of the meeting in addition to the person presiding at that meeting.

(2) Subsection (1) does not affect the provisions of section 45(3) of this Law in relation to resolutions of the States to the extent that their implementation would require the amendment of this Law.

Meetings of committees.

55F. (1) A member of a committee of the States or the Chief Executive acting as clerk of the committee, who is in communication with other members of the committee by telephone, live television link or any other means of telecommunications or electronic communications, so that each member of the committee can hear or read what is said or communicated by each of the others, is deemed, subject to subsection (2), to be present in person for all purposes relating to a meeting of that committee including calculating the quorum at the meeting under subsection (5).

(2) In the event that a means of communication referred to in subsection (1) fails, is corrupted or the person presiding at the meeting in accordance with section 50(3) ("**person presiding**") considers that confidentiality is compromised, the person presiding shall have the discretion to determine at any time during the course of the meeting that the member

who is affected by that failure, corruption or compromising of confidentiality is no longer deemed to be present in person at the meeting.

(3) For the avoidance of doubt, a determination under subsection (2) does not affect the validity of the proceedings of the committee for any purpose prior to the making of that determination.

(4) The reference to the "Chief Executive acting as clerk of the committee" includes any person appointed as the Secretary of the Committee or a person acting in that person's stead as referred to in rule 7 of the Rules of Procedure for States' Committees.

(5) The quorum at a meeting of a committee of the States is one half (or the nearest number above one half) of the number of members of the Committee including the person presiding.

Interpretation of Part IVA.

55G. In this Part of the Law, unless the context requires otherwise –

"Civil Contingencies Authority" means the body of that name established under section 1 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012,

"Rules of Procedure for States Committees" means the States of Alderney Rules of Procedure for States Committees made in August, 2005, and

"States of Alderney Rules of Procedure" means the States of Alderney Rules of Procedure made on 17th March, 2010."

Citation.

2. These Regulations may be cited as the Emergency Powers (Coronavirus) (States Procedures) (Alderney) Regulations, 2020.

Commencement

3. These Regulations shall come into force on being made.

Dated this 25th day of March, 2020



G.A. ST. PIER

Chairman of the Civil Contingencies Authority

For and on behalf of the Authority

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are emergency regulations made by the Civil Contingencies Authority under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 ("**the Law**"). They are made on the occurrence of an emergency, within the meaning of the Law, in the Bailiwick, arising from the urgent need to prevent the spread of the virus Severe Acute Respiratory Syndrome Coronavirus 2 and the disease caused thereby, COVID-19 (referred to together in these regulations as coronavirus). They are prefaced with a statement by the Civil Contingencies Authority, as required by section 12(2) of the Law.

They apply the Government of Alderney Law, 2004 as if modified by adding a new Part relating to emergency procedures in relation to meetings of the States of Alderney and committees of the States of Alderney. The Part only applies where the President of the States of Alderney has made a determination, following representations from the Civil Contingencies Authority, that it is appropriate for it to apply in the light of the circumstances in Alderney in relation to coronavirus. The Part will cease to apply when the President makes a determination, following representations from the Civil Contingencies Authority in the light of circumstances in Alderney in relation to coronavirus, that it is appropriate for it to cease to apply.

The emergency procedures include special arrangements so that public meetings do not need to be held, to allow for proxy voting in the States of Alderney, to reduce the quorum of the States of Alderney and to allow members of committees of the States of Alderney to take part in meetings remotely.

These Regulations will come into force on the 25th March, 2020 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.