

Island of



Guernsey

Ordinance of the States

XVIII
2019

Made 17th July, 2019

Coming into Operation 22nd July, 2019

The Transfer of States Undertakings (Protection of Employment) (Information Systems and Services) Ordinance, 2019

The Transfer of States Undertakings (Protection of Employment) (Information Systems and Services) Ordinance, 2019

THE STATES, in pursuance of their Resolutions of the 12th June, 2019^a, and in exercise of the powers conferred on them by sections 10 and 13 of the Transfer of States Undertakings (Protection of Employment) (Guernsey), Law, 2001^b, and all other powers enabling them in that behalf, hereby order:-

Application of Law to Information Systems and Services.

1. The Transfer of States Undertakings (Protection of Employment) (Guernsey) Law, 2001 ("the Law") shall, subject to the provisions of sections 2 and 3 of this Ordinance, apply to the transfer of the undertaking or any part of the undertaking of Information Systems and Services in all respects as it applies to the transfer of the undertaking or any part of the undertaking of the States Telecommunications Board; and accordingly any reference in the Law as so applied, however expressed, to the States Telecommunications Board or to the undertaking or any part of the undertaking thereof shall, except in section 10 of the Law, be construed as a reference to Information Systems and Services or (as the case may be) to the undertaking or any part of the undertaking thereof.

^a Article VI of Billet d'État No. X of 2019.

^b Ordres en Conseil Vol. XLI, p. 605; as amended by Recueil d'Ordonnances Tome XXVIII, p. 478, Tome XXIX, p. 406 and Ordinance No. IX of 2016. There are other amendments not relevant to this Ordinance.

Modification of section 5 of the Law.

2. In section 5 of the Law as it applies to the transfer of the undertaking or any part of the undertaking of Information Systems and Services, insert the following subsection after subsection (1) -

"(1A) For the avoidance of doubt, the transferee shall, in respect of any person who falls within paragraphs (a) and (b) of subsection (1), ensure that the arrangements made for the provision of benefits under an occupational pension scheme continue, after the transfer of the undertaking or any part thereof and for the duration of that person's employment by the transferee, to be broadly comparable to those which would have been provided to or in respect of that person under the public servants' pension scheme had that person remained in that scheme."

Modification of section 7 of the Law.

3. For section 7(1) of the Law as it applies to the transfer of the undertaking or any part of the undertaking of Information Systems and Services, substitute the following subsection -

"(1) This section applies whether or not, after a transfer of the undertaking or any part thereof, the undertaking of the part transferred maintains an identity distinct from the remainder of the transferee's undertaking."

Interpretation.

4. In this Ordinance -

"Information Systems and Services" means the part of the undertaking of the States of Guernsey Policy & Resources Committee of that

name identified by that Committee for transfer, and

"**the Law**" has the meaning given in section 1.

Citation.

5. This Ordinance may be cited as the Transfer of States Undertakings (Protection of Employment) (Information Systems and Services) Ordinance, 2019.

Commencement.

6. This Ordinance shall come into force on 22nd July, 2019.

**Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.**

PRICE £2.00

Printed by Colour Monster Printshop, The Guernsey Press Building, Braye Road, St. Sampsons, GY2 4WX.