

GUERNSEY STATUTORY INSTRUMENT

2020 No.

**The Emergency Powers (Coronavirus) (Chief Pleas
Procedures) (Sark) 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 of Guernsey</i>	<i>, 2020</i>
<i>Laid before the Chief Pleas</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 which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency referred to above;

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

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 and 19 of the Law, and all other powers enabling them in that behalf, hereby orders:-

Modification of the Reform Law.

1. (1) The Reform (Sark) Law, 2008^c shall apply as if modified as follows.

(2) After Part IV add the following Part –

"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.

^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; G.S.I. No. 27 of 2006.

^c Order in Council No. V of 2008; amended by No. XII of 2011; No. IX of 2016. There are other amendments not relevant to this provision.

(2) The circumstances are that the Speaker has made a determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in Sark 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 Speaker makes a further determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in Sark in relation to Severe Acute Respiratory Syndrome Coronavirus 2, that it is appropriate for it to cease to apply.

Public attendance at meetings of the Chief Pleas.

55B. Meetings of the Chief Pleas need not be open to the public.

Proxy voting at meetings of the Chief Pleas.

55C. (1) The Speaker may prescribe certain reasons for absence ("**Authorised Absence**") from a meeting of the Chief Pleas, which shall entitle a Conseiller ("**first Conseiller**") to arrange for his or her vote to be cast by another Conseiller acting as a proxy if the first Conseiller's circumstances require him or her to take an Authorised Absence from a meeting of the Chief Pleas.

(2) The Speaker 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 Chief Pleas.

55D. The quorum at a meeting of the Chief Pleas is a minimum of seven Conseillers in addition to the person presiding at that meeting.

Meetings of committees.

55E. (1) A member of a committee of the Chief Pleas who is in communication with the 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 at a meeting of the committee for all purposes relating to that meeting, including calculating the quorum at the meeting under section 43(5) or 44(5) and under rule 13 of the Constitution and Operation of Chief Pleas Committee Rules, made on 2nd October, 2013.

(2) In the event that a means of communication referred to in subsection (1) fails or is corrupted, or the chairman or other person presiding at a meeting in accordance with section 46(3) ("**person presiding**") considers that confidentiality is compromised, the person presiding shall have the discretion at any time during the meeting to determine that a member who is affected by that failure, corruption or compromise of confidentiality is no longer deemed to be present 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.

Interpretation of Part IVA.

55F. In this Part of this 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."

Citation.

2. These Regulations may be cited as the Emergency Powers (Chief Pleas Procedures) (Sark) Regulations, 2020.

Commencement

3. These Regulations shall come into force on the 25th March, 2020.

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 Reform (Sark) Law, 2008 as if modified by adding a new Part relating to emergency procedures in relation to meetings of the Chief Pleas of Sark and

committees of the Chief Pleas. The Part only applies where the Speaker of the Chief Pleas 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 Sark in relation to coronavirus. The Part will cease to apply when the Speaker makes a determination, following representations from the Civil Contingencies Authority, in the light of circumstances in Sark 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 Chief Pleas of Sark, to reduce the quorum of the Chief Pleas and to allow members of committees of the Chief Pleas 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.