

GUERNSEY STATUTORY INSTRUMENT

2020 No.

**The Emergency Powers (Coronavirus) (General
Provision) (Bailiwick of Guernsey) (Amendment)
Regulations, 2020**

<i>Made</i>	<i>23rd April, 2020</i>
<i>Coming into operation</i>	<i>24th April, 2020</i>
<i>Laid before the States</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;

AND WHEREAS one or more persons within the Bailiwick have died after being infected with Severe Acute Respiratory Syndrome Coronavirus 2;

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

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

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;

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 upon it by sections 12(1), 14 and 19 of the Law, and of all other powers enabling them in that behalf, hereby makes the following regulations: -

Amendment of the General Provision Regulations: the General Election.

1. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2020^c ("**the General Provision Regulations**") are amended as follows.

(2) At the start of regulation 36, insert –

"(1) The Reform (Guernsey) Law, 1948 shall apply as if modified as follows."

^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 G.S.I. No 51 of 2020.

(3) Renumber the existing text of regulation 36 as paragraph (2), and for all the text in paragraph (2) before the inserted Article, substitute "Insert the following Article immediately after Article 3 –".

(4) After paragraph (2) of regulation 36, insert –

"(3) In Article 26(2), Article 30(2), and in Article 29 each time it appears, for "2020" substitute "2021".".

(5) Immediately after regulation 36, insert -

"Disapplication of section 1 of the States Reform (Guernsey) Law, 2015.

36A. Section 1 of the States Reform (Guernsey) Law, 2015 is disapplied."

Amendment of the General Provision Regulations: modification of the Government of Alderney Law.

2. (1) The General Provision Regulations are further amended as follows.

(2) In regulation 37, for the inserted Part IVA substitute the following –

"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, in the light of circumstances prevailing in Alderney 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 Alderney 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 ("**the report**"); and Rules 9(1), 11 and 12 of the States of Alderney Rules of Procedure, shall apply as follows –

- (a) the last sentence of Rule 9(1) shall apply as if it referred to that member reporting the numbers and composition of people who had made such comments in writing, and

- (b) Rules 11 and 12 shall apply as if they referred to that member and the report.

Public Attendance at meetings of the States.

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

Remote Meetings of the States.

55D. (1) The States may meet remotely.

(2) A member of the States, the Greffier or the person presiding in the States shall be treated for all purposes of or under this Law as present in a remote meeting of the States (including, but not limited to, the purpose of forming a quorum in accordance with section 45(3) or 55F) if, by means of electronic communications or telecommunications or otherwise –

- (a) the member, the Greffier or the person presiding, as the case may be, has declared that he or she is present, and
- (b) in the case of a member of the States or the Greffier, the person presiding has declared that the member or the Greffier, as the case may be, shall be treated as present,

except where a member of the States is required to leave the remote meeting in accordance with any provision of or under this Law.

(3) For the purposes of this section, a meeting of the States is a remote meeting if members of the States and the person presiding communicate and vote during the meeting solely, or primarily, by means of electronic communications or telecommunications.

Proxy voting at meetings of the States.

55E. (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.

(3) Despite section 55D(2), reasons for an Authorised Absence may include where a member is absent for only part of a meeting of the States because it is necessary or expedient for the purposes of other States business or a member is unable to vote remotely due to a failure in telecommunications, electronic communications or other means of communication.

Quorum at a meeting of the States.

55F. (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) in relation to resolutions of the States to the extent that their implementation would require the amendment of this Law.

New procedures applying to remote meetings of the States.

55G. (1) The following procedures shall apply where the States meet remotely.

(2) The Greffier shall make arrangements to enable a member of the States who is absent at the start of a day on which there is a meeting of the States to declare that the member –

- (a) is present,
- (b) intends to follow proceedings, and
- (c) is able to vote by means of electronic communications, telecommunications or otherwise on that day.

(3) The Greffier shall inform the person presiding at the meeting of the States of the name of each member of the States who has made a declaration under subsection (2) and, the person presiding shall state that those members are present and instruct the Greffier to keep a record of that fact in the Official Report.

(4) Arrangements made by the Greffier shall include arrangements for members to make a declaration under subsection (2) after proceedings of the States have started; and the President may admit such a member to the remote meeting at any time.

Modifications to the States of Alderney Rules of Procedure for remote meetings of the States.

55H. (1) The States of Alderney Rules of Procedure shall apply to remote meetings of the States with the following modifications.

- (2) Rules 8(2) and 9(3) shall not apply.

(3) Rule 8(4) and the last sentence of Rule 8(5) shall apply as if each reference to "to withdraw from the precincts of the States" read "to leave the remote meeting of the States".

(4) Rule 16 shall apply as if "rising and" read "notifying the President by electronic communications or telecommunications".

Power of Policy and Finance Committee to prescribe further rules of procedure in relation to remote meetings of the States.

55I. (1) The Policy and Finance Committee may make rules of procedure applicable to remote meetings of the States supplementing relevant provisions of this Part and provision applying further modifications, for the purpose of such meetings, to the States of Alderney Rules of Procedure and any other rules of procedure relating to meetings of the States prescribed under section 45; and section 45 shall be construed accordingly.

(2) For the avoidance of doubt, and without prejudice to subsection (1), the States may –

- (a) prescribe rules of procedure applicable to remote meetings of the States, and
- (b) (whether meeting remotely or otherwise) resolve to amend, or revoke, rules of procedure prescribed by the Policy and Finance Committee under subsection (1).

Meetings of committees.

55J. (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, or the Chief Executive acting as clerk of the committee, 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.

55K. In this Part, 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,

"Official Report" means the Official Report of the States of the Island of Alderney, also known as "Hansard",

"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."

Amendment of the General Provision Regulations: miscellaneous.

3. (1) The General Provision Regulations are further amended as follows.

(2) In regulation 1(1) and regulation 9(1), for "these Regulations" substitute "this Part".

(3) In regulation 30, each time it appears for "25(3)" substitute "26(3)", and in the definition of "Dean" immediately before "relation" insert "in".

(4) In regulation 31(1), for "the Schedule" substitute "Schedule 4".

(5) In regulation 45(2), for "VI, VII and XI" substitute "VI and VII".

(6) In the text of section 107A(6) of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008 as inserted by the modifications to the application of that Law by paragraph 2(2) of Schedule 3, omit "Committee".

Interpretation, citation and commencement.

4. (1) In these Regulations, "**the General Provision Regulations**" has the meaning given in regulation 1(1).

(2) These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (Amendment) Regulations, 2020, and shall come into force on the 24th April, 2020.

Dated this 23rd day of April, 2020



G.A. ST PIER

Chairman of the Civil Contingencies Authority

EXPLANTORY 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, control or mitigate the spread of the virus Severe Acute Respiratory Syndrome Coronavirus 2 and the disease caused thereby, COVID-19. They are prefaced with a statement by the Civil Contingencies Authority, as required by section 12(2) of the Law. COVID-19 was made a notifiable disease for the purposes of the Public Health Ordinance, 1936 on 10th February 2020.

These Regulations amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2020 ("the General Provision Regulations") to include provision modifying the application of the Reform (Guernsey) Law, 1948 and the States Reform (Guernsey) Law, 2015 to enable the terms of office of People's Deputies elected in 2016 (and at any subsequent election to fill any casual vacancy) to extend beyond 30th June 2020, and the General Election to be held in June 2021 instead of June 2020. They also substitute the existing emergency procedures applying to meetings of the States of Alderney and of its committees with expanded provisions, in particular to allow meetings of the States of Alderney to take place remotely during the current emergency. Finally, they correct several minor typographical errors in the General Provision Regulations.

These Regulations will come into force on the 24th April, 2020 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.