

GUERNSEY STATUTORY INSTRUMENT

2024 No. 109

**The Employment and Discrimination Tribunal  
(Guernsey) Order, 2024**

<i>Made</i>	<i>9<sup>th</sup> December, 2024</i>
<i>Coming into operation</i>	<i>1st January, 2025</i>
<i>Laid before the States</i>	<i>, 2025</i>

**THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**, in exercise of the powers conferred on it by section 2(4) of, and paragraph 3(1) and (3) of the Schedule to, the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005<sup>a</sup>, and all other powers enabling it in that behalf, hereby orders:

**Amendment of Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005.**

1. The Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005 is amended as follows.

2. For subsection 2(3), substitute –

"(3) The Convenor of the Panel or, if the Convenor is unavailable, the deputy Convenor shall, from the membership of the panel, appoint -

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<sup>a</sup> Ordinance No. XXX of 2005; this enactment has been amended.

- (a) a person, who in the case of the hearing and determination of a discrimination complaint must be legally qualified, to chair the Tribunal, who may be appointed before the other members of the Tribunal, and
- (b) two other members of the Tribunal,

and for the avoidance of doubt, the Convenor or, as the case may be, the deputy Convenor, may so appoint himself or herself.

(3A) For the purposes of this article a person is "**legally qualified**" if the person is –

- (a) an Advocate,
- (b) a member of the Bar of England and Wales, the Bar of Northern Ireland or the Faculty of Advocates in Scotland,
- (c) a Solicitor of the Supreme Court of England and Wales, of the Supreme Court of Judicature of Northern Ireland, or of Scotland, or
- (d) the holder of an equivalent qualification from an approved jurisdiction,

of at least five years' standing.

(3B) For the purposes of this article –

- (a) "**approved jurisdiction**" means a jurisdiction, country or territory approved by the Committee for the purposes of this section,
- (b) "**discrimination complaint**" means a complaint -
  - (i) made under the Prevention of Discrimination (Guernsey) Ordinance, 2022,
  - (ii) made under the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005, or
  - (iii) which has been joined with a complaint under either or both of those enactments under section 30B of the Employment Protection (Guernsey) Law, 1998, section 54 of the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005 or section 56 of the Prevention of Discrimination (Guernsey) Ordinance, 2022,
- (c) "**equivalent qualification**" means an equivalent qualification in the opinion of the Committee, and
- (d) "**years' standing**" means the number of years since (as the case may be) -

- (i) the person qualified as an Advocate,
- (ii) the person was called to the Bar,
- (iii) the person became entitled to practise as a solicitor, or
- (iv) the holder of an equivalent qualification from an approved jurisdiction achieved that qualification."

**Citation and commencement.**

3. This Order may be cited as the Employment and Discrimination Tribunal (Guernsey) Order, 2024 and shall come into force on 1<sup>st</sup> January, 2025.

Dated this 9<sup>th</sup> day of December, 2024



P. ROFFEY

President of the Committee *for* Employment & Social Security

For and on behalf of the Committee

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EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order introduces a requirement, with regard to the hearing of discrimination claims, for any member of the Panel who becomes a chair of the Employment and Discrimination Tribunal to be legally qualified.

This Order comes into force on the 1<sup>st</sup> January, 2025.