



## ADDENDUM

### **Additional Items for the Midsummer Meeting of Chief Pleas to be held on the 8<sup>th</sup> July 2020.**

Under the Provisions of the Rules of Procedure of the Chief Pleas the Speaker of Chief Pleas has accepted the following items and added them to the Agenda. This Addendum complies with the notice required under Rule 1(4).

New Items 14.and 15.

14. To CONSIDER a Report with Propositions from the POLICY and FINANCE COMMITTEE entitled “**The Election of Conseillers 19th August 2020**” and to Approve the Ordinance entitled “**The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2020**” (copies enclosed).

15. To CONSIDER a Report with Propositions from the POLICY and FINANCE COMMITTEE entitled “**Transfer and Allocation Prescribed Person Status**” (copy enclosed).

### **REGULATIONS LAID BEFORE CHIEF PLEAS**

#### **The Regulation of Health Professions (Medical Practitioners) (Sark) Regulations, 2017.**

(Came in operation on 01 June 2017)

#### **The Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey) (No. 3) (Amendment) Regulations, 2020**

(Came into operation on 20 June 2020)

Lt Col RJ Guille MBE  
Speaker of Chief Pleas

26<sup>th</sup> June 2020

#### NOTE:

Anyone wishing to see any of the Reports and Supporting Papers may do so at the Committee Offices, Monday to Friday, 11am – 3pm and at other times when the offices are open; copies may be obtained from the Committee Office. The Addendum and Supporting Papers may also be seen on the Sark Government Website at [www.sarkgov.co.uk](http://www.sarkgov.co.uk)

**POLICY & FINANCE COMMITTEE**  
**Report with Propositions to Midsummer Chief Pleas, 8<sup>th</sup> July 2020**

**THE ELECTION OF CONSEILLERS 19<sup>th</sup> AUGUST 2020**

This report covers the requirement for a by-election to replace Conseillers who have resigned from Chief Pleas. Section 23A (1) of The Reform Law provides that, ‘... upon the occurrence of a casual vacancy amongst Conseillers, a by-election shall be held on such date, not later than six months after the occurrence of the vacancy, as the Chief Pleas shall by Ordinance appoint.’

The vacancies created by the resignation of former Conseillers Mrs Ellie Lalor and Mr Rodney Lalor in April 2020, triggers the mechanism required for a by-election to take place. There are also two other vacancies outstanding which were not filled at previous by-elections. Following discussions with the Returning Officer as to a suitable date, the Committee comes to this meeting with an Ordinance already prepared and is attached to this report.

**Wednesday 19<sup>th</sup> August 2020** has been selected as the date of the by-election and the Returning Officer’s timetable is attached to this report.

However, since the resulting by-election would take place within 6 months of the general election, the Committee would like Chief Pleas to consider cancelling this by-election in favour of filling the vacancies at the general election in December 2020.

**Proposition 1** –

That Chief Pleas approves “The Reform (Election of Conseillers) (By-Election) (Sark) Ordinance, 2020”.

**Proposition 2** –

That Chief Pleas considers cancelling the by-election in favour of filling the vacancies at the general election in December.

**Conseiller Peter La Trobe-Bateman**  
**Chairman, Policy & Finance Committee**

## TIMETABLE FOR BY-ELECTION OF 4 CONSEILLERS – 19<sup>th</sup> August 2020

- Fri 10 Jul 20 Notice in Sark Gazette Officielle and St. Peter's Church Notice Box of forthcoming election. Notice gives date and time when final nominations are to be received etc.
- Nomination forms will be available for collection from the Speaker and Greffe offices, prior to nominations opening during published office hours. When completed, but not before 1 pm on Monday 20 Jul, the forms are to be delivered by one of the persons named on the form to the Speaker of Chief Pleas (Returning Officer) between 1 pm and 3 pm Mon - Fri, ending on Fri 31 Jul between 10 am and 12 noon.
- Fri 17 Jun 20 Electoral Register closes and remains closed until election process is complete.
- Mon 20 Jul 20 Nominations open at 1 pm.
- A daily list of nominations received will be posted in Sark Gazette Officielle and St Peter's Church Notice Box; nominations will be listed in the order received.
- Fri 31 Jul 20 Nominations to close at 12 noon. [Thereafter the Returning Officer will post Official Notices asking for volunteers from Island Residents to man the Polling Station and to conduct the Count after the poll closes; application for these functions to close at 3pm on Fri 14 Aug.]
- Fri 31 Jul 20 Notice in Sark Gazette Officielle and St Peter's Church Notice Box of Candidates with Proposers and Seconders.
- Notice sent to the printers with the List of Candidates for the printing of Voting Papers.
- Wed 19 Aug 20 By-Election polling from 10am until 6.00pm – Polling Station in Toplis Room, Island Hall - Count in Main Hall Room. (The Count is to begin as soon after polls close as possible.)
- Thur 20 Aug 20 Notice in Sark Gazette Officielle and St. Peter's Church Notice Box of Result.
- In the event of a 'tie' between two candidates, when the addition of one more vote would have caused a person to be elected, a second election is to be held. (New Voting Papers are to be produced for the tied candidates and Notices of the second election are to be published in Sark Gazette Officielle and St. Peter's Church Notice Box venues, as for Fri 19 Aug 20.)
- Wed 16 Sep 20 By-Election re-run, only for candidates tied at 19 Aug 20. (No other nominations allowed.)
- Thur 17 Sep 20 Notice in Sark Gazette Officielle and St. Peter's Church Notice Box of second election Result.
- Note: A Court will be arranged to administer the Oath/Affirmation of Allegiance and Oath/Affirmation of Office to the newly elected Conseillers, as required.

# **The Reform (Election of Conseillers) (By-Election)**

## **(Sark) (No. 2) Ordinance, 2020**

**THE CHIEF PLEAS OF SARK**, in exercise of the powers conferred on them by sections 23A, 25(5) and 29(6) of the Reform (Sark) Law, 2008<sup>a</sup>, hereby order:-

### **Date fixed for by-election.**

1. (1) A by-election for the purpose of filling such number of casual vacancies in the Office of Conseiller –

(a) existing as at the date when this Ordinance is made,  
and

(b) occurring, for any reason, on or before Friday 17<sup>th</sup>  
July, 2020,

shall be held on Wednesday 19<sup>th</sup> August, 2020.

(2) In the event of two or more candidates at the said election securing an equal number of votes, and by reason thereof a further election being required to be held in pursuance of the provisions of section 25(5) of the Reform (Sark) Law, 2008, in respect of such candidates only without further nomination, such further election shall be held on Wednesday 16<sup>th</sup> September, 2020.

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<sup>a</sup> Order in Council No. V of 2009; amended by Nos. VI and XXVII of 2008; No. XIV of 2010; No. XII of 2011; No. XI of 2014; No. IX of 2016; No. II of 2018.

**Date of closure of register.**

2. The Register of Electors shall close, pursuant to section 29(6) of the Reform (Sark) Law, 2008, on Friday, 17<sup>th</sup> July 2020.

**Citation.**

3. This Ordinance may be cited as the Reform (Election of Conseillers) (By-Election) (Sark) (No. 2) Ordinance, 2020.

**POLICY & FINANCE COMMITTEE**

**Report with proposition to Midsummer Chief Pleas, 8<sup>th</sup> July 2020**

**TRANSFER AND ALLOCATION PRESCRIBED PERSON  
STATUS.**

Following the appointment of the Chief Secretary last year, the Civil Service have continued to develop the principles of good governance, especially with regard to the separation of the executive and legislative functions of Chief Pleas.

In order to continue to develop this work and provide further support to all members of Chief Pleas it is necessary to recruit another member of staff.

The proposition to designate this post as a prescribed person is to enable flexibility with the recruitment process.

Policy & Finance Committee have noted that the previous role of the Senior Administrator was, for Housing purposes, designated as a “prescribed persons” as described in The Housing (Control of Occupation) (Commencement and Prescribed Persons) (Sark) Ordinance, 2014. It is proposed that this classification be transferred from the role of the Senior Administrator to the role of Chief Secretary.

It is proposed that the Assistant Chief Secretary role be designated as a “prescribed persons” as described in The Housing (Control of Occupation) (Commencement and Prescribed Persons) (Sark) Ordinance, 2014.

**Proposition 1 -**

**That the designation of a “prescribed person” be transferred from the role of the Senior Administrator to the role of Chief Secretary.**

**Proposition 2 -**

**That the role of the Assistant Chief Secretary be designated as a “prescribed person”.**

**Conseiller Peter La Trobe-Bateman  
Chairman, Policy & Finance Committee**



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Committee for  
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Conseiller Diane Baker  
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26 May 2017

Dear Diane

**THE REGULATION OF HEALTH PROFESSIONS (MEDICAL PRACTITIONERS)  
(SARK) REGULATIONS, 2017**

The above Regulations were approved by the Committee for Health & Social Care on Wednesday 24 May 2017 and have been signed by Deputy Tooley (Vice-President), who chaired the meeting in the absence of Deputy Soulsby (President).

The original signed version is attached for your records and for laying at the next sitting of Chief Pleas.

Yours sincerely

**Ian Gaudion**  
Executive Assistant (Committees)  
The Office of the Committee for Health & Social Care





SARK STATUTORY INSTRUMENT

2017 No.

**The Regulation of Health Professions (Medical Practitioners) (Sark) Regulations, 2017**

<i>Made</i>	26 <sup>th</sup> May, 2017
<i>Coming into operation</i>	1 <sup>st</sup> June, 2017
<i>Laid before the Chief Pleas</i>	, 2017

**THE STATES OF GUERNSEY COMMITTEE FOR HEALTH & SOCIAL CARE**, in exercise of the powers conferred on it by sections 3(2), 8(3)(a), 11, 12(2)(a) and (b), 14(1) and (3) and 46 of the Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017<sup>a</sup> and all other powers enabling it in that behalf, hereby makes the following Regulations:-

**Applications for registration.**

1. An application for registration as a medical practitioner in the Sark Register –

- (a) must include the information, documents, consent and declaration specified in paragraphs 1 to 4 of Schedule 1,
- (b) must be made in writing in a form provided by the Guernsey Committee, and
- (c) must be accompanied by the application fee specified in Schedule 2.

**Information to be entered and maintained in the Register.**

2. (1) The Guernsey Committee must enter the following information in the Sark Register when registering a person as a medical

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<sup>a</sup> Sark Ordinance No. VI of 2017, made on the 26<sup>th</sup> April, 2017.

practitioner–

- (a) the information specified in paragraph 1 of Schedule 1,
- (b) a unique number assigned to the person by the Guernsey Committee,
- (c) the classification of the person in accordance with section 10 of the Ordinance, and
- (d) the date the person was first registered as a medical practitioner in the Sark Register.

(2) The Guernsey Committee must maintain in the Sark Register the information specified in paragraph (1) and any other information it considers appropriate.

**Information to be made public.**

3. The following information in the Sark Register is prescribed for the purposes of section 12(2)(b) of the Ordinance (and must be made available to the public in a form and manner the Guernsey Committee considers appropriate) –

- (a) the full name of each registered practitioner,
- (b) the unique number assigned to the registered practitioner by the Guernsey Committee,
- (c) the registered practitioner's GMC reference number, and
- (d) if the registered practitioner consents, details of each business at which that practitioner intends to provide medical services.

**Annual charges, registration year and related transitional provisions.**

4. (1) For the purposes of section 11(7) of the Ordinance –

- (a) the first registration year is the period beginning on the 1<sup>st</sup> June, 2017 and ending at the close of the 31<sup>st</sup> December, 2017, and
- (b) each subsequent registration year is the period of 12 months in each calendar year beginning on the 1<sup>st</sup> January and ending at the close of the 31<sup>st</sup> December of that year.

(2) The annual charge payable by a registered practitioner in respect of each registration year is specified in Schedule 2.

**Events to be notified to the Guernsey Committee.**

5. Without limiting the generality of the duty of registered practitioners to notify relevant changes under section 14(1) of the Ordinance, the events in column 1 of Schedule 3 are prescribed events in relation to a practitioner for the purposes of that provision of the Ordinance and must be notified by the practitioner to the Guernsey Committee, together with the information in column 2 of that schedule.

**Interpretation.**

6. (1) In these Regulations, unless the context requires otherwise –

"GMC reference number", in relation to any person, means the unique number assigned to the person in the UK register,

"medical services" means services as a medical practitioner in the Island, and

"the Ordinance" means the Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017.

(2) The provisions of the Interpretation (Guernsey) Law, 1948<sup>b</sup> apply to these Regulations as those provisions apply to the interpretation of Guernsey regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.


**Citation.**

7. These Regulations may be cited as the Regulation of Health Professions (Medical Practitioners) (Sark) Regulations, 2017.

**Commencement.**

8. These Regulations come into force on the 1<sup>st</sup> June, 2017.

Dated this 26<sup>th</sup> day of May, 2017

  
.....  
Deputy Rhian H Tooley

Vice-President of the Committee *for* Health & Social Care  
For and on behalf of the Committee.

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<sup>b</sup> Ordres en Conseil Vol. XIII, p. 355.

**SCHEDULE 1**  
INFORMATION AND DOCUMENTS, ETC. REQUIRED FOR APPLICATIONS  
FOR REGISTRATION.

Regulations 1(a) and 2(1)(a)

**1. Information.**

- (1) The following information –
- (a) the full name with which the applicant is registered in the UK register,
  - (b) the applicant's gender and date of birth,
  - (c) the residential address with which the applicant is registered in the UK register,
  - (d) the applicant's telephone number and email address,
  - (e) the applicant's GMC reference number,
  - (f) the date the applicant was first registered in the UK register,
  - (g) the applicant's next submission date, notified in accordance with the General Medical Council (Licence to Practise and Revalidation) Regulations Order of Council 2012<sup>c</sup>, and
  - (h) details of any conditions imposed by the General Medical Council upon, or undertakings given by the applicant in connection with, the applicant's registration in the UK register or the applicant's licence to practise under the 1983 Act.
- (2) A statement of –

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<sup>c</sup> UK S.I. 2012 No. 2685.



- (a) whether, when the applicant practises in the Island, the applicant will have, and continue to have, a responsible officer in the United Kingdom or any other non-Island responsible officer, and
  - (b) if the applicant will have such an officer, the name, principal business address, telephone number and email address of that officer.
- (3) The following information –
- (a) the name, principal business address, telephone number and email address of each employer, company, partnership or other entity for whom or for which the applicant intends to provide medical services as an employee, director, partner or other officer,
  - (b) a statement of whether the applicant intends to provide medical services on a self-employed basis,
  - (c) the addresses at which the applicant intends to provide medical services,
  - (d) the date from which the applicant intends to provide medical services, and
  - (e) whether the medical services are intended to be provided indefinitely or, if not, the period for which the medical services are intended to be provided.
- (4) Details of –
- (a) any investigation into, or proceedings regarding, the applicant's professional conduct (in the Island or elsewhere) by any licensing, regulatory or other body, where the outcome was adverse, including any investigation into or proceedings regarding any matter relating to fraud,

- (b) any investigation by an employer or any other person for whom the applicant provided services as a medical practitioner (in the Island or elsewhere) into the applicant's professional conduct, where the outcome was adverse, and
  - (c) any offence of which the applicant has been convicted –
    - (i) in the Island or anywhere else in the British Islands,
    - (ii) elsewhere, if the offence, if committed in the Island, would be an offence in the Island.
- (5) A statement of whether, to the applicant's knowledge, the applicant is subject to any investigation or proceedings of the following description –
- (a) an investigation into, or proceedings regarding, the applicant's professional conduct (in the Island or elsewhere) by any licensing, regulatory or other body, including any investigation into, or proceedings regarding, any matter relating to fraud,
  - (b) an investigation into, or disciplinary proceedings regarding, the applicant's professional conduct by an employer or any other person, for whom the applicant provided services as a medical practitioner (in the Island or elsewhere), or
  - (c) an investigation or proceedings that might lead to the applicant's conviction for an offence –
    - (i) in the Island or anywhere else in the British Islands,
    - (ii) elsewhere, which, if committed in the Island, would constitute an offence in the Island,

and if the applicant is subject to any such investigation or proceedings, details of any such investigation or proceedings.

**2. Further information.**

- (1) A chronology of –
  - (a) the applicant’s professional experience in general or specialist practice,
  - (b) the applicant’s professional experience in hospital appointments, and
  - (c) any other professional experience of the applicant.
  
- (2) The chronology must include –
  - (a) the start and end date for each post,
  - (b) the reasons for leaving each post including, if the applicant was dismissed, the reasons for dismissal,
  - (c) the reasons for any gap between the end of one post and the start of the next, and
  - (d) evidence of each post.
  
- (3) A statement of whether, to the applicant’s knowledge, the applicant is currently subject to an investigation or proceedings which may lead to the applicant’s disqualification, removal or suspension from a medical practitioners list and, if the applicant is subject to any such investigation or proceedings, provide details.
  
- (4) A statement of whether the applicant has any outstanding application, including a deferred application, to be included in a medical practitioners list and, if so, particulars of the application.
  
- (5) Details of any medical practitioners list –
  - (a) from which the applicant has been removed,



- (b) in which the applicant has been refused inclusion,
- (c) in which the applicant has been included subject to conditions, or
- (d) from which the applicant is currently suspended,

together with an explanation why.

- (6) A statement of whether the applicant is or has ever been subject to a national disqualification for inclusion in a medical practitioners list.
- (7) The name and address of two referees who are willing to provide a clinical reference for two recent posts held by the applicant as a medical practitioner (one referee for each post; and a current post may be included), each of which lasted at least 3 months without a significant break.
- (8) If the applicant is unable to provide the names and addresses of two referees as required by subparagraph (7), the applicant must explain why subparagraph (7) cannot be complied and must provide the name and address of one or, if required by the Guernsey Committee, two alternative referees.
- (9) A statement of whether the applicant wishes to request temporary registration for a period not exceeding 4 weeks, pending full consideration of the application for registration.

### **3. Documents.**

- (1) A certificate issued by the appropriate person or authority under the 1983 Act to the effect that the applicant is registered in the register kept under section 2 of the 1983 Act and holds a licence to practise.
- (2) Evidence that the applicant has, or will have, an appropriate indemnity arrangement which provides, or will provide, the applicant with cover in respect of liabilities that may be incurred in carrying out the applicant's practice.

- (3) An enhanced criminal record certificate for the applicant issued not more than 6 months before the application is made.

**4. Consent and declaration.**

- (1) The applicant's signed consent to the Guernsey Committee requesting and obtaining information, from any person specified in subparagraph (2), relating to –

- (a) any current investigation into or proceedings involving the applicant,  
or
- (b) any past investigation into or proceedings involving the applicant where the outcome was adverse.

- (2) Subparagraph (1) refers to the following persons –

- (a) any employer or former employer of the applicant,
- (b) any partnership in which the applicant is or was a partner or any company or other entity of which the applicant is or was a director or other officer, and
- (c) any body, agency or officer with the function of regulating medical practitioners anywhere in the world.

- (3) A declaration signed and dated by the applicant that to the best of the applicant's knowledge, information and belief, the information provided by the applicant is true and complete.

**SCHEDULE 2**  
**APPLICATION FEE AND ANNUAL CHARGE**

Regulations 1(c) and 4(2)

*Application fee*

<b>Applicant</b>	<b>Fee (£)</b>
Sark locum or Guernsey-registered practitioner	Nil
Any other person	80

*Annual charges*

1. Subject to paragraphs 2 and 3, the annual charge for a registered practitioner is as follows –

<b>Subject of charge</b>	<b>First registration year (£)</b>	<b>Each subsequent registration year (£)</b>
Registered practitioner in the Local Practitioners class	150	300
Registered practitioner in the UK Connected Practitioners class	50	100
Responsible officer (within the meaning of section 47(1) of the Ordinance)	50	100

2. The annual charge payable in respect of any registration year by a Sark locum is nil.

3. The annual charge payable in respect of any registration year by a registered practitioner, other than a Sark locum, is reduced by any amount paid by the practitioner by way of annual charge in respect of the registration year under the

Guernsey and Alderney Ordinance.

*Interpretation*

In this schedule -

"**Guernsey-registered practitioner**" means a person registered in the register of medical practitioners kept by the Guernsey Committee under the Guernsey and Alderney Ordinance, and

"**Sark locum**" means any locum or other medical practitioner appointed or engaged by the regular Sark doctor to temporarily provide medical care in the absence or incapacity of the regular Sark doctor.

## SCHEDULE 3

### PRESCRIBED EVENTS AND INFORMATION TO BE INCLUDED IN NOTIFICATIONS TO THE GUERNSEY COMMITTEE

Regulation 5

Column 1		Column 2
No.	Prescribed event	Information to be included
1.	A referral to the General Medical Council regarding the practitioner's fitness to practise	Details of the referral
2.	The conclusion of any proceedings against the practitioner under the General Medical Council (Fitness to Practise) Rules Order of Council 2004 <sup>d</sup>	Details of the outcome of those proceedings
3.	The practitioner being charged with or convicted of an offence – <ul style="list-style-type: none"> <li>(a) in the Island or anywhere else in the British Islands, or</li> <li>(b) elsewhere, which, if committed in the Island, would constitute an offence in the Island</li> </ul>	Details of the offence.
4.	The practitioner becoming the subject of any investigation by any regulatory or other body, or in respect of any current or previous employment	Details of the investigation
5.	The practitioner being informed of the outcome of any investigation by any regulatory or other body, or in respect of any current or previous employment, which includes a finding adverse to the practitioner	Details of the outcome of the investigation
6.	The practitioner becoming the subject of any	Details of the investigation

<sup>d</sup> UK S.I. 2004 No. 2608; as amended by UK S.I. 2007 No. 3101; 2007 No. 3168; 2008 No. 1256; 2009 No. 1913; 2013 No. 815; 2014 No. 1270.



<b>Column 1</b>		<b>Column 2</b>
<b>No.</b>	<b>Prescribed event</b>	<b>Information to be included</b>
	investigation by the NHS Business Services Authority established as a Special Health Authority under section 28 of the National Health Service Act 2006 <sup>e</sup>	
7.	The practitioner being informed of the outcome of an investigation mentioned in item 6 above which includes a finding adverse to the practitioner	Details of the outcome of the investigation
8.	The practitioner becoming the subject of any investigation by the holder of any medical practitioners list that could lead to the removal of the practitioner from the list	Details of the investigation
9.	The practitioner being removed or suspended from, refused inclusion in, or included subject to conditions in, any medical practitioners list	Details of the removal, suspension, refusal or conditions
10.	The practitioner becoming subject to a national disqualification from inclusion in a medical practitioners list	Details of the national disqualification
11.	The practitioner applying to be included, or the practitioner being included, in a medical practitioners list	Details of the application.
12.	The practitioner acquiring or ceasing to have a UK connection (within the meaning of section 3(3) of the Ordinance)	Details of the new or former UK connection
13.	The practitioner acquiring, ceasing to have, or having a change of, a non-Island responsible officer.	(a) The name, principal business address, telephone number and email address of any new non-Island responsible officer for

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<sup>e</sup> An Act of Parliament, Chapter 41 of 2006.

Column 1		Column 2
No.	Prescribed event	Information to be included
		the practitioner, and  (b) the name of the former non-Island responsible officer for the practitioner.

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### EXPLANATORY NOTE

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

The Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017 ("**the Sark Ordinance**"), which replicates for Sark the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015 (as amended), will come into force on 1<sup>st</sup> June, 2017.

The Sark Ordinance gives the Committee *for* Health & Social Care functions in relation to the registration of medical practitioners in Sark. This includes the Sark doctor and any locum providing medical services in his absence or incapacity.

The Sark Ordinance gives the Committee the function of making regulations. These Regulations are being made in the exercise of that function.

Regulation 1 prescribes the form and manner, and information and application fee to be included, in an application for registration as a medical practitioner in the Sark Register under the Sark Ordinance.

Regulation 2 specifies the information to be entered and kept in the Sark Register, while regulation 3 sets out the information that is to be made public.

Regulation 4 prescribes the registration year, the application fee, and the annual

charges to be paid by practitioners in respect of each registration year, including the transitional first registration year.

Regulation 5 prescribes events that are required to be notified by a registered practitioner to the Guernsey Committee within seven days of the practitioner becoming or being made aware of their occurrence.

Regulation 6 sets out the interpretation provisions.

Regulations 7 and 8 are the citation and commencement provisions respectively.

These Regulations come into force on the 1<sup>st</sup> June, 2017.



GUERNSEY STATUTORY INSTRUMENT

2020 No. 61

**The Emergency Powers (Coronavirus)  
(General Provision) (Bailiwick of Guernsey) (No. 3)  
(Amendment) Regulations, 2020**

<i>Made</i>	19 <sup>th</sup> June, 2020
<i>Coming into operation</i>	20 <sup>th</sup> June, 2020
<i>Laid before the States</i>	, 2020

WHEREAS there are one or more persons within the Bailiwick who 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<sup>a</sup>;

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

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<sup>a</sup> Order in Council No. XIV of 2012; amended by Ordinance No. IX of 2016; and No. II of 2017.

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;

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<sup>b</sup>;

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 (No. 3) Regulations.**

1. (1) The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2020<sup>c</sup> are amended as follows.

(2) Part II (Control of Premises, Gatherings etc, and Movement of Persons), Part IV (Registration of Deaths and Still-Births), Part V (Modifications of Legislation Relating to Cremations in Guernsey) and Part VI (Parochial Meetings, Etc.) are revoked.

(3) In regulation 29 (disapplication of requirement to thoroughly

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<sup>b</sup> 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.

<sup>c</sup> G.S.I. No. 59 of 2020.

examine etc.) –

- (a) paragraph (3) is revoked,
- (b) in paragraphs (4) and (5), for ", (2) or (3)" substitute "or (2)",
- (c) in –
  - (i) paragraph (5) both times it appears,
  - (ii) paragraph (7), and
  - (iii) paragraph (8),

for "equipment, occupier's installation or gas appliance and flue (as the case may be)", substitute "equipment or occupier's installation (as the case may be)", and

- (d) in paragraphs (7) and (8), for "any of paragraphs (1), (2) or (3)" substitute "paragraph (1) or paragraph (2)".

(4) In regulation 31 (Court of Appeal), paragraph (1) is revoked.

(5) With the exception of regulation 34 (disapplication of section 1 of the States Reform (Guernsey) Law, 2015), Part X (States of Deliberation, States of Alderney and Chief Pleas of Sark) is revoked.

(6) In regulation 34 (disapplication of section 1 of the States Reform

(Guernsey) Law, 2015), number the existing text as paragraph (1), and after paragraph (1) insert –

"(2) This regulation shall cease to have effect upon the registration on the Records of the Island of Guernsey of the Reform (Guernsey) (Amendment) Law, 2020."

(7) In regulation 40 (revocation and savings), in paragraph (2) delete "(including in a direction made thereunder and anything done under a direction)".

(8) In regulation 43 (extent), for paragraph (2) substitute –

"(2) Part VII shall have effect in Guernsey only."

(9) Paragraphs 5 and 6 of Schedule 1 (modification of legislation relating to mental health) are revoked, and in paragraph 8 of Schedule 1, for "paragraph 8" substitute "paragraph 7".

**Saving.**

2. For the avoidance of doubt, the revocation of the provisions revoked under regulation 1 does not prevent a person who committed an offence under a revoked provision before its revocation being proceeded against and punished accordingly.

**Citation.**

3. These Regulations may be cited as the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) (Amendment) Regulations, 2020.

**Commencement.**

4. These Regulations shall come into force on 20<sup>th</sup> June, 2020.

Dated this 19<sup>th</sup> day of June, 2020



G.A. ST PIER  
Chairman of the Civil Contingencies Authority  
For and on behalf of the Authority

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**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. 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 10<sup>th</sup> February 2020.

These Regulations revoke provisions of the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2020, ("the principal Regulations") for the reason that they are no longer needed, and make several minor amendments consequential upon those revocations. Provisions revoked include Part II relating to the control of premises, gatherings etc, and the movement of persons; Parts IV and V relating to the registration of deaths and still-births, and cremations; Part VI relating to parochial meetings and associated matters; and all of Part X (relating to meetings of the Bailiwick's legislatures and their Committees) with the exception of regulation 34.

These Regulations will come into force on the 20<sup>th</sup> June, 2020 and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of

emergency regulations) of the Law. By an amendment made by these Regulations, regulation 34 of the principal Regulations (which disapplies section 1 of the States Reform (Guernsey) Law, 2015) shall cease to have effect on the registration on the Records of the Island of Guernsey of the Reform (Guernsey) (Amendment) Law, 2020 (which Law, in part, repeals that section).