

SUMMARY OF LEGISLATION

BAILIWICK OF JERSEY

1 May–31 August 2021

1. LAWS ADOPTED BY THE STATES

- (a) *States of Jersey (Amendment No 9) Law 202-¹*
(P.3/2021—adopted in 3rd reading, 23.3.2021)
This Law amends the States of Jersey Law 2005 to make provision for parliamentary privilege and connected purposes.
- (b) *Termination of Pregnancy (Amendment No 2) (Jersey) Law 202-²*
(P.8/2021—adopted in 3rd reading, 23.3.2021)
This Law amends the Termination of Pregnancy (Jersey) Law 1997 in order to remove the 7-day minimum waiting period between the first and second medical consultations for a pregnant woman seeking a termination.
- (c) *States of Jersey Police Force (Amendment No 3) (Jersey) Law 202-*
(P.10/2021 (re-issue)—adopted in 3rd reading, 11.5.2021)
This Law amends the States of Jersey Police Force Law 2012 to realign the governance powers and duties of the Minister, the Jersey Police Authority and the Chief Officer; change the membership of the Police Authority; require regular inspection of the States Police Force and also require the Annual Policing Plan to cover four years, rather than one.
- (d) *Legislation (Jersey) Law 202-* (P.26/2021—
adopted in 3rd reading, 12.5.2021)
This Law will bring together and supplement provisions covering the making, commencement and repeal of legislation; its consolidation, revision and publication; and the Legislative Drafting Office and functions of the Principal Legislative Drafter.
- (e) *Taxation (Partnerships—Economic Substance) (Jersey) Law 202-*
(P.47/2021—adopted in 3rd reading, 29.6.2021)
This Law imposes an economic substance test on Jersey resident partnerships.

¹ This Law was omitted from the 1 January–30 April 2021 Summary of Legislation.

² This Law was omitted from the 1 January–30 April 2021 Summary of Legislation.

- (f) *Proceeds of Crime (Amendment No 4) (Jersey) Law 202-*
(P.48/2021—adopted in 3rd reading, 30.6.2021)
This Law amends the Proceeds of Crime (Jersey) Law 1999 to restate the Minister’s existing mandatory order-making power, and grant a new discretionary order-making power to the Minister for External Relations and Financial Services. This new power will allow the Minister to prescribe measures for preventing and detecting money laundering to be taken by persons, acting as trustees, who do not carry on financial services business.
- (g) *Proceeds of Crime (Supervisory Bodies) (Amendment) (Jersey) Law 202-*
(P.49/2021—adopted in 3rd reading, 30.6.2021)
This Law amends the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 to provide that a supervisory body must use a risk-based approach in performance of its duties under the principal Law; insert a definition of “risk-based approach”; and provide that a supervisory body that devises a risk profile for a supervised person or business must take account of the FATF recommendations.
- (h) *Elections (Miscellaneous Amendments) (Jersey) Law 202-*
(P.56/2021—adopted in 3rd reading, 21.7.2021)
This Law amends the Public Elections (Jersey) Law 2002 and makes other provisions about elections, and connected purposes.
- (i) *Single-Use Plastics etc (Restrictions) (Jersey) Law 202-*
(P.61/2021—adopted in 3rd reading, 21.7.2021)
This Law prohibits the provision in Jersey, by retailers and others, of single-use plastic bags and related items, and would restrict the provision of other types of re-usable bags except at a specified price.

2. LAWS, ORDERS IN COUNCIL, ETC REGISTERED IN THE ROYAL COURT

- (a) *Wildlife (Jersey) Law 2021*
(L.4/2021—registered 28.5.2021. In force 4.6.2021)
- (b) *Taxation (Companies—Economic Substance) (Amendment No 2) (Jersey) Law 2021*
(L.5/2021—registered 28.5.2021. In force 4.6.2021)
- (c) *Termination of Pregnancy (Amendment No 2) (Jersey) Law 2021*
(L.6/2021—registered 25.6.2021. In force 2.7.2021)
- (d) *Covid-19 (Enabling Provisions) (Amendment No 2) (Jersey) Law 2021*
(L.7/2021—registered 23.7.2021. In force 24.7.2021)
- (e) *Legislation (Jersey) Law 2021*
(L.8/2021—registered 23.7.2021. Not in force)
- (f) *States of Jersey (Amendment No 9) Law 2021*

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(L.9/2021—registered 23.7.2021. In force 30.7.2021)

- (g) *States of Jersey Police Force (Amendment No 3) (Jersey) Law 2021*
(L.10/2021—registered 23.7.2021. In force 30.7.2021)
- (h) *Constitution of the States and Public Elections (Jersey) Law 2021*
(L.11/2021—registered 23.7.2021. Article 10(2) and (3) not in force, art 10(4) in force 30.7.2021)

3. LAWS BROUGHT INTO FORCE

- (a) *Access to Justice (Jersey) Law 2019 (Appointed Day) Act 2021*
(R&O.91/2021—in force 21.7.2021)
Articles 1, 6, 7, 8 and 9 of the Access to Justice (Jersey) Law 2019 in force on 22 July 2021. The remaining provisions of the Law, other than art 11, come into force on the day on which the first Legal Aid Guidelines published by the Minister come into effect.
- (b) *Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No 4) Act 2021*
(R&O.95/2021—in force 22.7.2021)
All remaining uncommenced provisions of the Criminal Procedure (Jersey) Law 2018 come into force on 1 October 2021.

4. REGULATIONS MADE BY THE STATES

- (a) *Road Traffic (No 67) (Jersey) Regulations 2021*
(R&O.76/2021—in force 16.6.2021)
These Regulations further amend the Road Traffic (Jersey) Law 1956, chiefly to enable the introduction of penalty charges in respect of parking contraventions in place of criminal proceedings.
- (b) *Proceeds of Crime (Amendment of Law) (No 2) (Jersey) Regulations 2021*
(R&O.82/2021—in force 7.7.2021)
These Regulations amend the Proceeds of Crime (Jersey) Law 1999 to exclude the production, supply, use, export or import of cannabis and any of its derivatives that is lawful where and when it occurs and occurs in a jurisdiction outside Jersey that the Minister for External Relations and Financial Services may by order specify.
- (c) *Income Support (Amendment No 21) (Jersey) Regulations 2021*
(R&O.83/2021—not in force)
These Regulations amend the Income Support (Jersey) Regulations 2007 in order to increase the rates payable for various components of income support as follows:
On 1 October 2021—
 - the first child component by £5.04;
 - the childcare cost component for a child 3 years or age or over from £5.57 per hour to £6.70 per hour;

- the childcare cost component for a child under 3 years of age from £7.14 per hour to £8.00 per hour;
 - all other components, save the single parent component, by 1.1%,
- On 1 October 2022, increase all components, other than the single parent component, by 2.6%.
- (d) *Proceeds of Crime (Miscellaneous Amendments No 2) (Jersey) Regulations 2021*
(R&O.84/2021—not in force)
These Regulations amend the Proceeds of Crime (Jersey) Law 1999 (PoC Law) to provide that Part 2 of the PoC Law applies to a gift made into a trust, as long as certain conditions are met. The Regulations also amend the Proceeds of Crime (Enforcement of Confiscation Orders) (Jersey) Regulations 2008, which modifies the PoC Law, in order that the amendments to the Law apply equally to external confiscation orders.
- (e) *Restriction on Smoking (Standardised Packaging and Labelling) (Jersey) Regulations 2021*
(R&O.85/2021—in force 31.7.2021)
These Regulations make provision for standardised packaging for tobacco products and for the use of combined health warnings on tobacco packaging.
- (f) *Covid-19 (Election of Jurats) (Jersey) Regulations 2021*
(R&O.86/2021—in force 1.7.2021)
These Regulations make temporary provision to vary the procedure for the election of Jurats due to Covid-19.
- (g) *Discrimination (Amendment of Law) (Jersey) Regulations 2021*
(R&O.89/2021—in force 28.7.2021)
These Regulations outlaw discrimination against people with children in respect of finding places to live.
- (h) *Criminal Procedure (Juries—Tirage) (Jersey) Regulations 2021*
(R&O.93/2021—not in force)
These Regulations will replace the Criminal Procedure (Tirage) Rules 2002. In particular, these Regulations—
- set out the information that must be given to the Viscount by each electoral administrator, and how that information must be provided to the Viscount;
 - provide that the Viscount is to compile the information provided and use it to generate a panel list (and, if they think it expedient, a supplementary panel list), and from those lists is to compile a primary and secondary list of persons who may be summoned for jury service;
 - provide that the Viscount is a public authority under the Register of Names and Addresses (Jersey) Law 2012, and that the Viscount and the electoral administrators may use registrable

facts under that Law in order to carry out their functions under Regulations 2 and 3.

- (i) *Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 2021*
(R&O.94/2021—not in force)
These Regulations make amendments that are consequential or supplementary to the Criminal Procedure (Jersey) Law 2018, to update references in other enactments to criminal procedure by substituting new equivalents.

5. OTHER SUBORDINATE LEGISLATION OF NOTE

- (a) *Planning and Building (General Development) (Amendment No 7—Covid-19) (Jersey) Order 2021*
(R&O.64/2021—in force 5.5.2021)
This order amends Schedule 1 to the Planning and Building (General Development) (Jersey) Order 2011, which gives general permission for temporary development in respect of emergency medical and related facilities for government to deal with the Covid-19 pandemic. The effect of the amendment is to add a further year to the limitation of time for the developments and changes of use of land, allowing the facilities which have been temporarily created to remain in place until May 2022.
- (b) *Covid-19 (Workplace Restrictions and Gathering Control) (Amendment No 6) (Jersey) Order 2021*
(R&O.65/2021—in force 10.5.2021)
This order makes further relaxations to the restrictions imposed as a consequence of Covid-19. The order amends the Covid-19 (Workplace Restrictions) (Jersey) Order 2020 to remove the final category of workplace which had to be closed for all purposes, namely jacuzzis, plunge pools, steam rooms, saunas, Turkish baths, and the like. These workplaces are now able to open for all purposes. The order also amends the Covid-19 (Gathering Control) (Jersey) Order 2020. The definition “open air” is amended to include structures open on half of their sides. The restriction on gathering in private gardens is extended to cover 50 people aged 5 and over for outdoor wedding and civil partnership receptions as well as celebrations. There are now no limits on numbers gathering in private gardens previously hired out or booked for hire by non-family members before the order came into force. These provisions apply to all outdoor spaces associated with homes, including marquees or other temporary structures placed there.
- (c) *Covid-19 (Workplace Restrictions) (Amendment No 12) (Jersey) Order 2021*
(R&O.70/2021—in force 18.5.2021)

This order amends the Covid-19 (Workplace Restrictions) (Jersey) Order 2020 to widen the purposes for which food and drink premises may be open. In the case of food and drink premises that are part of wider premises that include an auditorium or a stadium, the premises may be open for the purpose of selling food or drink (other than alcoholic drinks) to customers for consumption in the auditorium or stadium. Otherwise the food or drink must be sold to be taken outside the wider premises or to be consumed at a table in the premises.

- (d) *Covid-19 (Workplace—Twenty-Third Extension) (Jersey) Order 2021*
(R&O.71/2021—in force 1.6.2021)
This order amends the Covid-19 (Workplace Restrictions) (Jersey) Order 2020, to extend the restriction period to end at the end of Wednesday 30 June 2021.
- (e) *Covid-19 (Gathering Control—Seventh Extension) (Jersey) Order 2021*
(R&O.72/2021—in force 1.6.2021)
This order amends the Covid-19 (Gathering Control) (Jersey) Order 2020, to extend the gathering control period to end at the end of Wednesday 30 June 2021.
- (f) *Emergency Powers and Planning (Medicines and Vaccines—Covid-19) (Third Period) (Jersey) Order 2021*
(R&O.75/2021—in force 5.6.2021)
This order is a renewal of the Emergency Powers and Planning (Medicines and Vaccines—Covid-19) (Jersey) Order 2021 which relaxes controls on medicines to facilitate a plan for vaccination against Covid-19, which in turn was a renewal of the Emergency Powers and Planning (Medicines and Vaccines—Covid-19 and Influenza) (Jersey) Order 2020. The order expires three months after it comes into force (under the Emergency Powers and Planning (Jersey) Law 1990 it cannot remain in force for longer unless renewed) This order will expire at the end of 4 September 2021.
- (g) *Covid-19 (Workplace Restrictions and Gathering Control) (Amendment No 7) (Jersey) Order 2021*
(R&O.77/2021—in force 14.6.2021)
This order amends the Covid-19 (Workplace Restrictions) (Jersey) Order 2020 to further relax the restrictions imposed to control the spread of Covid-19 in Jersey while extending the contact tracing requirements and making a few minor changes. The order—
- removes the requirements on visitors to workplaces to wear masks except in the case of public transport vehicles and premises;

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- provides for the removal of the requirements for workers to wear masks or visors except in the case of public transport vehicles and premises;
- extends the contact tracing requirements to apply to ritual gatherings of whatever size and various gatherings in community halls;
- extends the category of enforcement officer to cover all States employees employed as enforcement officers within the Covid Safe team.

This order also amends the Covid-19 (Gathering Control) (Jersey) Order 2020 to remove the restriction on numbers in the case of a wedding or civil partnership celebration taking place at a person's home.

(h) *Covid-19 (Workplace—Twenty-Fourth Extension) (Jersey) Order 2021*

(R&O.80/2021—in force 1.7.2021)

This order amends the Covid-19 (Workplace Restrictions) (Jersey) Order 2020, to extend the restriction period to end at the end of Saturday 31 July 2021.

(i) *Covid-19 (Gathering Control—Eighth Extension) (Jersey) Order 2021*

(R&O.81/2021—in force 1.7.2021)

This order amends the Covid-19 (Gathering Control) (Jersey) Order 2020, to extend the gathering control period to end at the end of Saturday 31 July 2021.

(j) *Covid-19 (Workplace Restrictions) (Amendment No 13) (Jersey) Order 2021*

(R&O.88/2021—in force 21.7.2021)

This order amends the Covid-19 (Workplace Restrictions) (Jersey) Order 2020 to restore earlier requirements for visitors to workplaces to wear masks, for workers to wear masks or visors in workplaces and to make other minor changes. The order—

- reintroduces the requirements to wear masks in a variety of public locations that applied before the requirements were limited to public transport vehicles and premises on 14 June 2021. The exception for eating and drinking when sitting at a table in food and drink premises is extended to when in a seat of an auditorium or stadium and a new requirement to wear masks is added when attending an event at a community hall;
- reintroduces the requirements for workers to wear masks or visors that applied before they were limited to public transport vehicles and premises on 14 June 2021. There are minor changes to limit mask-wearing to indoor areas of markets, amusement centres, entertainment facilities and auction houses to match the requirements for visitors to wear masks in those workplaces. A

similar new requirement to that mentioned above for events in community halls is also added;

- removes the exemption in respect of mask-wearing that applied to certain gatherings of children in workplaces.

- (k) *Covid-19 (Workplace—Twenty-Fifth Extension) (Jersey) Order 2021*
(R&O.97/2021—in force 1.8.2021)
This order amends the Covid-19 (Workplace Restrictions) (Jersey) Order 2020, to extend the restriction period to end at the end of Tuesday 31 August 2021.
- (l) *Covid-19 (Gathering Control—Ninth Extension) (Jersey) Order 2021*
(R&O.98/2021—in force 1.8.2021)
This order amends the Covid-19 (Gathering Control) (Jersey) Order 2020, to extend the gathering control period to end at the end of Tuesday 31 August 2021.
- (m) *Covid-19 (Workplace Restrictions and Gathering Control) (Amendment No 8) (Jersey) Order 2021*
(R&O.101/2021—in force 5.8.2021)
This order mainly reduces the restrictions on gatherings imposed by the Covid-19 (Gathering Control) (Jersey) Order 2020, though it also makes minor changes to some definitions in the Covid-19 (Workplace Restrictions) (Jersey) Order 2020.
- (n) *Covid-19 (Gathering Control Repeal and Workplace Restrictions Amendment) (Jersey) Order 2021*
(R&O.106/2021—in force 26.8.2021)
This order further relaxes the restrictions imposed to control the spread of Covid-19 in Jersey while extending the contact tracing requirements. This order repeals the Covid-19 (Gathering Control) (Jersey) Order 2020, thereby removing the remaining restrictions on gathering, which were limited to gathering in homes and gardens. It also amends the Covid-19 (Workplace Restrictions) (Jersey) Order 2020.
- (o) *Covid-19 (Workplace—Twenty-Sixth Extension) (Jersey) Order 2021*
(R&O.107/2021—in force 1.9.2021)
This order amends the Covid-19 (Workplace Restrictions) (Jersey) Order 2020, to extend the restriction period to end at the end of Thursday 30th September 2021.
- (p) *Emergency Powers and Planning (Medicines and Vaccines—Covid-19 and Influenza) (Fourth Period) (Jersey) Order 2021*
(R&O.108/2021—in force 5.9.2021)
This order provides for the continuation of relaxed controls on medicines to facilitate a plan for vaccination against Covid-19. This order also reintroduces provision for vaccination against influenza

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on the basis that the time period overlaps with the annual influenza vaccination period. The order expires three months after it comes into force (under the Emergency Powers and Planning (Jersey) Law 1990 it cannot remain in force for longer unless renewed).

6. RULES OF COURT

None.

BAILIWICK OF GUERNSEY**1 May–31 August 2021****A. GUERNSEY****1. LAWS APPROVED BY THE STATES OF DELIBERATION**

- (a) *Public Functions (Transfer and Performance) (Bailiwick of Guernsey) (Amendment) Law 2021*

(*Billet d'État* No XIII of 2021. Approved 16.06.21)

This Law amends the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law 1991 (“the 1991 Law”).

Section 1(2) replaces s 1 of the 1991 Law with a new s 1 that includes within scope of the powers to transfer functions by Ordinance parochial office holders and Douzaines, and public offices and public office holders. Section 1(3) provides for the transfer of functions of a Committee of the States of Alderney or the Chief Pleas of Sark conferred within a Bailiwick-wide enactment to another Committee of the States of Alderney or the Chief Pleas of Sark (as the case may be), while s 1(4) replaces the very short s 3 of the 1991 Law making general provision in respect of Ordinances under the 1991 Law with more modern and standard form wording in that regard. Section 1(5)–(7) and s 1(9)(d) make changes to provision in the 1991 Law in respect of the holders of a public office to include public offices themselves; in this regard, s 1(9)(c) replaces the definition of “public office” in the 1991 Law with a more expansive definition that expressly includes the Guernsey Financial Services Commission (“the GFSC”), making separate references to the GFSC no longer necessary. Section 1(8) and s 1(9)(a) deal with references to the GFSC that are consequently otiose, and s 1(9)(b) replaces the definition of “officer” with wording that includes a definition of the meaning, for the purposes of the 1991 Law, of an officer being “responsible to” a Committee, a public office or the holder of a public office.

- (b) *Abortion (Guernsey) (Amendment) Law 2021*

(*Billet d'État* No. XIV of 2021. Approved 15.07.21)

This Law amends the Abortion (Guernsey) Law 1997 (“the 1997 Law”).

Section 2 amends s 1 of the 1997 Law to abolish the offence of a woman procuring her own miscarriage.

Section 3 amends s 2 of the 1997 Law to ensure that the offence of supplying or procuring any thing intending it to be unlawfully used to procure a miscarriage only applies where it involves the intended miscarriage of another person (not the person who supplied or procured the thing).

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Section 4 amends s 3 of the 1997 Law to extend the categories of persons who might lawfully terminate a pregnancy to registered nurses and midwives (“authorised persons”) in addition to registered medical practitioners. It also replaces the requirement for certification by two medical practitioners with certification by a single medical practitioner. It removes the requirement that the pregnancy must not exceed its twenty fourth week, in order for termination on grounds that there is a substantial risk of significant physical or mental impairment that would be seriously debilitating to the child (the terminology relating to “handicapped” has been updated). It also extends from 12 to 24 weeks the pregnancy period within which termination can be carried out on grounds of risk of injury to the physical or mental health of the pregnant woman or existing children of her family. Finally, it removes the requirement for medical abortions to take place only at Princess Elizabeth Hospital.

Section 5 amends s 4 of the 1997 Law to reflect the amendments allowing authorised persons to carry out terminations, and to require notice of terminations to be given to the Director of Public Health (instead of the Medical Officer of Health).

Section 6 amends s 5 of the 1997 Law to restrict and regulate the right to conscientious objection in relation to participating in treatment resulting in termination. It provides that this right does not override any duty to participate in treatment necessary to prevent serious injury to the physical or mental health of the pregnant woman (in addition to any duty to save the life of the woman concerned). It also requires the person exercising the right to make any necessary arrangements to allow someone else without a conscientious objection to participate in the treatment or, in appropriate cases, inform the woman concerned that she has a right to see another person who is authorised to participate in the treatment and has no conscientious objection. Finally, it authorises the Committee for Health & Social Care to make regulations to further restrict or impose conditions on the right to conscientious objection.

Section 7 amends s 6 of the 1997 Law to reflect the abolition of the offence of self-procuring a miscarriage.

Section 8 inserts the definition of “authorised persons” in s 8 of the 1997 Law.

(c) *Public Thoroughfares (Guernsey) (Amendment) Law 2021*
(*Billet d’État* No. XIV of 2021. Approved 15.07.21)

This Law amends the Public Thoroughfares (Guernsey) Law 1958 to put Guernsey Electricity Ltd on the same statutory footing as other specified utilities to enable Guernsey Electricity Ltd to carry out various works in any public highway, subject to certain conditions.

2. ORDINANCES APPROVED BY THE STATES OF DELIBERATION

- (a) *Companies (Guernsey) Law 2008 (Insolvency) (Amendment) Ordinance 2021*
(Billet d'État No XII of 2021. Approved 26.05.21—in force on the same day as the Companies (Guernsey) Law 2008 (Insolvency) (Amendment) Ordinance 2020.
 This Ordinance amends the definition of “onerous property” pursuant to s 421A(2) of the Companies (Guernsey) Law 2008 so that any real property situated outside the must be unsaleable or not readily saleable, or is such that it may give rise to a liability to pay money or perform other onerous act, in order to be “onerous property”.
- (b) *Road Traffic (Speed Limits and Trials) (Amendment) Ordinance 2021*
(Billet d'État No XII of 2021. Approved 26.05.21—in force 26.05.21)
 This Ordinance amends the Road Traffic (Speed Limits and Trials) Ordinance 1987 so as to—
- (a) transfer responsibility for granting permission for motor racing events on public highways from the Committee for Home Affairs to the Committee for the Environment & Infrastructure (“the Committee”), and
 - (b) remove the specific requirement that there be an interval of time between competitors, and replace it with a requirement as to compliance with such conditions as the Committee thinks fit and approvals granted by the relevant British governing body of the motor sport in question or its equivalent approved by the Committee.
- (c) *Long-Term Care Insurance (Guernsey) (Rates) (Amendment) Ordinance 2021*
(Billet d'État No XIII of 2021. Approved 16.06.21—in force 05.07.21)
 This Ordinance amends s 2 of the Long-term Care Insurance (Guernsey) (Rates) Ordinance 2020 to increase the co-payment a person contributes to the cost of their care with effect from 5 July 2021. The co-payment is increased from £229.37 to £242.06.
- (d) *Charities etc (Guernsey and Alderney) Ordinance 2021*
(Billet d'État No XIII of 2021. Approved 16.06.21—in force on a date to be appointed by regulations)
 This Ordinance is made under the Charities and Non-Profit Organisations (Enabling Provisions) (Guernsey and Alderney) Law 2009. Its effect is to repeal and replace the legal framework currently in place for the oversight of charities and other non-profit organisations (“NPOs”) under the Charities and Non-Profit Organisations (Registration) (Guernsey) Law 2008 (“the 2008

Law²⁷). Its primary purpose is to consolidate and clarify the requirements applicable to charities and other NPOs, and also to make a number of revisions to ensure that the framework is sufficient to protect the public and to enable the jurisdiction to meet international standards for addressing money laundering and terrorist financing.

While the framework under the Ordinance is broadly in line with that under the 2008 Law, it differs from it in the following respects:

- (a) range of organisations required to be registered has been changed in two respects, in order to bring compulsory registration more in line with the risks that are considered to be presented by the sector. First, the exemption under the 2008 Law applicable to organisations administered by parties licensed by the Guernsey Financial Services Commission has been removed. Second, the financial thresholds for compulsory registration have been raised. Voluntary registration by organisations that no longer meet these thresholds will however still be possible,
- (b) meaning of charity has been clarified by introducing a charitable purposes test,
- (c) persons who do not meet a “fit and proper test” (who have, for example, been convicted of criminal offences or disqualified from acting as a company director) are prohibited from running a charity or other NPO unless the Registrar directs otherwise,
- (d) scope of the information that must be provided by charities and NPOs has been expanded, and a reporting obligation has been introduced in relation to payments made abroad (subject to certain risk-based exemptions such as where a payment is made to an affiliated organisation in the UK or another Crown Dependency), and
- (e) information gathering and sanctioning powers of the Registrar have been brought in line with the powers that exist under other registration regimes (*e.g.* the registration of beneficial ownership), to enable compliance with the framework to be properly overseen and, where necessary, enforced.

There are also regulation making powers in the Ordinance which may be used to introduce further requirements (*e.g.* in relation to governance measures) or to provide for exemptions from the obligations under the Ordinance.

The Ordinance also makes a number of consequential amendments to other enactments.

- (e) *Health and Safety at Work (Equality Provisions) Ordinance 2021* (*Billet d’État* No XIV of 2021. Approved 15.07.21—in force 15.07.21)

This Ordinance amends several pieces of older legislation to remove gender discriminatory references.

Section 1 amends the Quarries (Safety) Ordinance 1954. It amends ss 10, 20, 33, 39 and 46 of that Ordinance to delete references to males.

Section 2 amends the Safety of Employees (Growing Properties) Ordinance 1954. It amends ss 1 and 8 of that Ordinance to delete references to women.

Section 3 amends the Safety of Employees (Miscellaneous Provisions) Ordinance 1952. It amends s 6 of that Ordinance to remove references to women.

Section 4 amends the Loi ayant rapport à L'emploi de femmes, de jeunes personnes et d'enfants 1926. Articles I–IV of that Law are amended to delete references to women. Article IV is further amended by replacing the definition of “industrial undertaking” to make it gender neutral. Part III of the Schedule to the Law is repealed.

- (f) *Machinery of Government (Transfer of Functions) Ordinance 2021* (Billet d'État No XIV of 2021. Approved 15.07.21—in force 15.07.21)

This Ordinance transfers to the Policy & Resources Committee powers of the Committee for Employment & Social Security in the Social Insurance (Guernsey) Law 1978 and the Long-term Care Insurance (Guernsey) Law 2002 to invest any monies in the Guernsey Insurance Fund and the Long-term Care Insurance Fund respectively in investments authorised by the States, and the related function to delegate that power to professional fund or investment managers.

- (g) *Income Tax (Guernsey) (Amendment) Ordinance 2021* (Billet d'État No XIV of 2021. Approved 15.07.21—in force 15.07.21)

This Ordinance amends the Income Tax (Guernsey) Law 1975 (“the 1975 Law”) to:

- (a) make necessary amendments in order to be able to implement the provisions of the Assistance in Collection article contained in the Double Taxation Agreement between Guernsey and the United Kingdom and Northern Ireland for the Elimination of Double Taxation with Respect to Taxes on Income and on Capital Gains and the Prevention of Tax Evasion and Avoidance and Protocol, thus enabling the collection of UK tax debts within Guernsey,
- (b) provide the Director of the Revenue Service with the power to undertake onsite visits in respect of business premises for the purposes of reviewing compliance with any approved international agreement or international tax measure. Approval must be sought from the Bailiff prior to any such inspection unless consent or at least 7 days' written has been given,

- (c) require all financial institutions operating in Guernsey to register with the Revenue Service if they are a person or entity which is a financial institution within the meaning of the Income Tax (Approved International Agreements) (Implementation) (United Kingdom and United States of America) Regulations 2014 (“FATCA”) or the Income Tax (Approved International Agreements) (Implementation) (Common Reporting Standard) Regulations 2015 (“CRS”) (“a relevant institution”) and to submit an annual validation,
- (d) enable the Director of the Revenue Service to give directions to a relevant institution which are necessary or desirable for the purposes of securing compliance with the international tax provisions. The Director also has the power to appoint independent inspectors to investigate a relevant institution reasonably suspected of having contravened the international tax provisions,
- (e) require relevant institutions to notify the Director if they have been unable to obtain valid self-certification under the CRS and/or FATCA Regulations, or having obtained self-certification, have reasonable grounds to suspect that the self-certification is or has subsequently become incorrect or unreliable. Upon receipt of such a notification, the Director may require the relevant institution to provide any further information and may also make a freezing order restricting withdrawals from the account in question,
- (f) provide a right of appeal against a decision of the Director to give a direction, appoint an inspector, impose a requirement to provide further information or documents, or make a freezing order, and
- (g) make other necessary consequential changes to the 1975 Law and other minor amendments specified in the policy letter.

3. ORDINANCES, SUBORDINATE LEGISLATION *ETC* LAID BEFORE THE STATES OF DELIBERATION

- (a) *Financial Services Commission (Bailiwick of Guernsey) Law 1987 (Amendment) Ordinance 2021*
(*Billet d’État* No XII of 2021. Made by the Policy & Resources Committee—in force on a date to be appointed by regulations and laid on 26.05.21)
- (b) *Land Planning and Development (Emergency Procedures) Ordinance 2021*
(*Billet d’État* No XII of 2021. Made by the Policy & Resources Committee—in force 16.03.21 and laid on 26.05.21)
- (c) *Social Insurance (Benefits) (Amendment) Regulations 2021*
(*Billet d’État* No XII of 2021. Made by the Committee for Employment & Social Security—in force 10.03.21 and laid on 26.05.21)

- (d) *Social Insurance (Benefits) (Amendment) Regulations, 2020* (*Billet d'État* No XII of 2021. Made by the Committee for Employment & Social Security—in force 04.01.21 and laid on 26.05.21)
- (e) *Social Insurance (Contributions) (Amendment) Regulations 2021* (*Billet d'État* No XII of 2021. Made by the Committee for Employment & Social Security—in force 31.03.21 and laid on 26.05.21)
- (f) *Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No 6) Regulations 2021* (Urgent Proposition to the States of Deliberation, 26.05.21. Made by the Civil Contingencies Authority—in force 21.05.21 and laid and approved on 26.05.21)
- (g) *Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No 6) (Bailiwick of Guernsey) Regulations 2021* (Urgent Proposition to the States of Deliberation, 26.05.21. Made by the Civil Contingencies Authority—in force 21.05.21 and laid and approved on 26.05.21)
- (h) *European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Privileges and Immunities) Ordinance 2021* (*Billet d'État* No XIII of 2021. Made by the Policy & Resources Committee—in force 13.04.21 and laid on 16.06.21)
- (i) *Marriage (Bailiwick of Guernsey) Regulations, 2020* (*Billet d'État* No XIII of 2021. Made by the Policy & Resources Committee—regs 2, 3, 4, 5, 12, 13 and 15 in force 11.01.21 and regs 1, 6, 7, 8, 9, 10 and 11 in force 01.03.21. Laid on 16.06.21)
- (j) *Marriage (Bailiwick of Guernsey) Law, 2020 (Commencement and Transitional Provisions) Regulations, 2020* (*Billet d'État* No XIII of 2021. Made by the Policy & Resources Committee—in force 11.01.21 and laid on 16.06.21)
- (k) *Motor Vehicles, Licensing and Traffic (Fees) (Guernsey) Regulations 2021* (*Billet d'État* No XIII of 2021. Made by the Committee for the Environment & Infrastructure—in force 01.06.21 and laid on 16.06.21)
- (l) *Control of Poisonous Substances (Fees) (Guernsey) Regulations 2021* (*Billet d'État* No XIII of 2021. Made by the Committee for Employment & Social Security—in force 01.06.21 and laid on 16.06.21)
- (m) *Health and Safety (Fees) Order 2021*

SUMMARY OF LEGISLATION: GUERNSEY

(*Billet d'État* No XIII of 2021. Made by the Committee for Employment & Social Security—in force 01.06.21 and laid on 16.06.21)

- (n) *Income Tax (Approved International Agreements) (Implementation) (Common Reporting Standards) (Amendment) Regulations 2021*
(*Billet d'État* No XIII of 2021. Made by the Policy & Resources Committee—in force 29.04.21 and laid on 16.06.21)
- (o) *Income Tax (Approved International Agreements) (Implementation) (United Kingdom and United States of America) (Amendment) Regulations 2021*
(*Billet d'État* No XIII of 2021. Made by the Policy & Resources Committee—in force 29.04.21 and laid on 16.06.21)
- (p) *Copyright (Prescribed Libraries, Archives, Museums and Galleries and Copying of Copyright Material) (Bailiwick of Guernsey) Regulations 2021*
(*Billet d'État* No XIV of 2021. Made by the Committee for Economic Development—in force 26.03.21 and laid on 14.07.21)
- (q) *Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No 4) (Bailiwick of Guernsey) Regulations 2021*
(*Billet d'État* No XIV of 2021. Made by the Civil Contingencies Authority—in force 02.04.21 and laid on 14.07.21)
- (r) *Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No 4) Regulations 2021*
(*Billet d'État* No XIV of 2021. Made by the Civil Contingencies Authority—in force 02.04.21 and laid on 14.07.21)
- (s) *Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No 4) (Amendment) Regulations 2021*
(*Billet d'État* No XIV of 2021. Made by the Civil Contingencies Authority—in force 23.04.21 and laid on 14.07.21)
- (t) *Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No 5) (Bailiwick of Guernsey) Regulations 2021*
(*Billet d'État* No XIV of 2021. Made by the Civil Contingencies Authority—in force 30.04.21 and laid on 14.07.21)
- (u) *Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No 5) Regulations 2021*
(*Billet d'État* No XIV of 2021. Made by the Civil Contingencies Authority—in force 30.04.21 and laid on 14.07.21)
- (v) *Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No 5) (Amendment) Regulations 2021*
(*Billet d'État* No XIV of 2021. Made by the Civil Contingencies Authority—in force 07.05.21 and laid on 14.07.21)
- (w) *Prison (Guernsey) (Amendment) Regulations 2021*

(No XIV of 2021. Made by the Committee for Home Affairs—in force 14.05.21 and laid on 14.07.21)

- (x) *Tobacco Advertising and Related Activities (Guernsey) Regulations 2021*
(*Billet d'État* No XIV of 2021. Made by the Committee for Health & Social Care—in force 31.07.21 and laid on 14.07.21)

4. LAWS, ORDERS IN COUNCIL, ETC REGISTERED IN THE ROYAL COURT OF GUERNSEY

- (a) *Parole Review Committee (Validation) (Guernsey) Law 2020*
(*Billet d'État* No XXVIII of 2020—registered 10.05.21. In force 10.05.21)
- (b) *Damages (Assumed Rate of Return and Related Matters) (Enabling Provisions) (Guernsey and Alderney) Law 2020*
(*Billet d'État* No XXV of 2020—registered 10.05.21. In force on a date to be appointed by Ordinance)
- (c) *Reform (Sark) (Amendment) Law 2020*
(Chief Pleas of Sark 27.12.20—registered 10.05.21. In force upon its registration on the records of the Island of Sark)
- (d) *Sexual Offences (Bailiwick of Guernsey) Law 2020*
(*Billet d'État* No XIII of 2020—registered 14.06.21. In force on a date to be appointed by Ordinance)

5. SARK ORDINANCES CONSIDERED BY THE ROYAL COURT UNDER s 39(1) OF THE REFORM (SARK) LAW 2008

- (a) *European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Sark) Ordinance 2020*
(In force 27.12.20—placed before the Private Court on 06.05.21)
- (b) *Live Link Evidence in Civil Proceedings (Amendment) (Sark) Ordinance 2021*
(In force 20.01.21—placed before the Private Court on 06.05.21)
- (c) *Real Property (Transfer Tax, Charging and Related Provisions) (Sark) Law, 2007 (Commencement) Ordinance 2021*
(In force 20.01.21—placed before the Private Court on 06.05.21)
- (d) *Reform (Election of Conseillers) (Further Election) (Sark) Ordinance 2021*
(In force 20.01.21—placed before the Private Court on 06.05.21)
- (e) *Child Protection (Sark) Ordinance 2021*
(In force 01.05.21 with the exception of Part IV which shall come into force on a day to be appointed by a further Ordinance—placed before the Private Court on 10.06.21)

6. RULES OF COURT

None.

B. ALDERNEY

1. LAWS APPROVED BY THE STATES OF ALDERNEY

- (a) *Police Force (Bailiwick of Guernsey) (Amendment) Law 2021*
(*Billet d'Etat* 19.05.21. Approved 19.05.21)
This Law was approved by the States of Deliberation of Guernsey on 24.02.21 (see Chapter A.1.(b) of the entries relating to Guernsey in the Law Review covering the period 1 January–30 April 2021).

2. ORDINANCES APPROVED BY THE STATES OF ALDERNEY

None.

3. REGULATIONS LAID BEFORE THE STATES OF ALDERNEY

- (a) *Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No 5) Regulations 2021*
(Laid before the States of Alderney on 19.05.21)
- (b) *Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No 5) (Bailiwick of Guernsey) Regulations 2021*
(Laid before the States of Alderney on 19.05.21)
- (c) *Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No 6) Regulations 2021*
(Laid before the States of Alderney on 23.06.21)
- (d) *Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No 6) (Bailiwick of Guernsey) Regulations 2021*
(Laid before the States of Alderney on 23.06.21)
- (e) *Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No 7) Regulations 2021*
(Laid before the States of Alderney on 21.07.21)
- (f) *Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No 7) (Amendment) Regulations 2021*
(Laid before the States of Alderney on 21.07.21)
- (g) *Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No 7) (Bailiwick of Guernsey) Regulations 2021*
(Laid before the States of Alderney on 21.07.21)

C. SARK

1. LAWS APPROVED BY THE CHIEF PLEAS OF SARK

- (a) *Census (Sark) Law 2021*
(*Billet d'Etat* 07.07.21. Approved 07.07.21)
This Law empowers the Chief Pleas by Ordinance to direct the taking of a census not more than once every five years, such Ordinance to prescribe the date of such census, the persons required to provide information and the information to be so provided.

2. ORDINANCES APPROVED BY THE CHIEF PLEAS OF SARK

- (a) *Reform (Election of Conseillers) (By-Election) (Sark) Ordinance 2021*
(Approved 07.07.21—in force 07.07.21)

3. REGULATIONS LAID BEFORE THE CHIEF PLEAS OF SARK

- (a) *Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No 4) (Amendment) Regulations 2021*
(Laid before the Chief Pleas of Sark on 07.07.21)
- (b) *Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No 5) Regulations 2021*
(Laid before the Chief Pleas of Sark on 07.07.21)
- (c) *Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No 5) (Bailiwick of Guernsey) Regulations 2021*
(Laid before the Chief Pleas of Sark on 07.07.21)
- (d) *Road Traffic Committee (Part of the Douzaine) Seasonal Regulation No 2*
(Laid before the Chief Pleas of Sark on 07.07.21)
- (e) *Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No 5) (Amendment) Regulations 2021*
(Laid before the Chief Pleas of Sark on 07.07.21)
- (f) *Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No 6) Regulations 2021*
(Laid before the Chief Pleas of Sark on 07.07.21)
- (g) *Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No 6) (Bailiwick of Guernsey) Regulations 2021*
(Laid before the Chief Pleas of Sark on 07.07.21)

SUMMARY OF LEGISLATION: SARK

- (h) *Road Traffic Offences (Motor Vehicles and Bicycles) (Sark) (Amendment) Regulations 2021*
(Laid before the Chief Pleas of Sark on 07.07.21)
- (i) *Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No 7) Regulations 2021*
(Laid before the Chief Pleas of Sark on 07.07.21)
- (j) *Emergency Powers (Coronavirus) (Vaccine) (Limitation of Liability) (No 7) (Bailiwick of Guernsey) Regulations 2021*
(Laid before the Chief Pleas of Sark on 07.07.21)