

Jersey & Guernsey Law Review – February 2011
SUMMARY OF GUERNSEY LEGISLATION

1 September – 31 December 2010

A. GUERNSEY

1. LAWS ADOPTED BY THE STATES OF DELIBERATION

- (a) *Prison (Enabling Provisions) (Guernsey) Law, 2010*
(*Billet d'État* No XX of 2010. Approved 29.09.10)

This Law enables the States of Guernsey Home Department to declare prisons, prescribes the objects and principles of the prison system, sets out the functions of the Home Department and the Prison Governor in relation to prisons and enables the States of Deliberation by Ordinance to make such provision as they think fit in relation to prisons, prisoners and related matters.

- (b) *Renewable Energy (Guernsey) Law, 2010*
(*Billet d'État* No XXI of 2010. Approved 27.10.10)

This Law establishes the Renewable Energy Commission and creates various powers for the States of Deliberation by Ordinance to regulate the operation, management and decommissioning of renewable energy systems on Guernsey or within its territorial waters.

- (c) *Tobacco Products (Enabling Provisions) (Guernsey) Law, 2010*
(*Billet d'État* No XXIII of 2010. Approved 24.11.10)

This Law enables the States of Deliberation by Ordinance to regulate the importation, advertisement, sale, supply or consumption of tobacco products.

2. ORDINANCES APPROVED BY THE STATES OF DELIBERATION

- (a) *Conditions of Employment (Amendment) Ordinance, 2010*
(*Billet d'État* No XX of 2010. Approved 29.09.10—in force 01.10.10)

This Ordinance amends s 3 of the Conditions of Employment (Guernsey) Law, 1985, such that no hours of employment are to be disregarded for the purposes of the obligation placed upon employers to provide written particulars of terms of employment to employees under s 1 of the Law.

- (b) *Minimum Wage (Commencement) (Guernsey) Ordinance, 2010*
(*Billet d'État* No XX of 2010. Approved 29.09.10—in force 01.10.10)

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This Ordinance brings the Minimum Wage (Guernsey) Law, 2009 into force on 1 October 2010.

- (c) *Public Health (Amendment) Ordinance, 2010*
(*Billet d'État* No XXI of 2010. Approved 27.10.10—in force 01.11.10)

This Ordinance amends the provisions of the Public Health Ordinance, 1936 regulating overcrowding in dwelling-houses.

- (d) *Child Protection (Amendment) (Guernsey) Ordinance, 2010*
(*Billet d'État* No XXI of 2010. Approved 27.10.10—in force 27.10.10)

This Ordinance amends the Child Protection (Guernsey) Law, 1972 by inserting provisions enabling the States of Guernsey Health and Social Services Department by regulation to prescribe fees payable to the Department upon the registration of nurseries and child-minders under the Law. The Ordinance also extends the amendments to Alderney.

- (e) *Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 (Amendment) Ordinance, 2010*
(*Billet d'État* No XXIII of 2010. Approved 24.11.10—in force 01.12.10)

This Ordinance amends the definition of “officer of police” in the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 so that it includes a customs officer.

- (f) *Income Tax (Guernsey) (Approval of Agreement with Portugal) Ordinance, 2010*
(*Billet d'État* No XXIII of 2010. Approved 24.11.10—in force 24.11.10)

This Ordinance specifies the agreement providing for the obtaining and exchanging of information in relation to tax made between the States of Guernsey and the Portuguese Republic on 9 July 2010, for the purposes of the Income Tax (Guernsey) Law, 1975.

- (g) *Attendance and Invalid Care Allowances Ordinance, 2010*
(*Billet d'État* No XXIII of 2010. Approved 24.11.10—in force 03.01.11)

This Ordinance contains provisions relating to allowances and entitlement to attendance allowance under the Attendance and Invalid Care Allowances (Guernsey) Law, 1984 for 2011.

- (h) *Supplementary Benefit (Implementation) (Amendment) Ordinance, 2010*
(*Billet d'État* No XXIII of 2010. Approved 24.11.10—in force 07.01.11)

This Ordinance amends the numbered Tables set out in the appendix to the First Schedule to the Supplementary Benefit (Implementation) Ordinance, 1971.

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The First Schedule prescribes limitations upon weekly benefits and weekly requirements for the purposes of the Law.

- (i) *Health Service (Benefit) (Amendment) Ordinance, 2010*
(*Billet d'État* No XXIII of 2010. Approved 24.11.10—in force 01.01.11)

This Ordinance amends Schedule 1 to the Health Service (Benefit) Ordinance, 1990 (which prescribes the amount of prescription charges).

- (j) *Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2010*
(*Billet d'État* No XXIII of 2010. Approved 24.11.10 – in force 01.01.11)

This Ordinance prescribes the percentage rates of social insurance contributions, upper and lower earnings limits and rates of benefit and determines percentages for the purposes of the Guernsey Health Service Fund Allocation and the Long-term Care Insurance Fund Allocation for 2011.

- (k) *Family Allowances Ordinance, 2010*
(*Billet d'État* No XXIII of 2010. Approved 24.11.10—in force 03.01.11)

This Ordinance prescribes the amount of allowance for the purposes of the Family Allowances (Guernsey) Law, 1950.

- (l) *Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2010*
(*Billet d'État* No XXIV of 2010. Approved 08.12.08—in force 03.01.11)

This Ordinance specifies the rates of benefits and co-payment contributions for the purposes of the Long-term Care Insurance (Guernsey) Law, 2002.

- (m) *Wastewater Charges (Guernsey) Law, 2009 (Commencement) Ordinance, 2010*
(*Billet d'État* No XXIV of 2010. Approved 08.12.10—in force 01.04.11)

This Ordinance brings the Wastewater Charges (Guernsey) Law, 2009 into force on 1 April 2011.

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

- (a) *Data Protection (Processing of Personal Data) Order, 2010*
(*Billet d'État* No XX of 2010. Made by the Home Department—in force 01.07.10 and laid on 29.09.10)

- (b) *Data Protection (Subject Access) (Fees and Miscellaneous Provisions) (Amendment) Order, 2010*

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(*Billet d'État* No XX of 2010. Made by the Home Department—in force 24.06.10 and laid on 29.09.10)

- (c) *Tomatoes (Control of Importation) Order, 2010*
(*Billet d'État* No XX of 2010. Made by the Commerce and Employment Department—in force 01.07.10 and laid on 29.09.10)
- (d) *Companies (Registrar) (Fees) (Amendment) Regulations, 2010*
(*Billet d'État* No XX of 2010. Made by the Registrar of Companies—in force 01.07.10 and laid on 29.09.10)
- (e) *Financial Services Commission (Administrative Financial Penalties) (Bailiwick of Guernsey) Regulations, 2010*
(*Billet d'État* No XX of 2010. Made by the Guernsey Financial Services Commission—in force 01.09.10 and laid on 29.09.10)
- (f) *Air Navigation (Restriction of Flying) (Bailiwick of Guernsey) Regulations, 2010*
(*Billet d'État* No XX of 2010. Made by the Director of Civil Aviation—in force 01.09.10 and laid on 29.09.10)
- (g) *Export Control (Miscellaneous Goods) (Bailiwick of Guernsey) (Amendment) Order, 2010*
(*Billet d'État* No XX of 2010. Made by the Home Department—in force 20.07.10 and laid on 29.09.10)
- (h) *Employment Protection (Summoning of Witnesses and Documents) (Amendment) Order, 2010*
(*Billet d'État* No XXI of 2010. Made by the Commerce and Employment Department—in force 01.10.10 and laid on 27.10.10)
- (i) *Employment Protection Recoverable Costs) (Amendment) Order, 2010*
(*Billet d'État* No XXI of 2010. Made by the Commerce and Employment Department—in force 01.10.10 and laid on 27.10.10)
- (j) *Companies (Registrar) (Fees) (Amendment) (No 2) Regulations, 2010*
(*Billet d'État* No XXI of 2010. Made by the Registrar of Companies—in force 27.07.10 and laid on 27.10.10)
- (k) *Police Property Regulations, 2010*
(*Billet d'État* No XXIII of 2010. Made by the Home Department—in force 16.08.10 and laid on 24.11.10)

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- (l) *Tobacco Advertising (Guernsey) Regulations, 2010*
(*Billet d'État* No XXIII of 2010. Made by the Health and Social Services Department—in force 17.08.10 and laid on 24.11.10)
- (m) *Misuse of Drugs (Modification No 3) Order, 2010*
(*Billet d'État* No XXIII of 2010. Made by the Health and Social Services Department—in force 17.08.10 and laid on 24.11.10)
- (n) *Financial Services Commission (Bailiwick of Guernsey) (Amendment) Regulations, 2010*
(*Billet d'État* No XXIII of 2010. Made by the Guernsey Financial Services Commission and the Policy Council—in force 03.09.10 and laid on 24.11.10)
- (o) *Police Powers and Criminal Evidence (Revised Code of Practice E) (Bailiwick of Guernsey) Order, 2010*
(*Billet d'État* No XXIII of 2010. Made by the Home Department—in force midnight 01.10.10 and laid on 24.11.10)
- (p) *Companies (Registrar) (Fees) (Amendment) (No 3) Regulations, 2010*
(*Billet d'État* No XXIV of 2010. Made by the Registrar of Companies—in force 28.09.10 and laid on 08.12.10)
- (q) *Milk (Retail Prices) (Guernsey) Order, 2010*
(*Billet d'État* No XXIV of 2010. Made by the Commerce and Employment Department—in force 03.10.10 and laid on 08.12.10)
- (r) *Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No.4) Regulations, 2010*
(*Billet d'État* No XXIV of 2010. Made by the Social Security Department—in force on 06.10.10 and laid on 08.12.10)

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

- (a) *Real Property (Transfer Tax, Charging and Related Provisions) (Sark) (Amendment) Law, 2010*
(Approved by Chief Pleas of Sark on 14.04.10—registered 08.11.10. In force when registered on the records of the Island of Sark)
- (b) *Government of Alderney (Amendment) Law, 2010*
(Approved by the States of Alderney on 13.01.10—registered 08.11.10. In force 08.11.10)

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- (c) *Offences (Fixed Penalties) (Guernsey) Law, 2009*
(*Billet d'État* No XXXI of 2009—registered 08.11.10. In force on day to be appointed by Ordinance)
- (d) *Guernsey Finance LBG (Levy) (Guernsey) Law, 2010*
(*Billet d'État* No I of 2010—registered 08.11.10. In force on day to be appointed by Ordinance)
- (e) *Bethanie Chapel (Guernsey) Law, 2010*
(*Billet d'État* No I of 2010—registered 08.11.10. In force 08.11.10)
- (f) *Regulations of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) (Amendment) Law, 2010*
(*Billet d'État* No IV of 2010—registered 08.11.10. In force 08.11.10)
- (g) *Financial Services Commission (Bailiwick of Guernsey) (Amendment) Law, 2010*
(*Billet d'État* No IV of 2010—registered 08.11.10. In force 08.11.10)
- (h) *Protection of Investors (Bailiwick of Guernsey) (Amendment) Law, 2010*
(*Billet d'État* No IV of 2010—registered 08.11.10. In force 08.11.10)
- (i) *Banking Supervision (Bailiwick of Guernsey) (Amendment) Law, 2010*
(*Billet d'État* No IV of 2010—registered 08.11.10. In force 08.11.10)

5. RULES OF COURT

- (a) *Magistrate's Court (Fees) (Amendment) Rules, 2010.*
(O.R.C. No V of 2010. Made 13.12.10. In force 01.01.11)

These Rules amend the Magistrate's Court (Fees) Rules, 1981.

- (b) *Royal Court (Costs and Fees) Rules, 2010*
(O.R.C. No VI of 2010. Made 13.12.10. In force 01.01.11)

These Rules repeal the Royal Court (Costs and Fees) Rules, 2008 and make fresh provision for fees, witnesses allowances, taxation of costs and related matters in respect of proceedings before the Royal Court.

B. ALDERNEY

1. LAWS APPROVED BY THE STATES OF ALDERNEY

- (a) *Mental Health (Bailiwick of Guernsey) Law, 2010*
Approved 20.10.10)

SUMMARY OF LEGISLATION: ALDERNEY

This Law was approved by the States of Deliberation of Guernsey on 28.07.10 (see Chapter A1(b) of the entries relating to Guernsey for the period 1 May to 31 August 2010 at p 355 of vol 14(3) of the *Law Review*) and by the Chief Pleas of Sark on 06.10.10 (see Chapter C1(a) of the entries relating to Sark below).

2. ORDINANCES APPROVED BY THE STATES OF ALDERNEY

- (a) *Companies (Alderney) Law (Fees) Ordinance, 2010*
(*Billet d'État* 22.09.10. Approved on 20.10.10—in force 01.01.11)
- (b) *Fees (Amendment) (Alderney) Ordinance, 2010*
(*Billet d'État* 17.11.10. Approved on 17.11.10—in force 01.01.11)
- (c) *Occupiers' Rate (Level for 2011) Ordinance, 2010*
(*Billet d'État* 17.11.10. Approved on 17.11.10—in force 01.01.11)
- (d) *Housing (Exemptions) (No 3) (Alderney) Ordinance, 2010*
(*Billet d'État* 22.12.10. Approved on 22.12.10—in force 22.12.10)
- (e) *Housing (Exemptions) (No 4) (Alderney) Ordinance, 2010*
(*Billet d'État* 22.12.10. Approved on 22.12.10—in force 22.12.10)
- (f) *Housing (Exemptions) (No 5) (Alderney) Ordinance, 2010*
(*Billet d'État* 22.12.10. Approved on 22.12.10—in force 22.12.10)

C. SARK

1. LAWS APPROVED BY THE CHIEF PLEAS OF SARK

- (a) *Mental Health (Bailiwick of Guernsey) Law, 2010* (Approved 20.10.10)

This Law was approved by the States of Deliberation of Guernsey on 28.07.10 (see Chapter A1(b) of the entries relating to Guernsey for the period 1 May to 31 August 2010 at p 355 of vol 14(3) of the *Law Review*) and by the States of Alderney on 20.10.10 (see Chapter B1(a) of the entries relating to Alderney above).

- (b) *Renewable Energy (Sark) Law, 2010* (Approved 20.10.10)

This Law establishes the Sark Commission for Renewable Energy and creates various powers for the Chief Pleas by Ordinance to regulate the operation, management and decommissioning of renewable energy systems on Sark or within its territorial waters.

- (c) *Reform (Sark) (Amendment) (No 2) Law, 2010* (Approved 10.11.10)

SUMMARY OF LEGISLATION: ALDERNEY

This Law amends the Reform (Sark) Law, 2008 and includes provision dividing the role of the Seneschal, creating revised procedures for elections to casual vacancies amongst Conseillers and in relation to the Register of Electors and makes other miscellaneous amendments to the 2008 Law.

2. ORDINANCES APPROVED BY THE CHIEF PLEAS OF SARK

- (a) *Road Traffic (Tractors and Invalid Carriages) (Amendment) (No 2) Ordinance, 2010*
(Approved 20.10.10—in force 01.01.11)
- (b) *Financial Provisions (Amendment) (Sark) Ordinance, 2010*
(Approved 20.10.10—in force 01.01.11)
- (c) *Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2010*
Approved 20.10.10—in force 01.01.11)