

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

26th January, 2022

Proposition No. P.2021/144

Policy & Resources Committee, Committee for Health & Care
and the Committee for Home Affairs

Living Responsibly with COVID-19

AMENDMENT

Proposed by: Deputy G St Pier

Seconded by: Deputy Y Burford

To insert an additional new Proposition:

“Having noted that in February 2014 the States of Deliberation *inter alia* resolved:

That a new Public Health (Enabling Provisions) Law be drafted.

That the [Health and Social Services] Department consults on and then proposes reforms to the current legislation under this new Law in order to legislate on provisions relating to hygiene, health, nuisance, disease control and other public health issues and the powers and duties of its statutory officers; the new Ordinances and subordinate legislation should include the necessary human rights protection and appeals mechanisms

and in December 2017:

To agree that the Committee for Health & Social Care should report back to the States on the legislative changes needed to disband the roles of Medical Officer of Health and Chief Medical Officer and, where relevant, transfer their functions to existing services or statutory officials whilst exploring the potential for creating reciprocal arrangements for the independent challenge and peer review of respective health and care policy on a regular or ad hoc basis by other small jurisdictions

and given that these Resolutions remain extant, to direct that the Policy & Resources Committee, having consulted with the Committee for Health &

Social Care, shall give full consideration to the discharge of these Resolutions in the Government Work Plan Update to be debated in June 2022 to include resource requirements and the impact of any prioritisation of this work during this term of government on the phasing and achievability of other actions in the Government Work Plan.”

Rule 4(1) Information

- a) The proposition does not of itself contribute to the States’ objectives and policy plans but provides the opportunity for the discharge of extant Resolutions to be prioritised within the Government Work Plan.
- b) In preparing the proposition there has been consultation with a number of Members of the States both members and non-members of the sponsoring Committees.
- c) The proposition has been submitted to Her Majesty’s Procureur for advice on any legal or constitutional implications.
- d) There are no direct financial implications to the States of carrying the proposition into effect. The financial implications of discharging the Resolutions will be identified through the Government Work Plan process.

Explanatory note

In 2014, the States agreed that a new Public Health law should be prepared. At that time, it was anticipated that it would be 6 months’ work. In 2017, the States agreed to remove the roles of Chief Medical Officer and Medical Officer of Health. The Resolutions have not yet been discharged.

One of the drivers for the 2014 decision, was a response to the SARS epidemic in 2009, to ensure a fit-for-purpose legislative framework with appropriate 21st century safeguards to help manage future epidemics and pandemics. This rationale remains as valid 8 years later – all the more so after the COVID pandemic. Accordingly, the discharge of the Resolutions should be prioritised through the Government Work Plan process.