



# BILLET D'ÉTAT

WEDNESDAY, 26<sup>th</sup> MAY, 2021

XII  
2021

## *ELECTIONS AND APPOINTMENTS*

1. Committee *for* Home Affairs - Police Complaints Commission: Re-Appointment of Member, P.2021/31
2. Policy & Resources Committee - Election of Mr Julian Winser as an Ordinary Member and Future Chairman of the Guernsey Financial Services Commission, P.2021/36
3. Election of Members of the Ladies' College Board of Governors, P.2021/41

## *LEGISLATIVE BUSINESS*

### *Legislation laid before the States*

The Financial Services Commission (Bailiwick of Guernsey) Law, 1987 (Amendment) Ordinance, 2021  
The Land Planning and Development (Emergency Procedures) Ordinance, 2021  
The Social Insurance (Benefits) (Amendment) Regulations, 2020  
The Social Insurance (Benefits) (Amendment) Regulations, 2021  
The Social Insurance (Contributions) (Amendment) Regulations, 2021

### *Legislation for Approval*

4. Committee *for* Economic Development - The Companies (Guernsey) Law, 2008 (Insolvency) (Amendment) Ordinance, 2021, P.2021/37
5. Committee *for* Home Affairs - The Road Traffic (Speed Limits and Trials) (Amendment) Ordinance, 2021, P.2021/38

## *OTHER BUSINESS*

6. Policy & Resources Committee - Schedule for future States' business, P.2021/39

# BILLET D'ÉTAT

---

TO  
THE MEMBERS OF THE STATES  
OF THE ISLAND OF GUERNSEY

---

I hereby give notice that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY** the **26<sup>th</sup> May, 2021** immediately after the Meeting of the States of Election convened for 9.30 a.m., to consider the items listed in this Billet d'État which have been submitted for debate.

R. J. McMAHON  
Bailiff and Presiding Officer

The Royal Court House  
Guernsey

29<sup>th</sup> April, 2021

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**COMMITTEE *FOR* HOME AFFAIRS**

**POLICE COMPLAINTS COMMISSION:  
RE-APPOINTMENT OF MEMBER**

The States are asked to decide: -

Whether, after consideration of the Policy Letter entitled “Police Complaints Commission: Re-appointment of Member” dated 15<sup>th</sup> March 2021, they are of the opinion:

- 1 To re-appoint Mrs Bonita Hamilton as a member of the Police Complaints Commission for a further term of four years with effect from 1<sup>st</sup> July 2021.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**COMMITTEE *FOR* HOME AFFAIRS**

POLICE COMPLAINTS COMMISSION:  
RE-APPOINTMENT OF MEMBER

The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port

15<sup>th</sup> March 2021

Dear Sir

**1 Executive Summary**

1.1 The purpose of this Policy Letter is to approve the re- appointment of Mrs Bonita Hamilton as a member of the Police Complaints Commission ('the Commission') with effect from 1<sup>st</sup> July 2021.

**2 Background**

2.1 In 2005, the States of Deliberation approved the then Home Department's recommendation that legislation be introduced to establish a Police Complaints Commission<sup>1</sup>. The Police Complaints (Guernsey) Law, 2008<sup>2</sup>("the Law") came into effect on 1st July 2011, and the Commission was established.

2.2 The Committee *for* Home Affairs ("the Committee") would like to take this opportunity to put on record its thanks and appreciation to all the members of the Commission for their dedication and commitment to their roles.

**3 Constitution**

3.1 The Schedule to the Law sets out the composition of, and appointment process to, the Commission. The following parts are relevant.

---

<sup>1</sup> [Billet d'État I, 2005](#)

<sup>2</sup> [The Police Complaints \(Guernsey\) Law, 2008](#)

- 3.2 Paragraph 1(1) of the Schedule states that *“The Commission shall consist of a Chairman and five ordinary members.”*
- 3.3 Paragraph 1(2) states that *“The Chairman and ordinary members shall be appointed by the States on the recommendation of the Committee”.*
- 3.4 Paragraph 5(3) states that *‘A quorum at any meeting is three members’*

#### **4 Re-appointment of Member**

- 5.1 Mrs Bonita Hamilton has served as a member of the Commission since its commencement on 1<sup>st</sup> July 2011, she was re-appointed in June 2013 and again in 2017 meaning that her term of office comes to an end on 30<sup>th</sup> June 2021.
- 5.2 Mrs Hamilton is a committed member of the Commission and has carried out her role with professionalism and integrity.
- 5.3 The Chairman of the Commission is satisfied that Mrs Hamilton meets the prescribed criteria as set out in the Law, and has recommended this re-appointment to the Committee.
- 5.4 The Committee respectfully requests that the States re-appoint Mrs Hamilton for a further term of 4 years with effect from 1<sup>st</sup> July 2021.

#### **6 Compliance with Rule 4**

- 6.1 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty’s Procureur for advice on any legal or constitutional implications.
- 6.2 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.
- 6.3 In accordance with Rule 4(5), the Propositions relate to the duties of the Committee to advise the States and to develop and implement policies on matters relating to its purpose including law enforcement and policing.

Yours faithfully

R G Prow  
President

S P J Vermeulen  
Vice-President

M P Leadbeater

C J Le Tissier

A W Taylor

P A Harwood

Non-States Member

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**POLICY & RESOURCES COMMITTEE**

**ELECTION OF MR JULIAN WINSER AS AN ORDINARY MEMBER AND FUTURE CHAIRMAN OF  
THE GUERNSEY FINANCIAL SERVICES COMMISSION**

The States are asked to decide:-

Whether, after consideration of the Policy Letter dated 29<sup>th</sup> March, 2021,

of the

Policy & Resources Committee, they are of the opinion:-

1. To elect Mr Julian Winser as an ordinary member of the Guernsey Financial Services Commission for a three-year term with effect from 1st June 2021.
2. To elect Mr Julian Winser as Chairman of the Guernsey Financial Services Commission with effect from 31<sup>st</sup> December 2021 until 31<sup>st</sup> May 2024, to succeed the current Chairman, Drs Cees Schrauwens who retires on 30<sup>th</sup> December 2021.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**POLICY & RESOURCES COMMITTEE**

ELECTION OF MR JULIAN WINSER AS AN ORDINARY MEMBER AND FUTURE CHAIRMAN OF  
THE GUERNSEY FINANCIAL SERVICES COMMISSION

Presiding Officer  
Royal Court  
St Peter Port  
Guernsey

29<sup>th</sup> March, 2021

Dear Sir

**1. Executive Summary**

- 1.1 *"The Guernsey Financial Services Commission (Bailiwick of Guernsey) Law, 1987 (as amended)"* requires that there is a minimum of five serving Commissioners of the Guernsey Financial Services Commission (GFSC). Two have recently retired; they are Mr Richard Hobbs and Mr Bob Moore. Currently, there are six serving Commissioners.
- 1.2 In order to ensure there continues to be a an appropriate number of Commissioners with relevant industry experience, this report proposes the election of Mr Julian Winser as an ordinary member of the GFSC for a three-year term with effect from 1st June 2021 and as Chairman of the Guernsey Financial Services Commission with effect from 31<sup>st</sup> December 2021 until 31<sup>st</sup> May 2024, to succeed the current Chairman, Drs Cees Schrauwers who retires on 30<sup>th</sup> December 2021.

**2. Report**

- 2.1 Mr. Julian Winser MBA, FRSA, FIWFM, FCMI, FCISI, was educated at Radley College, Eurocentres Lausanne Language School, Exeter University, The Royal Academy Sandhurst and the Open University. He served in the military as an officer in the Royal Green Jackets and Army Air Corps.
- 2.2 On leaving the military he spent ten years at Baring Asset Management in operations and investment management, and subsequently 23 years at Schrodgers working in the investment market on behalf of both private clients and institutions. Between 2005 and 2020 he was Chief Executive Officer of Schrodgers offshore private client business based in Guernsey and responsible for the Channel Islands, Gibraltar, Malta and Bermuda, while also being part of the team managing Cazenove Capital worldwide.

- 2.3 He has been a Trustee of Youth Clubs UK, President of the Guernsey Chamber of Commerce and Chairman of the Guernsey Youth Commission.
- 2.4 Currently he is director of a number of primarily financial services companies, Chairman of the Shadow Governors of the Guernsey Institute, Chairman of the Guernsey Friends of the Duke of Edinburgh's Award Scheme and Chairman of the Garenne Group Limited, a privately owned construction group which includes RG Falla, AFM, GeoMarine, Granite Le Pelley and Rabeys, with businesses across Guernsey, Jersey and the UK.
- 2.5 He is a CEDR trained mediator and advisor to the Oxford Process, an international conflict resolution organisation.

### **3. Conclusion**

- 3.1 "The Financial Services Commission (Bailiwick of Guernsey) Law, 1987 (as amended)", specifies that ordinary members of the Commission should "be persons having knowledge, qualifications or experience appropriate to the development and supervision of finance business in the Bailiwick".
- 3.2 Based on his significant professional experience, the Policy & Resources Committee is of the opinion that Mr Julian Winser meets the criteria of the Law and is pleased to nominate him for election as an ordinary member of the GFSC and as its future Chairman.

### **4. Recommendation**

The States are asked to decide whether they are of the opinion:-

- 4.1 To elect Mr Julian Winser as an ordinary member of the Guernsey Financial Services Commission for a three-year term with effect from 1st June 2021.
- 4.2 To elect Mr Julian Winser as Chairman of the Guernsey Financial Services Commission with effect from 31<sup>st</sup> December 2021 until 31<sup>st</sup> May 2024, to succeed the current Chairman, Drs Cees Schrauwers, whose term of office ends on 30<sup>th</sup> December 2021.

### **5. Compliance with Rule 4**

- 5.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 5.2 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications. She has advised that there is no reason in law why the Propositions should not be put into effect.
- 5.3 In accordance with Rule 4(4) of The Rules of Procedure of the States of Deliberation

and their Committees, it is confirmed that the proposition accompanying this policy letter is supported unanimously by the Policy & Resources Committee.

Yours faithfully

P T R Ferbrache  
President

H J R Soulsby  
Vice-President

J P Le Tocq  
M A J Helyar  
D J Mahoney

**ELECTION OF MEMBERS OF THE  
LADIES' COLLEGE BOARD OF GOVERNORS**

The States are asked:

- (1) To re-elect Ms Cathryn Llywella Perkins as a member of the Ladies' College Board of Governors who has been nominated in that behalf by the Chairman, the two States-appointed Governors and the two Governors appointed by the States on the nomination of the Committee *for* Education, Sport & Culture, and whose term of office will expire on the 31<sup>st</sup> May 2021.

*N.B. Nominations cannot be made from the floor of the Assembly.*

- (2) To re-elect Mr Peter Miller as a member of the Ladies' College Board of Governors who has been nominated in that behalf by the Committee *for* Education, Sport & Culture, and whose term of office will expire on the 31<sup>st</sup> May 2021.

*N.B. Nominations cannot be made from the floor of the Assembly.*

## **ORDINANCE LAID BEFORE THE STATES**

The States of Deliberation have the power to annul the Ordinances detailed below.

### **THE FINANCIAL SERVICES COMMISSION (BAILIWICK OF GUERNSEY) LAW, 1987 (AMENDMENT) ORDINANCE, 2021**

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Financial Services Commission (Bailiwick of Guernsey) Law, 1987 (Amendment) Ordinance, 2021", made by the Policy & Resources Committee on the 9<sup>th</sup> March, 2021, is laid before the States.

#### **EXPLANATORY MEMORANDUM**

The Ordinance inserts a new paragraph 12A into Schedule 1 to the Financial Services Commission (Bailiwick of Guernsey) Law, 1987. That paragraph enables an officer or member of the Commission (including "Senior Decision-makers" appointed by the Commission), when undertaking work in connection with the potential imposition of sanctions under the financial regulatory Laws, to undertake that work outside the Bailiwick and to hold oral hearings remotely.

The Ordinance was approved by the Legislation Review Panel on the 1<sup>st</sup> March, 2021 and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. Under the proviso to the said Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

### **THE LAND PLANNING AND DEVELOPMENT (EMERGENCY PROCEDURES) ORDINANCE, 2021**

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Land Planning and Development (Emergency Procedures) Ordinance, 2021", made by the Policy & Resources Committee on the 16<sup>th</sup> March, 2021, is laid before the States.

#### **EXPLANATORY MEMORANDUM**

The Ordinance provides for the holding of remote planning and building control appeal hearings where provisions are in force, or are to come into force, under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 which impose restrictions in relation to the movement or meeting of persons in Guernsey or guidance has been issued, or is to be issued, by the Medical Officer of Health or the Committee *for* Health & Social Care which advises against the meeting of persons in Guernsey or movement of persons outside their homes. Such circumstances have to apply at the time when arrangements are being made for the hearing or at any time during the holding of a hearing (see section 1(1) and (2)).

The Ordinance provides for the current legislation relating to appeal hearings to be construed in specified ways to allow for remote planning appeal hearings and for related modifications to certain provisions. This includes providing for a summons under the Appeals Regulations to be served electronically and for site inspections carried out by the Appellate Body, in relation to an appeal, to be done by such other means as the Appellate Body considers effective including by using photographs or satellite images of the land (see sections 1(3) and 2 to 4). The Appellate Body is the Planning Tribunal for most appeals.

Section 5 gives the Committee *for* the Environment & Infrastructure a power to amend the Ordinance by Regulations or to make such further provision as it considers necessary or expedient in relation to the holding or facilitation of remote appeal hearings but only in the circumstances where remote appeal hearings can currently be held under the Ordinance.

The Ordinance was approved by the Legislation Review Panel on the 11<sup>th</sup> March, 2021 and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. Under the proviso to the said Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

## **STATUTORY INSTRUMENTS LAID BEFORE THE STATES**

The States of Deliberation have the power to annul the Statutory Instruments detailed below.

No. 124 of 2020

### **THE SOCIAL INSURANCE (BENEFITS) (AMENDMENT) REGULATIONS, 2020**

In pursuance of sections 15, 20, 39, 67 and 116 of the Social Insurance (Guernsey) Law, 1978, "The Social Insurance (Benefits) (Amendment) Regulations, 2020", made by the Committee *for* Employment & Social Security on 9<sup>th</sup> December, 2020, are laid before the States.

#### EXPLANATORY NOTE

These Regulations replace the schedules to the Social Insurance (Benefits) Regulations, 2003, and prescribe the reduced rates of benefit payable from 4<sup>th</sup> January, 2021 to claimants who do not satisfy the conditions for entitlement to payment of the maximum rate of benefit.

These Regulations came into force on the 4<sup>th</sup> January, 2021.

No. 23 of 2021

### **THE SOCIAL INSURANCE (BENEFITS) (AMENDMENT) REGULATIONS, 2021**

In pursuance of sections 23(2) and 116 of the Social Insurance (Guernsey) Law, 1978, "The Social Insurance (Benefits) (Amendment) Regulations, 2021", made by the Committee *for* Employment & Social Security on 10<sup>th</sup> March, 2021, are laid before the States.

#### EXPLANATORY NOTE

These Regulations amend the Social Insurance (Benefits) Regulations, 2003.

Regulation 1 inserts a further category of person in regulation 33(1) who may be deemed incapable of work, where that person is an essential worker for the purposes of a direction issued under the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021 (or any regulations amending or replacing those Regulations), who is requested by the Medical Officer of Health to refrain from attending their place of work (whether specifically or upon a request to self-isolate) and who cannot carry out their duties when not at their place of work.

These Regulations came into force on the 10<sup>th</sup> March, 2021.

No. 28 of 2021

**THE SOCIAL INSURANCE (CONTRIBUTIONS) (AMENDMENT) REGULATIONS, 2021**

In pursuance of sections 11, 15 and 116 of the Social Insurance (Guernsey) Law, 1978, “The Social Insurance (Contributions) (Amendment) Regulations, 2021”, made by the Committee *for* Employment & Social Security on 31<sup>st</sup> March, 2021, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the Social Insurance (Contributions) Regulations, 2000 to award contribution credits to those classified as employed contributors on the 23<sup>rd</sup> January, 2021 who lack contributions on their record for the period of the second lockdown due to COVID-19 from the 23<sup>rd</sup> January, 2021 to the 21<sup>st</sup> March 2021 (see regulation 1).

These Regulations came into force on the 31<sup>st</sup> March, 2021.

The full text of the legislation can be found at: <http://www.guernseylegalresources.gg>

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**THE COMPANIES (GUERNSEY) LAW, 2008 (INSOLVENCY) (AMENDMENT) ORDINANCE,  
2021**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Companies (Guernsey) Law, 2008 (Insolvency) (Amendment) Ordinance, 2021", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

**EXPLANATORY MEMORANDUM**

This Ordinance amends the definition of 'onerous property' pursuant to section 421A(2) of the Companies (Guernsey) Law, 2008 so that any real property situated outside the Bailiwick of Guernsey 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'.



# **The Companies (Guernsey) Law, 2008 (Insolvency) (Amendment) Ordinance, 2021**

THE STATES, in pursuance of their Resolution of the 31<sup>st</sup> March, 2017<sup>a</sup>, and in exercise of the powers conferred on them by sections 533 and 538 of the Companies (Guernsey) Law, 2008<sup>b</sup>, and all other powers enabling them in that behalf, hereby order:-

## **Amendment of Law.**

1. For section 421A(2) of the Companies (Guernsey) Law, 2008<sup>c</sup> (power to disclaim onerous property) substitute the following subsection –

“(2) For the purpose of this section, “**onerous property**” means -

- (a) any unprofitable contract,
- (b) any other personal property which is unsaleable or not readily saleable or is such that it may give rise to a liability to pay money or perform any other onerous act, and

---

<sup>a</sup> Article XIV of Billet d'État No. VII of 2017.

<sup>b</sup> Order in Council No. VIII of 2008; amended by the Companies (Guernsey) Law, 2008 (Insolvency) (Amendment) Ordinance, 2020; there are other amendments not material to this enactment.

<sup>c</sup> Section 421A(2) was inserted by the Companies (Guernsey) Law, 2008 (Insolvency) (Amendment) Ordinance, 2020.

- (c) any real property situated outside the Bailiwick of Guernsey which is unsaleable or not readily saleable or is such that it may give rise to a liability to pay money or perform any other onerous act.”.

**Citation.**

2. This Ordinance may be cited as the Companies (Guernsey) Law, 2008 (Insolvency) (Amendment) Ordinance, 2021.

**Commencement.**

3. This Ordinance shall come into force on the same day as the Companies (Guernsey) Law, 2008 (Insolvency) (Amendment) Ordinance, 2020.

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**THE ROAD TRAFFIC (SPEED LIMITS AND TRIALS) (AMENDMENT) ORDINANCE, 2021**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Road Traffic (Speed Limits and Trials) (Amendment) Ordinance, 2021", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

**EXPLANATORY MEMORANDUM**

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.



# The Road Traffic (Speed Limits and Trials) (Amendment) Ordinance, 2021

THE STATES, in pursuance of their Resolution of the 25<sup>th</sup> November, 2020<sup>a</sup>,  
hereby order:-

## Amendment of Ordinance.

1. (1) The Road Traffic (Speed Limits and Trials) Ordinance, 1987<sup>b</sup> is amended as follows.

(2) In section 2(2), for "States Committee for the Environment & Infrastructure (**the E&I Committee**)" substitute "Committee".

(3) For section 4(1) substitute –

"(1) A person shall not promote or take part in any race or trial of speed between motor vehicles on a public highway other than a race or trial of speed held –

(a) at such place, on such day and within such hours on that day as shall be approved by the Committee, and

---

<sup>a</sup> Article XI of Billet d'État No. XXV of 2020.

<sup>b</sup> Recueil d'Ordonnances Tome XXIV, p. 20; amended by Ordinance No. XXI of 2018. There are other amendments not relevant to this enactment.

- (b) in accordance with such conditions as the Committee thinks fit, including (but not limited to) conditions with regard to –
  - (i) the safety of participants, spectators and others (including, for the avoidance of doubt, requirements in respect of the giving of advice, and the granting of approvals, by such relevant governing body of the motorsport in question in the United Kingdom, or such equivalent body, as the Committee thinks fit), and
  - (ii) the clearance of the site of the race or trial after the event."

(4) In section 8A(1), for "the E&I Committee" in each place where it occurs substitute "the Committee".

(5) In section 9(1), in the definition of "**the Committee**", for "States Committee for Home Affairs" substitute "States Committee for the Environment & Infrastructure".

**Citation.**

2. This Ordinance may be cited as the Road Traffic (Speed Limits and Trials) (Amendment) Ordinance, 2021.