

ORDINANCE LAID BEFORE THE STATES

THE CHEMICAL WEAPONS (RESTRICTIVE MEASURES) (GUERNSEY) ORDINANCE, 2018

The States are asked to decide:-

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Chemical Weapons (Restrictive Measures) (Guernsey) Ordinance, 2018", made by the Policy & Resources Committee on the 30th October, 2018, is laid before the States.

EXPLANATORY MEMORANDUM

This Ordinance is made under the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994. The Ordinance gives effect to EU Regulation No. 2018/1542 of the 15th October, 2018 in respect of restrictive measures as a result of concerns about the proliferation and use of chemical weapons.

The Ordinance was made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948, and came into force on the 30th October, 2018. Under the proviso to Article 66A(1) of the Reform (Guernsey) Law, 1948, 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. 48 of 2018

THE WASTEWATER CHARGES (GUERNSEY) REGULATIONS, 2018

In pursuance of section 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, "The Wastewater Charges (Guernsey) Regulations, 2018", made by the States' Trading Supervisory Board on 16th August, 2018, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe new wastewater charges and rates applying under the Wastewater Charges (Guernsey) Law, 2009.

These Regulations come into force on 1st January, 2019.

No. 49 of 2018

THE WATER CHARGES (AMENDMENT) REGULATIONS, 2018

In pursuance of section 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, "The Water Charges (Amendment) Regulations, 2018", made by the States' Trading Supervisory Board on 16th August, 2018, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the charges which will be made for the supply of water for 2019.

These Regulations come into force on 1st January, 2019.

No. 57 of 2018

THE PRISON (GUERNSEY) (AMENDMENT) REGULATIONS, 2018

In pursuance of by sections 49 and 51 of the Prison (Guernsey) Ordinance, 2013, The Prison (Guernsey) (Amendment) Regulations, 2018, made by the Committee *for* Home Affairs on 1st October 2018, is laid before the States.

EXPLANATORY NOTE

These Regulations amend the Prison (Guernsey) Regulations, 2013 ("**the principal Regulations**") to authorise the accommodation of prisoners in certified multiple-occupancy cells where there are insufficient cells to allow each prisoner sole occupancy of a prison cell. These Regulations also replace references to a provision of the now-repealed Data

Protection (Bailiwick of Guernsey) Law, 2001 with references to the corresponding provision of the Data Protection (Bailiwick of Guernsey) Law, 2017, which replaced the 2001 Law.

Regulation 2 of these Regulations substitute regulation 14 of the principal Regulations in order to specifically provide for two or more prisoners to be accommodated in a duly-certified multiple-occupancy cell where there are insufficient cells to allocate one cell solely to each prisoner. Before prisoners are accommodated in a multiple-occupancy cell, an appropriate risk assessment must be carried out and the prisoners consulted. Prisoners must not be required to share a cell if they are not suitable to associate with one another.

Cell-sharing prisoners are entitled to be employed in work, study, training or other activities outside the cell during the prison working day (so far as practicable), not to share cells for more than six consecutive weeks at a time, and to be given sole occupancy of a cell for an interval of at least the same length of time as the time spent cell-sharing. A prisoner may waive any of these entitlements by written request made to the Governor.

Regulations 3 and 4 replace references in the principal Regulations to a provision of the recently-repealed Data Protection (Bailiwick of Guernsey) Law, 2001 with references to the corresponding provision of the Data Protection (Bailiwick of Guernsey) Law, 2017.

Regulations 5 and 6 are the citation and commencement provisions respectively.

These Regulations come into force on the 1st October, 2018.

No. 61 of 2018

THE WASTEWATER CHARGES (GUERNSEY) REGULATIONS (No. 2), 2018

In pursuance of section 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, “The Wastewater Charges (Guernsey) Regulations, 2018”, made by the States’ Trading Supervisory Board on 1st November, 2018, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe a new Rate 3 for the purpose of calculating Charge C in accordance with section 5(1)(c)(ii) of the Wastewater Charges (Guernsey) Law, 2009. These Regulations come into force on 1st January, 2019.

No. 62 of 2018

WASTE DISPOSAL AND RECOVERY CHARGES (No. 2) REGULATIONS, 2018

In pursuance of Section 32(3)(c) and (4) and section 72 of the Environmental Pollution (Guernsey) Law, 2004 and all other powers enabling it in that behalf, the Waste Disposal and Recovery Charges Regulations (No. 2), 2018, made by the Waste Disposal Authority on 1st November 2018, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the charges, or rates of charge, payable from 1st January 2019 as a pre-condition of the acceptance of waste of particular descriptions by the Waste Disposal Authority for disposal or recovery at specified public waste management sites (see

Table 1 in Schedule 1). They also set out charges in 2019 for the reloading of waste which is not accepted at specified public waste management sites (see Table 2 in Schedule 1).

The main changes from the previous Waste Disposal and Recovery Charges Regulations, 2018 are to Regulation 1 and Schedule 1 (which sets out the new rates of charge) and the addition of a new Schedule 3.

Regulation 1 is amended to provide that no charge is payable as a pre-condition of acceptance of any waste transferred to any public waste management site by the Parish waste collection and transfer service. This is because charges for the disposal or recovery of such waste, mainly from households, are to be charged from 1st January, 2019 through charges made by the Waste Disposal Authority direct to householders and other users of the Parish waste collection and transfer service rather than through charges made to the Parishes at the gate of the public waste management site under these Regulations.

Schedule 1 is amended to prescribe new charges as a pre-condition of the acceptance of waste and to reflect the changes to waste accepted at Mont Cuet with the opening of the new waste facilities at Longue Hougue. Other changes are made to remove the reference to the La Fontaine Waste Segregation Facility, which is now closed, and La Hure Mare, as polystyrene recycling will cease as it is not economically viable.

Minor amendments have been made to Schedule 2 to remove polystyrene and to add new categories for mattresses, all fire extinguishers and gas bottles and other cylinders containing toxic or flammable substances. The Schedule lists recyclable waste in respect of which higher charges are payable when delivered to a waste site as part of a mixed load rather than segregated for recycling.

Amendments have also been made to provide for the charges for the disposal of certain waste items which are not accepted for use in the production of refuse derived fuel (RDF) in accordance with the acceptance criteria of the energy from waste facility to which Guernsey exports RDF made from residual waste. These items have been added to the definition of "contaminants" and set out in Schedule 3 so that where such waste is included in mixed loads at the Longue Hougue Waste Transfer Station it will be subject to a higher charge than if they had been segregated or recycled. A charge is also provided for the disposal of such waste at Mont Cuet to cover such items which cannot be disposed of at Longue Hougue.

These Regulations come into force on 1st January, 2019.

No. 63 of 2018

THE PAROCHIAL COLLECTION OF WASTE (GUERNSEY) LAW, 2015 (COMMENCEMENT AND TRANSITIONAL PROVISIONS) ORDER, 2018

In pursuance of Section 19 and 26 of the Parochial Collection of Waste (Guernsey) Law, 2015 and all other powers enabling it in that behalf, The Parochial Collection of Waste (Guernsey) Law, 2015 (Commencement and Transitional Provisions) Order, 2018, made by the Policy & Resources Committee on 30th October 2018, is laid before the States.

EXPLANATORY NOTE

This Order provides for the coming into force of the Parochial Collection of Waste (Guernsey) Law, 2015 ("2015 Law") on 1 January, 2019.

The 2015 Law provides for revised functions of the Parishes in relation to the collection of waste from dwelling houses and lodging houses in the Parishes, including a duty to make arrangements for the collection of waste in accordance with requirements of the Waste Disposal Authority; those requirements may provide for kerbside collection of recycling. There is also provision in the Law for Parishes to admit business premises into the Parish waste collection and transfer service.

The 2015 Law also provides for charging for such collections of waste through the levying of a Parish waste rate, the duties on occupiers of dwelling houses, lodging houses and business premises admitted into the service in relation to the putting out of waste for collection (including recycling) by the Parishes and the enforcement of the same (including by civil fixed penalty notices) and the repeal and replacement of the Parochial Collection of Refuse (Guernsey) Law, 2001.

Article 2 of this Order makes transitional provision in relation to the refuse rate levied under the Parochial Collection of Refuse (Guernsey) Law, 2001 to clarify that liability to pay and rights to recover that rate continue to apply despite the repeal of that Law by the 2015 Law.

The Order comes into force on 1st January, 2019.

No. 65 of 2018

THE FINANCIAL SERVICES COMMISSION (FEES) (AMENDMENT) REGULATIONS, 2018

In pursuance of section 13 of the Financial Services Commission (Bailiwick of Guernsey) Law, 1987; section 21 of the Protection of Investors (Bailiwick of Guernsey) Law, 1987; section 60 of the Banking Supervision (Bailiwick of Guernsey) Law, 1994; section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002; and section 63 of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002, "The Financial Services Commission (Fees) (Amendment) Regulations, 2018", made by the Policy & Resources Committee on 23rd January 2018, are laid before the States.

EXPLANATORY NOTE

These Regulations correct a typographical error in the Financial Services Commission (Fees) Regulations, 2017.

These Regulations came into force on the 1st January, 2018.

The full text of the statutory instruments can be found at:
<http://www.guernseylegalresources.gg/article/163343/2018>