

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

POLICY & RESOURCES COMMITTEE

COMMITTEE OPERATIONAL RESPONSIBILITIES
AND
THE ORGANISATION OF STATES' AFFAIRS (TRANSFER OF FUNCTIONS AND
CONSEQUENTIAL MATTERS) ORDINANCE, 2019

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled 'Committee Operational Responsibilities and the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019 dated 4th September 2019 they are of the opinion:

1. To note the contents, including the schedules of operational responsibilities set out in Appendix 1 for the various States' Committees,
2. To agree that Rule 58 of the Rules of Procedure of the States of Deliberation and their Committees, to read as follows,

"The Policy & Resources Committee has the power to allocate operational functions to Committees, and to transfer them between Committees, as set out in Annex Two to the mandates of the Committees of the States, without requiring the approval of the States;

Provided that:

the allocation or transfer has the agreement of all Committees concerned and also provided that neither mandates of Committees of the States nor Annex One attached thereto may be amended without resolution of the States;

Provided also that:

the power to transfer shall not apply to an operational function conferred on a Committee by legislation."

and

3. To approve the draft Ordinance entitled 'The Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019' and to direct that the same shall have effect as an Ordinance of the States.

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.

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

4th September 2019

Dear Sir

1. Executive Summary

1.1 This policy letter addresses three matters, all of which arise from the resolutions linked to the reports of the States' Review Committee on the reform of Guernsey's machinery of government.

1.2 First, the policy letter addresses the one outstanding resolution from States Review Committee's Third Policy Letter¹. The resolution relates to the requirement for the Policy & Resources Committee to prepare a schedule of operational responsibilities for each Committee, namely:

“.... the Policy & Resources Committee shall compile a comprehensive schedule of committees' operational functions which shall be inserted as a replacement Annex Two to the 'Mandates of Committees of the States with effect from the 1st of May, 2016' Appendix, by no later than the end of 2016.”

1.3 Second, the Committee is proposing an amendment to Rule 58 of the Rules of Procedure of the States of Deliberation and their Committees to clarify that the Committee's power to transfer an operational function from one committee to another shall not apply where the function is conferred on a committee by legislation.

¹ Billet d'État XXI of 2015 refers

- 1.4 Finally, at its meeting on 16th February 2016, the States approved the Ordinance entitled the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016². Further to enactment of the Ordinance, it has become apparent that the transfer of some functions has been inadvertently over-looked and that there are some consequential amendments to legislation that ought to be made (in some instances for the avoidance of doubt) in order to ensure implementation of the Resolutions of the States relating to the Organisation of States' Affairs from 2015 and 2016. It is therefore proposed that the attached Ordinance is enacted to address the relevant transfers and consequential matters.

2. Committees' Operational Responsibilities

- 2.1 At its meeting on 27th November 2015, the States having consider the States Review Committee's Third Policy Letter, resolved that, with effect from 1st May 2016, the mandates of States' Committees would be in two parts: one part setting out policy responsibilities, plus an annex detailing the operational responsibilities – "Annex Two".

- 2.2 The policy letter stated,

"5.2.7 In line with the indicative duties and powers of the Policy & Resources Committee which were approved in principle by the States in July, the Policy & Resources Committee's proposed mandate includes allocating operational functions to committees, or transferring them between committees, without requiring the approval of the States provided that the allocation or transfer has the agreement of all committees concerned. However, it is recommended that this power should be withheld from the Policy & Resources Committee until after they have compiled the comprehensive schedule of committees' operational functions referred to in paragraph 4.1.7. It must be made clear that, even once the Policy & Resources Committee is able to take the lead in allocating or transferring operational functions, where agreement cannot be reached between the relevant committees the proposed allocation or transfer would need to be laid before the States for resolution. It must also be made clear that neither the mandates of committees of the States, i.e. what is set out in the main part of Appendix A to this policy letter, nor Annex One attached thereto could ever be amended without resolution of the States."

² Billet d'État III (Volume 1) of 2016 refers

- 2.3 The Policy & Resources Committee has been working with the various Committees to draft and agree schedules for their respective operational responsibility. The work required to compile a comprehensive schedule of the Committees' operational functions and service has proved to be less straightforward than initially anticipated.
- 2.4 At its meeting on 13th August 2019, the Committee approved the schedules of Committees' operational functions. Each Committee has been fully consulted in the preparation of the schedule for their Committee. The schedules are appended to this policy letter at Appendix 1.
- 2.5 The Elizabeth College Board of Directors, the Guille-Allès Library Council, the Ladies College Board of Governors and Priaulx Library Council are not included in the Schedule as these Boards do not have any operational functions under the current Mandates and that it is not believed that it was intended that they should be subject to the regime agreed further to the Review. In any event, in the cases of the Colleges, they are governed by statute.
- 2.6 Further, as part of this review and, in accordance with the provisions of Rule 58 of the States' Rules of Procedure, the Policy & Resources Committee has, with the agreement of the relevant Committees, transferred a number of operational responsibilities from one Committee to another. These transfers are reflected in the approved schedules in Appendix 1.
- 2.7 The Policy & Resources Committee has also included a standard sentence at the end of each Committee's schedule of operational responsibilities to capture any functions which may have been inadvertently omitted from the list, namely by adding the following text after the list of operational functions,
- "Any other operational functions for which the [*relevant committee name*] was responsible for delivering or overseeing immediately before 13th August 2019."
- 2.8 Finally, the Policy & Resources Committee is recommending that
- (a) the final section of each of the Committee mandates (other than those of the Elizabeth College Board of Directors, Guille-Allès Library Council, Ladies College Board of Governors and Priaulx Library Council) be replaced with the following:
- "Operational Functions**
To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions allocated to the Committee in Annex Two to the Mandates of Committees of the States.", and

- (b) the schedule of committees' operational functions as set out in Appendix 1 shall be inserted as a replacement Annex Two to the Mandates of Committees of the States.

3. Amendment to Rule 58 of the Rules of Procedure of the States of Deliberation and their Committees

3.1 As currently drafted Rule 58 states:

The Policy & Resources Committee has the power to allocate operational functions to Committees, and to transfer them between Committees, as set out in Annex Two to the mandates of Committees of the States, without requiring the approval of the States;

Provided that:

the allocation or transfer has the agreement of all Committees concerned and also provided that neither mandates of Committees of the States nor Annex One attached thereto may be amended without resolution of the States;

Provided also that:

this power to allocate or transfer operational functions shall not have effect until such time as the Committee has approved a comprehensive schedule of Committees' operational functions.

3.2 Rule 58 did not have effect until 13th August 2019, i.e. the date on which the Policy & Resources Committee approved the schedule of Committees' operational functions as now set out in Appendix 1. The Committee's decision to approve a comprehensive schedule of Committees' operational functions means that this requirement has been discharged and so the final section of Rule 58 no longer applies.

3.3 Further, during the preparation of the schedules of operational functions, it became apparent that some of the functions are conferred on Committees by legislation. In such cases, these functions should not be transferred by the Policy & Resources Committee under Rule 58. However, as currently drafted, Rule 58 is silent on this point, the Policy & Resources Committee's view is that it was never the intention for Rule 58 to provide for a transfer of an operational function which is prescribed through legislation.

3.4 Therefore, the Policy & Resources Committee recommends that, for the avoidance of doubt, and also to ensure that functions conferred on Committees by legislation cannot be transferred by an administrative process, Rule 58 of the Rules of Procedure of the States of Deliberation and their Committees is replaced as follows:

“The Policy & Resources Committee has the power to allocate operational functions to Committees, and to transfer them between Committees, as set out in Annex Two to the mandates of the Committees of the States, without requiring the approval of the States;

Provided that:

the allocation or transfer has the agreement of all Committees concerned and also provided that neither mandates of Committees of the States nor Annex One attached thereto may be amended without resolution of the States;

Provided also that:

the power to transfer shall not apply to an operational function conferred on a Committee by legislation.”

4. The Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019

4.1 At its meeting on 16th February 2016, the States approved the Ordinance entitled the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016³.

4.2 This Ordinance implemented the transfer of functions from the Departments and relevant Minsters and Deputy Ministers referred to in the Ordinance to the appropriate Committees established in accordance with the recommendations of the States Review Committee and relevant Presidents and Vice Presidents of those Committees. The transfers were made in accordance with the Resolutions of 9th July 2015⁴, 27th November 2015⁵ and 16th February 2016⁶ relating to the Organisation of States' Affairs as proposed by the States Review Committee in its three policy letters.

4.3 Since the aforementioned Ordinance was enacted, several Committees have identified additional statutory functions that need to be transferred to a different Committee. Some are linked to decisions to move operational functions between Committees which post-date the February 2016 debate and other relate to matters which were overlooked when the 2016 Ordinance was drafted.

4.4 In addition, the review has identified some consequential amendments to legislation necessary, in some instances for the avoidance of doubt, to ensure

³ Billet d'État III (Volume 1) of 2016 refers

⁴ Billet d'État XII of 2015 refers

⁵ Billet d'État XXI of 2015 refers

⁶ Billet d'État III (Volume 1) of 2016 refers

the resolutions of the States relating to the Organisation of States' Affairs from 2015 and 2016 are fully executed.

- 4.5 These amendments and other provisions have been incorporated into the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019 and are summarised below:

	Function or other matter	Reason for function transfer/amendment
1.	Grant of licence to import explosives under <i>Loi relative aux Explosifs</i>	Health & Safety is within mandate of Committee <i>for</i> Employment & Social Security; it previously rested with the Committee <i>for</i> Economic Development
2.	Definition of "Legislation Select Committee" in Health, Safety and Welfare of Employees Law, 1950 and Colorado Beetle (Bailiwick of Guernsey) Law, 1956	Legislation Select Committee functions now discharged by Legislative Review Panel as appointed by Scrutiny Management Committee; definition requires amendment
3.	Definition of "harbour territory" in Articles 36(2) and (4) of Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracemement de Routes et Chemins, 1931	The "harbour territory" in the Ordonnance is referred to by reference to territory controlled by the Committee <i>for the</i> Environment & Infrastructure; the responsibility for the management of Guernsey Harbours now rests with the States' Trading Supervisory Board
4.	Reference to "States Legislation Select Committee" in section 7 of the Colorado Beetle (Bailiwick of Guernsey) Law, 1956	This reference should be to the Legislation Review Panel
5.	Grant of permissions to erect or suspend structures or objects over public highway under Public Highways Ordinance, 1967	Health & Safety is within mandate of Committee <i>for</i> Employment & Social Security; it previously rested with the Committee <i>for</i> Economic Development
6.	Power to consent to designation of "mooring station" under Public Health (Vessels) (Guernsey) Order, 1974	Function relates to harbours operational issue, thus should be matter for the States' Trading Supervisory Board and not the Committee <i>for</i> Health & Social Services

7.	Disclosure of information for population management purposes by the Administrator under the Social Insurance Law, 1978	Responsibility for administration of population management is that of the Committee <i>for</i> Home Affairs; prior to coming into force of Population Management Law functions of Housing Authority under the 1978 Law were transferred to the Committee <i>for</i> Employment & Social Security
8.	Functions relating to water resources and control of water resources under Environmental Pollution (Guernsey) Law, 2004	Water resources are under management and control of STSB/Guernsey Water rather than the Committee <i>for the</i> Environment & Infrastructure
8.	Permissions to import veterinary medicinal products, animal feeding stuffs, fertilisers, hay, straw etc. and live animals under Import (Control) (Guernsey) Order, 2010	Functions are now responsibility of Committee <i>for the</i> Environment & Infrastructure and not Committee <i>for</i> Economic Development
9.	References to "Chief Minister" and "Deputy Chief Minister" in Schedule 1 to the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 which contains provisions relating to the constitution of the CCA	There are references to the Chief Minister and Deputy Chief Minister in Schedule 1 which should, following the 2015/2016 Re-Organisation of States' Affairs, be amended for the avoidance of doubt to references to the President and Vice-President of the Policy & Resources Committee
10.	Any reference to "States Legislation Select Committee" or the "Legislation Select Committee" to be substituted for the "Legislation Review Panel as appointed by the States Scrutiny Management Committee	There are references to the Legislation Select Committee should, following the 2015/2016 Re-Organisation of States' Affairs, be amended for the avoidance of doubt to references to the Legislation Review Panel

5. Consultation

- 5.1 The Policy & Resources Committee has consulted with all States' Committees as to its operational functions and responsibilities. All the States' Committees have advised that the operational functions and responsibilities, as drafted, are correct.

5.2 In addition, it has consulted with the Law Officers of the Crown and their advice is fully reflected in this policy letter.

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), the Propositions have the [unanimous/majority] support of the President and members of the Policy & Resources Committee.

6.3 In accordance with Rule 4(5), details of the consultation undertaken by the Committee is set out above. The proposals in this policy letter reflect the Committee's mandate and, in particular, its duties under Rule 58.

Yours faithfully

G A St Pier
President

L S Trott
Vice-President

A H Brouard
J P Le Tocq
T J Stephens

APPENDIX 1

"ANNEX TWO TO THE MANDATES OF COMMITTEES OF THE STATES

SCHEDULE OF COMMITTEES' OPERATIONAL FUNCTIONS

Policy & Resources Committee – Operational Functions

The Policy & Resources Committee shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
1. External relations
 2. Providing administrative support for independent tribunals
 3. Public Sector Remuneration
 4. Revenue Service
 5. Government policy function
 6. Treasury
 7. Provision of corporate services including:
 - a. Business continuity
 - b. Communications
 - c. Data and analysis services
 - d. Data protection
 - e. Finance services
 - f. Health and safety
 - g. Information and support services
 - h. Insurance services
 - i. Internal Audit
 - j. OneHR
 - k. Payments to States' Members
 - l. Procurement services
 - m. Risk management
 - n. Shared services
 8. Providing advice and administrative support for the Island's Douzaines through the Douzaine Liaison Group
 9. Prioritisation of legislation
 10. Alderney Liaison Group
 11. Sark Liaison Group
 12. The Bailiwick Council
 13. Oversight and co-ordination of the Channel Islands Public Service Board

14. Studying and reporting on Schemes for the application of certain General Synod measures⁷.
- (b) Any other operational functions for which the Policy & Resources Committee was responsible for delivering or overseeing immediately before 13th August 2019.

Committee *for* Economic Development – Operational Functions

The Committee *for* Economic Development shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
1. Promoting and attracting economic activity to Guernsey through the implementation of the States of Guernsey's economic development strategy
 2. Visit Guernsey
 3. Locate Guernsey
 4. Digital Greenhouse
 5. Sea Fisheries⁸
 6. Providing advice and administrative support for the Guernsey Registry (Companies Registry and Intellectual Property Office)
 7. Providing advice and administrative support for the Office of the Director of Civil Aviation Office
 8. Providing advice and administrative support for the Aircraft Registry (2-Reg)
 9. Broadcasting services
 10. Providing advice and administrative support for the Office of the Public Trustee
 11. Providing advice and administrative support for regulated sectors under the Committee's mandate
- (b) Any other operational functions for which the Committee *for* Economic Development was responsible for delivering or overseeing immediately before 13th August 2019.

⁷ See Resolution 3(a) of Billet d'État XXI of 27th November 2015 (<https://www.gov.gg/CHttpHandler.ashx?id=99231&p=0>)

⁸ NB – under the provisions of the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012 and the Fishing (Licensing and Protection of Fisheries) Ordinance, 1987 the statutory responsibility rests with the Committee *for the* Environment & Infrastructure; however, the duties in respect of the regulation and patrol of the Bailiwick's territorial waters and the licensing of fishing vessels operating within these waters rest with the Office for the Committee *for the* Environment & Infrastructure with operational oversight by the Committee *for the* Environment & Infrastructure

Committee for Education, Sport & Culture – Operational Functions

The Committee for Education, Sport & Culture shall deliver or oversee the delivery of –

(a) Operational functions relating to -

Sport & Culture

1. The management of Beau Sèjour Leisure Centre
2. The management of Outdoor sporting and recreational facilities excluding public parks (but including Delancey Park)
3. The management of the States of Guernsey museums and galleries
4. The management of States of Guernsey historical and archaeological sites
5. The planning and implementing of appropriate arrangements to mark the Island's celebrations of Liberation Day including religious services

Education

6. Oversight of the Guernsey Training Agency
7. The management of the Institute of Health & Social Care Studies
8. Pre-school places, funding and quality standards
9. The management of mainstream and special schools, St Anne's Alderney and Herm School
10. Post 16 education
11. Governance of schools
12. Professional Standards in teaching
13. Providing advice and administrative support in respect of the Grant-Aided Colleges, including but not limited to financial support for special place holders and fee payers at the Grant-Aided Colleges
14. Higher education and further education on and off-Island, including student finance

Services

15. Island Archives
 16. Library Services, including the Schools' Library Service, and grant support for the Guille Allès Library and Priaulx Library
 17. Guernsey Music Service
 18. Careers Guernsey - all-age careers service
 19. GWEx – Guernsey Work Experience for school children
 20. Providing grant-aid, liaison with, and oversight of the:
 - Youth Commission, including the Holiday Playscheme and the Duke of Edinburgh Awards Scheme
 - Sports Commission
 - Arts Commission
 21. States Apprenticeship Scheme – grant aid
 22. Support to third party providers of services including grant aiding organisations e.g. Dyslexia Day Service, Sailing Trust
- Special Education Needs Support Services; Safeguarding; Health and Well-being*
23. Health and relationship advisory services

24. Co-ordination and quality assurance of support agencies and external providers supporting schools
25. Support services for children with learning and communication difficulties, including behavioural, visual and sensory needs
26. Formal Assessment and Determination of Need and SEN Code of Practice
27. Special Education Equipment Grants
28. English as an additional language
29. Communication and Autism Service
30. Education Psychology Service
31. School Attendance Service
32. Home education and education other than at school
33. Multi-agency support e.g. ASET and MASH; mental health and well-being; child-protection
34. Serious Case Reviews and Islands Safeguarding Children Partnership
35. Critical Incident Support for schools including Child Protection and Business Continuity

Education Authority, Policy and Quality Assurance

36. Strategy, Policy & Quality Assurance of Education Authority functions and Education Policy
37. SACRE – School Advisory Council for Religious Education
38. Inspection of all Schools and College of Further Education
39. Inspection of Education Services/Audit of Sport & Culture Services
40. Standards and learning effectiveness
41. Summer Schools and transition days

Admissions

42. School Admissions including pre-school, special school, primary, secondary and post-16
43. Catchment areas; planning and management

Training

44. Education Development Centre: Professional Development
45. Initial Teacher Training and QTS training programmes training. Progression pathways for Learning Support Assistants
46. In-service training (INSET) and CPD

Resources & Communication

47. Outdoor Learning and off-site visits –advice and compliance with safety procedures and trip planning
48. School Transport Services (in conjunction with the Office of the Committee for the Environment & Infrastructure)
49. School facilities hire
50. Building maintenance for education controlled premises
51. Health and Safety / Risk Management
52. Education Building Programmes (development and maintenance of the Education real estate)
53. Parents' open events and forums
54. Guernsey Prison Partnership Agreement

- (b) Any other operational functions for which the Committee *for* Education, Sport & Culture was responsible for delivering or overseeing immediately before 13th August 2019.

Committee *for* Employment & Social Security – Operational Functions

The Committee *for* Employment & Social Security shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
1. The Health and Safety Executive
 2. The Employment Relations Service
 3. The Guernsey Legal Aid Service
 4. The administration of contributory and non-contributory benefits
 5. The operation of the Job Centre and various back to work and work rehabilitation programmes
 6. The organisation of reciprocal agreements relating to social insurance entitlements
 7. Investment of the Guernsey Health Service Fund, Long-Term Care Insurance Fund and Guernsey Insurance Fund
 8. Administration of the Corporate Housing Programme (CHP), including the CHP Fund
 9. Management and maintenance of States-owned social rented housing
 10. Administration of the rent rebate scheme
 11. Administration of keyworker accommodation
 12. Administration of social rented and extra care housing allocation and waiting lists
 13. The distribution and management of a number of charitable grants.
- (b) Any other operational functions for which the Committee *for* Employment & Social Security was responsible for delivering or overseeing immediately before 13th August 2019.

Committee *for the* Environment & Infrastructure – Operational Functions

The Committee *for the* Environment & Infrastructure shall deliver or oversee the delivery of –

- (a) Operational functions relating to -

Environment: Environmental Protection and Management

1. The promotion and coordination of environmental initiatives;

2. Environmental management and advice⁹
3. The conservation and enhancement of the natural and semi-natural environment;
4. The management of the natural and semi-natural environment of States owned land including sites of nature conservation importance, cliff paths, beaches, headlands, Lihou island and other public areas and parks, gardens and plantations;
5. Plant Health (& control of weeds and invasive plant species)
6. The management of environmental emergencies
7. Environmental Health¹⁰
8. Agriculture and Countryside:
 - Guernsey cattle breed programme (AI Service and breed recording)
 - Farm Biodiversity Action Plans and state aid
 - Countryside and farming advice
 - Provision of slaughterhouse and carcass incinerator facilities
 - Veterinary Services / States Veterinary Officer,
 - Animal Health (& biosecurity)
 - Animal Welfare (& the licensing of veterinary surgeons and veterinary medicines)

Infrastructure : Land Use and Planning

9. Providing advice and administrative support for the preparation of the:
 - States' Strategic Land Use Plan
 - Marine Spatial Plan
10. Providing advice and administrative support relating to land planning other than in relation to the certification of the States' Strategic Land Use Plan
11. Providing administrative support for the Planning Panel

Infrastructure : Coastal Infrastructure

12. The maintenance and repair of all sea wall structures around the Island
13. Coastal flood/sea inundation prevention schemes and developments
14. La Vallette Bathing Pools
15. Alderney Breakwater

Infrastructure : Transport

16. Traffic management, road safety and the regulation of public transport
17. Vehicle registration and vehicle and driver licensing
18. The maintenance of the structure and wearing surfaces of the road network and green lanes including road cleaning.

⁹ NB - States resolution 5 of 8th February 2012 (Article X of Billet d'État X of 2012¹² refers) requires oversight/liaison with the Director of Environmental Health and Pollution Regulation (the Director) on water pollution and monitoring for the same. These functions will be carried out by the Director when Part VI (Water Pollution) of the Environmental Pollution (Guernsey) Law, 2004 is commenced.

¹⁰ NB – under the provisions of the Loi relative à la Santé Publique, 1934 and the Public Health Ordinance, 1936, the statutory responsibility rests with the Committee for Health & Social Care; however the duties are exercised by the Office for Environmental Health & Pollution Regulation with operational oversight by the Committee for the Environment & Infrastructure.

19. The management, collection and disposal of surface waters that fall on and/or pass under the road network.

Infrastructure : Maritime Affairs

20. Receivership of wrecks
21. Administration of the Maritime Strategy
22. Administration of the Civil Hydrography Programme
23. Sea fisheries¹¹

Infrastructure : Housing

24. Administration of the Open Market Housing Register

Infrastructure : Energy

25. Energy advisory services
26. Renewable energy – trials, data acquisition, and public understanding

Infrastructure : Commodities

27. Security of supply of essential commodities including food, fuel and energy

- (b) Any other operational functions for which the Committee *for the* Environment & Infrastructure was responsible for delivering or overseeing immediately before 13th August 2019.

Committee *for* Health & Social Care – Operational Functions

The Committee *for* Health & Social Care shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
1. Providing advice and administrative support in relation to the:
 - governance, regulation and registration of health and social care professionals and services
 - regulation of nursing and residential homes
 - Health Improvement Commission
 2. Commissioning and delivery of various health and social care services including secondary healthcare and off island services
 3. Acute hospital services including adult, paediatric, maternity and neonatal services
 4. Diagnostic and therapeutic services
 5. Children and Family Community Services
 6. Adult Community Services including services within the community, services for older people and for adults with a disability
 7. Mental Health

^{11 11} NB – under the provisions of the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012 and the Fishing (Licensing and Protection of Fisheries) Ordinance, 1987 various statutory powers relating to fisheries protection rest with the Committee *for* Economic Development. The operational patrolling functions are however discharged or overseen in practice by or on behalf of the Committee *for the* Environment & Infrastructure.

8. Providing administrative support for statutory officials within health and social care
 9. Public Health Services
 10. Environmental Health¹²
 11. Liaison with Sark for health and social care
 12. Carewatch
- (b) Any other operational functions for which the Committee *for* Health & Social Care was responsible for delivering or overseeing immediately before 13th August 2019.

Committee *for* Home Affairs – Operational Functions

The Committee *for* Home Affairs shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
1. Providing advice and administrative support for
 - The Population Management Law
 - Liquor licensing
 - The registration and control of firearms
 - Gambling
 - The Disclosure and Barring Service and Vetting Unit
 2. The operation of:
 - Law Enforcement
 - Guernsey Prison
 - Guernsey Probation Service
 - Family Proceedings Advisory Service
 - Guernsey Fire and Rescue Service
 - Emergency Planning function and Civil Protection Volunteer
 3. Providing administrative support to independent tribunals
- (b) Any other operational functions for which the Committee *for* Home Affairs was responsible for delivering or overseeing immediately before 13th August 2019.

Civil Contingency Authority – Operational Functions

The Civil Contingency Authority shall deliver or oversee the delivery of –

¹² NB – under the provisions of the Loi relative à la Santé Publique, 1934 and the Public Health Ordinance, 1936, the statutory responsibility rests with the Committee *for* Health & Social Care; however the duties are exercised by the Office *for* Environmental Health & Pollution Regulation with operational oversight by the Committee *for* the Environment & Infrastructure.

- (a) Operational functions conferred under Parts 2 and 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012.
- (b) Any other operational functions for which the Civil Contingencies Authority was responsible for delivering or overseeing immediately before 13th August 2019.

Development & Planning Authority – Operational Functions

The Development & Planning Authority shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
 - 1. Planning legislation (except those that relate to planning inquiry administration), including:
 - Enforcing planning legislation
 - Operational functions relating to preparing development plans, subject plans, local planning briefs, guidance notes, development frameworks
 - Administering planning applications and pre-application advice requests
 - Making building regulations and Guernsey technical standards
 - Administering building regulation applications and pre-application advice requests
 - Conservation and design advice
 - Administering the statutory lists of protected buildings and protected monuments
 - Administering tree protection orders and functions in relation to sites of special significance and conservation areas
 - Immunity certificates and property searches
 - 2. Administering the High Hedges (Guernsey) Law, 2016
 - 3. Administering the legislation in relation to *Salles Publique*
 - 4. Public building and public entertainment inspection and licencing
 - 5. Clearance of ruins
- (b) Any other operational functions for which the Development & Planning Authority was responsible for delivering or overseeing immediately before 13th August 2019.

Overseas Aid & Development Commission – Operational Functions

The Duties & Powers set out in the mandate of the Overseas Aid & Development Commission are also considered operational functions.

Any other operational functions for which the Overseas Aid & Development Commission was responsible for delivering or overseeing immediately before 13th August 2019.

Scrutiny Management Committee – Operational Functions

The Scrutiny Management Committee shall deliver or oversee the delivery of –

(a) Operational functions relating to -

Scrutiny

1. Providing advice and administrative support for the process of political scrutiny

Public Accounts

2. Providing advice and administrative support for the proper scrutiny is given to the States' assets, expenditure and revenues
3. Providing advice and administrative support for the examination of whether public funds have been applied for the purposes intended by the States
4. Providing advice and administrative support for the external audit process

Legislation

5. Providing advice and administrative support the review and revision of draft Projets de Loi and Ordinances as transmit for enactment in accordance with Article 66 of the Reform (Guernsey) Law, 1948

(b) Any other operational functions for which the Scrutiny Management Committee was responsible for delivering or overseeing immediately before 13th August 2019.

States' Assembly & Constitution Committee – Operational Functions

The States' Assembly & Constitution Committee shall deliver or oversee the delivery of

(a) Operational functions relating to -

1. Providing advice and administrative support in relation to the Committee's mandate
2. Hansard – production and publication

3. Statistics relating to States' Members and Meetings – collation and presentation to the States of Deliberation
- (b) Any other operational functions for which the States' Assembly & Constitution Committee was responsible for delivering or overseeing immediately before 13th August 2019.

States' Trading Supervisory Board – Operational Functions

The States' Trading Supervisory Board shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
1. Management of Guernsey and Alderney airports
 2. Management of St Peter Port and St Sampson's Harbours including:
 - Coast guard services
 - Guernsey register of British ships
 - Maritime safety including the investigation of marine accidents, provision of navigational aids, safety information and liaison with search and rescue services
 - Monitoring the compliance with international and local laws of all vessels in Bailiwick waters and control of shipping in Bailiwick waters, excluding receiver of wreck and responding to pollution at sea
 - Pilotage services
 3. Management of the collection, disposal and recovery of solid waste
 4. The Waste Disposal Authority
 5. Management of the public water supply and waste water disposal including:
 - Monitoring water catchment area for pollution & nutrient levels
 - Management of controlled streams
 - Collection and treatment of rainfall
 - Water pollution
 6. Management of a direct labour organisation and emergency works response team (States' Works)
 7. Management of the Guernsey Dairy including liaison with its stakeholders
 8. Administration and promotion of the Channel Islands' lottery
 9. Shareholder's functions and duties in respect of the States' trading companies
 10. Management and administration of all States-owned and leased property and real estate including the provision of advice to the organisation on property matters and the provision of corporate engineering and architectural services

- (b) Any other operational functions for which the States' Trading Supervisory Board was responsible for delivering or overseeing immediately before 13th August 2019.

Transport Licensing Authority – Operational Functions

The Transport Licensing Authority shall deliver or oversee the delivery of –

- (a) Operational functions relating to:
 - Providing administrative support for the regulation and licensing of transport services under the Air Transport Licensing (Guernsey) Law, 1995, including the issuing of air route licences.
- (b) Any other operational functions for which the Transport Licensing Authority was responsible for delivering or overseeing immediately before 13th August 2019."

The Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019

THE STATES, in pursuance of their Resolutions of the 9th July, 2015^a, 27th November, 2015^b and ** ****, 2019^c, and in exercise of the powers conferred upon them by sections 1, 2 and 3 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991^d, section 2 of the Health, Safety and Welfare of Employees Law, 1950^e and all other powers enabling them in that behalf, hereby order:-

Titre XVII of Loi relative aux Explosifs.

1. In Titre XVII of the Loi relative aux Explosifs^f -

- (a) the functions, rights and liabilities of the States Committee for Economic Development are transferred to the States Committee for Employment & Social

^a Billet d'État No. XII of 2015.

^b Billet d'État No. XXI of 2015.

^c Billet d'État No. ** of 2019.

^d Ordres en Conseil Vol. XXXIII, p. 478; as amended by Ordinance No. XXXIII of 2003; and No. IX of 2016.

^e Ordres en Conseil Vol. XIV, p. 312; as amended by Recueil d'Ordonnances Tome XXV, p. 328; Tome XXVII, p. 139; Ordinance No. XXXIII of 2003; and No. IX of 2016.

^f Ordres en Conseil Vol. III, pp. 414; as amended by Ordres en Conseil Vol. III, p. 473; Vol. V, p. 30; Vol. XV, p. 11; Vol. XXII, p. 560; Vol. XXIII, p. 188; Vol. XXIV, p. 250; Vol. XXXI, p. 278; Vol. Vol. XXXIV, p. 586; Recueil d'Ordonnances Tome XXV, p. 328; Tome XXVII, p. 139; Ordinance No. XXXIII of 2003; No. IX of 2016.

Security, and

- (b) for the phrase "Committee for Economic Development" substitute "Committee for Employment & Social Security".

Amendment of the Health, Safety and Welfare of Employees Law, 1950.

2. In section 4 of the Health, Safety and Welfare of Employees Law, 1950^g –

- (a) for "the States Legislation Select Committee (hereinafter referred to as **"the Committee"**)", substitute "the Legislation Review Panel as appointed by the Scrutiny Management Committee (hereinafter referred to as **"the Panel"**)", and
- (b) for "Committee" substitute "Panel".

Article 36(2) and (4) of the Ordonnance ayant rapport à la Construction de Maisons etc.

3. In paragraphs (2) and (4) of Article 36 of the Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins^h –

^g Ordres en Conseil Vol. XIV, p. 312; as amended by Recueil d'Ordonnances Tome XXV, p. 328; Tome XXVII, p. 139; Ordinance No. XXXIII of 2003; and No. IX of 2016.

^h Recueil d'Ordonnances Tome VIII, p. 123; as amended by Ordres en Conseil Vol. XXXI, p. 278; Vol. XXXI, p. 469; Recueil d'Ordonnances Tome VIII, p. 140; Tome VIII, p. 148; Tome XI, p. 338; Tome XXVI, p. 57; Ordinance No. XXXIII of 2003; No. XL of 2013; No. IX of 2016; and G.S.I. No. 60 of 2015.

- (a) the functions, rights and liabilities of the States Committee for Home Affairs are transferred to the States' Trading Supervisory Board, and
- (b) for the phrase "the States Committee for Home Affairs" substitute "the States' Trading Supervisory Board".

Amendment of the Colorado Beetle (Bailiwick of Guernsey) Law, 1956.

4. In section 7 of the Colorado Beetle (Bailiwick of Guernsey) Law, 1956ⁱ, in the definition of "**Legislative Assembly**", for "States Legislation Select Committee" substitute "the Legislation Review Panel as appointed by the States Scrutiny Management Committee".

Public Highways Ordinance, 1967.

5. In the Public Highways Ordinance, 1967^j -

- (a) the functions, rights and liabilities of the States Committee for Economic Development are transferred to the States Committee for Employment & Social Security, and
- (b) in section 1, for the phrase "States Committee for

ⁱ Ordres en Conseil Vol. XVII, p. 84; as amended by Ordres en Conseil Vol. XVII, p. 194; Vol. XXXI, p. 406; and No. IX of 2016.

^j Recueil d'Ordonnances Tome XV, p. 241; as amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XXIV, p. 162; Tome XXV, p. 328; Tome XXVI, p. 176; Tome XXVII, p. 139; Ordinance No. XXXIII of 2003; and No. IX of 2016.

Economic Development" substitute "States Committee for Employment & Social Security".

Section 1(2) of the Public Health (Vessels) (Guernsey) Order, 1974.

6. In section 1(2) of the Public Health (Vessels) (Guernsey) Order, 1974^k, in the definition of "mooring station" –

- (a) the functions, rights and liabilities relating to the consent of the States Committee for Health & Social Care are transferred to the States' Trading Supervisory Board, and
- (b) for the phrase "States Committee for Health & Social Care" substitute "States' Trading Supervisory Board".

Sections 111A and 111B of the Social Insurance (Guernsey) Law, 1978.

7. (1) In Sections 111A and 111B of the Social Insurance (Guernsey) Law, 1978^l -

^k G.S.I. No. 46 of 1974; as amended by G.S.I. No. 9 of 1975; G.S.I. No. 27 of 2009; Ordinance No. XXXIII of 2003; and No. IX of 2016.

^l Ordres en Conseil Vol. XXVI, p. 292; amended by Ordres en Conseil Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol XXXI, p. 278; Vol. XXXII, p. 59; Vol. XXXIV, p. 510; Vol. XXXV(1), p. 164; Vol. XXXVI, pp. 123 and 343; Vol. XXXVIII, p. 59; Vol. XXXIX, p. 107; Order in Council No. X of 2000; No. IX of 2001; No. XXIII of 2002; No. XXIV of 2003; No. XI of 2004; No. XVIII of 2007; No. V of 2012; No. IV of 2014; No. III of 2016 and No. IV of 2018; Recueil d'Ordonnances Tome XXV, p. 148; Tome XXVI, p. 177; Ordinance No. XXXIII of 2003; No. XLIV of 2007; Nos. VII and XLII of 2009; No. XVII of 2011; No. XXXVIII of 2012; No. XXX of 2013; Nos. IX and XXX of 2016; Nos. XIII, XXIII and XXXIV of 2017; Nos. XXVII and XXXVI of 2018; and Alderney Ordinance No. VIII of 2018.

- (a) the functions, rights and liabilities of the States Committee for Employment & Social Security are transferred to the States Committee for Home Affairs, and
- (b) for the phrases "States Committee for Employment & Social Security" and "Committee for Employment & Social Security" respectively wherever appearing substitute "States Committee for Home Affairs" and "Committee for Home Affairs".

(2) For the avoidance of doubt, subsection (1) does not affect the transfer of functions made under the Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018^m.

Environmental Pollution (Guernsey) Law, 2004.

8. (1) In sections 40(1) and 43 of the Environmental Pollution (Guernsey) Law, 2004ⁿ -

- (a) the functions, rights and liabilities of the States Committee for the Environment & Infrastructure are transferred to the States' Trading Supervisory Board, and

^m G.S.I. No. 2 of 2018.

ⁿ Order in Council No. XIII of 2004; as amended by Order in Council No. XIII of 2010; Nos. XV and XVI of 2015; Ordinance No. XXXIII of 2003; No. XXXVIII of 2006; No. XLIX of 2006; No. XIII of 2007; No. XVIII of 2010; No. V of 2011; No. IX of 2016 and the Environmental Pollution (Enforcement and Appeals) Ordinance, 2019.

- (b) for the phrase "Committee for the Environment & Infrastructure" wherever appearing, substitute "States' Trading Supervisory Board".

Import (Control) (Guernsey) Order, 2010.

9. (1) In subparagraphs (b)(ii) and (e) of Schedule 2, and paragraphs 6 and 7 of Schedule 7, to the Import (Control) (Guernsey) Order, 2010^o -

- (a) the functions, rights and liabilities of the States Committee for Economic Development are transferred to the States Committee for the Environment & Infrastructure, and
- (b) for the phrase "the States of Guernsey Committee for Economic Development" substitute "the States of Guernsey Committee for the Environment & Infrastructure".

Civil Contingencies (Bailiwick of Guernsey) Law, 2012.

10. In the Civil Contingencies (Bailiwick of Guernsey) Law, 2012^P in Schedule 1 -

^o G.S.I. No. 39 of 2010; as amended by Ordinance Nos. I and IX of 2016; G.S.I. No. 8 of 2012; G.S.I. No. 47 of 2013; G.S.I. Nos. 45 and 70 of 2014; and G.S.I. Nos. 17, 52 and 102 of 2015

^P Order in Council No. XIV of 2012; as amended by Ordinance No. IX of 2006; and Sark Ordinance No. II of 2017.

- (a) for the avoidance of doubt, the functions, rights and liabilities conferred on the Chief Minister and Deputy Chief Minister are respectively transferred to the President and Vice-President of the States Policy & Resources Committee, and
- (b) for the expressions "Chief Minister" and "Deputy Chief Minister" substitute respectively "President of the Policy & Resources Committee" and "Vice-President of the Policy & Resources Committee".

References to Legislation Select Committee.

11. Except where the context requires otherwise, for any reference in an enactment to "Legislation Select Committee" or "States Legislation Select Committee" substitute "Legislation Review Panel as appointed by the States Scrutiny Management Committee".

Citation.

12. This Ordinance may be cited as the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019.