

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 5<sup>TH</sup> FEBRUARY, 2020**

**The States resolved as follows concerning Billet d'État No IV  
dated 20<sup>th</sup> January, 2020**

**STATUTORY INSTRUMENTS LAID BEFORE THE STATES**

No. 114 of 2019

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL BENEFIT)  
(AMENDMENT NO. 7) REGULATIONS, 2019**

In pursuance of sections 10 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990, made by the Committee *for* Employment & Social Security on 26<sup>th</sup> November, 2019 were laid before the States.

No. 115 of 2019

**THE DATA PROTECTION (GENERAL PROVISIONS) (BAILIWICK OF GUERNSEY) (AMENDMENT  
NO. 2) REGULATIONS 2019**

In pursuance of sections 40 and 109 of, and paragraphs 1(2) and 2 of Schedule 4 to, the Data Protection (Bailiwick of Guernsey) Law, 2017, The Data Protection (General Provisions) (Bailiwick of Guernsey) (Amendment No. 2) Regulations 2019, made by the Committee *for* Home Affairs on 28<sup>th</sup> October 2019, were laid before the States.

No. 121 of 2019

**THE BOARDING PERMIT FEES (2) ORDER, 2019**

In pursuance of section 17 of the Tourist Law, 1948, as amended, "The Boarding Permit Fees (2) Order 2019", made by the Committee *for* Economic Development on the 5<sup>th</sup> December 2019, was laid before the States.

No. 122 of 2019

**THE INCOME TAX (GUERNSEY) (VALUATION OF BENEFITS IN KIND)  
(AMENDMENT) REGULATIONS, 2019**

In pursuance of section 203A of the Income Tax (Guernsey) Law, 1975, as amended, "The Income Tax (Guernsey) (Valuation of Benefits in Kind) (Amendment) Regulations, 2019" made by the Policy & Resources Committee on 5<sup>th</sup> December, 2019, were laid before the States.

No. 123 of 2019

**THE INCOME TAX (PENSION AMENDMENTS) (GUERNSEY) REGULATIONS, 2019**

In pursuance of section 203A of the Income Tax (Guernsey) Law, 1975, as amended, "The Income Tax (Pension Amendments) (Guernsey) Regulations, 2019" made by the Policy & Resources Committee on 22<sup>nd</sup> October, 2019, were laid before the States.

No. 126 of 2019

**The Health Service (Medical Appliances) (Amendment) Regulations, 2019**

In pursuance of sections 18 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990, made by the Committee *for* Employment & Social Security on 13<sup>th</sup> December, 2019 were laid before the States.

No. 127 of 2019

**The Social Insurance (Benefits) (Amendment) Regulations, 2019**

In pursuance of sections 15, 20, 39, 67 and 116 of the Social Insurance (Guernsey) Law, 1978, made by the Committee *for* Employment & Social Security on 13<sup>th</sup> December, 2019 were laid before the States.

No. 128 of 2019

**The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2019**

In pursuance of sections 19 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990, made by the Committee *for* Employment & Social Security on 13<sup>th</sup> December, 2019 were laid before the States.

No. 129 of 2019

**The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations, 2019**

In pursuance of sections 14 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990, made by the Committee *for* Employment & Social Security on 13<sup>th</sup> December, 2019 were laid before the States.

## **ORDINANCES LAID BEFORE THE STATES**

### **THE DOCUMENT DUTY (AMENDMENT) ORDINANCE, 2019**

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Document Duty (Amendment) Ordinance, 2019", made by the Policy & Resources Committee on the 10<sup>th</sup> December, 2019, was laid before the States.

### **THE EUROPEAN COMMUNITIES (OFFICIAL CONTROLS) (IMPLEMENTATION AND GENERAL PROVISIONS) (GUERNSEY) ORDINANCE, 2019**

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The European Communities (Official Controls) (Implementation and General Provisions) (Guernsey) Ordinance, 2019", made by the Policy & Resources Committee on the 10<sup>th</sup> December, 2019, was laid before the States.

### **THE REFORM (GUERNSEY) LAW, 1948 (AMENDMENT) (NO. 2) ORDINANCE, 2019**

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Reform (Guernsey) Law, 1948 (Amendment) (No. 2) Ordinance, 2019", made by the Policy & Resources Committee on the 10<sup>th</sup> December, 2019, was laid before the States.

## **POLICY & RESOURCES COMMITTEE**

### **REFORM OF THE MATRIMONIAL CAUSES LAW**

**P.2019/146**

- I. After consideration of Policy Letter of the Policy & Resources Committee entitled 'Reform of the Matrimonial Causes Law', dated 23<sup>rd</sup> December 2019:
  1. To approve the proposals laid out in section 8 of the Policy Letter to reform the law relating to divorce, annulment and judicial separation of marriage.
  2. To direct the Policy & Resources Committee working in partnership with the Committee *for* Home Affairs and in consultation with the Committees *for* Education Sport & Culture and Health & Social Care to investigate and take forward actions to improve access to information and support services relating to family law matters, as part of the work on Justice Policy to 'remove delay from systems and processes relating to the delivery of services to children and young people in need, and to ensure that such systems and processes are centred on the best interests of the child or young person concerned', before May 2020.

3. To direct the Committee *for* Home Affairs to consider and oversee the amendments required to the Domestic Proceedings legislation to align with the proposals in this policy letter to remove fault grounds.
4. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

### **COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY**

#### **SECONDARY PENSIONS:**

#### **DETAILED PROPOSALS FOR THE INTRODUCTION OF AUTOMATIC ENROLMENT INTO PRIVATE PENSIONS AND THE ESTABLISHMENT OF "YOUR ISLAND PENSION"**

P.2019/147

- II. After consideration of the policy letter entitled 'Secondary Pensions: detailed proposals for the introduction of automatic enrolment into private pensions and the establishment of "Your Island Pension"', dated 27<sup>th</sup> December 2019:
  1. That a duty should be imposed in legislation on employers to ensure that eligible employees are automatically enrolled in a qualifying pension scheme ("the auto-enrolment duty"), as described in section 1, into which employers and employees shall be required to make defined minimum contributions.
  2. That the imposition of the auto-enrolment duty on an employer should be phased in by reference to the number of employees that are employed by that employer, as described in Appendix A.
  3. That the defined minimum contributions of employers and employees into a qualifying pension scheme should be increased over seven years from introduction, as described in Table 1 in section 4.
  4. That exemptions to the auto-enrolment duty and the attendant duty to make defined minimum contributions should be specified in legislation, as described in section 8.
  5. That the sharing of relevant data between the Revenue Service and other government and regulatory bodies and agencies should be permitted through legislation for the purpose of monitoring and enforcing employers' compliance with the auto-enrolment duty and the payment of minimum contributions, as described in section 17.
  6. That a pension scheme ("the Scheme") should be established as described in section 3, and that further to this:
    - a. a statutory corporation should be established to act as the Trustee of the Scheme;

- b. the rules governing the scheme and the operation of the Trustee should be publically available, and established and amendable by the Committee *for* Employment & Social Security;
  - c. the governing board of the Trustee should be appointed by the States of Guernsey on the recommendation of the Committee *for* Employment & Social Security;
  - d. the Policy & Resources Committee should make available on demand, a loan facility in favour of the Trustee, on such terms as the Policy & Resources Committee may agree, for the purpose of providing financial support to the Trustee until such time that it becomes financially independent;
  - e. any necessary minor legislative changes are made to ensure that the Trustee and the Scheme may be licensed by the Guernsey Financial Services Commission as appropriate, and are subject to the same regulatory requirements (subject to any necessary modifications) as other comparable pension providers.
7. That Smart Pension Ltd, or a subsidiary of Smart Pension Ltd, should be appointed to deliver administrative and custodianship services to the Scheme, as described in section 14, and in furtherance of this:
- a. the Committee *for* Employment & Social Security should have authority to contract with Smart Pension Ltd to develop these services until such time as the Trustee is established and can assume responsibility for the delivery of administration services, and
  - b. to direct the Policy & Resources Committee to make available on demand a loan facility of £800,000 in favour of Smart Pension Ltd, on such terms as the Policy & Resources Committee may agree with Smart Pension Ltd, for the purpose of establishing the scheme.
8. To direct the Committee *for* Employment & Social Security to report back to the States within six months with proposals for enforcing employers' compliance with the auto-enrolment duty and the payment of minimum contributions, as described in section 17.
9. To direct the Committee *for* Employment & Social Security, after consultation with the Revenue Service and the Trustee, to report back to the States by 2025 with an update on the introduction of these proposals, and proposals for the introduction of an auto-enrolment system for self-employed and non-employed people.
10. To direct the Policy & Resources Committee to investigate the best way for the States of Guernsey to fulfil its obligations as an employer under these rules, and make any changes to the public sector pension scheme it deems necessary, following consultation with the members of that scheme, to comply with the proposed legislation.

11. To direct the Policy & Resources Committee to consider the impact of the auto-enrolment duty when preparing the budget for 2021 onwards.
12. To direct the preparation of such legislation as is necessary to give effect to these propositions.

C. FOSTER  
HER MAJESTY'S DEPUTY GREFFIER