

THE STATES OF DELIBERATION

of the

ISLAND OF GUERNSEY

15th July, 2020

Proposition No. P.2020/97

POLICY & RESOURCES COMMITTEE

**THE FINANCIAL SERVICES BUSINESS (ENFORCEMENT POWERS) (BAILIWICK OF GUERNSEY)
LAW, 2020**

AMENDMENT

Proposed by: Deputy D A Tindall

Seconded by: Deputy C J Green

“To number the Proposition as Proposition 1 and add to that Proposition the following words –

“subject to the legislation being amended to comply with the UK Office of the Parliamentary Counsel Drafting Guidance in respect of gender-neutral drafting.”

And to add the following Propositions

2. To agree that, as the amendments referred to in this Proposition are such that they do not alter the content or effect of the legislation, the legislation as amended by this Proposition is not required to be laid before the States of Deliberation for further approval.

If Proposition 2 is not approved then

3. To agree that Rule 3(11) of the Rules of Procedure do not apply in respect of the legislation as amended by Proposition 1.”

Rule 4(3)

The proposer and seconder believe the financial implications are minimal representing the time for a legal draftsman to make the changes.

Explanatory Note

As stated by the Leader of the UK House of Commons on the 8 March 2007, it has been the UK government's policy that primary legislation should be drafted in a gender-neutral way, so far as it is practicable to do so. The UK Office of the Parliamentary Counsel publish Drafting Guidance (the UK policy) and in June 2020 once more confirmed this policy.

In July 2020, St James Chamber advised the proposer that they had followed the gender-neutral policy since 2012 and also that their policy does not apply to legislation drafted prior to the adoption by them of this policy. However, this legislation is part of the Revision of Laws project which was started on the 10th November 2014 by virtue of the publication by the GFSC of a discussion paper yet it is not gender-neutral.

The proposer and seconder are, therefore, bringing this amendment to ensure that this piece of primary legislation, which could be on the statue book for 20 years, reflects UK legislative drafting policy since 2007 and Guernsey policy since 2012.

Proposition 2 is included so that the States, if it so wishes, can agree that the legislation, once amended in accordance with Proposition 1, does not need to be laid before the Assembly once more for approval and can be lodged with the Privy Council once the amendments to ensure the legislation is gender-neutral is complete.

If the States do not support Proposition 2 then Proposition 3 asks the States to confirm that that Rule 3(11) of the Rules of Procedure should not apply to the amended legislation so allowing for the amended legislation to be submitted at the earliest possible meeting of the States of Deliberation after it has been amended without requiring the amended legislation to be lodged at the Greffe five weeks before the meeting.