

ORDINANCE LAID BEFORE THE STATES

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

THE INCOME SUPPORT (IMPLEMENTATION) (AMENDMENT) (NO. 2) ORDINANCE, 2021

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, “The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2021”, made by the Policy & Resources Committee on the 3rd February, 2021, is laid before the States.

EXPLANATORY MEMORANDUM

This Ordinance amends the Income Support (Implementation) Ordinance, 1971, in order to allow payments from the Diffuse Mesothelioma Compensation Scheme, administered by the Committee for Employment & Social Security, to be wholly disregarded for the purposes of a claim to Income Support.

The Ordinance was approved by the Legislation Review Panel on the 1st February, 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. 80 of 2020

THE LLP’S (ANNUAL VALIDATION) REGULATIONS, 2020

In pursuance of section 113 (4) of The Limited Liability Partnerships (Guernsey) Law, 2013, “The LLP (Annual Validation) Regulations, 2020, were made by the Registrar of Limited Liability Partnerships on 1st September 2020, are laid before the States.

EXPLANATORY NOTE

These Regulations widen the category of information that must be provided by limited liability partnerships when submitting an annual validation. This additional information is required in order to assist the Registrar of Companies in discharging his or her functions on the basis of risk.

These Regulations came into force on 1st September, 2020.

No. 81 of 2020

THE COMPANIES (ANNUAL VALIDATION) REGULATIONS, 2020

In pursuance of section 537 of the Companies (Guernsey) Law, 2008, “The Companies (Annual Validation) Regulations, 2020”, made by the Committee for Economic Development on 1st September, 2020, are laid before the States.

EXPLANATORY NOTE

These Regulations widen the category of information that must be provided by companies when submitting an annual validation. This additional information is required in order to assist the Registrar of Companies in discharging his or her functions on the basis of risk.

These Regulations came into force on 1st September, 2020.

No. 82 of 2020

THE LIMITED PARTNERSHIPS (ANNUAL VALIDATION) (AMENDMENT) REGULATIONS, 2020

In pursuance of section 44 (3) of The Limited Partnerships (Guernsey) Law, 1995, “The Limited Partnerships (Annual Validation) (Amendment) Regulations, 2020, were made by the Committee for Economic Development on 1st September 2020, are laid before the States.

EXPLANATORY NOTE

These Regulations widen the category of information that must be provided by limited partnerships when submitting an annual validation. This additional information is required in order to assist the Greffier in discharging his or her functions on the basis of risk.

These Regulations came into force on 1st September, 2020.

No. 83 of 2020

THE FOUNDATIONS (ANNUAL RENEWAL) REGULATIONS, 2020

In pursuance of section 51 (4) of The Foundations (Guernsey) Law, 2012, “The Foundations (Annual Renewal) Regulations, 2020, were made by the Committee for Economic Development on 1st September 2020, are laid before the States.

EXPLANATORY NOTE

These Regulations widen the category of information that must be provided by foundations when submitting an annual renewal. This additional information is required

in order to assist the Registrar of Companies in discharging his or her functions on the basis of risk.

These Regulations came into force on 1st September, 2020.

No. 111 of 2020

THE COMPANIES (ANNUAL VALIDATION) (No. 2) REGULATIONS, 2020

In pursuance of section 537 of the Companies (Guernsey) Law, 2008, “The Companies (Annual Validation) (No. 2) Regulations, 2020”, made by the Committee for Economic Development on 24th November, 2020, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the date on which companies must submit an annual validation.

These Regulations came into force on 24th November, 2020.

No. 126 of 2020

THE COMPANIES (REGISTRAR) (FEES AND PENALTIES) REGULATIONS, 2020

In pursuance of section 537 of the Companies (Guernsey) Law, 2008, “The Companies (Registrar) (Fees and Penalties) Regulations, 2020, were made by the Registrar of Companies on 10th December 2020, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the fees and amounts payable to the Registrar of Companies in respect of the performance of his or her functions. They also prescribe the civil penalties incurred by companies that are in breach of the obligation to file an annual validation.

The Regulations will come into force on 1st January 2021.

No. 151 of 2020

**THE IMMIGRATION AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL)
(BAILIWICK OF GUERNSEY) REGULATIONS, 2020**

In pursuance of article 1(1) of the Immigration (Guernsey) Order 2020 and section 5 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 as extended to the Bailiwick by that Order, The Immigration and Social Security Co-ordination (EU Withdrawal) (Bailiwick of Guernsey) Regulations, 2020, made by the Committee for Home Affairs on 18th December 2020, are laid before the States.

EXPLANATORY NOTE

These Regulations bring the Immigration (Guernsey) Order 2020 ("the 2020 Order") into force, and make consequential and transitional provisions as a result of that Order coming into force.

Regulation 1 brings the 2020 Order (and these Regulations) into force at 11 pm on the 31st December, 2020 ("commencement day"), which is the end of the Brexit Transitional Period. The 2020 Order, amongst other things, extends provisions of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 ending the free movement of EEA nationals and their family members, conferring special immigration privileges to Irish citizens and authorising the Committee for Home Affairs to make consequential and transitional provisions. The power to make these provisions includes power to amend provisions of the Immigration Act 1971 and other UK statutory provisions previously extended to the Bailiwick as well as directions, orders, Rules and other provisions made under those UK statutory provisions as extended to the Bailiwick.

Regulations 2 to 7 provide for EEA citizens and their family members who were ordinarily resident in the Bailiwick before the Transition Period to be deemed to have been given leave to enter and remain during the 'grace period'. This is to give them time to apply for 'settled status' or 5-year leave to enter and remain under the EEA Settlement Scheme. The grace period is the period from commencement day until the 30th June 2021, but would be automatically extended for any person who has made such an application before that date and is awaiting a decision on the application, or awaiting a decision after bringing proceedings to challenge a refusal. The grace period expires if no proceedings are brought within 3 months of a refusal.

However, in the event of a late application being made, and the Committee for Home Affairs being satisfied that there is a good reason for this, provision is made for deemed extension of the grace period.

Regulations 2 to 7 also provide for those EEA citizens and their family members who are given lawful residence under the UK or Isle of Man versions of these consequential and transitional regulations to be deemed to have leave to enter and remain if they arrive in the Bailiwick while they have such lawful residence. This would enable the 'grace period' cohorts in the UK and Isle of Man to travel freely in the Bailiwick, in the spirit of the Common Travel Area. There is no need to make equivalent provision for the Bailiwick of Jersey as it will be giving deemed leave to enter and remain to its 'grace period' cohort, which is deemed under the Immigration Act 1971 to have a similar effect in the Bailiwick of Guernsey.

Regulations 8 to 13 amend the following legislation and provisions as they extend to or are made in the Bailiwick: the Immigration Act 1971, the Immigration and Asylum Act 1999, the Immigration (Entry through Republic of Ireland) (Exclusions and Restrictions) (Bailiwick of Guernsey) Order, 2015, the Immigration (Entry through Republic of Ireland) (Occupation and Employment) (Bailiwick of Guernsey) Order, 2015, the Directions of the Lieutenant Governor Concerning Leave to Enter or Remain, 2019 and the Immigration (Bailiwick of Guernsey) Rules, 2008. These amendments are made as a consequence of

the end of free movement of EEA citizens and their families and the granting of special immigration privileges to Irish citizens. So far as practicable, these amendments and the related transitional provisions reflect similar amendments and transitional provisions made in the UK.

Regulation 14 makes transitional provisions in relation to the new section 3ZA of the Immigration Act 1971, which confers special immigration privileges to Irish citizens.

These Regulations have effect throughout the Bailiwick.

The 2020 Order and these Regulations come into force at 11 pm on the 31st December, 2020.

No. 14 of 2021

THE IMMIGRATION (BAILIWICK OF GUERNSEY) (AMENDMENT) RULES 2021

In pursuance of section 3(2) of the Immigration Act 1971 as extended to the Bailiwick by the Immigration (Guernsey) Order 1993, The Immigration (Bailiwick of Guernsey) (Amendment) Rules 2021, made by the Committee *for* Home Affairs on 5th February 2021, is laid before the States.

EXPLANATORY NOTE

These Rules insert and give effect to a new Appendix HK: British Nationals (Overseas).

These Rules will come into force on the 6th February, 2021.

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