

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE MACHINERY OF GOVERNMENT (TRANSFER OF FUNCTIONS) ORDINANCE, 2021

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Machinery of Government (Transfer of Functions) Ordinance, 2021", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has 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.

EXPLANATORY MEMORANDUM

This Ordinance transfers to the Policy & Resources Committee powers of the Committee for Employment & Social Security in the Social Insurance (Guernsey) Law, 1978 and the Long-term Care Insurance (Guernsey) Law, 2002 to invest any monies in the Guernsey Insurance Fund and the Long-term Care Insurance Fund respectively in investments authorised by the States and the related function to delegate that power to professional fund or investment managers.

The Machinery of Government (Transfer of Functions) Ordinance, 2021

THE STATES, in pursuance of their Resolution of the 25th March, 2021^a, and in exercise of the powers conferred on them by sections 1 and 3 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991^b, and all other powers enabling them in that behalf, hereby order:-

Transfer of Functions.

1. The functions, rights and liabilities of the Committee for Employment & Social Security arising under –

- (a) section 100(4) and (5) of the Social Insurance (Guernsey) Law, 1978^c, and
- (b) section 1(7) and (8) of the Long-term Care Insurance (Guernsey) law, 2002^d,

^a Article IV of Billet d'État No. VIII of 2021.

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

^c Ordres en Conseil Vol. XXVI, p. 292; section 100 is amended by Ordres en Conseil Vol. XXIX, p. 148 and Vol. XXXV(1), p. 161; and Ordinance No. IX of 2016; there are other amendments to the Law not relevant to this Ordinance.

^d Order in Council No. XXIII of 2002; section 1 is amended by Ordinance No. IX of 2016; there are other amendments to the Law not relevant to this Ordinance.

are transferred to and vested in the Policy & Resources Committee; and the provisions listed in paragraphs (a) and (b) are referred to in this Ordinance as the "**Relevant Subsections**".

Amendment of statutory references.

2. For any reference in the Relevant Subsections to the Committee for Employment & Social Security, however expressed, there is substituted a reference to the Policy & Resources Committee.

Savings and transitional provisions.

3. Anything done before the date of commencement of this Ordinance, or in the process of being done on that date, by or in relation to the Committee for Employment & Social Security under the Relevant Subsections shall have effect as if done, or (as the case may be) may be continued, by or in relation to the Policy & Resources Committee.

Citation.

4. This Ordinance may be cited as the Machinery of Government (Transfer of Functions) Ordinance, 2021.

Commencement.

5. This Ordinance shall come into force on the 15th July 2021.