

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 21ST DAY OF FEBRUARY, 2012**

**The States resolved as follows concerning Billet d'État No IV  
dated 13<sup>th</sup> January 2012**

**POLICY COUNCIL AND HOME DEPARTMENT**

**ALTERNATIVE MEMBERS OF THE CIVIL CONTINGENCIES AUTHORITY**

- I.- After consideration of the joint Report dated 12<sup>th</sup> December 2011, of the Policy Council and Home Department:-
1. To agree that in the absence of a permanent member of the Civil Contingencies Authority, that person shall be replaced for the duration of such absence as follows:
    - a) for the Chief Minister:
      - i) by the Deputy Chief Minister, or
      - ii) in the absence of the Deputy Chief Minister, by another member of the Policy Council nominated by the Chief Minister, or
      - iii) if the Deputy Chief Minister is also a permanent member of the Civil Contingencies Authority, by another member of the Policy Council nominated by the Chief Minister, and
    - b) for a Minister of the Home Department, Public Services Department or the Health and Social Services Department:
      - i) by the Deputy Minister of the relevant Department, or
      - ii) in the absence of the Deputy Minister, by another Member of the relevant Department, nominated by the Minister of that Department.
  2. To approve the Projet de Loi entitled "The Civil Contingencies (Bailiwick of Guernsey) Law, 2012" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE REGULATION OF HEALTH PROFESSIONALS (ENABLING  
PROVISIONS) (GUERNSEY) LAW, 2012**

- II.- To approve the draft Projet de Loi entitled "The Regulation of Health Professionals (Enabling Provisions) (Guernsey) Law, 2012" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

### **THE ANIMAL WELFARE (GUERNSEY) ORDINANCE, 2012**

- III.- To approve the draft Ordinance “The Animal Welfare (Guernsey) Ordinance, 2012”, and to direct that the same shall have effect as an Ordinance of the States.

### **THE HOUSING (CONTROL OF OCCUPATION) (AMENDMENT OF HOUSING REGISTER) ORDINANCE, 2012**

- IV.- To approve the draft Ordinance “The Housing (Control of Occupation) (Amendment of Housing Register) Ordinance, 2012”, and to direct that the same shall have effect as an Ordinance of the States.

### **THE INHERITANCE (GUERNSEY) LAW, 2011 (COMMENCEMENT) ORDINANCE, 2012**

- V.- To approve the draft Ordinance “The Inheritance (Guernsey) Law, 2011 (Commencement) Ordinance, 2012”, and to direct that the same shall have effect as an Ordinance of the States.

### **POLICY COUNCIL**

#### **MATERNITY AND PATERNITY PROVISIONS AND THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)**

- VI.- After consideration of the Report dated 7<sup>th</sup> December 2011, of the Policy Council:-
1. To agree the introduction of 2 weeks compulsory statutory maternity leave.
  2. To agree the introduction of 12 weeks basic statutory maternity leave.
  3. To agree the introduction of an enhanced period of 26 weeks statutory maternity leave for employees who have been continuously employed by their current employer, including an associate employer, for at least fifteen consecutive months prior to their due date.
  4. To agree the introduction of statutory time off to attend ante-natal appointments.
  5. To agree that an employee who elects to work for his or her employer for up to 10 days whilst on maternity leave, except during the period of compulsory maternity leave, should remain entitled to maternity leave and benefits.
  6. To agree that women intending to take statutory maternity leave should give their employer at least 3 months written notice of their birth due date and when they would like their maternity leave to start, this notice period to be subject to the following conditions:
    - a) where possible, women should also say when they expect to return to work;

- b) both the maternity leave start date and the return to work date could be changed as long as this was discussed and agreed between the woman and her employer and provided one month's notice of the return to work date was given. These dates could also be changed where either the mother or baby was ill or the baby was delivered prematurely and employers would be expected to be flexible in these circumstances;
  - c) an employer would be allowed to require an employee on pregnancy related sick leave to start their maternity leave 6 weeks prior to their due date (in line with current Social Security Department policy on sickness benefit and maternity allowance);
  - d) it would be the employer's responsibility to confirm the maternity leave and agreed return to work date. This should be done within two weeks of receiving the initial request and within two weeks after being notified of the birth or when a change to the return to work date was requested.
7. To agree the introduction of a 2 week period of statutory maternity support leave for the partner of an expectant woman provided the person taking the leave has worked for his or her current employer for at least fifteen consecutive months.
8. To agree the introduction of similar statutory leave provisions for parents who adopt children as would be available for parents of a new born, that is:
- a) statutory leave be available as provided to parents of newborn children, dependant on whether qualifying periods had been met; and
  - b) a period of two weeks mandatory leave in order to encourage bonding between the parent and the adopted child, immediately after adoption.
9. To direct that such legislation as may be necessary to give effect to the foregoing shall be prepared.
10. To direct the Social Security Department to report back to the States, at the same time it reports on the funding of other benefits, with proposals for funding and requesting the preparation of the necessary legislation to provide for:
- a) Changes to the maternity grant to make it available to all new mothers.
  - b) Changes to maternity allowance to split it into a maternal health allowance and a new born care allowance with the rate of both being £180 per week (2011 rate) and the conditions as set out in paragraphs 7.10 to 7.25.
  - c) A new adoption grant at same rate as a maternity grant in the case of adoption for a child under 18.
  - d) a new benefit of parental allowance of £180 per week (2011 rate) which can be claimed by either parent immediately following the adoption of a child under 18 years of age.

11. To direct the Treasury and Resources Department to report back to the States, at the same time as the Social Security Department reports back on proposition 10 above, with proposals to fund any consequential expenditure incurred by the States as an employer or in the grant from General Revenue.

***ORDINANCE LAID BEFORE THE STATES***

**THE HEALTH SERVICE (BENEFIT) (AMENDMENT) (NO. 2) ORDINANCE,  
2011**

In pursuance to the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended The Health Service (Benefit) (Amendment) Ordinance, 2011, made by the Legislation Select Committee on the 12<sup>th</sup> December 2011 was laid before the States.

***STATUTORY INSTRUMENTS LAID BEFORE THE STATES***

**THE COMPANIES (RECOGNITION OF AUDITORS) (AMENDMENT)  
REGULATIONS, 2010**

In pursuance of sections 274I, 535 and 538 of the Companies (Guernsey) Law, 2008, The Companies (Recognition of Auditors) (Amendment) Regulations, 2010, made by the Commerce and Employment Department on 14<sup>th</sup> December 2010, was laid before the States. This order comes into force on the 14<sup>th</sup> December, 2010.

**THE SOCIAL INSURANCE (BACK TO WORK BENEFITS) (AMENDMENT)  
REGULATIONS, 2011**

In pursuance of Section 117 of The Social Insurance (Guernsey) Law, 1978, The Social Insurance (Back to Work Benefits) (Amendment) Regulations, 2011 made by the Social Security Department on 16<sup>th</sup> November 2011, were laid before the States. This order comes into force on 16<sup>th</sup> November 2011.

**THE RABIES ORDER, 2011**

In pursuance of Section 4 of the Rabies (Bailiwick of Guernsey) Law, 1975 as amended, The Rabies Order, 2011, made by the Commerce and Employment Department on 13<sup>th</sup> December 2011, was laid before the States. This order comes into force on 1<sup>st</sup> January 2012.

**THE FINANCIAL SERVICES COMMISSION (FEES) REGULATIONS, 2011**

In pursuance of Section 25(3) of the Financial Services Commission (Bailiwick of Guernsey) Law, 1987 as amended, the Financial Services Commission (Fees) Regulations, 2011, made by the Guernsey Financial Services Commission on 25<sup>th</sup> day of November 2011, were laid before the States. This order comes into force on 1<sup>st</sup> January 2012.

**THE BOARDING PERMITS FEES ORDER, 2011**

In pursuance of Section 17(3) of the Tourist Law, 1948 as amended, The Boarding Permits Fees Order, 2011, made by the Commerce and Employment Department on 13<sup>th</sup>

December 2011, was laid before the States. This order comes into force on 1 April 2012.

S M D ROSS  
HER MAJESTY'S DEPUTY GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 22ND DAY OF FEBRUARY, 2012**

(Adjourned from 21<sup>st</sup> February 2012)

**The States resolved as follows concerning Billet d'État No IV  
dated 13<sup>th</sup> January 2012**

**PUBLIC SERVICES DEPARTMENT**

**REVISED WASTE STRATEGY**

VII.- After consideration of the Report dated 7<sup>th</sup> December, 2011, of the Public Services Department:-

1. To approve recycling targets as follows:  
  
50% by the end of 2013;  
60% by the end of 2018; and  
70% by the end of 2025.
2. To approve the Waste Minimisation Plan as set out in Appendix 8 to this report and to direct the Public Services Department to take forward the measures identified therein without delay, with the revenue costs funded by a transfer from the Waste Strategy Fund to the revenue budget of the Department.
3. To direct the Treasury and Resources Department to consider and approve appropriate business cases from the Public Services Department to implement prevention, re-use and recycling initiatives (namely kerbside collections; invessel composting of food waste and refurbishment of bring bank sites) at the earliest opportunity, with reference to indicative costs detailed in Appendix 15 of this report and for the capital costs of these schemes to be funded by a loan from States Treasury.
4. To direct the Public Services Department to report back to the States no later than December 2013 with the results of its investigations into any legislative and policy changes necessary, together with full costings to give maximum effect to waste prevention and minimisation measures.
5. To direct the Public Services Department to pursue the option of export of waste, including the possibility of buying into the Jersey plant, and to report back to the Policy Council no later than September 2013 with full costings to lay before the States.
6. To rescind Resolutions 6 and 7 concerning Billet d'État IX, 2009.

## **HOUSING DEPARTMENT**

### **HOUSING (CONTROL OF OCCUPATION) (GUERNSEY) LAW, 1994 VARIATION TO THE HOUSING REGISTER**

VIII.-After consideration of the Report dated 6<sup>th</sup> December, 2011, of the Housing Department:-

1. That an Ordinance be prepared, in accordance with section 52 of the Housing (Control of Occupation) (Guernsey) Law, 1994, to permit the Department to inscribe individually in Part A of the Housing Register three apartments on the site known as 1 St Julian's Avenue, St Peter Port, (the former Randall's Brewery site) subject to: (a) application being made by the owners within 6 months from the commencement date of the Ordinance; and (b) three Open Market Part A dwellings located elsewhere in the Island first being deleted from Part A of the Housing Register at the request of the owner of each of those dwellings.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **HOUSING DEPARTMENT**

### **HOUSING (CONTROL OF OCCUPATION) (GUERNSEY) LAW, 1994 VARIATION TO THE HOUSING REGISTER**

IX.- After consideration of the Report dated 6<sup>th</sup> December, 2011, of the Housing Department:-

1. That the Longfrie Inn, Route de Longfrie, St Pierre du Bois, should be inscribed in Part B of the Housing Register.
2. That an Ordinance be prepared, in accordance with section 52 of the Housing (Control of Occupation) (Guernsey) Law, 1994, to permit the Department to inscribe this hotel in Part B of the Housing Register subject to application being made by the owners within 6 months from the commencement date of the Ordinance.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **ENVIRONMENT DEPARTMENT**

### **EXTENSION OF PERIOD OF VALIDITY OF THE URBAN AREA PLAN (REVIEW NO. 1)**

X.- After consideration of the Report dated 29<sup>th</sup> November 2011, of the Environment Department:-

1. To extend the validity of the Urban Area Plan (Review No.1) until the 2<sup>nd</sup> December, 2015 or such earlier date when the States formally adopt a revised Development Plan(s).

## **COMMERCE AND EMPLOYMENT DEPARTMENT**

### **EU BATTERIES DIRECTIVE**

XI.- After consideration of the Report dated 6<sup>th</sup> December, 2011, of the Commerce and Employment Department:-

1. To direct the Law Officers of the Crown to prepare the necessary legislation under the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994, to implement the provisions of Articles 4, 6, 11 and 21 of the EU Batteries and Accumulators and Waste Batteries and Accumulators Directive (EC2006/66/EC), by Ordinance.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **PUBLIC SERVICES DEPARTMENT**

### **GUERNSEY HARBOURS – CRANE AND QUAY STRATEGY**

XII.- After consideration of the Report dated 7<sup>th</sup> December, 2011, of the Public Services Department:-

1. To approve the Crane and Quay Strategy as set out in this report.
2. To approve the acceptance of the tenders from Concrete Repairs Ltd for Berth 4 and 6, and the Knuckle, Dawson WAM for Berth 5 and the Freight Yard, and Gottwald Port Technology for the purchase of two mobile cranes.
3. To approve a capital vote for the Crane and Quay Strategy of £13,675,000 charged to the Accounts of the Harbour of St Peter Port.
4. To authorise the Treasury and Resources Department to transfer a maximum sum of £13,675,000 from the Capital Reserve to the accounts of the Harbour of St Peter Port in respect of this project.

## **PUBLIC ACCOUNTS COMMITTEE**

### **RESCINDING RESOLUTION RE WALTERS REQUETE CONSTRUCTION OF THE NEW AIRPORT TERMINAL BUILDING**

XIII.-After consideration of the Report dated 16<sup>th</sup> December 2011, of the Public Accounts Committee:-



1. TO NEGATIVE THE PROPOSITION to rescind Resolution 1 on Article XXI of Billet d'État III of 2004.

J TORODE  
HER MAJESTY'S GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 23RD DAY OF FEBRUARY, 2012**

(Adjourned from 22<sup>nd</sup> February 2012)

**The States resolved as follows concerning Billet d'État No IV  
dated 13<sup>th</sup> January 2012**

**SCRUTINY COMMITTEE**

**SCRUTINY COMMITTEE 2011 PERFORMANCE REPORT**

XIV.-After consideration of the Report dated 9<sup>th</sup> December 2011, of the Scrutiny Committee:-

1. To note the Scrutiny Committee's 2011 Performance Report.

**D J ROBILLIARD  
HER MAJESTY'S DEPUTY GREFFIER**

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 24TH DAY OF FEBRUARY, 2012**

(Adjourned from 23<sup>rd</sup> February, 2012)

**The States resolved as follows concerning Billet d'État No IV  
dated 13<sup>th</sup> January 2012**

**PAROCHIAL ECCLESIASTICAL RATES REVIEW COMMITTEE**

**THE REPAIR AND MAINTENANCE OF PAROCHIAL CHURCH PROPERTY**

XV.- After consideration of the Report dated 18<sup>th</sup> November, 2011, of the Parochial Ecclesiastical Rates Review Committee:-

1. To note that whilst the bare title to the ten ancient parish churches and the nine ancient parish churchyards may be vested in the Crown, it is acknowledged that the parishes certainly have beneficial ownership of this property.
2. That the legal ownership of the parish rectories, their grounds (with the exception of the St Peter Port and Vale Rectories), and glebe land (which for illustrative purposes only are shown in the plans in Appendix 6) shall be statutorily vested in the respective Constables, on behalf of the parishes.
3. That the ownership of the Torteval Church Hall and St Martin's Community Centre shall be statutorily vested in the Constables of Torteval and St Martin respectively, on behalf of the parishes.
4. That the lease held by St Martin's Community Centre LBG continues to be valid after the statutory vesting in St Martin's parish of the land on which it is situated.
5. That any sale of a rectory statutorily vested in accordance with recommendation 2, shall require the approval of a meeting of the ratepayers called specifically for the purpose.
6. That a Management Board be established by and for each parish with a constitution and mandate as set out in paragraphs 4.2.30 to 4.2.35 of the Report.
7. That each Douzaine shall have responsibility for the management of the relevant parish rectory (with the exception of the St. Peter Port and Vale Rectories) as set out in paragraphs 4.2.36 to 4.2.38 of the Report.
8. That the *Loi Relative à La Taxation Paroissiale 1923*, as amended, be further amended, as set out in paragraphs 4.4.1 to 4.4.3 of the Report.
9. To amend the Parish Reserve Funds Law by deleting any reference to "cemeteries" and replacing it with the "churchyards" (ecclesiastical) and "the parish cemeteries" (secular), as set out in paragraph 4.4.5 of the Report.

10. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

**D J ROBILIARD**  
**HER MAJESTY'S DEPUTY GREFFIER**