

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 29th DAY OF SEPTEMBER, 2009**

**The States resolved as follows concerning Billet d'État No XXIV
dated 11th September 2009**

PROJET DE LOI

entitled

**THE TRADING STANDARDS (ENABLING PROVISIONS)
(GUERNSEY) LAW, 2009**

I.- To approve the Projet de Loi entitled “The Trading Standards (Enabling Provisions) (Guernsey) Law, 2009” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE MEDICINES (HUMAN AND VETERINARY)
(BAILIWICK OF GUERNSEY) LAW, 2008
(COMMENCEMENT AND AMENDMENT) ORDINANCE, 2009**

II.- To approve the draft Ordinance entitled “The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008 (Commencement and Amendment) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

**THE PRESCRIPTION ONLY MEDICINES (HUMAN)
(BAILIWICK OF GUERNSEY) ORDINANCE, 2009**

III.- To approve the draft Ordinance entitled “The Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

**THE FRAUD (BAILIWICK OF GUERNSEY) LAW, 2009
(COMMENCEMENT) ORDINANCE, 2009**

IV.- To approve the draft Ordinance entitled “The Fraud (Bailiwick of Guernsey) Law, 2009 (Commencement) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

EDUCATION DEPARTMENT

NEW MEMBER

V.- To elect Deputy A Spruce, as a member of the Education Department to complete the unexpired portion of the term of office of Deputy A H Langlois, who has resigned as a member of that Department, namely to serve until May 2012 in accordance with Rule 7 of the Constitution and Operation of States Departments and Committees.

ORDINANCES LAID BEFORE THE STATES

THE ALDERNEY (APPLICATION OF LEGISLATION) (EDUCATION) ORDINANCE, 2009

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Alderney (Application of Legislation) (Education) Ordinance, 2009, made by the Legislation Select Committee on the 10th August, 2009, was laid before the States.

THE CASH CONTROLS LAW (DEFINITION OF CASH) (BAILIWICK OF GUERNSEY) ORDINANCE, 2009

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Cash Controls Law (Definition of Cash) (Bailiwick of Guernsey) Ordinance, 2009, made by the Legislation Select Committee on the 10th August, 2009, was laid before the States.

THE GAMBLING (BETTING) (AMENDMENT) ORDINANCE, 2009

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Gambling (Betting) (Amendment) Ordinance, 2009, made by the Legislation Select Committee on the 10th August, 2009, was laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE COMPANIES (APPOINTMENT OF PANEL ON TAKEOVERS AND MERGERS) REGULATIONS, 2009

In pursuance of Section 537 of the Companies (Guernsey) Law, 2008, the Companies (Appointment of Panel on Takeovers and Mergers) Regulations, 2009, made by the Commerce and Employment Department on 16th June 2009, were laid before the States.

**THE COMPANIES (PANEL ON TAKEOVERS AND MERGERS)
(AMENDMENT) REGULATIONS, 2009**

In pursuance of Section 537 of the Companies (Guernsey) Law, 2008, the Companies (Panel on Takeovers and Mergers) (Amendment) Regulations, 2009, made by the Commerce and Employment Department on 16th June 2009, were laid before the States.

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL
BENEFIT) (AMENDMENT NO. 2) REGULATIONS, 2009**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No. 2) Regulations, 2009, made by the Social Security Department on 8th July 2009, were laid before the States.

**THE DATA PROTECTION (NOTIFICATION AND NOTIFICATION FEES)
(AMENDMENT) REGULATIONS, 2009**

In pursuance of Section 66(4) of the Data Protection (Bailiwick of Guernsey) Law, 2001, the Data Protection (Notification and Notification Fees) (Amendment) Regulations, 2009, made by the Home Department on 14th July 2009, were laid before the States.

**THE SOCIAL INSURANCE (BENEFITS) (AMENDMENT)
REGULATIONS, 2009**

In pursuance of Section 117 of The Social Insurance (Guernsey) Law, 1978, the Social Insurance (Benefits) (Amendment) Regulations, 2009, made by the Social Security Department on 20th July 2009, were laid before the States.

**THE AIR NAVIGATION (RESTRICTION OF FLYING)
(BAILIWICK OF GUERNSEY) REGULATIONS, 2009**

In pursuance of Section 178(4) of the Aviation (Bailiwick of Guernsey) Law, 2008, the Air Navigation (Restriction of Flying) (Bailiwick of Guernsey) Regulations, 2009, made by the Director of Civil Aviation on 5 August 2009, were laid before the States.

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL
BENEFIT) (AMENDMENT) (NO. 3) REGULATIONS, 2009**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No. 3)

Regulations, 2009, made by the Social Security Department on 11th August 2009, were laid before the States.

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 30th DAY OF SEPTEMBER, 2009

(Meeting adjourned from 29th September, 2009)

**The States resolved as follows concerning Billet d'État No XXIV
dated 11th September 2009**

COMMERCE AND EMPLOYMENT DEPARTMENT

PUBLIC HOLIDAYS

X.- After consideration of the Report dated 17 August, 2009, of the Commerce and Employment Department:-

1. That the Public Holidays Ordinance, 1994 be amended such that when:
 - a) Christmas Day or Boxing Day falls on a Saturday, the 28th December shall be a public holiday; and
 - b) New Year's Day falls on a Saturday, 3rd January shall be a public holiday.
2. That Monday 10th May 2010 shall be a public holiday.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

HOME DEPARTMENT

PAROLE REVIEW COMMITTEE - CHAIRMAN

XIV.- After consideration of the Report dated 14th August, 2009, of the Home Department:-

To re-appoint Mrs Judith Haslam as Chairman of the Parole Review Committee for a term of three years from 1st March, 2009.

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 1st DAY OF OCTOBER, 2009

(Meeting adjourned from 30th September, 2009)

**The States resolved as follows concerning Billet d'État No XXIV
dated 11th September 2009**

TREASURY AND RESOURCES DEPARTMENT

CAPITAL PRIORITISATION

IX.- After consideration of the Report dated 14th August, 2009, of the Treasury and Resources Department:-

1. To approve the timing of the recommended programme for capital projects within the approved Capital Programme (as per the Gantt chart in Section 7 of that Report).
2. To note that the Treasury and Resources Department will closely monitor the balance in the Capital Reserve and that any variations from the recommended programme could result in the recommendation to delay future projects.
3. To note that the delay in the recapitalisation of Cabernet Limited will lead to a requirement to extend guarantees currently given by the States and authorise the Treasury and Resources Department to enter into such arrangements as necessary.
4. To instruct that all Departments submitting proposals for States of Deliberation approval of transfers from the Capital Reserve must:
 - a. include in those proposals good quality and sufficient information on the capital project, to enable a decision to be made corporately, such information to include a business case, a risk assessment, full costings following a tender process, and details on management of the project; and
 - b. follow the procedures adopted by the States of Guernsey with regard to capital projects and as outlined in the Codes of Practice.

HOME DEPARTMENT

PROPOSAL TO ACCESS A NEW CENTRALISED VETTING & BARRING SCHEME FOR PEOPLE WORKING WITH CHILDREN AND VULNERABLE ADULTS IN THE LIGHT OF VETTING FAILURES IDENTIFIED BY THE BICHARD INQUIRY

XII.- After consideration of the Report dated 31st July, 2009, of the Home Department:-

1. To approve the Department's proposals as set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.
3. To note that the funding requirements of the proposals set out in that Report will be considered and require approval as part of the States Strategic Plan.

SOCIAL SECURITY DEPARTMENT

BENEFIT AND CONTRIBUTION RATES FOR 2010

XIII.- After consideration of the Report dated 31st July, 2009, of the Social Security Department:-

1. That, with effect from 4th January 2010, the standard rates of pension and contributory social insurance benefits shall be increased to the rates set out in paragraph 19 of that Report.
2. That, with effect from 1st January 2010, for employed persons, the upper weekly earnings limit, the upper monthly earnings limit and the annual upper earnings limit shall be £1,536, £6,656 and £79,872 respectively.
3. That, with effect from 1st January 2010, for employers, the upper weekly earnings limit, the upper monthly earnings limit and the annual upper earnings limit shall be £2,259, £9,789 and £117,468 respectively.
4. That, with effect from 1st January 2010, for employed persons and employers, the lower weekly earnings limit and the lower monthly earnings limit shall be £114 and £494 respectively.
5. That, with effect from 1st January 2010, for self-employed persons, the upper earnings limit and lower earnings limit shall be £79,872 per year and £5,928 per year, respectively.
6. That, with effect from 1st January 2010, for non-employed persons the upper and

lower annual income limits shall be £79,872 per year and £14,820 per year respectively.

7. That, with effect from 1st January 2010, the allowance on income for non-employed people shall be £6,290 per year.
8. That, with effect from 1st January 2010, the voluntary contribution shall be £16.24 per week for non-employed people.
9. That, with effect from 1st January 2010, the overseas voluntary contribution shall be £77.26 per week for non-employed people and £85.40 for self-employed people.
10. That the apportionment of contribution income for employed and self-employed persons and non-employed persons over 65 shall be as set out in paragraphs 49 and 50 of that Report.
11. That, with effect from 1st January 2010, the prescription charge per item of pharmaceutical benefit shall be £2.90;
12. That, the Health Service (Benefit) Guernsey Law, 2002 be amended:
 - (a) to allow monies to be paid from the Fund towards the cost of research and development activities, including pilot programmes;
 - (b) to allow the actuarial review of the Guernsey Health Service fund to be undertaken by an actuary appointed by the Department;
13. That, with effect from 4th January 2010, the contribution (co-payment) required to be made by the claimant of care benefit, under the long-term care insurance scheme, shall be £165.62 per week.
14. That, with effect from 4th January 2010, nursing care benefit shall be a maximum of £685.44 per week for persons resident in a nursing home or the Guernsey Cheshire Home and residential care benefit shall be a maximum of £367.15 per week for persons resident in a residential home.
15. That, with effect from 4th January 2010, respite care benefit shall be a maximum of £851.06 per week for persons receiving respite care in a nursing home or the Guernsey Cheshire Home and a maximum of £532.77 per week for persons receiving respite care in a residential home.
16. That, with effect from 8th January 2010, the supplementary benefit requirement rates shall be as set out in paragraph 92 of that Report.
17. That the Supplementary Benefit Law 1971 (as amended) and the (Classes of persons to whom the Law applies) Ordinance, 2005 be further amended on the

lines set out in paragraphs 96 to 103 of that Report.

18. That, with effect from 8th January 2010, the weekly benefit limitations for supplementary benefit shall be:
 - (a) £395 for a person living in the community;
 - (b) £463 for a person who is residing in a residential home; and
 - (c) £664 for a person who is residing as a patient in a hospital, nursing home or the Guernsey Cheshire Home;
19. That a supplementary fuel allowance of £22.70 per week be paid to supplementary beneficiaries who are householders from 23rd October 2009 to 23rd April 2010.
20. That, with effect from 4th January 2010, the rates of attendance allowance and invalid care allowance and the annual income limits shall be as set out in paragraph 121 of that Report.
21. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 2nd DAY OF OCTOBER, 2009

(Meeting adjourned from 1st October, 2009)

**The States resolved as follows concerning Billet d'État No XXIV
dated 11th September 2009**

TREASURY AND RESOURCES DEPARTMENT

INVESTIGATION INTO ESTABLISHING A LAND REGISTRY IN GUERNSEY

VI.- TO POSTPONE CONSIDERATION of this Article to the October meeting of the States.

TREASURY AND RESOURCES DEPARTMENT

AMENDMENTS TO THE INCOME TAX (GUERNSEY) LAW, 1975

VII.- After consideration of the Report dated 14th July, 2009, of the Treasury and Resources Department:-

1. To revise the Income Tax Law to transfer the benefit of income tax relief in respect of donations to charity from the donor to the recipient (subject to a de minimis contribution of £500 per annum, per charity, by each donor) and to increase the limit of donations that each individual may make and which would qualify for relief to £5,000 (£10,000 for married couples) (with transitional provisions for donations under deeds of covenant entered into prior to 1 January 2010) as set out in paragraph 2.
2. To revise the Income Tax Law to provide that where a company writes off a loan this would not constitute a taxable distribution to the extent that the loan was taxed when it was originally advanced, as set out in paragraph 3.
3. To permit the “flow through” of overseas tax suffered by a company, to the beneficial member when the relevant income is distributed or deemed as distributed to the beneficial member, for the purposes of unilateral relief, with effect from 1 January 2008, as set out in paragraph 4.
4. To transfer the responsibility for the hearing of income tax appeals from the Treasury and Resources Department to the Guernsey Tax Tribunal, as set out in paragraph 5.

5. To give power to the Policy Council to make Regulations, as it sees fit, concerning the formal procedure and administration of income tax appeals (including provisions relating to the costs of an appeal), as set out in paragraph 5.
6. To provide for the appointment of a Deputy Clerk to the Guernsey Tax Tribunal and to permit the deferral of notification of a delay appeal, to the Tribunal, until such time as the Director of Income Tax or the appellant so require, as set out in paragraph 5.
7. To repeal the taxation provisions relating to certain payments made by the Social Security Department which have become outdated with the passage of time, as set out in paragraph 6.
8. To make certain changes to the regime for the taxation of individuals who are resident but not solely or principally resident for income tax purposes, as set out in paragraph 7.
9. To extend the definition of “partnership” in the Income Tax Law to include limited liability partnerships (and to introduce a definition of “limited liability partnership” accordingly), as set out in paragraph 8.
10. To repeal the present restriction on an exempt body holding shares in a Guernsey company, which itself is not exempt (with appropriate provisions to ensure that such companies having income taxable at 10% or 20% would continue to pay tax, at those rates, on relevant sources of income), as set out in paragraph 9.
11. To replace the date of 30 June 2009 with the date 31 December 2009, in respect of an election for 2008 onwards for the purposes of the exemption from the deemed distribution regime, for company profits, and to provide that an election may be treated as revocable where there has been a transfer of control of a company, as set out in paragraph 10.
12. To provide for an anti-avoidance provision, in connection with the rules for the limiting of the liability of individuals, as set out in paragraph 11, and to provide that the tax credit which may attach to a distribution made by a company, of its profits which arose prior to 2008, is not repayable.
13. To approve, under section 81A(5) of the Law, the Income Tax (Guernsey) (Employees Tax Instalment Scheme) (Amendment) (No 2) Regulations, 2009, as set out in paragraph 12 and appended to this Report.
14. To direct the consolidation of the Income Tax Law, as set out in paragraph 13.
15. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

TREASURY AND RESOURCES DEPARTMENT

CORPORATE PROPERTY PLAN

VIII.- TO POSTPONE CONSIDERATION of this Article to the October meeting of the States.

PUBLIC SERVICES DEPARTMENT

GUERNSEY AIRPORT – PAVEMENTS REHABILITATION

XI.- After consideration of the Report dated 30th July, 2009, of the Public Services Department:-

1. To approve the upgrade to the Guernsey Airport runway to meet safety requirements as outlined above in this report in configuration with the “Option C” proposal, including the provision of RESAs of 240m (west) and 198m (east).
2. To approve other renovation and rehabilitation works to the Guernsey Airport pavements and associated areas, in addition to the runway works, as detailed in paragraph 1.7 and summarised as follows:
 - Resurfacing of the aprons
 - Resurfacing and realignment of the taxiways
 - Replacement of the airfield ground lighting system and relocation of navigational aids
 - Improvements to foul and surface water drainage
 - Minor miscellaneous items, e.g. foundations for security huts, security fencing, etc.
 - Contingency sums, fees etc.
3. To approve the following list of contractors to be invited to tender:

Costain Limited
Edmund Nuttall Limited
Fitzpatrick Contractors Limited
Lagan Construction Limited
Trant Construction Limited
4. To instruct the Public Services Department to return to the States with a further report when the project has been subjected to due process, the scope of the works has been fully detailed, designed and tendered, and all costs are known.

K H TOUGH
HER MAJESTY’S GREFFIER

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 27th DAY OF OCTOBER, 2009

(Meeting adjourned from 2 October, 2009)

**The States resolved as follows concerning Billet d'État No XXIV
dated 11th September 2009**

TREASURY AND RESOURCES DEPARTMENT

INVESTIGATION INTO ESTABLISHING A LAND REGISTRY IN GUERNSEY

VI.- After consideration of the Report dated 30th June, 2009, of the Treasury and Resources Department:-

1. To endorse the Department's intention to conduct a review of the options for introducing a Land Registry in Guernsey.
2. To direct the Department to report back in due course with proposals for a Land Registry.

TREASURY AND RESOURCES DEPARTMENT

CORPORATE PROPERTY PLAN

VIII.- After consideration of the Report dated 7th August, 2009, of the Treasury and Resources Department:-

1. To note the progress made against the previous States' Resolutions of 2006 and 2007 regarding land, property and construction practices.
2. To approve the States-wide application of the Corporate Property Plan as set out in that Report.
3. To approve the application of space and cost standards and target budgets for States' accommodation and facilities including major capital alterations, extensions, refurbishment and new build as set out in that Report and in Appendix 4 (to be revised and updated by the Treasury and Resources Department as appropriate), and to note that where no agreement can be reached with the sponsoring Department, an appeal shall be decided by the Policy Council.
4. To approve the introduction of notional rental charging for States owned

property occupied by Departments.

5. To note that the question of whether or not to charge the Corporate Housing Programme Fund for the transfer of any States owned land or property as outlined in Section 8 of that Report will be contained within the Housing Department's States Report on the Corporate Housing Programme, due to be considered by the States during the first quarter of 2010, together with appropriate recommendations.

K H TOUGH
HER MAJESTY'S GREFFIER