

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 18th DAY OF FEBRUARY, 2016**

(adjourned from the 16th February 2016)

**The States resolved as follows concerning Billet d'État No IV
dated 12th January 2016**

HOME DEPARTMENT

DUAL FUNCTION APPOINTMENTS AND AUTHORISATION

I.- After consideration of the Policy Letter dated 15th December 2015 of the Home Department:-

1. To agree that legislation be introduced in order to:
 - (a) empower the Chief Officer of Police to designate any Customs Officer or Immigration Officer as a person having the powers and privileges of a Police Officer, subject to any limitations considered appropriate by the Head of Law Enforcement;
 - (b) empower the Chief Revenue Officer to designate any Police Officer or Immigration Officer as a person having the powers of a Customs Officer, subject to any limitations considered appropriate by the Head of Law Enforcement;
 - (c) empower the Chief Revenue Officer to designate any Police Officer as a person having the powers of an Immigration Officer, subject to any limitations considered appropriate by the Head of Law Enforcement;
 - (d) require designated officers to produce evidence of the designation if requested in the course of exercising their operational powers;
 - (e) create offences of resisting or wilfully obstructing or assaulting a designated officer in the exercise of their operational powers and an offence of impersonating a designated officer;
 - (f) provide that the Police Complaints (Guernsey) Law, 2008 would continue to apply to Police Officers who are designated with the powers of Customs Officers or Immigration Officers, but a Customs Officer or Immigration Officer who is designated with the powers and privileges of a Police Officer would not be regarded as a Police Officer for the purposes of that Law;
 - (g) provide that where a designated officer is exercising the operational powers of a Police Officer, Customs Officer or Immigration Officer (conferred on the designated officer by the designation), any unlawful conduct of that designated officer is to be regarded as if it were the unlawful conduct of a Police Officer, Customs Officer or Immigration Officer respectively; and

- (h) enable the States, by Ordinance, to make such provision as the States considers appropriate in consequence of designated officers having the operational powers referred to above.
- 2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

THE SCRUTINY COMMITTEE AND THE PUBLIC ACCOUNTS COMMITTEE

THE SCRUTINY MANAGEMENT COMMITTEE – POWERS, RESOURCES AND IMPARTIALITY

II.- After consideration of the Policy Letter dated 23rd December, 2015, of the Scrutiny Committee and the Public Accounts Committee:-

1. To agree that legislation be drafted:
 - (a) making provision for the Scrutiny Management Committee to have the power to send for persons, papers and records as set out in paragraphs 2.3 to 2.6 of that Policy Letter; and
 - (b) extending legal privilege to those providing evidence to the Scrutiny Management Committee's hearings and reviews as set out in paragraph 2.24 of that Policy Letter.
2. To direct the States Assembly and Constitution Committee to review and report to the States with a revised Code of Conduct for Members of the States of Deliberation to encompass the requirements of the Scrutiny Management Committee as set out in paragraphs 2.8 to 2.9 of that Policy Letter.
3. To direct the Policy and Resources Committee to take the actions required to appoint Accounting Officers for each of the Principal Committees as set out in paragraph 2.28 of that Policy Letter.
4. To agree that the Scrutiny Management Committee will annually submit to the Policy & Resources Committee a budget request (not exceeding a Cash Limit of £936,000 for 2017,) which will be considered in conjunction with all other committees' budget requests. If the Policy & Resources Committee is unable to recommend within the Annual Budget of the States a Cash Limit for the Scrutiny Management Committee at the level requested by that committee, then the Policy & Resources Committee will reproduce in full in the Annual Budget the Scrutiny Management Committee's budget request and include the reasons why it is not recommending a Cash Limit at the level requested and the financial implications of approving a Cash Limit at the level requested.
5. To direct the Policy and Resources Committee to provide the offices and meeting rooms required for implementation of the new Scrutiny Management Committee arrangements as set out in paragraph 2.59 of that Policy Letter.

6. To direct the Policy and Resources Committee to consider fully the advantages of releasing all Post-Implementation Review reports on capital projects into the public domain as set out in paragraph 3.16 of that Policy Letter.
7. To direct the Policy and Resources Committee to investigate the procedures required to enable the Scrutiny Management Committee, in exceptional and appropriate cases, to examine, with the Law Officers' consent, the legal advice provided to Departments, Committees and other public office holders by the Law Officers and their staff as set out in paragraph 3.20 of that Policy Letter.
8. To agree that the Scrutiny Management Committee shall have the right to scrutinise actively the annual external audit process as set out in paragraph 3.23 of that Policy Letter.

J. TORODE

HER MAJESTY'S GREFFIER