



# BILLET D'ÉTAT

XXVI  
2000

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WEDNESDAY, 13th December, 2000

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1. States Procedures and Constitution Committee – Non-States Members of States Committees, p. 1503.
2. Resignation of Deputy D. J. Nussbaumer, p. 1506.

# ***B I L L E T   D ' É T A T***

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## **TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY**

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In pursuance of Paragraph (2) of Rule 1 of the Rules of Procedure in and in relation to Assemblies of the States of Deliberation of the Island of Guernsey, I have the honour to inform you that a meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE, on WEDNESDAY, the 13th December, 2000**, immediately after the meetings already convened for that day.

## STATES PROCEDURES AND CONSTITUTION COMMITTEE

## NON-STATES MEMBERS OF STATES COMMITTEES

The President,  
States of Guernsey,  
Royal Court House,  
St. Peter Port,  
Guernsey.

28th November, 2000

Sir,

## NON-STATES MEMBERS OF STATES COMMITTEES

1. Paragraph 9(1) of the Constitution and Operation of States Committees prescribed by Resolution of the States of 30th April 1992, as amended, provides:

*"To be eligible to membership of a States committee as a non-sitting member of the States a person must be a person described in Section 8 of the Reform (Guernsey) Law, 1948, as amended."*

Article 8 of the Reform (Guernsey) Law, 1948, as amended, provides (inter alia) that

*"Any person of full age shall be eligible to hold the office of People's Deputy provided that he shall have his ordinary place of residence in this Island for the twelve months immediately prior to the date of his nomination as a candidate for that office".*

2. From the foregoing it is clear that a Non-States Member of a States Committee must be resident in Guernsey and, consequently, a resident of Alderney would not qualify for election.
3. On the 11th May 2000 the States elected Mr D. Earl as a member of the States Telecommunications Board with effect from 1st June 2000. Mr Earl is an Alderney resident and did not have his ordinary place of residence in this Island (ie. Guernsey) for the twelve months immediately prior to the date of his nomination.
4. H.M. Comptroller has advised that the election which took place on the 11th May 2000 is void and, consequently, Mr. Earl is not, and never has been, a member of the States Telecommunications Board.

5. The States Procedures and Constitution Committee has considered whether it is necessary for Non-States Members of States Committees to be resident in Guernsey and has concluded that such a provision is not necessary.
6. Non-States Members of States Committees are always in the minority (not more than one on a five member committee; not more than two on a seven member committee; not more than three on a nine member committee). In that way control rests with the sitting members of the States.
7. Further, the Committee considers that removing the restriction will enable the States, when appropriate, to draw on a wider expertise than might be the case if only Guernsey residents remain eligible.
8. The Committee therefore recommends the States to resolve that the Constitution and Operation of States Committees prescribed by Resolution of the States of 30th April, 1992, in pursuance of the States Committees (Constitution and Amendment) (Guernsey) Law, 1991 and amended by Section 11(4) of the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993 and by Resolution of the States of 25th November, 1992; 30th March, 1994; 26th July, 1995; 6th December, 1995; 31st July 1996; 30th September, 1998; 20th January, 1999, 26th January, 2000 and 31st May 2000 be further amended by deleting in paragraph 9 the word and figure "section 8" and substituting therefor "article 8 (a), (b) and (e)".
9. I have the honour to request that you lay this matter before the States with appropriate propositions.

I am, Sir,  
 Your obedient Servant,  
 R. C. Berry  
 President,  
 States Procedures and Constitution Committee.

**[N.B. The States Advisory and Finance Committee supports the proposals.]**

The States are asked to decide:—

- I.—Whether, after consideration of the Report dated the 28th November, 2000, of the States Procedures and Constitution Committee, they are of opinion:—
1. That the Constitution and Operation of States Committees prescribed by Resolution of the States of the 30th April, 1992, in pursuance of the States Committees (Constitution and Amendment) (Guernsey) Law, 1991 and amended by section 11 (4) of the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, and by Resolution of the States of 25th November, 1992; 30th March, 1994; 26th July, 1995; 6th December, 1995; 31st July, 1996; 30th September, 1998; 20th January, 1999; 26th January, 2000 and 31st May, 2000, shall be further amended by deleting in paragraph 9 the word and figure “section 8” and substituting therefor “article 8 (a), (b) and (e)”.
  2. To elect a member of the States Telecommunications Board, who need not be a sitting member of the States, to fill the vacancy which arose on the 1st June, 2000, by reason of the expiration of the term of office of Mrs D. J. Ward.

RESIGNATION OF DEPUTY D. J. NUSSBAUMER

The President,  
States of Deliberation,  
Royal Court House,  
St. Peter Port,  
Guernsey.

30th November, 2000.

Dear Sir,

It is with regret that I tender my resignation, effective from the day it is accepted.

Whilst it would be easy to say that my workload prevents me from fully carrying out my duties as a Deputy for the Castel Parish, the truth is that I can no longer accept some of the decisions being made by the States of Guernsey. The final straw came when after having accepted the Tourist Board's amendment to reduce the airport tax from £2 to £1 (and from 80p to 50p for inter island travel) per single sector, the States then rejected the other half of the amendment, thus enforcing the Board of Administration to pay £13 million interest to the Ports Holding Account. This in effect will mean an increase in passenger fees to cover this interest, thus we will end up paying for it all (the user pays) albeit in a different format to that originally proposed and amended.

Yours faithfully,  
DAVID NUSSBAUMER  
Deputy for the Castel Parish

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The States are asked:—

- II.— To accept the resignation of Deputy D. J. Nussbaumer as a People's Deputy for the Parish and Electoral District of the Castel.

(NB if the States accept Mr. Nussbaumer's resignation the resulting Committee vacancies will be filled at the January 2001 States Meeting)

DE V. G. CAREY  
Bailiff and President of the States

The Royal Court House,  
Guernsey.  
The 8th December, 2000.



