



# BILLET D'ÉTAT

X  
2004

WEDNESDAY, 30th JUNE, 2004

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# ***BILLET D'ÉTAT***

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

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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 30th JUNE, 2004,** immediately after the Meeting already convened for that day.

**THE EUROPEAN COMMUNITIES (IMPLEMENTATION OF PRIVACY  
DIRECTIVE) (GUERNSEY) ORDINANCE, 2004**

The States are asked to decide:-

I.- Whether they are of opinion to approve the draft Ordinance entitled “The European Communities (Implementation of Privacy Directive) (Guernsey) Ordinance, 2004”, 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, 2004**

The States are asked to decide:-

II.- Whether they are of opinion to approve the draft Ordinance entitled “The Housing (Control of Occupation) (Amendment of Housing Register) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

**THE STATES WATER SUPPLY (AMENDMENT) (GUERNSEY) LAW, 1991  
(COMMENCEMENT) ORDINANCE, 2004**

The States are asked to decide:-

III.- Whether they are of opinion to approve the draft Ordinance entitled “The States Water Supply (Amendment) (Guernsey) Law, 1991 (Commencement) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

**THE SEAT BELTS (AMENDMENT) ORDINANCE, 2004**

The States are asked to decide:-

IV.- Whether they are of opinion to approve the draft Ordinance entitled “The Seat Belts (Amendment) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

## **PUBLIC SERVICES DEPARTMENT**

### **IMPLEMENTATION OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA TO GUERNSEY**

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
Guernsey

12<sup>th</sup> May 2004

Dear Sir

#### **IMPLEMENTATION OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA TO GUERNSEY**

##### **1. Introduction**

- 1.1 The principal purpose of the International Convention for Safety of Life at Sea (SOLAS) is to promote “safety of life at sea by establishing in a common agreement uniform principles and rules directed thereto.”
- 1.2 On 7 October 2003 the External Relations Sub-Committee of the States Advisory and Finance Committee agreed to the extension of SOLAS to the Bailiwick of Guernsey. This particular route was chosen to ensure that coverage by the Convention could be secured in a timely fashion to avoid any disruption to essential shipping patterns. A précis of the report submitted to the Sub-Committee appears as an appendix.

##### **2. Port Facility Security and Implementation in the European Community**

- 2.1 In order to implement measures to ensure compliance by marine administrations which deal with international shipping movements, the SOLAS Convention has been amended to incorporate measures which will ensure the safe operation of the security of port facilities and international shipping and the application of uniform standards.
- 2.2 Although not originally intended as a vehicle to implement and enforce port security, the International Maritime Organisation (IMO) decided that SOLAS was the most appropriate means to introduce such measures, which are fundamental to

the principles of the Convention. To this end, Chapter XI-2 of the Annex to the Convention ("Chapter XI-2") was drafted to deal specifically with 'Special Measures to Enhance Maritime Security'. As part of these measures an International Ship and Port Facility Security (ISPS) Code has been produced.

- 2.3 The IMO is pursuing the global introduction of the ISPS Code to address risks to the security of passengers, shipping and port facilities from terrorist activities. This Code will come into effect from 1 July 2004. To enforce the Code in respect of EU Member States, the European Union formally adopted the *EC Regulation on Enhancing Ship and Port Facility Security* (the "Regulation"), on 22 March, 2004 which will be directly applicable in EC Member States.
- 2.4 Each EC Member State will be obliged to comply with the requirements of the Regulation. As a result of the stated implementation date, there is an unavoidable urgency with which Chapter XI-2 must be implemented and be enforceable within Guernsey. If implementation does not take place by 1 July 2004, there is a risk of commercial sea links with the UK and France being subjected to additional security clearances which could cause delays or cancellation of services.
- 2.5 Whilst implementation and enforcement of provisions of the SOLAS Convention would best be achieved by Ordinances under the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, this legislation is awaiting Royal Assent. Consequently, its use in time for 1 July 2004 to implement the provisions of the ISPS Code cannot be guaranteed.
- 2.6 The route by which Chapter XI-2 may be implemented in time for 1 July 2004 appears to be through the making of an appropriate Ordinance under the *European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994*. Such an Ordinance would give effect in respect of Guernsey to the provisions of the Regulation as if Guernsey were a Member State. This would enable Guernsey to demonstrate compliance with Chapter XI-2. A similar Ordinance will need to be made by Alderney.

### **3. Effects of SOLAS for Guernsey**

- 3.1 With the exception of Chapter V of the Convention, which deals with 'Safety of Navigation', and applies to all vessels regardless of size, most of the provisions of the Convention do not apply to Guernsey registered vessels and there will not, therefore, be any significant financial implication to the Island in this respect. However, Chapter XI-2 which deals with the International Ship and Port Facility Security Code must be applied fully to the Island's sea ports, to ensure that commercial vessels trading 'internationally' are handled in a secure environment equivalent to that operated by other ports on their routes.
- 3.2. It could be argued that the Bailiwick does not need to apply international security measures. However, the Islands are particularly reliant on sea links with both the UK and France. All vessels, including the Ro-Ro ferries and cargo vessels visit a

number of other ports in the UK and Europe where international security measures would be applied strictly. If the Bailiwick did not align itself to this regime it would, effectively, isolate itself from international shipping.

- 3.3 In accordance with the direction of the Board of Administration, the Harbour Authority has, for the last 10 years, been complying with the requirements of the Aviation and Maritime Security Act. Most additional physical security measures required by the ISPS Code have already been implemented by upgrading or supplementing existing measures, such as fencing and CCTV equipment; security staff are already provided by an outside contractor. The cost of these measures is already being met from within the Harbours' revenue budget.
- 3.4 However there will be additional ongoing revenue costs of approximately £60,000 per annum for security maintenance, overtime and contract security staff. It is possible that in periods of heightened security additional costs may exceed this figure.

#### **4. Recommendation**

4.1 The Public Services Department, therefore, recommends the States to:

- (a) agree to the giving effect in relation to Guernsey of the provisions of the EC Regulation on Enhancing Ship and Port Facility Security to such extent as may be necessary -
  - (i) to facilitate compliance with Chapter IX-2 of the Annex to the SOLAS Convention, including the International Code for the Security of Ships and Port Facilities; and
  - (ii) to ensure that Guernsey's sea-links continue to operate as smoothly and efficiently as possible; and
- (b) approve the enactment of the Security of Ship and Port Facilities (Guernsey) Ordinance, 2004 which accompanies this Policy Letter.

I am grateful to you for allowing the Ordinance to be placed before the States at the same time as this Letter and request that you lay these matters before the States with appropriate propositions.

Yours faithfully

William M Bell  
Minister  
Public Services Department



## APPENDIX

**INTERNATIONAL CONVENTION ON THE SAFETY OF LIFE AT SEA (SOLAS)**

**As amended by its Protocol of 1988, amendments in effect from 1 January 2001, the new Safety of Navigation Chapter V, which came into force on 1 July 2002 and amendments on International Ship and Port Facility Security (ISPS) Code Chapter XI-2, agreed at the Conference of 12 December 2002.**

**Consequences and Responsibilities Resulting from Guernsey Ratification**

Guernsey operates a Category II Register of British Ships. The Categorisation Order was drawn up specifically to prevent Category II Registers registering vessels which would need to comply with SOLAS. With the exception of Chapter V, Safety of Navigation, which applies to all vessels regardless of size, most of the Regulations do not apply to Guernsey registered vessels. The new Chapter XI-2 Ship and Port Facility Security Code would apply to Guernsey Ports.

The following types of ships may not be registered in Guernsey:

- 1) passenger ships;
- 2) pleasure vessels of more than 150 tons; and
- 3) ships which are not passenger ships or pleasure vessels, but which are more than 150 tons.

There are certain exemptions from these restrictions but these are subject to special arrangements between the Secretary of State and the Lieutenant Governor, and generally restrict the vessel to non-international voyages.

A summary of the application of each chapter of the annex as it might affect Guernsey is given below:

**Annex to the Convention****Chapter 1 General Provisions*****Application (Regulation 1)***

Unless expressly provided otherwise, the Regulations apply only to ships engaged on international voyages.

*Exceptions (Regulation 3)*

Unless expressly provided otherwise, the Regulations do not apply to cargo ships of less than 500 tons, pleasure craft or fishing vessels.

*Inspection and Survey (Regulation 6)*

Inspection and survey for the purpose of enforcement of the Regulations has to be carried out by officers of the Administration or those nominated by it.

Given that the majority of the Regulations do **not** apply to Guernsey ships, this function will only occasionally be required and is clarified further in this report.

Nevertheless, in carrying out the functions of a Contracting Government, Guernsey would need to “notify the Organisation of the specific responsibilities and conditions of the authority delegated to nominated surveyors or recognised organisations.”

*Issue of Certificates (Regulation 13)*

A Contracting Government can be asked by another Administration to survey one of its ships and to issue the relevant certificates. Although in practice this is likely to be a rare event, the Island would be prudent to put in place a procedure in the event of such a request. The Harbour Authority could provide the service with due notice, either by using its own appropriately trained officers or by bringing a qualified person over from the UK.

*Control (Regulation 19)*

Every ship when in a port of another Contracting Government is subject to control by officers duly authorised by such Government in so far as this control is directed towards verifying the certificates issued under Regulation 12 or Regulation 13 are valid.

Ships may be prevented from sailing if the certificates are not valid or have expired.

It is recommended that duly authorised officers would be: the Harbour Master, his assistants and others appointed by him with the appropriate expertise.

This form of control provides an important power for any port State to be able to exercise if it is serious about the safety of life at sea.

The ships that most frequently visit Guernsey affected by these amendments include: *Solidor 4* and *Solidor 5*, *Commodore Goodwill*, *Condor 10*, *Isis* and *Burhou I*. All these ships fly flags of States which are already party to the Convention.

The certificates referred to above include: Passenger Ship Safety, Cargo Ship Safety, Radio, Equipment and Construction Certificates.



Under the new requirements of Chapter XI-2 in order to meet the ISPS Code, a Ship Security Certificate will also be added to this list.

#### Chapter II-1: Construction - structure, stability, installations

#### Chapter II-2: Construction - fire protection detection and extinction

#### Chapter III: Life Saving appliances and arrangements

In each of the above Chapters, the application is to ships on an age-related basis. In some specific cases the application extends down to cargo ships of 300 gross tons or more (e.g. Chapter III part B Regulation 6). Otherwise, the overall application and exceptions stated in Chapter I, above, still apply.

The requirements of these Chapters are complex and detailed. The responsibility for meeting them rests with the shipping companies. The Administration for the ship's flag has the role of overseeing compliance.

Because of the restricted categories of vessels on the Guernsey Register, there are no additional obligations for the Island.

#### Chapter IV: Radio-communications

The application extends to cargo ships of 300 gross tons and upwards.

Under Part A, the Administration has the duty to ensure compliance.

Part B specifies the undertaking of the Contracting Governments. This requires a commitment to provide a radio-communications service. Five specific services are listed but each Contracting Government is **not** required to provide all of the services. These services are for local short and medium range facilities, satellite communication and long distance terrestrial communication.

Guernsey already provides two of these (line-of-sight VHF and medium range Medium Wave) and would be expected to provide the IMO with the pertinent information concerning them.

Part C gives details of the ship requirements and these are the responsibility of the shipping companies.

#### Chapter V: Safety of Navigation

The Regulations are based firmly on the need to apply good, modern and appropriate safety standards at sea.

*Application (Regulation 1)*

Application is, unless expressly provided otherwise, to all ships on all voyages. Therefore, **Chapter V has the potential to apply to all Guernsey ships.**

However, the Administration determines to what extent the provisions of Regulations 15 to 28 should apply to:

- 1) ships below 150 gross tonnage on any voyage;
- 2) ships below 500 gross tonnage not engaged on international voyages; and
- 3) fishing vessels.

As a result, the extent of the obligations imposed on owners of ships registered in the Island could be very limited and is for the Island to decide. These obligations will increase for some ship owners if the Island extends its Register to include pleasure vessels under 400 gross tonnage.

*Promulgation of Dangers to Navigation (Regulation 4)*

Contracting Governments are required to bring information concerning dangers to the attention of those concerned and communicate this to other interested Governments. Guernsey already does the former and can do the latter by informing the UK Hydrographic Office which already has an approved system of promulgation through the World-Wide Navigation Warning Service (WWNWS).

*Meteorological Services and Warnings (Regulation 5)*

Contracting Governments have various obligations, such as warning ships of gales and transmitting weather forecasts.

Other requirements involve arranging for a selection of ships to be equipped with meteorological instruments and for the transmission of observations. (This does not currently happen with Guernsey ships.) However, the Regulation stipulates that the obligations are to be carried out in co-operation with other Contracting Governments and the UK does already fulfill this obligation.

*Ice Patrol Service (Regulation 6)*

The obligations would not apply to Guernsey.

*Search and Rescue Services and Signals (Regulations 7 & 8)*

The Contracting Governments have various obligations regarding the provision of an adequate service and the use of life-saving signals when communicating with ships or

persons in distress. Guernsey already meets these obligations and would need to provide the IMO with the relevant information outlining the provision.

*Hydrographic Services (Regulation 9)*

Some obligations such as the promulgation of Notices to Mariners, are already carried out by the Island. Other obligations include hydrographic surveying of local waters and the preparation and issue of charts and various other nautical publications. The Island does not fulfill this function. However, the Regulation stipulates that the obligations are to be carried out in co-operation with other Contracting Governments and of course the UK does already fulfill this obligation.

*Ship Reporting systems (Regulation 11)*

Guernsey's existing system conforms to IMO guidelines and criteria.

*Vessel Traffic Services (VTS) (Regulation 12)*

Contracting Governments are required to establish VTS where volume of traffic or risk justifies it. Guernsey already has a form of VTS in place, which conforms to IMO guidelines.

*Establishment and Operation of Aids to Navigation (Regulation 13)*

Contracting Governments are required to provide navigation aids, to take account of international guidelines and make the relevant information available. Guernsey already does this for local aids to navigation and Trinity House has responsibility for general aids to navigation such as the Les Hanois and the Casquets.

*Ships' Manning (Regulation 14)*

Contracting Governments are required to ensure their ships are properly manned.

This Regulation applies **in part** to all ships regardless of size or type of ship or type of voyage. There is a general requirement that all ships shall be sufficiently and efficiently manned. Guernsey already has local legislation to cover this and the new Merchant Shipping Legislation should allow us to add any additional requirements.

*Regulations 15 to 28*

As stated with regard to the application of this Chapter, the extent of the application of these Regulations is for Guernsey to decide. There is no absolute obligation for the Contracting Government to introduce all the Regulations to all ships.

If Guernsey's Register is extended to include pleasure vessels between 150 and under 400 GT, such vessels **will** need to follow Regulations 15 to 28. Guernsey will need

States Regulations imposing SOLAS directly (or by means of an appropriate Code of Practice) as part of its set of Safety Regulations.

*Life-Saving Signals (Regulation 29)*

There is an implied obligation on Contracting Governments to encourage familiarity with the appropriate table of life-saving signals.

*Operational Limitations (Regulation 30)*

Guernsey ships do not fall into the category concerned.

*Danger Messages (Regulations 31 and 32)*

Contracting Governments are required to take all steps necessary to promulgate navigational dangers effectively. Guernsey already does this.

The Master of a ship is required to report dangers.

*Distress Messages: Obligations and Procedures (Regulation 33)*

This imposes obligations on the Master of a ship to respond to distress messages.

*Safe Navigation and avoidance of dangerous situations (Regulation 34)*

Passage planning will be required for all vessels. The degree of planning will be dependent on the size of vessel, its crew and type of voyage, but would include assessment of any dangers to navigation, tidal predictions and weather forecasts.

*Misuse of Distress Signals*

This prohibits the misuse of distress signals. To give the prohibition the force of Law in Guernsey, a specific offence may need to be created.

Chapters VI, VII and VIII (Carriage of Cargoes, Carriage of Dangerous Goods and Nuclear Ships)

The application is specifically to ships none of which are on the Guernsey Register. Contracting Governments which do not have such ships have no additional obligations.

However, it should be noted that the Port State (i.e. Guernsey) would require to be in receipt of a loading or unloading plan concerning bulk cargoes. Any likely exceeding of limits in the plan has to be notified to the port authority and the un/loading halted (Chapter VI, Regulation 7).

In similar vein, regarding nuclear ships, the Port State would exercise pre-entry control in that it would need to verify that the ship possessed a valid Nuclear Ship Safety Certificate and that there was no unreasonable hazard (Chapter VIII, Regulation 11).

#### Chapter IX Management for the Safe Operation of Ships

Ships are required to comply with the International Safety Management Code and carry a Document of Compliance.

##### *Application (Regulation 2)*

This is to ships on an age-related basis but essentially is the same as for the application and exemptions stated in Chapter I. Guernsey ships would **not** be affected.

##### *Verification and Control (Regulation 6)*

Guernsey would have the obligation to “verify the proper functioning of the ship’s safety-management system” at the request of the Administration of a State whose ship visited Guernsey.

The frequency of such a request is likely to be rare and the Harbour Authority could provide the service with due notice, either by using its own appropriately trained officers or by bringing a qualified person over from the UK.

#### Chapter X Safety Measures for High-Speed Craft

High-speed craft are to comply with the mandatory High-Speed Craft Code.

##### *Application (Regulation 2)*

No Guernsey ships would be affected. Non-Guernsey ships on the regular services between Guernsey and France are affected but they are already operating under Convention Flags.

##### *Requirements for High-Speed Craft (Regulation 3)*

Guernsey would have the authority to exercise the same verification control, regarding the certificates and permits issued under the Code, as is stated in Chapter I, Regulation 19.

#### Chapter XI-1 Special Measures to Enhance Maritime Safety

These measures clarify the authority of those conducting ship inspections and surveys. The Chapter introduces enhanced surveys for Bulk carriers and requires the use of ship identification numbers for all passenger ships of 100 gross tons upwards and all cargo ships of 300 gross tons upwards. Most relevant to Guernsey it allows for a key element in Port State Control.



*Port State Control on Operational Requirements (Regulation 4)*

This extends the local control of a ship in a port of another Contracting Government.

A ship can be prevented from sailing when there are grounds for believing that the Master or crew is not familiar with essential safety procedures.

This is an important power for any port authority to be able to exercise if it is serious about the safety of life at sea.

Chapter XI-2 Special Measures to Enhance Maritime Security

The Chapter imposes specific security-related obligations on the Contracting Government, shipping companies, ship Masters and port facilities, in order to counter the threat posed by terrorists. Such people may attempt to enter or leave Guernsey as well as carry potentially dangerous devices with them. The Chapter and its associated International Ship and Port Security (ISPS) Code come into effect on 1<sup>st</sup> July 2004.

**(NB The Policy Council supports the proposals)**

**(NB The Treasury and Resources Department has no comment on the proposals)**

The States are asked to decide:-

V.- Whether, after consideration of the Report dated 12<sup>th</sup> May, 2004, of the Public Services Department, they are of the opinion:-

1. To agree to the giving effect in relation to Guernsey of the provisions of the EC Regulation on Enhancing Ship and Port Facility Security to such extent as may be necessary -
  - (i) to facilitate compliance with Chapter IX-2 of the Annex to the SOLAS Convention, including the International Code for the Security of Ships and Port Facilities; and
  - (ii) to ensure that Guernsey's sea-links continue to operate as smoothly and efficiently as possible.
2. To approve the draft Ordinance entitled "The Security of Ship and Port Facilities (Guernsey) Ordinance, 2004", and direct that the same shall have effect as an Ordinance of the States.



## **INHERITANCE LAW REVIEW COMMITTEE**

### **NEW MEMBER**

The States are asked:-

VI.- To elect a sitting member of the States as a member of that Committee to replace Deputy J A Pritchard, who has been elected Chairman of that Committee.

### ***ORDINANCES LAID BEFORE THE STATES***

#### **THE ZIMBABWE (SALE, SUPPLY, EXPORT, FINANCING AND FINANCIAL ASSISTANCE AND SHIPMENT OF EQUIPMENT) (PENALTIES AND LICENCES) (GUERNSEY) ORDINANCE, 2004**

In pursuance of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, I lay before you herewith the Zimbabwe (Sale, Supply, Export, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) (Guernsey) Ordinance, 2004, made by the Legislation Select Committee on the 18<sup>th</sup> May, 2004.

#### **THE ZIMBABWE (FREEZING OF FUNDS AND ECONOMIC RESOURCES) (GUERNSEY) ORDINANCE, 2004**

In pursuance of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, I lay before you herewith the Zimbabwe (Freezing of Funds and Economic Resources) (Guernsey) Ordinance, 2004, made by the Legislation Select Committee on the 18<sup>th</sup> May, 2004.

### ***STATUTORY INSTRUMENT LAID BEFORE THE STATES***

#### **THE IMMIGRATION (GUERNSEY) (ACCESSION OF STATE WORKERS) RULES 2004**

In pursuance of the provisions of section 3(2) of the Immigration Act 1971 as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993, I lay before you herewith the Immigration (Guernsey) (Accession of State Workers) Rules 2004, made by the States Board of Administration on the 29<sup>th</sup> April, 2004.

## EXPLANATORY NOTE

These rules make provision for workers from eight of the States that are acceding to the European Union on 1<sup>st</sup> May 2004.

Rules 1 and 2 contain general provisions and contain definitions of expressions applicable to the Rules. Under Rule 3 workers from the relevant accession States who are “accession State workers” will generally only be able to work in the Bailiwick of Guernsey if they are “qualified persons” (that is to say, persons who under immigration legislation do not require leave to enter or remain within the Bailiwick) and they comply with the provisions of employment or control of occupation of housing legislation in force in the part of the Bailiwick within which they may be working. Under Rule 4, work seekers who are nationals of the new accession States may only reside in the Bailiwick of Guernsey if they are qualified persons, self sufficient whilst seeking work and comply with the provisions of control of occupation of housing legislation in force in that part of the Bailiwick within which they may be residing.

Rule 5 makes transitional provision to take account of the fact that on 1<sup>st</sup> May 2004 nationals from accession States and their family members will fall to be treated under section 7(1) of the Immigration Act 1988. Paragraph 6 brings the Rules into force upon 1<sup>st</sup> May 2004.

**APPENDIX I****STATES GAMBLING CONTROL COMMITTEE****CHANNEL ISLANDS LOTTERY – 2003 REPORT AND ACCOUNTS**

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

27<sup>th</sup> April 2004

Dear Sir

**CHANNEL ISLANDS LOTTERY – 2003 REPORT AND ACCOUNTS**

In accordance with the provisions of Section 2(5) of the Gambling (Channel Islands Lottery) Ordinance, 1975, as amended, I submit the Gambling Control Committee's annual report and accounts in respect of the operation of the Channel Islands Lottery during the financial year ending 31 December 2003.

This is the last occasion on which the Gambling Control Committee will submit an annual report on the Channel Islands Lottery. Under the new Machinery of Government, which will come into operation in May 2004, responsibility for the Channel Islands Lottery will rest with the Culture and Leisure Department.

The Gambling Control Committee would like to take this opportunity to stress the contribution that the Channel Islands Lottery continues to make to Island life, despite the challenges it faces. The Channel Islands Lottery has made a significant contribution to the funding of the Beau Sejour Centre and, through the Christmas Charity Draw, to a wide variety of charitable causes over many years. The Committee very much hopes that the Channel Islands Lottery will continue to be a feature of Island life for many more years under its new management.

The Gambling Control Committee would also like to thank the members and staff of the States of Jersey Economic Development Committee, the members of the Jersey Public Lotteries Board, the Guernsey Agents and sub agents and the Secretary to States Committees and his staff for their contribution to the long-term success of the Channel Islands Lottery.

**A: LOTTERY FORMAT**

2003 was yet another year of change for the Channel Islands Lottery as the Gambling Control Committee, in cooperation with the States of Jersey Economic Development Committee, sought innovative ways of meeting the challenges faced by the Lottery.

At the beginning of 2003 two separate promotions replaced the Treble Chance promotion, which ran during 2002

- The “Jackpot” draw - a traditional draw with a top prize of £20,000 rising according to the number of tickets sold but on a reduced frequency (12 draws in 2003 compared with 15 in 2002)
- The “Scratchcard” Lottery - a separate scratchcard promotion run alongside the jackpot draws with top prizes of £1,000 and a win opportunity of 1 in 3.98.

During the year it became clear that Islanders were not supporting the traditional “Jackpot” draws to the same extent and it was the scratchcards that were attracting most interest. As will be seen later in this report, only the first four of the 12 “Jackpot” draws had a first prize in excess of the minimum £20,000.

The Committees therefore decided to break with tradition and agreed that in 2004 they would suspend the traditional draws and the existing scratchcard lottery and, instead, promote two new separate but simultaneous series of scratchcard games

- one series of games entitled “Superscratch” providing high top prizes of £10,000 with a 1 in 7.29 chance of winning
- the other series of games entitled “Lucky Scratch” providing top prizes of £2,000 but with a higher chance of winning (1 in 3.98).

The Committees believe that, with the new scratchcard games, the Channel Islands Lottery will continue to operate successfully for the future. Indeed, early indications have shown a significant increase in sales in 2004.

2003 ended particularly successfully, with a Christmas Bumper Draw, giving the lucky winner a fantastic £283,500 top prize (£271,500 in 2002) and raised a well-received £78,630.95 for local charities (£72,512.28 in 2002).

The Committee believes that the tremendous success of the Christmas Bumper Draws means that they should continue in the future even though the ordinary “Jackpot” draws held throughout the rest of the year have been suspended.

**B: DRAWS**

Thirteen Draws were promoted during 2003 on the following dates: -

<u>Draw No</u>	<u>Date</u>	<u>Draw No</u>	<u>Date</u>
1	Thursday 23 January	8	Thursday 31 July
2	Thursday 13 February	9	Thursday 28 August
3	Thursday 13 March	10	Thursday 25 September
4	Thursday 10 April	11	Thursday 23 October
5	Thursday 8 May	12	Thursday 20 November
6	Thursday 5 June		
7	Thursday 3 July	Christmas Draw	Thursday 18 December

**C: SALE OF TICKETS**

During the year, five Agents were appointed by the Committee to sell Lottery tickets within the Bailiwick of Guernsey. Three appointments related to Guernsey and the remaining two appertained to Alderney and Sark respectively. The Agents, who purchased tickets from the Committee at a discount, were responsible for the appointment of sub-agents to sell tickets on their behalf.

Ticket sales for each Draw in 2003 were as follows:-

<u>Draw No</u>	<u>Guernsey Committee</u>	<u>Jersey Committee</u>	<u>Total Sales</u>
1	36,400	47,400	83,800
2	28,900	33,800	62,700
3	31,100	33,100	64,200
4	30,000	33,500	63,500
5	28,700	32,000	60,700
6	28,100	32,000	60,100
7	28,000	32,000	60,000
8	28,000	32,000	60,000
9	28,000	32,000	60,000
10	28,000	32,000	60,000
11	26,400	30,300	56,700
12	26,400	30,300	56,700
<b>Christmas Draw</b>	343,000	457,000	800,000
<b>Scratchcards</b>	226,900	329,000	555,900
<b>Total</b>	917,900	1,186,400	2,104,300

The total number of tickets issued by the Committee to Agents in the respective Islands of the Bailiwick was as follows: -

Alderney	11,400
Guernsey	900,300
Sark	6,200
	<u>917,900</u>

**D: PRIZES AWARDED**

The “Jackpot” draws provided a single Top Prize, plus a second prize of £5,000, four prizes of £250, forty prizes of £100 and forty prizes of £25 together with hundreds of £10 and £5 digit prizes. The guaranteed minimum value of the Top Prize for each of the draws was £20,000 and this was increased at a rate of £500 for every 1,500 tickets sold above the minimum sale of 60,000 tickets.

The main feature of the Christmas Charity Bumper Draw was a minimum drawn top prize of £150,000, increasing subsequently by £1,500 for every 5,000 tickets sold from the reserve. Other drawn prizes were a second prize of £10,000, a third prize of £5,000 and 40 prizes of £500. Sales through the four-week sales period ensured a steady increase in the value of the first prize, which eventually peaked at a very attractive £283,500.

During the year, the total number and value of prizes (including the value of the first prize) awarded at each draw were as follows: -

<u>Draw No</u>	<u>No of Prizes</u>	<u>Total Value of Prizes</u> £	<u>First Prize</u> £
1	1,762	51,070	27,500
2	1,340	40,905	20,500
3	1,370	41,630	21,000
4	1,356	41,525	21,000
5	1,300	40,105	20,000
6	1,288	40,015	20,000
7	1,286	40,000	20,000
8	1,286	40,000	20,000
9	1,286	40,000	20,000
10	1,286	40,000	20,000
11	1,220	39,505	20,000
12	1,220	39,505	20,000
<b>Christmas Draw</b>	<b>92,269</b>	<b>502,100</b>	<b>283,500</b>

In addition 139,215 prizes were included on the scratchcards issued in 2003 (in three batches) with a total value of £360,000.

**E: PRIZES UNCLAIMED**

Prizes, which are not claimed within twelve months of the draw at which they were awarded, are forfeited. During 2003, all of the maximum periods for claiming prizes awarded by the sixteen draws held in 2002 expired and the prizes, which remained unclaimed, were forfeited.

In the case of the scratchcard lottery, prizes are forfeited twelve months after all tickets in each batch are sold. On 21 November 2003 an announcement was made in La



Gazette Officielle that prizes won on any scratchcard tickets sold between December 2002 and November 2003 must be claimed by 20 November 2004. Therefore, no prizes were forfeited in respect of scratchcards in 2003

The total value of the prizes forfeited in 2003 was £193,026.65.

The Guernsey Committee's share of the prizes forfeited in 2003 was £87,811.23, which together with £69,967.21 brought forward from the 2002 accounts produced a total of £157,778.44.

In accordance with the policy of the States, this prize money was used to help maintain the values of the first prizes on offer in the draws organised in 2003. The Guernsey Committee accordingly contributed £21,147.86 from its forfeited prizes fund towards the twelve standard Draws and a further £25,725.00 towards the Christmas Charity Bumper Draw.

The balance on the forfeited prizes account at 31 December 2003 was £110,905.58.

#### **F: DONATION TO THE ASSOCIATION OF GUERNSEY CHARITIES**

The proceeds from the Christmas Bumper Draw are donated to the Association of Guernsey Charities for distribution to individual charities.

The 2003 Christmas Draw succeeded in raising the sum of £78,630.95 for local charities.

In its 2002 annual report the Committee reported that the 2002 Christmas Draw had raised the sum of £72,512.28, of which £68,114.88 had been distributed as recommended by the Association of Guernsey Charities. The Committee advised that details of the distribution of the remainder (£4,397.40) would be included in its 2003 annual report.

On the recommendation of the Association of Guernsey Charities, the Committee has agreed to distribute the proceeds of the 2003 Christmas Draw and the remaining sum from the 2002 Christmas Draw (totalling £83,028.35), to which the Association has added £20.30 from its own funds, as follows: -

<u>Charity</u>	<u>Purpose</u>	<u>Allocation</u> £
Citizens Advice Bureau	Training costs/printing information leaflets	5,000.00
Guernsey Welfare Service Limited	Vouchers for the needy	6,000.00
Relate Guernsey Limited	Travel/hotel costs for UK counsellor	5,894.00
Workers Education Association	Computer literacy classes at Les Genats/Bouet	2,500.00
Guernsey Cheshire Home	Towards fuel costs	12,500.00
Friends of St Julian's	Holidays, outings, newspapers etc	2,300.00
Guernsey Hard of Hearing	Equipment for lending to the hard of hearing	374.65
Sarnia Housing Association Limited	Renovation of housing for the elderly	8,000.00
Guernsey Jumbulance Holidays	Pilgrimage to Lourdes May 2005	2,000.00

Guernsey Schizophrenia Fellowship	Training, holidays, supplements, outings, etc	1,200.00
Maison St Pierre	Salaries or reduction of overdraft	10,000.00
Styx Playground	Playground improvements	1,300.00
Les Bourgs Hospice Charitable Trust	Running costs	11,000.00
Childline (Bailiwick of Guernsey)	Towards costs of phone line	3,000.00
FUEL	Stationery, cost of running a conference	920.00
St Martin's Community Centre	Computers, fridge, microwave, cutlery/crockery	500.00
Guernsey Bereavement Centre	Salary, insurance, telephone, electricity	3,210.00
Guernsey Domestic Violence Forum	Phones, books, leaflets, conference	5,500.00
Brock Road Specials Youth Club	Cooker for Brock Road	400.00
Les Naftiaux Youth & Community Centre	Insurance & driving lessons for mini bus	960.00
Guernsey Postnatal Depression Support	Cost of setting up website and library	400.00
		<u>83,048.65</u>

### G: ACCOUNTS

The accounts for the Channel Islands Lottery (Guernsey) Fund for 2003, which have yet to be audited, are attached. The accounts reveal that:

- i) The promotion of the Lottery in the Bailiwick of Guernsey produced a surplus of £126,685 (taking into account support from forfeited prizes amounting to £46,873), which was shared within the Bailiwick in proportion to the number of tickets sold in each Island as follows: -

Chief Pleas of Sark	£ 856
States of Alderney	£ 1,573
States of Guernsey	£124,256

- ii) During the course of the year, £50,000 was transferred from the Fund to the Beau Sejour Centre Account and a further £78,630.95 was donated to the Association of Guernsey Charities.

Finally, I would wish to reiterate my thanks to past and present Members of the Committee, the Main Agents and the staff of the Committee Secretariat for making the Channel Islands Lottery so successful.

Yours faithfully

D P Le Cheminant  
President  
States Gambling Control Committee

## CHANNEL ISLANDS LOTTERY (GUERNSEY) FUND

## FORFEITED PRIZES ACCOUNT

	2003 £	2002 £
Balance at 1 January	69,967	44,182
Share of forfeited prizes	87,812	71,441
Transfer to Operating Account	(46,873)	(45,656)
	<hr/>	<hr/>
Balance at 31 December	£110,906	£69,967

## OPERATING ACCOUNT

Forfeited prizes	46,873	45,656
Sale of tickets	917,900	946,700
	<hr/>	<hr/>
	964,773	992,356
Agents' commission	(122,961)	(119,805)
Contribution to prize fund including forfeited prizes	(591,539)	(598,578)
Printing and stationery	(66,387)	(64,854)
Promotion	(20,117)	(16,406)
Staff costs	(20,655)	(23,299)
States of Jersey administration charges	(13,768)	(14,200)
Other expenses	(2,661)	(2,809)
	<hr/>	<hr/>
Surplus	126,685	152,405
Chief Pleas of Sark - share of surplus	(856)	(902)
States of Alderney - share of surplus	(1,573)	(1,706)
States of Guernsey - share of surplus transferred to Appropriation Account	(124,256)	(149,797)
	<hr/>	<hr/>
	£ -	£ -

## APPROPRIATION ACCOUNT

Balance at 1 January	9,315	12,030
Share of surplus transferred from Operating Account	124,256	149,797
	<hr/>	<hr/>
	133,571	161,827
Donation to Association of Guernsey charities (Vote 29.3.89)	(78,631)	(72,512)
Transfers to Beau Sejour Centre Account	(50,000)	(80,000)
	<hr/>	<hr/>
Balance at 31 December	£4,940	£9,315

## Notes :

- a) The balance on the Appropriation Account is payable ultimately to the Beau Sejour Centre under States Resolutions I of 27 September 1972 and XXII of 26 February 1998.
- b) In accordance with the States Resolution of 23 February 1995 (Billet D'Etat V, February 1995), with effect from 2000 any forfeited prize money from expired Draws which remains unused in the current year will be retained for use as a contingency to support the prize funds in future Draws.

**APPENDIX II****NOMINATION OF ACTING PRESIDING OFFICERS OF THE STATES OF  
DELIBERATION AND THE STATES OF ELECTION****NOMINATION OF ACTING PRESIDING OFFICERS OF THE  
STATES OF DELIBERATION**

Pursuant to paragraph (2) of Article 1 of the Reform (Guernsey) Law, 1948, as amended, I hereby nominate:-

Deputy Daniel Peter Le Cheminant  
Deputy Michael William Torode  
Deputy Eric William Walters

to perform the duties of Acting Presiding Officer of the States of Deliberation, whose seniority in order of appointment shall rank immediately after the Deputy Presiding Officer and in the order in which their names appear herein.

DE V. G. CAREY  
Presiding Officer of the States of Deliberation

**NOMINATION OF AN ACTING PRESIDING OFFICER OF THE  
STATES OF ELECTION**

Pursuant to paragraph (2) of Article 1 and to paragraph (3) of Article 4 of the Reform (Guernsey) Law, 1948, as amended, I hereby nominate Deputy Daniel Peter Le Cheminant to perform the duties of Acting Presiding Officer of the States of Election, whose seniority in order of appointment shall rank immediately after the Deputy Presiding Officer.

DE V. G. CAREY  
Presiding Officer of the States of Election

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 30TH DAY OF JUNE, 2004

The States resolved as follows concerning Billet d'État No. X  
dated 11th June, 2004

**THE EUROPEAN COMMUNITIES (IMPLEMENTATION OF PRIVACY  
DIRECTIVE)(GUERNSEY) ORDINANCE, 2004**

- I. To approve the draft Ordinance entitled “The European Communities (Implementation of Privacy Directive)(Guernsey) Ordinance, 2004”, 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, 2004**

- II. To approve, subject to the following amendment, the draft Ordinance entitled “The Housing (Control of Occupation) (Amendment of Housing Register) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

**AMENDMENT**

In section 1 of the Ordinance (printed at page 42 of the Brochure to the Billet)-

- (a) substitute “Marina Court” for “Marina View”;
- (b) substitute “eight” for “nine”, wherever appearing; and
- (c) in the table delete the reference to Apartment 3.

**THE STATES WATER SUPPLY (AMENDMENT) (GUERNSEY) LAW, 1991  
(COMMENCEMENT) ORDINANCE, 2004**

- III. To approve the draft Ordinance entitled “The States Water Supply (Amendment) (Guernsey) Law, 1991 (Commencement) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

## **THE SEAT BELTS (AMENDMENT) ORDINANCE, 2004**

- IV. To approve the draft Ordinance entitled “The Seat Belts (Amendment) Ordinance, 2004,” and to direct that the same shall have effect as an Ordinance of the States.

## **PUBLIC SERVICES DEPARTMENT**

### **IMPLEMENTATION OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA TO GUERNSEY**

- V. After consideration of the Report, dated the 12<sup>th</sup> May, 2004, of the Public Services Department:-
1. To agree to the giving effect in relation to Guernsey of the provisions of the EC Regulation on Enhancing Ship and Port Facility Security to such extent as may be necessary –
    - (i) to facilitate compliance with Chapter XI-2 of the Annex to the SOLAS Convention, including the International Code for the Security of Ships and Port Facilities; and
    - (ii) to ensure that Guernsey’s sea-links continue to operate as smoothly and efficiently as possible.
  2. To approve the draft Ordinance entitled “The Security of Ship and Port Facilities (Guernsey) Ordinance, 2004”, and direct that the same shall have effect as an Ordinance of the States.

## **INHERITANCE LAW REVIEW COMMITTEE**

### **NEW MEMBER**

- VI. To elect Deputy P.R. Sirett as a member of that Committee to replace Deputy Mrs. J. A. Pritchard, who has been elected Chairman of that Committee.



***ORDINANCES LAID BEFORE THE STATES***

**THE ZIMBABWE (SALE, SUPPLY, EXPORT, FINANCING AND FINANCIAL ASSISTANCE AND SHIPMENT OF EQUIPMENT) (PENALTIES AND LICENCES) (GUERNSEY) ORDINANCE, 2004**

In pursuance of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Zimbabwe (Sale, Supply, Export, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) (Guernsey) Ordinance, 2004, made by the Legislation Select Committee on the 18<sup>th</sup> May, 2004, was laid before the States.

**THE ZIMBABWE (FREEZING OF FUNDS AND ECONOMIC RESOURCES) (GUERNSEY) ORDINANCE, 2004**

In pursuance of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Zimbabwe (Freezing of Funds and Economic Resources)(Guernsey) Ordinance, 2004, made by the Legislation Select committee on the 18<sup>th</sup> May, 2004, was laid before the States.

***STATUTORY INSTRUMENT LAID BEFORE THE STATES***

**THE IMMIGRATION (GUERNSEY) (ACCESSION STATE WORKERS) RULES 2004**

In the pursuance of the provisions of section 3(2) of the Immigration Act 1971 as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993, the Immigration (Guernsey) (Accession State Workers) Rules 2004, made by the States Board of Administration on the 29<sup>th</sup> April, 2004, were laid before the States.

**K. H. TOUGH  
HER MAJESTY'S GREFFIER**