

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 25TH DAY OF FEBRUARY, 2004

The States resolved as follows concerning Billet d'Etat No. II
dated 6th February, 2004

PROJET DE LOI

entitled

**THE INTELLECTUAL PROPERTY (ENABLING PROVISIONS)
(BAILIWICK OF GUERNSEY) LAW, 2004**

I.- To approve, subject to the following amendment, the Projet de Loi entitled “The Intellectual Property (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004”, and to direct the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

AMENDMENT

- (a) in section 1, immediately after paragraph (l) (printed on page 2 of the Brochure to the Billet d'État), insert the following paragraph -

"(m) image rights;"

and re-letter the following paragraphs “(n)” to “(s)” (instead of “(m)” to “(r)”);

- (b) in section 2(1), immediately after the definition of "geographical indication" (printed on page 4 of the Brochure to the Billet d'État), insert the following definition -

"image rights" means rights which relate to a person's name, voice, signature, photograph, characteristic or likeness;"

- (c) in section 2(2) (printed on page 10 of the Brochure to the Billet d'État) immediately after the “"geographical indication",” insert “"image rights,"”.

THE ELECTIONS ORDINANCE, 2004

- II.- This Article was deleted. See Ordinances laid before the States, following Article XII

THE REFORM (AMENDMENT) (GUERNSEY) LAW, 1972 (AMENDMENT) ORDINANCE, 2004

- III. To approve the draft Ordinance entitled “The Reform (Amendment) (Guernsey) Law, 1972 (Amendment) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

THE REGULATION OF INVESTIGATORY POWERS (BAILIWICK OF GUERNSEY) LAW, 2003 (COMMENCEMENT) ORDINANCE, 2004

- IV. To approve, subject to the following amendment, the draft Ordinance entitled “The Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003 (Commencement) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

AMENDMENT

In section 1 (printed on page 22 of the Brochure to the Billet d’État), for “1st March, 2004” substitute “14th June, 2004”.)

STATES ADVISORY AND FINANCE COMMITTEE

THE HUMAN RIGHTS (BAILIWICK OF GUERNSEY) LAW, 2000

- V. After consideration of the Report dated the 9th January, 2004, of the States Advisory and Finance Committee:-
1. That legislation shall be enacted to enable the States to amend a non-compliant provision by Ordinance as set out in that Report and including a minor consequential amendment to the Human Rights (Bailiwick of Guernsey) Law, 2000.
 2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

PUBLIC HOLIDAYS – DECEMBER 2004 AND JANUARY 2005

VI. After consideration of the Report dated the 16th January, 2004, of the States Advisory and Finance Committee:-

1. That the Public Holidays Ordinance, 1994, as amended, shall be further amended to the extent that –
 - (a) Tuesday, 28th December, 2004 and
 - (b) Monday, 3rd January, 2005shall be additional public holidays in Guernsey.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

GUERNSEY TAX TRIBUNAL

VII. After consideration of the Report dated the 16th January, 2004, of the States Advisory and Finance Committee:-

1. That the Income Tax (Guernsey) Law, 1975, as amended, shall be further amended along the lines set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

PROPOSAL FOR A NEW ARBITRATION (GUERNSEY) LAW

VIII. After consideration of the Report dated the 22nd January, 2004, of the States Advisory and Finance Committee:-

1. That legislation be enacted on the lines set out in that Report with respect to a new Arbitration Law.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

STATES AUDIT COMMISSION'S FOLLOW UP REPORT ON THE ADMINISTRATION OF STATES PROPERTY

IX. After consideration of the Report dated the 7th January, 2004, of the States Advisory and Finance Committee:-

To note the contents of the States Audit Commission's Report, in particular its recommendation that this matter be revisited in two years' time by the Public Accounts Committee.

STATES CIVIL SERVICE BOARD

PUBLIC SERVANTS' PENSION SCHEME

X.- After consideration of the Report dated the 23rd January, 2004, of the States Civil Service Board:-

To approve the draft States of Guernsey (Public Servants) (Pensions and Other Benefits) (Amendment) Rules, 2004, attached as an Appendix to that Report.

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 26TH DAY OF FEBRUARY, 2004

(Meeting adjourned from 25th February, 2004)

The States resolved as follows concerning
Billet d'État No. II dated 6th February, 2004

STATES EDUCATION COUNCIL

PROGRESSING THE EDUCATION DEVELOPMENT PLAN:

1. PROGRAMME 1 (REBUILDING) FUNDING AND PHASING
2. CONSTRUCTION OF ADDITIONAL POST-16 FACILITIES

XI. After consideration of the Report dated the 23rd January, 2004, of the States Education Council:-

1. (1) To transfer the sum of £12,750,000 from the Capital Reserve to the capital allocation of the States Education Council for the purposes of continuing Phases One and Two of the States Education Council's rebuilding programme (Programme 1).
- (2) To note that the Treasury and Resources Department will have due regard to the need to work on the basis of transferring annually from January 2005 to January 2008, subject to the affordability and availability of funds, the sum of £12,750,000 in January each year to the capital allocation of the Education Department for the purposes of completing Phases One and Two of the Department rebuilding programme (Programme 1).
2. (1) To approve the construction of additional new sixth form facilities for the Grammar School and the College of Further Education Phase A works as set out in that Report.
- (2) To authorise the States Education Council to seek tenders for contractors and other professional services required to progress these projects.
- (3) To authorise the States Advisory and Finance Committee to approve the acceptance of tenders in connection with these projects.

- (4) To authorise the States Advisory and Finance Committee to approve a capital vote not exceeding £13,710,000, comprising £5,580,000 for the additional new sixth form facilities for the Grammar School and £8,130,000 for the College of Further Education Phase A work, such sum to be charged to the capital allocation of the States Education Council.

STATES BOARD OF HEALTH

RECLASSIFICATION OF CANNABIS FROM A CLASS B TO CLASS C DRUG UNDER THE MISUSE OF DRUGS (BAILIWICK OF GUERNSEY) LAW, 1974

XII. After consideration of the Report dated the 21st January, 2004, of the States Board of Health:-

1. That the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended, shall be further amended as follows-

that the maximum penalties for Part III Class C drugs under Section 3(2) for the production, Section 3 (3) for supplying and offering to supply and Section 4 (3) offences (possession with intent to supply), shall be increased from 10 years or a fine or both to 14 years or a fine or both and that the maximum penalties for Section 5(2) cultivation of the cannabis plant shall be reduced from life or a fine or both to 14 years imprisonment or a fine or both;

2. TO NEGATIVE THE PROPOSITION THAT the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended, shall be further amended as follows:-

- (a) that the maximum penalty for possession of a Class C drug shall be reduced from 4 years imprisonment or a fine or both to 2 years imprisonment or a fine or both;

- (b) that following the change proposed in proposition 1 above to the maximum penalties, cannabis and cannabis resin shall be transferred from a Part II Class B drug to a Part III Class C drug under that Law.

3. To direct the preparation of such legislation as may be necessary to give effect to their decision in Resolution 1 above.

ORDINANCES LAID BEFORE THE STATES

THE ELECTIONS ORDINANCE, 2004

In pursuance of the provisions of the proviso to paragraph 66 of the Reform (Guernsey) Law, 1948, as amended, the Elections Ordinance, 2004, made by the States Legislation Committee on the 12th January, 2004, was laid before the States.

THE BURMA (EXPORT OF GOODS & FREEZING OF FUNDS) (AMENDMENT) ORDINANCE, 2004

In pursuance of the proviso to paragraph 66 of the Reform (Guernsey) Law, 1948, as amended, the Burma (Export of Goods & Freezing of Funds) (Amendment) Ordinance, 2004, made by the States Legislation Committee on the 12th January, 2004, was laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE SOCIAL INSURANCE (SPECIAL CASES) (REPEAL) REGULATIONS, 2003

In pursuance of the provisions of section 117 of the Social Insurance (Guernsey) Law, 1978, as amended, the Social Insurance (Special Cases) (Repeal) Regulations, 2003, made by the Guernsey Social Security Authority on the 19th December, 2003, were laid before the States.

THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT) REGULATIONS, 2003

THE HEALTH SERVICE (PAYMENT OF AUTHORISED SUPPLIERS) REGULATIONS, 2003

THE HEALTH SERVICE (PAYMENT OF AUTHORISED APPLIANCE SUPPLIERS) REGULATIONS, 2003

In pursuance of the provisions of section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the above Regulations made by the Guernsey Social Security Authority on the 31st December, 2003, were laid before the States.

**THE SEA FISH LICENSING (LICENCES AND NOTICES)
(BAILIWICK OF GUERNSEY) REGULATIONS, 2004**

In pursuance of the provisions of section 5(3)(c) of the Sea Fish Licensing (Guernsey) Ordinance, 2003, the Sea Fish Licensing (Alderney) Ordinance, 2003 and the Sea Fish Licensing (Sark) Ordinance, 2003, the Sea Fish Licensing (Licences and Notices) (Bailiwick of Guernsey) Regulations, 2004, made by the States Sea Fisheries Committee on the 12th January, 2004, were laid before the States.

THE BOARDING PERMIT FEES ORDER, 2004

In pursuance of the provisions of section 17(3) of the Tourist (Guernsey) Law, 1948, as amended, the Boarding Permit Fees Order, 2004, made by the States Tourist Board on the 19th January, 2004, was laid before the States.

THE MISUSE OF DRUGS (MODIFICATION) ORDER, 2003

In pursuance of the provisions of section 30(3) of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended, the Misuse of Drugs (Modification) Order, 2003, made by the States Board of Health on the 14th July, 2003, was laid before the States.

K. H. TOUGH

HER MAJESTY'S GREFFIER