

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 29<sup>TH</sup> SEPTEMBER 2004

The States resolved as follows concerning Billet d'Etat No. XIV  
dated 10<sup>th</sup> September, 2004

**HOUSE COMMITTEE**

**PARLIAMENTARY PRIVELEGE**

- I.- Leave was granted to withdraw this Article, at the instance of the Chairman of the House Committee.

**PROJET DE LOI**

entitled

**THE PRIVILEGES AND IMMUNITIES  
(BAILIWICK OF GUERNSEY) LAW, 2004**

- II.- To approve the Projet de Loi entitled “The Privileges and Immunities (Bailiwick of Guernsey) Law, 2004”, and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**PROJET DE LOI**

entitled

**THE PREVENTION OF DISCRIMINATION (ENABLING PROVISIONS)  
(BAILIWICK OF GUERNSEY) LAW, 2004**

- III.- To approve the Projet de Loi entitled “The Prevention of Discrimination (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004”, and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**PROJET DE LOI**

entitled

**THE CRIMINAL JUSTICE (SUPERVISION OF OFFENDERS)  
(BAILIWICK OF GUERNSEY) LAW, 2004**

IV.- Leave was granted to withdraw this Article at the instance of Her Majesty's Procureur.

**PROJET DE LOI**

entitled

**THE INCOME TAX (PENSION AMENDMENTS)  
(GUERNSEY) LAW, 2004**

V.- To approve the Projet de Loi entitled "The Income Tax (Pension Amendments) Guernsey) Law, 2004", and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**PROJET DE LOI**

entitled

**THE FOREIGN TAX (RETENTION ARRANGEMENTS)  
(GUERNSEY AND ALDERNEY) LAW, 2004**

VI.- To approve the Projet de Loi entitled "The Foreign Tax (Retention Arrangements) (Guernsey and Alderney) Law, 2004", and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**PROJET DE LOI**

entitled

**THE COURT OF CHIEF PLEAS (GUERNSEY) LAW, 2004**

VII.- To approve the Projet de Loi entitled "The Court of Chief Pleas (Guernsey) Law, 2004", and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE CUSTOMS AND EXCISE (GENERAL PROVISIONS)  
(COMMENCEMENT & AMENDMENT) ORDINANCE, 2004**

VIII.- To approve the draft Ordinance entitled “The Customs and Excise (General Provisions) (Commencement & Amendment) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

**THE PUBLIC HOLIDAYS ORDINANCE, 2004**

IX.- To approve the draft Ordinance entitled “The Public Holidays Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

## **TREASURY & RESOURCES DEPARTMENT**

### **TAXATION OF BUSINESS PROFITS**

X.- After consideration of the Report dated 20<sup>th</sup> July, 2004, of the Treasury and Resources Department,:-

1. To approve the change to an actual basis of assessment of business income with effect from 1 January 2006.
2. To approve the provision of transitional arrangements including avoidance provisions as outlined in paragraphs 12 – 15 of that Report.
3. In order that the transitional provisions be effective from the Year of Charge 2005, that the provisions of The Taxes & Duties (Provisional Effect) (Guernsey) Law 1992 should apply.
4. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **HOUSING DEPARTMENT**

### **ALTERATIONS TO THE HOUSING REGISTER**

XI.- After consideration of the Report dated 29<sup>th</sup> July, 2004, of the Housing Department:-

1. To direct that an Ordinance be prepared to enable the Department to inscribe in Part A of the Housing Register by virtue of Section 52 of the Housing (Control of Occupation) (Guernsey) Law 1994, the dwelling formed by the combination of the first floor flat (formerly inscribed under reference A73) and the attic flat at Cote des Vauxlaurens provided that 27 Hauteville is deleted from the Housing Register on the application of its owner.
2. That that Ordinance shall include the provision that the inscription shall, subject to formal application, be made no later than 6 months from the commencement date of the Ordinance or three months after the deletion of the inscription of 27 Hauteville (Reference D400) whichever is the earlier.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **PUBLIC SERVICES DEPARTMENT**

### **LEASE OF LAND TO AIRCRAFT SERVICING (GUERNSEY) LTD**

XII.- After consideration of the Report dated 2<sup>nd</sup> August, 2004, of the Public Services Department:-

To authorise the Public Services Department to lease for a period of 88 years an area of land at the Airport and to permit Aircraft Servicing (Guernsey) Ltd to construct, occupy and operate a private aircraft hangar on the terms set out in that Report.

## **COMMERCE AND EMPLOYMENT DEPARTMENT**

### **SUNDAY TRADING – SALE OF CHRISTMAS DECORATIONS FROM GARDEN CENTRES**

XIII.- After consideration of the Report dated 3<sup>rd</sup> August, 2004, of the Commerce and Employment Department:-

1. That during the months of November, December and January, Christmas decorations and Christmas wrapping paper may be sold at a plant or garden centre on a Sunday without being subject to a floor area limit of 100 square metres.
2. That such a concession shall only apply to those businesses that are in possession of a Category L Sunday trading licence that has effect during the preceding October.
3. The requirement that a garden centre must predominantly offer for sale “*all types of living plants, flowers, fruit, vegetables, seeds and bulbs*” shall not apply during November, December and January, but only in those instances of where the sale of Christmas decorations and Christmas wrapping paper has affected the predominant range.
4. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **HEALTH AND SOCIAL SERVICES DEPARTMENT**

### **MEDICINES (BAILIWICK) LAW, 2004**

XIV.- After consideration of the Report dated 12<sup>th</sup> August, 2004, of the Health and Social Services Department:-

To approve

- (a) the regulation of the manufacturing, supply, import, export, labelling and prescribing of medicines as detailed in paragraph 6.6 of that Report;
  - (b) the appointment of a Chief Inspector and the inspection of any premises where medicines are or may be held as detailed in paragraph 6.4 of that Report;
  - (c) the requirement that each retail pharmacy appoint a Superintendent Pharmacist, as detailed in paragraph 6.5 of that Report;
  - (d) the issuing of licences for the purposes of manufacturing, wholesale dealing, selling or supplying of medicines as detailed in paragraph 6.8 of that Report;
  - (e) the regulation of the promotion of medicines as detailed in paragraph 6.9 of that Report; and
  - (f) the control of substances similar to medicinal products as detailed in paragraph 6.10 of that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **SOCIAL SECURITY DEPARTMENT**

### **BENEFIT AND CONTRIBUTION RATES FOR 2005**

XV.- After consideration of the Report dated 12<sup>th</sup> August, 2004, of the Social Security Department:-

1. That, with effect from 3<sup>rd</sup> January, 2005, the standard rates of social insurance benefits shall be increased to the rates set out in paragraph 22 of that Report.
2. That, with effect from 3<sup>rd</sup> January, 2005, the standard rate of bereavement payment shall be £1,280.
3. That maternity grant shall be increased to £260.00 in respect of confinements which take place on or after 3<sup>rd</sup> January 2005.
4. That the full rate amount of death grant payable in respect of the death of a person on or after 3<sup>rd</sup> January 2005 shall be £403.00.
5. That, with effect from 1<sup>st</sup> January, 2005, for employed and self-employed persons the upper weekly earnings limit, the upper monthly earnings limit and the annual upper earnings limit shall be £660, £2,860 and £34,320 respectively.

6. That, with effect from 1<sup>st</sup> January, 2005, for non-employed persons the upper and lower annual income limits shall be £34,320 and £11,989 respectively.
7. That, with effect from 1<sup>st</sup> January, 2005, the prescription charge per item of pharmaceutical benefit shall be £2.40.
8. That, with effect from 3<sup>rd</sup> January, 2005, the contribution (co-payment) required to be made by the claimant of care benefit, under the long-term care insurance scheme, shall be £133 per week.
9. That, with effect from 3<sup>rd</sup> January, 2005, 'care benefit' shall be a maximum of £560 per week for persons resident in a nursing home or the Guernsey Cheshire Home and a maximum of £301 per week for persons resident in a residential home.
10. That, with effect from 3<sup>rd</sup> January, 2005, 'respite care benefit' shall be a maximum of £693 per week for persons receiving respite care in a nursing home or the Guernsey Cheshire Home and a maximum of £434 per week for persons receiving respite care in a residential home.
11. That, with effect from 7<sup>th</sup> January, 2005, the ordinary maximum rates of public assistance for the purposes of paragraph 10 in the Schedule to the Central Outdoor Assistance Board Regulations, as amended, shall be those set out in sub-paragraphs 83 (b) of that Report.
12. That, with effect from 6<sup>th</sup> January, 2005, the ordinary maximum rates of public assistance for the purposes of paragraph 10 in the Schedule to the Central Outdoor Assistance Board Regulations, as amended, shall be those set out in sub-paragraphs 83 (b) of that Report.
13. That, with effect from 7<sup>th</sup> January, 2005, the limit of the weekly income for the purposes of paragraph 3 of Part 1 of the First Schedule to the Supplementary Benefit (Implementation) Ordinance 1971 shall be:
  - (a) £275 for a person whose requirements are in accordance with paragraph 5 of the Schedule;
  - (b) £380 for a person who is residing in a residential home and whose requirements are in accordance with paragraph 7 of the Schedule;
  - (c) £547 for a person who is residing as a patient in a hospital, nursing home or the Guernsey Cheshire Home, whose requirements are in accordance with paragraph 7 of the Schedule.
14. That, with effect from 6<sup>th</sup> January, 2005, the limit of the weekly income for the purposes of sub-paragraph 2(2) the Schedule to the Central Outdoor Assistance Board Regulations, as amended, shall be £275.

15. That, with effect from 7<sup>th</sup> January, 2005, the amount of the personal allowance payable to persons in residential or nursing homes who are in receipt of supplementary benefit shall be £21 per week.
16. That a supplementary fuel allowance, for supplementary beneficiaries who are householders, of £14.50 per week be paid, from 29 October 2004 to 22 April 2005.
17. That a winter fuel allowance at a maximum of £14.50 per week shall be payable at the discretion of the Relieving Official to a person in receipt of public assistance from 28 October 2004 to 21 April 2005.
18. (a) That, with effect from 4<sup>th</sup> January, 2005, the allowance payable under the Family Allowances (Guernsey) Law, 1950, as amended, shall be £12.25 per week; and  
(b) that, with effect from 4<sup>th</sup> January, 2005, the cost of providing for a child (for the purposes of determining in whose family a child not living with his parents is to be included under the Law), shall be £12.25 per week
19. That, with effect from 7<sup>th</sup> January, 2005, the rates of attendance allowance and invalid care allowance and the annual income limits shall be as set out in paragraph 98.
20. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **HEALTH AND SOCIAL SERVICES DEPARTMENT**

### **SPEECH AND LANGUAGE THERAPY SERVICES**

XVI.- After consideration of the Report dated 25<sup>th</sup> August ,2004, from the Health and Social Services Department:-

To note that Report.

## ***STATUTORY INSTRUMENTS LAID BEFORE THE STATES***

### **THE ELECTORAL ROLL (CLOSURE) (ANNUAL ELECTION OF CONSTABLES AND DOUZENIERS) ORDER, 2004**

In pursuance of the provisions of Article 78 of the Reform (Guernsey) Law, 1948, as amended, the Electoral Roll (Closure) (Annual Election of Constables and Douzeniers) Order, 2004, made by the House Committee on the 7<sup>th</sup> July, 2004, was laid before the States.

**THE SECURITY OF SHIP AND PORT FACILITIES  
(GUERNSEY) ORDER, 2004**

In pursuance of Section 3 (3) of the Security of Ship and Port Facilities (Guernsey) Ordinance, 2004, the Security of Ship and Port Facilities (Guernsey) Order, 2004, made by the Public Services Department on the 30<sup>th</sup> June, 2004, was laid before the States.

**THE INSURANCE BUSINESS (DEFINITION OF LONG TERM BUSINESS)  
(AMENDMENT) REGULATIONS, 2004**

In pursuance of Section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002, the Insurance Business (Definition of Long Term Business) (Amendment) Regulations, 2004, made by the Policy Council on the 26<sup>th</sup> July, 2004, were laid before the States.

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