

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 25th DAY OF NOVEMBER, 2009

The States resolved as follows concerning Billet d'État No XXXI
dated 6th November 2009

PROJET DE LOI

entitled

THE OFFENCES (FIXED PENALTIES) (GUERNSEY) LAW, 2009

I.- To approve, subject to the following amendment, the Projet de Loi entitled "The Offences (Fixed Penalties) (Guernsey) Law, 2009" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

AMENDMENT

In the Projet de Loi entitled "The Offences (Fixed Penalties) (Guernsey) Law, 2009" –

- (a) in section 8(1) -
 - (i) after the definition of "boat" (set out in the Brochure at page 12) insert –

"**Chief Accountant**" includes any person authorised by the Chief Accountant to carry out his functions under this Law," and
 - (ii) delete the definition of "**States Treasurer**" (set out in the Brochure at page 14), and,
- (b) for "States Treasurer" wherever otherwise appearing substitute "Chief Accountant".

THE INCOME TAX (EXEMPT BODIES) (GUERNSEY) (AMENDMENT) (NO. 2) ORDINANCE, 2009

II.- To approve the draft Ordinance entitled "The Income Tax (Exempt Bodies) (Guernsey) (Amendment) (No. 2) Ordinance, 2009" and to direct that the same shall have effect as an Ordinance of the States.

**THE MERCHANT SHIPPING (OIL POLLUTION) (SUPPLEMENTARY FUND
PROTOCOL) (BAILIWICK OF GUERNSEY) ORDINANCE, 2009**

III.- To approve the draft Ordinance entitled “The Merchant Shipping (Oil Pollution) (Supplementary Fund Protocol) (Bailiwick of Guernsey) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

**THE LONG-TERM CARE INSURANCE (GUERNSEY) (RATES) ORDINANCE,
2009**

IV.- To approve the draft Ordinance entitled “The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

**THE ATTENDANCE AND INVALID CARE ALLOWANCES ORDINANCE,
2009**

V.- To approve the draft Ordinance entitled “The Attendance and Invalid Care Allowances Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

**THE SUPPLEMENTARY BENEFIT (IMPLEMENTATION)
(AMENDMENT) ORDINANCE, 2009**

VI.- To approve the draft Ordinance entitled “The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

**THE SUPPLEMENTARY BENEFIT (CLASSES OF PERSONS
TO WHOM THE LAW APPLIES) ORDINANCE, 2009**

VII.- To approve the draft Ordinance entitled “The Supplementary Benefit (Classes of persons to whom the Law applies) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

THE HEALTH SERVICE (BENEFIT) (AMENDMENT) ORDINANCE, 2009

VIII.- To approve the draft Ordinance entitled “The Health Service (Benefit) (Amendment) Ordinance, 2009 ” and to direct that the same shall have effect as an Ordinance of the States.

**THE SOCIAL INSURANCE (RATES OF CONTRIBUTIONS AND BENEFITS,
ETC.) (AMENDMENT) ORDINANCE, 2009**

IX.- To approve the draft Ordinance entitled “The Social Insurance (Rates of Contributions and Benefits, etc.) (Amendment) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

**THE SOCIAL INSURANCE (GUERNSEY) LAW
(AMENDMENT) ORDINANCE, 2009**

X.- To approve the draft Ordinance entitled “The Social Insurance (Guernsey) Law (Amendment) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

PUBLIC SECTOR REMUNERATION COMMITTEE

ELECTION OF NON-VOTING MEMBERS

XI.- To elect as non-voting members of the Public Sector Remuneration Committee, Advocate Russell Clark and Mrs Deborah Joan le Noury who have been nominated in that behalf by that Committee, to serve until May 2012 in accordance with Rule 5 (1) (d) of the Constitution and Operation of States Departments and Committees.

TREASURY AND RESOURCES DEPARTMENT

STATES OF ALDERNEY – NEW CONNAUGHT CARE HOME

XII.- After consideration of the Report dated 25th September, 2009, of the Treasury and Resources Department:-

1. To approve the construction of the New Connaught Care Home as set out in that Report at a total cost not to exceed £2,500,000.
2. To authorise the States of Alderney to accept the tender from J.W. Rihoy and Son Ltd in the sum of £2,110,719.57.
3. To vote the States of Alderney a credit of £2,500,000 to cover the cost of the above works, such sum to be charged to the capital allocation of the States of Alderney.
4. To note the States of Alderney’s intention to sell the existing Royal Connaught Residential Home on completion of this project.

TREASURY AND RESOURCES DEPARTMENT

REVIEW OF ADMINISTRATIVE AND ACCOUNTING GUIDELINES AND STATES' FINANCIAL PROCEDURES

XIII.- After consideration of the Report dated 13th October 2009, of the Treasury and Resources Department:-

1. To approve the framework and content of the States Rules for Financial and Resource Management as laid out in Appendix 1 of that Report.
2. To delegate authority to the Treasury and Resources Department to approve changes to the Rules as detailed in Section 3.12 of that Report.
3. To note that the Treasury and Resources Department will review the Rules on a rolling basis and report back to the States as necessary with recommendations for any major amendments to the Rules.
4. To note that the Rules will substantially replace the States Financial Procedures, Administrative and Accounting Guidelines and other documents as laid out in Section 3.8, and to direct the Treasury and Resources Department to notify Departments when the process of updating these documents is complete and they no longer apply.

ENVIRONMENT DEPARTMENT

SCHEDULED BUS SERVICES

XIV.- After consideration of the Report dated 9th September, 2009, of the Environment Department:-

TO NEGATIVE THE PROPOSITION to approve the setting of terms of reference and the commissioning of suitable advisors by the Environment Department to investigate the issues raised in that Report.

HOME DEPARTMENT

COMMUNITY SENTENCING

XV.- After consideration of the Report dated 11th September, 2009, of the Home Department:-

1. To continue to provide a Community Service Scheme adequate to respond to the sentencing needs of the Courts.

2. To confirm the present arrangements that the Scheme is managed within the Home Department by the Probation Service.
3. To note that the Home Department will liaise with the Treasury and Resources Department to discuss the appropriate way to fund the Scheme, which may include the financial costs of the proposals set out in that Report being considered for approval as part of the Strategic Planning process.
4. To approve the proposal to amend the Criminal Justice (Community Service Orders) (Bailiwick of Guernsey) Law 2006 as set out in section 3.9 of that Report and to direct the preparation of such legislation as may be necessary to give effect to their decision.

ORDINANCE LAID BEFORE THE STATES

THE JUDGEMENTS (RECIPROCAL ENFORCEMENT) (AMENDMENT) ORDINANCE, 2009

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Judgements (Reciprocal Enforcement) (Amendment) Ordinance, 2009, made by the Legislation Select Committee on the 12th October, 2009, was laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE UNCERTIFICATED SECURITIES (GUERNSEY) REGULATIONS, 2009

In pursuance of Section 3 (2) (c) of the Uncertificated Securities (Enabling Provisions) (Guernsey) Law, 2005, the Uncertificated Securities (Guernsey) Regulations, 2009, made by the Commerce and Employment Department on 8th September, 2009, were laid before the States.

THE INCOME TAX (DEEMED DISTRIBUTIONS) (EXEMPTIONS) REGULATIONS, 2009

In pursuance of Section 62A (4) of the Income Tax (Guernsey) Law, 1975, as amended, the Income Tax (Deemed Distributions) (Exemptions) Regulations, 2009, made by the Treasury and Resources Department on 6th October, 2009, were laid before the States.

K H TOUGH
HER MAJESTY'S GREFFIER

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 26th DAY OF NOVEMBER, 2009

(Meeting adjourned from 25th November 2009)

**The States resolved as follows concerning Billet d'État No XXXI
dated 6th November 2009**

COMMERCE AND EMPLOYMENT DEPARTMENT

THE GUERNSEYFINANCE FUNDING LAW – LEVY LEVEL

XVI.- After consideration of the Report dated 14th September, 2009, of the Commerce and Employment Department:-

To approve the Commerce and Employment Department's proposed level of fees for the Guernsey Finance Levy

HEALTH AND SOCIAL SERVICES DEPARTMENT

GUERNSEY OBESITY STRATEGY

XVII.- After consideration of the Report dated 23rd September, 2009, of the Health and Social Services Department:-

1. To support the need for a Guernsey Obesity Strategy.
2. To support the individual recommendations summarised in paragraphs 59 - 85 of that Report being implemented as and when resources allow.
3. To require the individual departments identified in the strategy to report at least annually to the Obesity Strategy Group on progress made in achieving the agreed recommendations and to request non-States bodies to do the same.
4. To direct the Treasury and Resources Department, when resources are available and following the direction of the States Strategic Plan, to establish an Obesity Strategy budget, to be a separate part of the HSSD budget, managed by the cross-department officer level obesity group, which will report to the Social Policy Group.
5. To request the Treasury and Resources Department to take account of the resource requirements identified for the Obesity Strategy when recommending to the States revenue budgets for future years;
6. To require the Health and Social Services Department to report to the States, within 5 years, summarising progress in achieving the recommendations of the Guernsey Obesity Strategy and making recommendations for further action.

HOME DEPARTMENT

AMENDMENTS TO DATA PROTECTION LEGISLATION

XVIII.- After consideration of the report dated 25th September, 2009, of the Home Department:-

1. To approve the introduction of custodial penalties under Section 55 of the Data Protection (Bailiwick of Guernsey) Law, 2001 and the amendments to the Law along the lines set out in 4.1 and 4.2 of that Report subject to the penalties being as set out in proposition 2.
2. To approve the following level of penalties:
 - (i) On summary conviction, to imprisonment for a term not exceeding twelve months, to a fine not exceeding level 5 on the uniform scale or to both;
 - (ii) On conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

HEALTH AND SOCIAL SERVICES DEPARTMENT

THE CHILDREN (GUERNSEY AND ALDERNEY) LAW 2008: (AMENDMENTS AND ORDINANCES)

XIX.- After consideration of the Report dated 28th September, 2009, of the Health and Social Services Department:-

1.
 - (1) That the Children (Guernsey and Alderney) Law, 2008 is amended as indicated in Part 3 of that Report;
 - (2) that the requirements relating to maximum periods for which a child should be held in secure accommodation shall be as indicated in Part 3 of that Report;
 - (3) that the parentage of children born as a consequence of assisted reproduction or surrogacy arrangements shall be determined in accordance with the principles set out in Part 4 of that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

S M D ROSS
HER MAJESTY'S DEPUTY GREFFIER