

# **IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 27<sup>th</sup> DAY OF JANUARY, 2010**

**The States resolved as follows concerning Billet d'État No I  
dated 8<sup>th</sup> January 2010**

## **PROJET DE LOI**

entitled

### **THE INCOME TAX (GUERNSEY) (AMENDMENT) LAW, 2010**

I.-

- (1) To approve the Projet de Loi entitled "The Income Tax (Guernsey) (Amendment) Law, 2010", and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.
- (2) Considering it expedient in the public interest so to do, to declare, pursuant to the Taxes and Duties (Provisional Effect) (Guernsey) Law, 1992, that the said Projet de Loi shall have effect in respect of any year of charge after 2009 (but subject to the transitional provisions set out in section 51 of the Income Tax (Guernsey) Law, 1975), as if it were a Law sanctioned by Her Majesty in Council and registered on the records of the Island of Guernsey.

## **PROJET DE LOI**

entitled

### **THE CONTROL OF TRADE IN ENDANGERED SPECIES (ENABLING PROVISIONS) (BAILIWICK OF GUERNSEY) LAW, 2010**

II.- To approve, subject to the following amendment, the Projet de Loi entitled "The Control of Trade in Endangered Species (Enabling Provisions) (Bailiwick of Guernsey) Law, 2010" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

### **AMENDMENT**

In section 3(5) and section 4(3) for "General Purposes and Advisory Committee" substitute "Agriculture Committee".

## **PROJET DE LOI**

entitled

### **THE BETHANIE CHAPEL (GUERNSEY) LAW, 2010**

III.- To approve the Projet de Loi entitled “The Bethanie Chapel (Guernsey) Law, 2010” 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 GUERNSEY FINANCE LBG (LEVY) (GUERNSEY) LAW, 2010**

IV.- To approve the Projet de Loi entitled “The Guernsey Finance LBG (Levy) (Guernsey) Law, 2010” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

### **THE INCOME TAX (GUERNSEY) (APPROVAL OF AGREEMENT WITH AUSTRALIA) ORDINANCE, 2010**

V.- To approve the draft Ordinance entitled “The Income Tax (Guernsey) (Approval of Agreement with Australia) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

### **THE DATA PROTECTION (BAILIWICK OF GUERNSEY) (AMENDMENT) ORDINANCE, 2010**

VI.- To approve the draft Ordinance entitled “The Data Protection (Bailiwick of Guernsey) (Amendment) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

### **THE MILK (CONTROL) (GUERNSEY) (AMENDMENT) ORDINANCE, 2010**

VII.- To approve the draft Ordinance entitled “The Milk (Control) (Guernsey) (Amendment) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

### **THE VEHICULAR TRAFFIC (AMENDMENT) ORDINANCE, 2010**

VIII.- To approve, subject to the following amendment, the draft Ordinance entitled “The Vehicular Traffic (Amendment) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

## AMENDMENT

In section 2(2) for "4 January 2010" (printed at page 76 of the Brochure) substitute "1 February, 2010".

### **THE DRIVING LICENCES (GUERNSEY) (AMENDMENT) ORDINANCE, 2010**

IX.- To approve the draft Ordinance entitled "The Driving Licences (Guernsey) (Amendment) Ordinance, 2010" and to direct that the same shall have effect as an Ordinance of the States.

### **INHERITANCE LAW REVIEW COMMITTEE**

#### **NEW MEMBER**

X.- To elect Mr Norson Boyd Harris as member of that Committee, who need not be a sitting member of the States, to replace the late Mr Paul Leslie Mathews.

### **LEGISLATION SELECT COMMITTEE**

#### **NEW MEMBER**

XI.- To elect Deputy J Kuttelwascher as a member of the Legislation Select Committee to complete the unexpired portion of the term of office of Deputy S J Maindonald, who has resigned as a member of that Committee, namely to serve until May 2012 in accordance with Rule 7 of the Constitution and Operation of States Departments and Committees.

### **LADIES' COLLEGE BOARD OF GOVERNORS**

#### **NEW CHAIRMAN**

XII.- To elect Deputy P L Gillson as Chairman of the Ladies' College Board of Governors to complete the unexpired portion of the term of office of Deputy S J Maindonald, who has resigned as Chairman of that Board of Governors, namely, to 31<sup>st</sup> May 2010.

## **POLICY COUNCIL**

### **APPOINTMENT OF CHAIRMAN AND ORDINARY MEMBER OF THE GUERNSEY FINANCIAL SERVICES COMMISSION**

XIII.- After consideration of the Report dated 21<sup>st</sup> December, 2009, of the Policy Council:-

1. To re-elect Mrs Sally-Ann Farnon as an ordinary member of the Guernsey Financial Services Commission for three years with effect from 2<sup>nd</sup> February, 2010.

2. To re-elect Advocate Peter Andrew Harwood as Chairman of the Guernsey Financial Services Commission for one year with effect from 2<sup>nd</sup> February, 2010.

## **TREASURY AND RESOURCES DEPARTMENT**

### **DOUBLE TAXATION ARRANGEMENT WITH THE GOVERNMENT OF AUSTRALIA**

XIV.- After consideration of the report dated 4<sup>th</sup> November, 2009, of the Treasury and Resources Department:-

To ratify the Agreement with Australia, as appended to that Report, as required by section 172(1) of the Income Tax Law.

## **HOME DEPARTMENT**

### **POLICE COMPLAINTS COMMISSION – APPOINTMENT OF CHAIRPERSON AND MEMBERS**

XV.- After consideration of the Report dated 30<sup>th</sup> October, 2009, of the Home Department: -

1. To appoint Mr Stewart Chisholm as Chairperson of the Police Complaints Commission for a period of four years with the option to be reappointed as defined in the legislation.
2. To appoint Mr Gavin St Pier and Mr Nigel Ward as ordinary members of the Police Complaints Commission for a period of four years with the option to be reappointed as defined in the legislation.
3. To appoint Mr Kevin McGoldrick, Mrs Ann Nippers and Mrs Bonita Hamilton as ordinary members of the Police Complaints Commission for a period of two years with the option to be reappointed as defined in the legislation.

## **HEALTH AND SOCIAL SERVICES DEPARTMENT**

### **IMPLEMENTING CHARGES FOR MOTORISED VEHICLE ACCIDENTS**

XVI.- After consideration of the Report dated 25<sup>th</sup> November, 2009, of the Health and Social Services Department:-

1. To approve the Health and Social Services Department's proposals to redesign, in the manner proposed in that Report, the scheme previously approved by the States for recovering treatment fees in relation to motor vehicle accidents.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **COMMERCE AND EMPLOYMENT DEPARTMENT**

### **CHANGES TO FINANCIAL SERVICES REGULATORY LEGISLATION**

XVII.- After consideration of the Report dated 18<sup>th</sup> December, 2009, of the Commerce and Employment Department:-

1. To approve the proposals to amend the financial services regulatory legislation as set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **INHERITANCE LAW REVIEW COMMITTEE**

### **TESTAMENTARY FREEDOM ACCOMPANIED BY FAMILY PROVISION AND CONSEQUENTIAL ISSUES**

XVIII.- After consideration of the Report dated 5<sup>th</sup> November, 2009, of the Inheritance Law Review Committee:-

1. (1) That the current system of forced heirship in Guernsey be replaced by testamentary freedom which will enable an individual to leave, by will, the whole of his or her immovable (real) and moveable (personal) property to such person or persons, and in such proportions, as he or she chooses: and  
(2) that such testamentary freedom be accompanied by family provision similar to that which applies in England and Wales (under the Inheritance (Provision for Family and Dependants) Act, 1975)

as set out in part A of that Report.

2. To introduce new rules on intestacy, including the abolition of the distinction between “propres” and “acquêts”, as set out in Part B of that Report.
3. That the legislation should contain provisions –
  - (1) preserving the effect of forced heirship in relation to wills executed before the effective date of the legislation introducing freedom of testamentary disposition (to protect those testators who have made a will in the context of forced heirship but who are unable or unwilling to make a new will); and
  - (2) preserving the effect of any marriage or other contracts made before the effective date, for the same reasons.
4. To abolish the effect of the ruling in the case of In Re Davis.
5. That legislative provision be made clarifying the order of inheritance where two or more persons have died in circumstances rendering it uncertain which of them

survived the other or others, along the lines of the Law of Property Act, 1925.

6. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **PUBLIC SECTOR REMUNERATION COMMITTEE**

### **PUBLIC SERVANTS' PENSION SCHEME – ANNUAL PENSIONS REVIEW, SEX DISCRIMINATION AND QUALIFYING RECOGNISED OVERSEAS PENSION SCHEME STATUS**

XIX.- After consideration of the Report dated 27<sup>th</sup> November, 2009, of the Public Sector Remuneration Committee:-

To approve the States of Guernsey (Public Servants) (Pensions and Other Benefits) (Amendment) Rules, 2010, which are attached as an appendix to that Report.

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

### **THE PUBLIC HOLIDAYS ORDINANCE, 2009**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Public Holidays Ordinance, 2009, made by the Legislation Select Committee on the 16<sup>th</sup> December, 2009, was laid before the States.

### **THE CHILDREN (CONSEQUENTIAL AMENDMENTS, ETC.) (GUERNSEY AND ALDERNEY) ORDINANCE, 2009**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Children (Consequential Amendments, etc.) (Guernsey and Alderney) Ordinance, 2009, made by the Legislation Select Committee on the 16<sup>th</sup> December, 2009, was laid before the States.

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

### **THE STATES HOUSING (RENT AND REBATE SCHEME) (GUERNSEY) (AMENDMENT) REGULATIONS, 2009**

In pursuance of section 5(3) of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004, the States Housing (Rent and Rebate Scheme) (Guernsey) (Amendment) Regulations, 2009, made by the Housing Department on 19th November, 2009, were laid before the States

## **THE WATER CHARGES (AMENDMENT) (No. 2) REGULATIONS, 2009**

In pursuance of Article 17 (5) of the Law entitled “Loi ayant rapport à la Fourniture d’Eau par les États de cette Île aux Habitants de la dite Île” registered on 7<sup>th</sup> May, 1927, as amended, and “The Fees, Charges and Penalties (Guernsey) Law, 2007” registered on 19<sup>th</sup> May, 2008, The Water Charges (Amendment) (No. 2) Regulations, 2009, made by the Public Services Department on 1<sup>st</sup> December, 2009, were laid before the States.

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