

# **IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 25<sup>th</sup> DAY OF FEBRUARY, 2009**

**The States resolved as follows concerning Billet d'État No VII  
dated 6<sup>th</sup> February 2009**

## **POLICY COUNCIL**

### **LEGISLATION – PROJETS DE LOI ('LAWS') AWAITING ROYAL SANCTION**

I.- After consideration of the Report dated 19<sup>th</sup> January, 2009, of the Policy Council: -

1. To note the contents of that Report.
2.
  - (1) To rescind their resolution of 12 March 2008 (on Article I of Billet d'État No. III of 2008) "to approve the Projet de Loi entitled "The Evidence in Civil Proceedings (Guernsey and Alderney) Law, 2008" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto";
  - (2) To approve the Projet de Loi entitled "The Evidence in Civil Proceedings (Guernsey and Alderney) Law, 2009" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.
3.
  - (1) To rescind their resolution of 12 March 2008 (on Article IX of Billet d'État No. III of 2008) "to approve the Projet de Loi entitled "The Competition and Trading Standards (Enabling Provisions) (Guernsey) Law, 2008" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto";
  - (2) To approve, subject to the following amendment, the Projet de Loi entitled "The Competition (Enabling Provisions) (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 Competition (Enabling Provisions) (Guernsey) Law, 2009 -

- (a) in clause 5(m) (printed on page 42 of the Brochure) for ", fines" substitute "(including, without limitation, financial penalties, whether calculated by reference to an undertaking's turnover or otherwise)", and
- (b) after paragraph (w) (printed on page 44 of the Brochure) insert the following paragraph -

"(x) without prejudice to paragraph (w), the conferring on the Director General of power to require undertakings-

- (i) to transfer, dispose of or enter into any other transaction or arrangement in respect of -
  - (A) any business or part thereof, or
  - (B) the control of any undertaking or business or any part thereof,
- (ii) to carry on any business or part thereof or any joint venture subject to such conditions, restrictions and limitations as may be specified,
- (iii) to refrain from carrying on any business or part thereof or any joint venture or from entering into any transaction or arrangement or any class or description thereof,
- (iv) to transfer, dispose of or enter into any other transaction or arrangement in respect of any property or assets or the control, ownership, possession or use thereof,"

and reletter the following paragraphs (x) to (dd) as, respectively, paragraphs (y) to (ee).

- 4. (1) To rescind their resolution of 12 March 2008 (on Article IX of Billet d'État No. III of 2008) "to approve the Projet de Loi entitled "The Road Traffic (Parking Fees and Charges) (Enabling Provisions) (Guernsey) Law, 2008" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto";
  - (2) To approve the Projet de Loi entitled "The Road Traffic (Parking Fees and Charges) (Enabling Provisions) (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.
- 5. (1) To rescind their resolution of 28 May 2008 (on Article I of Billet d'État No. VII of 2008) "to approve the Projet de Loi entitled "Fraud (Bailiwick of Guernsey) Law, 2008" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto";
  - (2) To approve the Projet de Loi entitled "Fraud (Bailiwick of 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.
- 6. (1) To rescind their resolution of 28 May 2008 (on Article II of Billet d'État No. VII of 2008) "to approve the Projet de Loi entitled "The Sexual Offences (Incitement, Jurisdiction and Protected Material) (Bailiwick of Guernsey) Law, 2008" and to authorise the Bailiff to present a most humble petition to

Her Majesty in Council praying for Her Royal Sanction thereto”;

- (2) To approve the Projet de Loi entitled “The Sexual Offences (Incitement, Jurisdiction and Protected Material) (Bailiwick of 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.
7.
  - (1) To rescind their resolution of 28 May 2008 (on Article V of Billet d’État No. VII of 2008) “to approve the Projet de Loi entitled “The Education (Guernsey) (Amendment) Law, 2008” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto”;
  - (2) To approve the Projet de Loi entitled “The Education (Guernsey) (Amendment) Law, 2009” 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) (AMENDMENT) LAW, 2009**

II.- To approve the Projet de Loi entitled “The Court of Chief Pleas (Guernsey) (Amendment) Law, 2009” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

### **THE ADMINISTRATOR OF INCOME TAX (TRANSFER OF FUNCTIONS) (GUERNSEY) ORDINANCE, 2009**

III.- To approve the draft Ordinance entitled “The Administrator of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

### **THE LAND PLANNING AND DEVELOPMENT (COMMENCEMENT, TRANSITIONAL PROVISIONS AND SAVINGS (PLANS)) ORDINANCE, 2009**

IV.- To approve the draft Ordinance entitled “The Land Planning and Development (Commencement, Transitional Provisions and Savings (Plans)) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

### **THE BANKING SUPERVISION (BAILIWICK OF GUERNSEY) (AMENDMENT) (NO.2) LAW, 2008 (COMMENCEMENT) ORDINANCE, 2009**

V.- To approve the draft Ordinance entitled “The Banking Supervision (Bailiwick of

Guernsey) (Amendment) (No.2) Law, 2008 (Commencement) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

**THE PREFERRED DEBTS, DÉSASTRE PROCEEDINGS AND MISCELLANEOUS PROVISIONS (GUERNSEY AND ALDERNEY) LAW, 2006 (COMMENCEMENT) ORDINANCE, 2009**

VI.- To approve the draft Ordinance entitled “The Preferred Debts, Désastre Proceedings and Miscellaneous Provisions (Guernsey and Alderney) Law, 2006 (Commencement) Ordinance, 2009” and to direct that the same shall have effect as an Ordinance of the States.

**POLICY COUNCIL**

**CHANGE IN TIME ZONE**

VII.- After consideration of the Report dated 12<sup>th</sup> January, 2009, of the Policy Council:-

That no further action be taken in respect to Resolution XVII of Billet d’État No II dated 8<sup>th</sup> February 2008.

**POLICY COUNCIL**

**A PROGRESS REPORT ON THE DEVELOPMENT OF  
THE GOVERNMENT BUSINESS PLAN (GBP).**

VIII.- At the instance of the Chief Minister, TO GRANT LEAVE TO WITHDRAW this Article.

**COMMERCE AND EMPLOYMENT DEPARTMENT**

**THE APPOINTMENT OF AN EMPLOYMENT AND  
DISCRIMINATION TRIBUNAL PANEL, AND THE  
DESIGNATION OF THE CONVENOR AND DEPUTY  
CONVENOR, AS REQUIRED UNDER THE EMPLOYMENT AND  
DISCRIMINATION TRIBUNAL (GUERNSEY) ORDINANCE, 2005.**

IX.- After consideration of the Report dated 18<sup>th</sup> December, 2008, of the Commerce and Employment Department:-

1. To appoint the 16 people named in Appendix I of that Report as members of the Employment and Discrimination Panel, to take effect from 1<sup>st</sup> March 2009 for a period of 3 years.
2. To designate Mr Peter Woodward as Convenor and Mrs Tina Le Poidevin as Deputy Convenor.

***ORDINANCE LAID BEFORE THE STATES***

**THE CHILDREN (GUERNSEY AND ALDERNEY) LAW, 2008  
(AMENDMENT) ORDINANCE, 2009**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Children (Guernsey and Alderney) Law, 2008 (Amendment) Ordinance, 2009, made by the Legislation Select Committee on the 12<sup>th</sup> January, 2009, was laid before the States.

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

**THE STATES HOUSING (RENT AND REBATE SCHEME) (GUERNSEY)  
(AMENDMENT) REGULATIONS, 2008**

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, 2008, made by the Housing Department on 19<sup>th</sup> December, 2008, were laid before the States

**THE AVIATION (BAILIWICK OF GUERNSEY) LAW, 2008  
(AMENDMENT OF SCHEDULE 2) REGULATIONS 2008**

In pursuance of Section 178 (4) of the Aviation (Bailiwick of Guernsey) Law, 2008, the Aviation (Bailiwick of Guernsey) Law, 2008 (Amendment of Schedule 2) Regulations, 2008, made by the Commerce and Employment Department on 16<sup>th</sup> December 2008, were laid before the States.

**THE AVIATION (BAILIWICK OF GUERNSEY) LAW, 2008  
(AMENDMENT OF SCHEDULE 13) REGULATIONS 2008**

In pursuance of Section 178 (4) of the Aviation (Bailiwick of Guernsey) Law, 2008, the Aviation (Bailiwick of Guernsey) Law, 2008 (Amendment of Schedule 13) Regulations, 2008, made by the Commerce and Employment Department on 16<sup>th</sup> December 2008, were laid before the States.

# **IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 26<sup>th</sup> DAY OF FEBRUARY, 2009**

(Meeting adjourned from 25<sup>th</sup> February 2009)

**The States resolved as follows concerning Billet d'État No VII  
dated 6<sup>th</sup> February 2009**

## **ENVIRONMENT DEPARTMENT**

### **PAID PARKING**

X.- After consideration of the Report dated 9<sup>th</sup> January, 2009, of the Environment Department:-

1. To rescind the Resolutions XXI.5 and XXI.6 on Billet d'État No. IV of 2003 and Resolutions 20 and 21(c) on Article VIII of Billet d'Etat VII of 2006 in respect of the introduction of pay parking.
2. To agree that the Island's Road Transport Strategy shall be funded by a combination of
  - (a) the increases in bus fare revenues, administration charges for residents' parking permits and vehicle registrations approved by Resolution 21(a) and (b) on Article VIII of Billet d'Etat VII of 2006; and
  - (b) an increase of 1.2p per litre in the duty on petrol and gas oil other than fuel used for air or marine navigation;and to direct the preparation of such legislation as may be necessary to give effect to their above decisions.
3. To direct the Treasury and Resources Department to increase the 2009 budget of the Environment Department by £300,000, and to take account of the cost and income associated with the Road Transport Strategy when recommending to the States cash limits for the Environment Department for 2010 and subsequent years.

## **EDUCATION DEPARTMENT**

### **THE REORGANISATION OF SECONDARY EDUCATION STAGE 2: THE REBUILDING OF LES BEAUCAMPS HIGH SCHOOL**

XI.- After consideration of the Report dated 22<sup>nd</sup> January, 2009, of the Education Department:-

To note that, subject to the Education Department's proposals being supported as a high priority by the States during the planned Capital Prioritisation debate, the Education Department will return to the States as soon as possible with detailed proposals for this

capital project, including a recommendation for contractors to be appointed and a request for a capital vote to be established.

## **REQUÊTE**

### **KERBSIDE COLLECTION OF RECYCLABLES**

XII.- After consideration of the Requête, dated 10<sup>th</sup> December, 2008, signed by Deputy D de G De Lisle and eighteen other Members of the States:-

To direct the Public Services Department to report back to the States by no later than June 2009 on the matter of kerbside collection of recyclables, such report to include plans and funding mechanisms and a comprehensive assessment of all practical implications relating to the introduction of collections island wide of wet and dry recyclables on a permanent basis.

### ***APPOINTMENTS LAID BEFORE THE STATES***

#### **COMMERCE AND EMPLOYMENT DEPARTMENT**

##### **APPOINTMENT OF THE GUERNSEY DEPOSIT COMPENSATION BOARD**

In pursuance of section 3(4) of the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008, the appointments by the Commerce and Employment Department of Mr Charles Tracy as Chairman and Mr John Lee, Mr Steven Butterworth and Advocate Nigel Carey as ordinary Members of the Guernsey Banking Deposit Compensation Board were laid before the States.

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