

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 30th JANUARY, 2008

**The States resolved as follows concerning Billet d'État No I
dated 11th January 2008**

PROJET DE LOI

entitled

THE REGULATION OF FIDUCIARIES, ADMINISTRATION BUSINESSES AND COMPANY DIRECTORS, ETC (BAILIWICK OF GUERNSEY) (AMENDMENT) LAW, 2008

I.- To approve the Projet de Loi entitled “The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of 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.

PROJET DE LOI

entitled

THE BANKING SUPERVISION (BAILIWICK OF GUERNSEY) (AMENDMENT) LAW, 2008

II.- To approve the Projet de Loi entitled “The Banking Supervision (Bailiwick of 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.

PROJET DE LOI

entitled

THE FINANCIAL SERVICES COMMISSION (ENFORCEMENT POWERS) (BAILIWICK OF GUERNSEY) LAW, 2008

III.- To approve the Projet de Loi entitled “The Financial Services Commission (Enforcement Powers) (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.

PROJET DE LOI

entitled

THE REGISTRATION OF NON-REGULATED FINANCIAL SERVICES BUSINESSES (BAILIWICK OF GUERNSEY) LAW, 2008

IV.-To approve the Projet de Loi entitled “The Registration of Non-Regulated Financial Services Businesses (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.

THE FINANCIAL SERVICES COMMISSION (SITE VISITS) (BAILIWICK OF GUERNSEY) ORDINANCE, 2008

V.- To approve the draft Ordinance entitled “The Financial Services Commission (Site Visits) (Bailiwick of Guernsey) Ordinance, 2008” and to direct that the same shall have effect as an Ordinance of the States.

THE MIGRATION OF COMPANIES (AMENDMENT) ORDINANCE, 2008

VI.-To approve the draft Ordinance entitled “The Migration of Companies (Amendment) Ordinance, 2008” and to direct that the same shall have effect as an Ordinance of the States.

THE AMALGAMATION OF COMPANIES (AMENDMENT) ORDINANCE, 2008

VII.-To approve the draft Ordinance entitled “The Amalgamation of Companies (Amendment) Ordinance, 2008” and to direct that the same shall have effect as an Ordinance of the States.

THE PROTECTED CELL COMPANIES (AMENDMENT) ORDINANCE, 2008

VIII.-To approve the draft Ordinance entitled “The Protected Cell Companies (Amendment) Ordinance, 2008” and to direct that the same shall have effect as an Ordinance of the States.

**THE INCORPORATED CELL COMPANIES
(AMENDMENT) ORDINANCE, 2008**

IX.-To approve the draft Ordinance entitled “The Incorporated Cell Companies (Amendment) Ordinance, 2008” and to direct that the same shall have effect as an Ordinance of the States.

PROJET DE LOI

entitled

THE COMPANIES (GUERNSEY) LAW, 2008

X.- To approve, subject to the following Amendments, the Projet de Loi entitled “The Companies (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.

AMENDMENTS

1. For clause 244 (printed at page 253 of Volume II of the Brochure) substitute the following clause -

"Preparation of consolidated accounts."

244. (1) The directors of a holding company may, if they think fit, prepare consolidated accounts for that company and all or any of its subsidiaries whether or not they are companies incorporated under this Law ("**consolidated accounts**").

- (2) The consolidated accounts shall include -

- (a) a profit and loss account, and
- (b) a balance sheet.

- (3) The consolidated accounts shall -

- (a) give (and state that they give) a true and fair view,
- (b) be in accordance (and state that they are in accordance) with generally accepted accounting principles and state which principles have been adopted, and
- (c) comply (and state that they comply) with any relevant enactment for the time being in force.

(4) The consolidated accounts shall be approved by the board of directors of the holding company and signed on their behalf by at least one director.

(5) If the directors of a holding company prepare consolidated accounts for a financial year, then they are not required to prepare individual accounts for that company in accordance with section 243 for that financial year.

(6) The members of a company may, by ordinary resolution, require the preparation of individual accounts in respect of that company and, if they do, the directors must prepare accounts for that company in accordance with section 243.

(7) An incorporated cell company may prepare consolidated accounts for itself and all or any of its incorporated cells as if it were a holding company and its incorporated cells were its subsidiaries, and in that case -

(a) the consolidated accounts shall be approved by the board of directors of the incorporated cell company and signed on their behalf by at least one director, and

(b) the provisions of this section shall apply accordingly."

2. For the definition of "enactment" in clause 532(1) (printed at page 519 of Volume III of the Brochure) substitute the following definition -

"**enactment**" includes a Law, an Ordinance, and any subordinate legislation,".

PROJET DE LOI

entitled

THE CHILDREN (GUERNSEY AND ALDERNEY) LAW, 2008

XI.- To approve the Projet de Loi entitled "The Children (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.

PROJET DE LOI

entitled

THE CRIMINAL JUSTICE (CHILDREN AND JUVENILE COURT REFORM) (BAILIWICK OF GUERNSEY) LAW, 2008

XII.- To approve the Projet de Loi entitled “The Criminal Justice (Children and Juvenile Court Reform) (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.

STATES TREASURER (TRANSFER OF FUNCTIONS) (GUERNSEY) ORDINANCE, 2008

XIII.-To approve the draft Ordinance entitled “States Treasurer (Transfer of Functions) (Guernsey) Ordinance, 2008” and to direct that the same shall have effect as an Ordinance of the States.

POLICY COUNCIL

APPOINTMENT OF CHAIRMAN AND ONE ORDINARY MEMBER OF THE GUERNSEY FINANCIAL SERVICES COMMISSION

XIV.-After consideration of the Report dated 17th December, 2007, of the Policy Council:-

1. To re-elect Advocate Peter Andrew Harwood as Chairman of the Guernsey Financial Services Commission for one year with effect from 2nd February, 2008.
2. To elect Mr Alexander Ferguson Rodger as an ordinary member of the Guernsey Financial Services Commission for three years commencing 2nd February, 2008.

TREASURY AND RESOURCES DEPARTMENT

ALDERNEY COMMERCIAL QUAY

XV.- After consideration of the Report dated 11th December, 2007 of the Treasury and Resources Department:-

1. To authorise the Treasury and Resources Department to approve acceptance of all tenders in connection with this project and to approve a capital vote, not

exceeding £9.5million, such sum to be charged to the capital allocation of the States of Alderney.

2. To authorise the Treasury and Resources Department to transfer an additional sum of £2million from the Capital Reserve to the capital allocation of the States of Alderney in respect of this project.
3. To note that the contribution from the Capital Reserve will be limited to £6million, all expenditure on this project in excess of this sum will be funded by the States of Alderney from capital income, including Alderney Gambling Control Commission reserves.

HOME DEPARTMENT

REVIEW OF PRISON ADMINISTRATION (GUERNSEY) LAW, 1949 AND ORDINANCE, 1998, AS AMENDED

XVI.- After consideration of the Report dated 22nd November, 2007, of the Home Department:-

1. To approve the Home Department's proposals to repeal the Prison Administration (Guernsey) Law, 1949 and Ordinance, 1998, as amended, and replace them with new 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.

CULTURE AND LEISURE DEPARTMENT

THE FORMATION OF A GUERNSEY ARTS COMMISSION

XVII.- After consideration of the Report dated 27th November, 2007, of the Culture and Leisure Department:-

1. To approve the setting up of the Guernsey Arts Commission as described in that Report.
2. To authorise the Culture and Leisure Department to provide to the Guernsey Arts Commission by way of grant, notional transfer and/or secondment the level of resources described in that Report.
3. To authorise the Culture and Leisure Department to determine the level of resources to be applied, from within its own resources, to the Guernsey Arts Commission for subsequent years.

4. To direct the Treasury and Resources Department to take due account of the above proposals, if approved, when calculating and recommending to the States the Culture and Leisure Department's revenue expenditure limit for subsequent years.

HOUSING DEPARTMENT

MAISON DE QUETTEVILLE

XVIII.- After consideration of the Report dated 14th December, 2007, of the Housing Department:-

To approve the change in security arrangements necessitated by the development of Maison de Quetteville by Methodist Homes for the Aged (Guernsey) Ltd, as set out in that Report.

SCRUTINY COMMITTEE

COMPLAINTS POLICIES AND APPEALS PROCEDURES UPDATE – MONITORING REPORT

XIX.- After considering the Report dated 15th November, 2007, of the Scrutiny Committee:-

1. To note the progress that has been made since the Scrutiny Committee's Review on "*Complaints Policies and Appeals Procedures*", August 2005, as reported in the Committee's Monitoring Report, November 2007, which is appended to that Report.
2. To direct the Policy Council to take into account the Scrutiny Committee's recommendations set out above in Section 3 of that Report and to include appropriate actions under Priority 12 of the Government Business Plan.
3. To direct all Departments to take into account the Scrutiny Committee's recommendations set out above in Section 3 of that Report and to include appropriate actions in their Operational Plans for inclusion under Priority 12 of the Government Business Plan.

PUBLIC ACCOUNTS COMMITTEE

CONTROLLING EXPENDITURE ON OFF-ISLAND PLACEMENTS

XX.-After consideration of the Report dated 30th November, 2007, of the Public Accounts Committee:-

1. To note the Report.
2. To direct the Health and Social Services Department to continue to progress the recommendations of that Report in order to achieve greater value for money.
3. To direct the Public Accounts Committee to monitor and review the action taken by the Health and Social Services Department and to carry out a full review in 2010.

ORDINANCES LAID BEFORE THE STATES

THE INCOME TAX (TAX RELIEF ON INTEREST PAYMENTS) (GUERNSEY) ORDINANCE, 2007

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Income Tax (Tax Relief on Interest Payments) (Guernsey) Ordinance, 2007, made by the Legislation Select Committee on the 3rd December, 2007, was laid before the States.

THE TAXATION OF REAL PROPERTY (GUERNSEY AND ALDERNEY) ORDINANCE, 2007

This item was WITHDRAWN at the instance of Her Majesty's Comptroller.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE DRIVING TESTS (INCREASE OF FEES) REGULATIONS, 2007

In pursuance of section 2B (e) of the Motor Taxation and Licensing (Guernsey) Law, 1987, the Driving Tests (Increase of Fees) Regulations, 2007, made by the Environment Department on 31st October, 2007, were laid before the States.

THE WATER CHARGES (AMENDMENT) ORDER, 2007

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 7th May, 1927, as amended, the Water Charges (Amendment) Order, 2007, made by the Public Services Department on 8th November, 2007, was laid before the States.

THE MILK (RETAIL PRICES) (GUERNSEY) ORDER, 2007

In pursuance of section 8 (4) of the Milk (Control) (Guernsey) Ordinance, 1958, the Milk (Retail Prices) (Guernsey) Order, 2007, made by the Commerce and Employment Department on 13th November, 2007, was laid before the States.

THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL BENEFIT) (AMENDMENT NO. 6) REGULATIONS, 2007

In pursuance of section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No. 6) Regulations, 2007, made by the Social Security Department on 7th December, 2007, were laid before the States.

THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (FINANCIAL SERVICES BUSINESSES) (BAILIWICK OF GUERNSEY) REGULATIONS, 2007

In pursuance of section 54 (1) (c) of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, the Criminal Justice (Proceeds of Crime) (Financial Services Businesses) (Bailiwick of Guernsey) Regulations, 2007, made by the Policy Council on 10th December, 2007, were laid before the States.

THE INCOME TAX (PENSIONS) (CONTRIBUTION LIMITS AND TAX-FREE LUMP SUMS) REGULATIONS, 2007

In pursuance of Sections 153(2), 157A(2)(b)(vi), 157A(5B) and 159 of the Income Tax (Guernsey) Law, 1975, as amended, the Income Tax (Pensions) (Contribution Limits and Tax-Free Lump Sums) Regulations, 2007, made by the Treasury and Resources Department on 11th December, 2007, were laid before the States.

**THE INCOME TAX (GUERNSEY) (VALUATION OF
BENEFITS IN KIND) REGULATIONS, 2007**

In pursuance of Section 8(2)(b) of the Income Tax (Guernsey) Law, 1975, as amended, the Income Tax (Guernsey) (Valuation of Benefits in Kind) Regulations, 2007, made by the Treasury and Resources Department on 11th December, 2007, were laid before the States.

K H TOUGH
HER MAJESTY'S GREFFIER