

# **IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 27<sup>th</sup> FEBRUARY, 2008**

**The States resolved as follows concerning Billet d'État No II  
dated 8<sup>th</sup> February 2008**

## **HOUSE COMMITTEE**

### **DOUZENIERS – TERM OF OFFICE AND RESIGNATION FROM OFFICE**

I.- After consideration of the Report dated 7<sup>th</sup> January, 2008, of the House Committee:-

1. To note that Report.
2. To confirm that the expiry of the terms of office of Douzeniers presently in office shall, subject to the enactment of the necessary legislation, be amended as set out in the Schedule to the Projet de Loi entitled "The Reform (Guernsey) (Amendment) Law, 2008";
3. To approve the Projet de Loi entitled "The Reform (Guernsey) (Amendment) Law, 2008" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying Her Royal Sanction thereto.

## **SOCIAL SECURITY DEPARTMENT**

### **THE HEALTH SERVICE (ALDERNEY HOSPITAL BENEFIT) (AMENDMENT) ORDINANCE, 2008**

II.- After consideration of the Report dated 28<sup>th</sup> December, 2007, of the Social Security Department:-

To approve the draft Ordinance entitled "The Health Service (Alderney Hospital Benefit) (Amendment) Ordinance, 2008" and to direct that the same shall have effect as an Ordinance of the States.

## **PROJET DE LOI**

entitled

### **THE MEDICINES (HUMAN AND VETERINARY) (BAILIWICK OF GUERNSEY) LAW, 2008**

III.- To approve the Projet de Loi entitled "The Medicines (Human and Veterinary) (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 BOATS AND VESSELS (REGISTRATION, SPEED LIMITS AND  
ABATEMENT OF NOISE) (AMENDMENT) ORDINANCE, 2008**

IV.- To approve the draft Ordinance entitled “The Boats and Vessels (Registration, Speed Limits and Abatement of Noise) (Amendment) Ordinance, 2008” and to direct that the same shall have effect as an Ordinance of the States.

**EDUCATION DEPARTMENT**

**NEW MEMBER**

V.- To elect Deputy M G O’Hara as a member of the Education Department to complete the unexpired portion of the term of office of Deputy D P Le Cheminant, who has resigned as a member of that Department, namely to serve until May 2008 in accordance with Rule 7 of the Constitution and Operation of States Departments and Committees.

**POLICY COUNCIL**

**STATES OFFICIAL GAZETTE**

VI.- After consideration of the Report dated 14<sup>th</sup> January, 2008, of the Policy Council:-

To direct the preparation of such legislation as may be necessary for the establishment and maintenance of the States Official Gazette, as set out in that Report.

**POLICY COUNCIL**

**PAROCHIAL TAXATION**

VII.- After consideration of the Report dated 14<sup>th</sup> January, 2008, of the Policy Council:-

1. That legislation be enacted to provide that from 2009 onwards
  - (1) rates levied pursuant to the Loi relative à la Taxation Paroissiale of 1923, as amended and the Parochial Collection of Refuse (Guernsey) Law, 2001 shall be levied on the same basis as the new Tax on Real Property; and the owners of the properties subject to the said rates shall be liable for payment thereof, with power for them to recover the rates paid from the occupiers;
  - (2) the penalties or interest for late payment of parochial taxes shall be, at the discretion of the Constables and Douzaine, the greater of a flat rate penalty of £25 for each month or part of a month in which the tax is unpaid, or interest on the sum due at the rate of 10% per annum calculated from the date on which payment becomes due until the date on which payment is made.

- 1.A To direct the Policy Council to consult further with the Parish Douzaines, and then report back to the States as soon as possible, with proposals to increase the flexibility available to the Parishes to defray the cost of collection and disposal of household waste through a refuse rate, private agreements and/or other arrangements.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **POLICY COUNCIL**

### **LIVE-LINK EVIDENCE**

VIII.- After consideration of the Report dated 14<sup>th</sup> January, 2008, of the Policy Council:-

1. That legislation be enacted on the lines set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

### ***ORDINANCE LAID BEFORE THE STATES***

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

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Taxation of Real Property (Guernsey and Alderney) Ordinance, 2007, made by the Legislation Select Committee on the 3<sup>rd</sup> December, 2007, was laid before the States.

# **IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 28<sup>th</sup> FEBRUARY, 2008**

**The States resolved as follows concerning Billet d'État No II  
dated 8<sup>th</sup> February 2008**

## **POLICY COUNCIL**

### **REVIEW OF STATES MEMBERS AND NON-STATES MEMBERS PAY**

IX.- After consideration of the Report dated 21<sup>st</sup> January, 2008, of the Policy Council:-

1. That the allowances to be paid to States Members and Non-States Members of Departments and Committees with effect from 1 May 2008 shall remain in force until 30 April 2012.
2. That the allowances to be paid to States Members and Non-States Members of Departments and Committees with effect from 1 May 2008 shall be as set out in paragraph 10 of that Report subject to the maximum allowances set out in paragraph 11 of that Report, except that the Chief Minister's and Ministers' expense allowance shall be set at £2,000.
3. To direct the Policy Council to set up an independent review of the allowances to be paid to States Members and Non-States Members of Departments and Committees in advance of the 2012 General Election.
4. To direct the House Committee to review the position where Members with senior positions of responsibility unfortunately fall sick for an extended period and to report back to the States with its conclusions.

## **ENVIRONMENT DEPARTMENT**

### **PROBATIONARY SCHEME FOR NEWLY QUALIFIED DRIVERS**

X.- After consideration of the Report dated 17<sup>th</sup> December, 2007, of the Environment Department:-

TO NEGATIVE THE PROPOSITION to approve the introduction of P-plates for newly qualified drivers, to be kept in place for a period of 12 full months commencing from the date the driver first passes a driving examination in the categories of licence set out in this report. This requirement to exclude periods during which a licence is under suspension.

## **ENVIRONMENT DEPARTMENT**

### **A GUERNSEY COASTAL DEFENCE STRATEGY PHASE 1 DETAILED STUDIES**

XI.- After consideration of the Report dated 20<sup>th</sup> December, 2007, of the Environment Department:-

To note that Report.

## **PUBLIC SERVICES DEPARTMENT**

### **ADOPTION OF HOUSING DEPARTMENT ESTATE ROADS AND CAR PARKS**

XII.- After consideration of the Report dated 18<sup>th</sup> January, 2008, of the Public Services Department:-

1. To adopt the road and car park extensions as shown in the appendix to that Report as public thoroughfares.
2. To adopt the improved areas at Sandy Hook on completion.
3. To delegate authority to the Public Services Department to adopt public thoroughfares provided the conditions referred to in that Report are followed.

## **PUBLIC ACCOUNTS COMMITTEE**

### **USING CONSULTANTS APPROPRIATELY IN THE STATES OF GUERNSEY**

XIII.- After consideration of the Report dated 21<sup>st</sup> December, 2007, of the Public Accounts Committee:-

1. To direct the Treasury and Resources Department to consider that Report and to progress the recommendations (as found in section 7) with some urgency.
2. To direct the Public Accounts Committee to monitor the progress made and to report back to the States.

## **HOUSE COMMITTEE**

### **PARLIAMENTARY COMMITTEES**

XIV.- After consideration of the Report dated 7<sup>th</sup> January, 2007, of the House Committee:-

1. To amend the Policy Council's mandate as follows:

- (a) in paragraph (a) (xiv) before the semi-colon insert the words “(other than parliamentary Committees)”;
  - (b) in paragraph (b) after the word “committee” where it first occurs insert the words “(other than parliamentary Committees)”;
2. To delete Rule 2 of the Rules of Procedure of the States of Deliberation and to substitute therefor –
- “2. (1) The matters referred to in Rule 1 (1) are –
- (a) Reports by States Departments and Committees (other than parliamentary Committees) and Requête of any 7 or more States Members addressed to the Policy Council for inclusion in that Billet d’État, which Reports or Requetes have been submitted to the Policy Council at least 60 days (or within such shorter period as the Council may agree in any particular case) before the meeting convened by that Billet d’État and in respect of which the Council and the Treasury and Resources Department shall be entitled to append statements setting out their respective views thereon:  
  
PROVIDED THAT the Policy Council may defer the inclusion of a Report or Requête in a Billet d’État until the next meeting of the States when, in the opinion of the Council, the proposals do not comply with the corporate policy of the States.
  - (b) Reports by parliamentary Committees addressed to the Presiding Officer for inclusion in that Billet d’État. When the said Report has financial or other resource implications, the Treasury and Resources Department shall be entitled to append a statement setting out its views thereon.
  - (c) The parliamentary Committees referred to in paragraphs (a) and (b) are the House Committee, the Legislation Select Committee, the Public Accounts Committee and the Scrutiny Committee.”.

## HOUSE COMMITTEE

### WALES AUDIT OFFICE REPORT - IMPLEMENTATION OF RECOMMENDATIONS

XV.- After consideration of the Report dated 7<sup>th</sup> January, 2008, of the House Committee:-

1. To amend the Rules relating to the Constitution and Operation of States Departments and Committees as follows:

(a) after Rule 14 insert a new Rule:

*“Meetings, etc. with third parties*

14A (i) When a Member of the States meets with a third party, and the circumstances are such that it is unclear as to the capacity in which he is attending the meeting, he shall make it clear to the third party that he is attending, either:

- as the representative of a department or committee; or
- as an individual Member of the States; or
- in a private capacity.

(ii) When a Minister, Chairman or member of a department or committee represents that department or committee at a meeting with a third party, he shall make a record of the meeting stating the date and time of the meeting, reason for the meeting, the participants therein and the key points discussed, following which he shall send a copy of the record to the Chief Officer of the department or committee for filing.

(iii) In this rule reference to “the meeting” shall include telephone conversations and meetings in person.”.

(b) after Rule 14 (1) insert a new paragraph:

“(2) (i) The notes taken pursuant to paragraph (1) of this rule shall be kept in a notebook reserved exclusively for that purpose and shall include the name of the person making the contemporaneous record and the date when the minutes are actually written.

(ii) Each such notebook shall be retained for a period of six years counting from the date of the last meeting recorded therein.

- (iii) An audio recording may be made in addition to, but not in place of, the written record. The medium used to store such recording shall be retained for a period of six years from the date of the meeting.”

and renumber paragraphs (2) to (5) as (3) to (6).

(c) after Rule 15 (2) insert a new paragraph:

- “(3) (i) When an interest has been declared pursuant to paragraph (1) of this Rule, the officer of the Department or Committee concerned responsible for the despatch of agenda papers shall not send to the said Member any paper relevant to the matter concerned.
- (ii) When an interest has not been declared but the said officer has reason to believe that a Member may have an interest in a matter to be discussed, he shall request the Minister or Chairman, as the case may be, to make enquiries of the person concerned, following which the Minister or Chairman shall direct whether agenda papers relating to the matter should be withheld from the Member.
- (iii) When the Member referred to in paragraph (3)(ii) is the Minister or Chairman, the officer shall refer the matter to the Deputy Minister or Vice Chairman.
- (iv) Notwithstanding the foregoing, it shall be the duty of any Member who receives agenda papers which should not have been sent to him by virtue of the provisions of this rule, to return such papers to the Department or Committee and he shall not disclose the content or existence of the papers to any person nor shall he use the information contained therein in his own personal interest or that of his family, friends, business associates or any voluntary or charitable organisation with which he is involved.
- (v) In this rule the expression “agenda papers” shall include:
  - (a) the relevant section of the minutes of the Department or Committee relating to the matter concerned; and
  - (b) any electronic communication relating to the matter concerned.”

2. To note the House Committee’s intention to keep under review provisions



relating to Members' Interests contained in the Rules of Procedure of the States of Deliberation, the Rules relating to the Constitution and Operation of States Departments and Committees and the Code of Conduct for Members of the States of Deliberation.

## **IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 29<sup>th</sup> FEBRUARY, 2008**

**The States resolved as follows concerning Billet d'État No II  
dated 8<sup>th</sup> February 2008**

### **PANEL OF MEMBERS**

(constituted by The Administrative Decisions (Review) (Guernsey) Laws, 1986-1993)

#### **REPORT OF THE REVIEW BOARD 2007**

XVI.- After consideration of the Report dated 2<sup>nd</sup> January, 2008, of the Review Board constituted under the Administrative Decisions (Review) (Guernsey) Laws, 1986-1993:-

To note that Report.

### **REQUÊTE**

#### **CHANGE IN TIME ZONE**

XVII.- After consideration of the Requête, dated 14<sup>th</sup> December, 2007, signed by Deputy P J Roffey and thirteen other Members of the States:-

To instruct the Policy Council to investigate the advantages and disadvantages of Guernsey adopting Central European Time; to consult with the States of Alderney and the Chief Pleas of Sark; to explore with the States of Jersey their intentions in this matter; and to report back to the States by February 2009.

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

#### **THE SOCIAL INSURANCE (BENEFITS) (AMENDMENT) REGULATIONS, 2007**

In pursuance of section 117 of the Social Insurance (Guernsey) Laws, 1978 – 2004, the Social Insurance (Benefits) (Amendment) Regulations, 2007, made by the Social Security Department on 20<sup>th</sup> December, 2007, were laid before the States.

**THE HEALTH SERVICE (MEDICAL APPLIANCES)  
(AMENDMENT) REGULATIONS, 2007**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Medical Appliances) (Amendment) Regulations, 2007, made by the Social Security Department on 20<sup>th</sup> December, 2007, were laid before the States.

**THE HEALTH SERVICE (PAYMENT OF AUTHORISED  
APPLIANCE SUPPLIERS) (AMENDMENT) REGULATIONS, 2007**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2007, made by the Social Security Department on 20<sup>th</sup> December, 2007, were laid before the States.

**THE HEALTH SERVICE (PAYMENT OF AUTHORISED SUPPLIERS)  
(AMENDMENT NO. 2) REGULATIONS, 2007**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Payment of Authorised Suppliers) (Amendment No. 2) Regulations, 2007, made by the Social Security Department on 20<sup>th</sup> December, 2007, were laid before the States.

**S M D ROSS  
HER MAJESTY'S DEPUTY GREFFIER**