

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 12th MARCH, 2008

**The States resolved as follows concerning Billet d'État No III
dated 22nd February 2008**

POLICY COUNCIL

EVIDENCE IN CIVIL PROCEEDINGS

I.- After consideration of the Report dated 4th February, 2008, of the Policy Council:-

1. To note that Report.
2. 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 Her Royal Sanction thereto.

PROJET DE LOI

entitled

THE ROYAL COURT (REFORM) (GUERNSEY) LAW, 2008

II.- To approve the Projet de Loi entitled “The Royal Court (Reform) (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 CHARITIES AND NON PROFIT ORGANISATIONS (REGISTRATION) (GUERNSEY) LAW, 2008

III.- To approve, subject to the following amendments, the Projet de Loi entitled “The Charities and Non Profit Organisations (Registration) (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. In section 1(5) (printed at page 61 of the Brochure), after the words "not registered on the Register" insert the words "in accordance with paragraph 2(1)(a)(i) of the Schedule".
2. After section 6 (printed at page 63 of the Brochure) insert the following section-

"Amendment to section 56 of the Income Tax (Guernsey) Law, 1975.

7. In section 56 of the Law of 1975 after the words "(whether incorporated in Guernsey or elsewhere)" insert -

- "(a) that is not a non profit organisation within the meaning of the Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008, or
- (b) that is a Guernsey Registered Charity or a Guernsey Registered Non Profit Organisation within the meaning of the Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008,""

3. Renumber sections 7 to 14 as sections 8 to 15 respectively.
4. For paragraph 2(1)(a) of the Schedule to the Projet (printed at page 73 of the Brochure) substitute the following paragraph-

"(a) the Island of Guernsey, Herm or Jethou –

- (i) with gross assets and funds of, or over, £10,000 or gross annual income of, or over, £5,000, must,
- (ii) with gross assets and funds of less than £10,000 and gross annual income of less than £5,000, may,".

5. After paragraph 2(3) of the Schedule to the Projet (printed at page 74 of the Brochure) insert the following subparagraph-

"(4) The Department may, by regulation, alter the amounts in subparagraph (1)(a) in respect of any class, or description of, non profit organisations.".

THE LIVE-LINK EVIDENCE (BAILIWICK OF GUERNSEY) ORDINANCE, 2008

IV.- To approve, subject to the following amendment, the draft Ordinance entitled

“The Live-Link Evidence (Bailiwick of Guernsey) Ordinance, 2008” and to direct that the same shall have effect as an Ordinance of the States.

AMENDMENT

In clause 1(2)(b)(i) (on pages 82 – 83 of the thicker Brochure) immediately after “the witness can” insert “(subject to subsection (3))”.

THE INSURANCE BUSINESS (BAILIWICK OF GUERNSEY) (AMENDMENT) ORDINANCE, 2008

V.- To approve the draft Ordinance entitled “The Insurance Business (Bailiwick of Guernsey) (Amendment) Ordinance, 2008” and to direct that the same shall have effect as an Ordinance of the States.

THE INSURANCE MANAGERS AND INSURANCE INTERMEDIARIES (BAILIWICK OF GUERNSEY) (AMENDMENT) ORDINANCE, 2008

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

THE POLICE PROPERTY AND FORFEITURE (BAILIWICK OF GUERNSEY) LAW, 2006 (COMMENCEMENT) ORDINANCE, 2008

VII.- To approve the draft Ordinance entitled “The Police Property and Forfeiture (Bailiwick of Guernsey) Law, 2006 (Commencement) Ordinance, 2008” and to direct that the same shall have effect as an Ordinance of the States.

PROJET DE LOI

entitled

THE MAGISTRATE’S COURT (GUERNSEY) LAW, 2008

VIII.- To approve the Projet de Loi entitled “The Magistrate’s Court (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.

POLICY COUNCIL

LEGISLATION - THE ANIMAL WELFARE (ENABLING PROVISIONS) (GUERNSEY) LAW, ETC,

IX.- After consideration of the Report dated 8th February, 2008, of the Policy Council:-

1. To note that Report.
2.
 - (1) To rescind their resolution of the 27th September, 2006 (on Article II of Billet d'État No. XVI of 2006) "to approve the Projet de Loi entitled "The Animal Welfare (Enabling Provisions) (Guernsey) Law, 2006" 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 Animal Welfare (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.
3.
 - (1) To rescind their resolution of the 31st January, 2007 (on article I of Billet d'État No. III of 2007) "to approve the Projet de Loi entitled "The Competition and Trading Standards (Enabling Provisions) (Guernsey) Law, 2007" 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 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.
4.
 - (1) To rescind their resolution of the 25th April, 2007 (on Article I of Billet d'État No. XIII of 2007) "to approve the Projet de Loi entitled "The Road Traffic (Parking Fees and Charges) (Enabling Provisions) (Guernsey) Law, 2007" 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, 2008" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

POLICY COUNCIL

GOVERNMENT BUSINESS PLAN – PREPARING FOR THE NEW STATES TERM 2008-2012

X.- After consideration of the Report dated 4th February, 2008, of the Policy Council:-

1. To note the examples provided in sections 3 and 5 of that Report indicating the progress being made to achieve the objectives of the States Priorities.
2. To approve the Priority action plan for Priority 15 set out in Appendix A to that Report for inclusion in the Government Business Plan.
3. To approve the intended restructuring of the Government Business Plan to enable a five phase process for corporate planning and resource prioritisation as described in section 4 of that Report and accompanying diagram (coloured Appendix 1).
4. To approve the amendments to the Policy Council and States Department mandates set out in section 5 of that Report.
5. To approve the prioritised schedule of legislation set out in Appendix E to that Report that forms Level 1 of States Priority 14 'Actively Prioritise Legislation'.
6. To approve the introduction of a corporate monitoring system to measure the progress being made to implement the Government Business Plan and the outcomes achieved, as described in section 5 of that Report.
7. To endorse the further development of the process recommended by the Policy Council to integrate States financial planning within the restructured Government Business Plan, and so provide the States with a better context for prioritising spending as described in section 6 of that Report, Appendix C and coloured Appendix 2 (Indicative Timeline).
8. To note all other sections of the Report not specifically referred to above.

TREASURY AND RESOURCES DEPARTMENT

APPOINTMENT OF NON-EXECUTIVE DIRECTOR GUERNSEY ELECTRICITY LIMITED

XI.- After consideration of the Report dated 8th February, 2008, of the Treasury and Resources Department:-

In accordance with section 3 (1) of the States Trading Companies (Bailiwick of Guernsey) Ordinance, 2001, to appoint Mr Martyn Mann as a non-executive director of Guernsey Electricity Limited.

PUBLIC SERVICES DEPARTMENT

WASTE MANAGEMENT AND RECYCLING – PROGRESS REPORT

XII.- After consideration of the Report dated 11th January, 2008, of the Public Services Department:-

To note the contents of that Report.

HEALTH AND SOCIAL SERVICES DEPARTMENT

PROPOSED GUERNSEY TOBACCO CONTROL STRATEGY 2009-2013

XIII.- After consideration of the Report dated 14th January, 2008, of the Health and Social Services Department:-

1. That excise on tobacco and tobacco products rise by a minimum of RPI plus 3% annually for the five years 2009-2013.
2. To direct the Treasury and Resources Department to take note of the need to maintain enhanced tobacco control activities when recommending to the States the Health and Social Services Department's revenue budget for the years 2009-2013.
3. That an Order be made under the Tobacco Advertising (Guernsey) Law, 1997, to make pictorial pack warnings compulsory on all tobacco products imported into Guernsey.
4. That further legislation be prepared to ban the import and sale of packs of ten or fewer cigarettes into Guernsey.
5. That an 'over 18 card' (being introduced as part of the Drug and Alcohol Strategy) *or* a driving licence *or* a passport shall be the only acceptable confirmation of age for sales of tobacco and that these requirements shall be actively enforced.
6. That licences to sell tobacco be introduced and to direct the Health and Social Services, Commerce and Employment and Home Departments to report back to the States regarding their preferred method of implementation and enforcement including proposals on how to meet the associated costs of any licensing system.
7. That further legislation be prepared to ban advertising at the point of sale.
8. That the efforts by Customs and Immigration to raise awareness of, and to enforce compliance with, requirements relating to duty free entitlements be encouraged.
9. To direct the Home Department to review the need for changes to the Prison

Smoking Policy on or before 2 July 2009.

10. To direct the Home Department to give further consideration to bringing forward proposals to ban smoking whilst driving.
11. To direct the preparation of such legislation as may be necessary to give effect to their above decisions and that such legislation shall also provide for the Tobacco Advertising (Guernsey) Law 1997 to be amended by subordinate legislation in the future.

PUBLIC SERVICES DEPARTMENT

AMENDMENTS TO GUERNSEY WATER LEGISLATION

XIV.- After consideration of the Report dated 18th January, 2008, of the Public Services Department:-

1. That the TRP on properties can be used as the basis for charging customers for water who are not already paying for the water used via a water meter.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

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

In pursuance of section 3 of the Banking Supervision (Bailiwick of Guernsey) Law, 1994, the Banking Supervision (Bailiwick of Guernsey) (Amendment) Regulations, 2008, made by the Policy Council on 21st January, 2008, were laid before the States.

THE INSURANCE BUSINESS (BAILIWICK OF GUERNSEY) (AMENDMENT) REGULATIONS, 2008

In pursuance of section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002, the Insurance Business (Bailiwick of Guernsey) (Amendment) Regulations, 2008, made by the Policy Council on 21st January, 2008, were laid before the States.

THE INSURANCE MANAGERS AND INSURANCE INTERMEDIARIES (BAILIWICK OF GUERNSEY) (AMENDMENT) REGULATIONS, 2008

In pursuance of section 63 of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002, the Insurance Managers and Insurance

Intermediaries (Bailiwick of Guernsey) (Amendment) Regulations, 2008, made by the Policy Council on 21st January, 2008, were laid before the States.

THE BOARDING PERMIT FEES ORDER 2008

In pursuance of Section 17 (3) of the Tourist Guernsey (Law), 1948, as amended, the Boarding Permit Fees Order, 2008, made by the Commerce and Employment Department on 15th January, 2008, was laid before the States.

THE HEALTH SERVICE (PAYMENT OF AUTHORISED APPLIANCE SUPPLIERS) (AMENDMENT) REGULATIONS, 2008

In pursuance of sections 19 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990, as amended, the Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2008, made by the Social Security Department on 23rd January, 2008, were laid before the States.

THE LAND PLANNING AND DEVELOPMENT (APPEALS) REGULATIONS, 2008

In pursuance of Sections 17 and 89 of the Land Planning and Development (Guernsey) Law, 2005, and of the Land Planning and Development (Appeals) Ordinance, 2007, the Land Planning and Development (Appeals) Regulations, 2008, made by the Environment Department on 30th January, 2008, were laid before the States.

THE LAND PLANNING AND DEVELOPMENT (PLANS INQUIRY) REGULATIONS, 2008

In pursuance of Section 12(3) and 89 of the Land Planning and Development (Guernsey) Law, 2005, the Land Planning and Development (Plans Inquiry) Regulations, 2008, made by the Environment Department on 30th January, 2008, were laid before the States.

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 13th MARCH, 2008

**The States resolved as follows concerning Billet d'État No III
dated 22nd February 2008**

SCRUTINY COMMITTEE

STRENGTHENING ACCOUNTABILITY SCRUTINY COMMITTEE PERFORMANCE REPORT

XV.- After consideration of the Report dated 10th January, 2008, of the Scrutiny Committee:-

1. To note the Scrutiny Committee's 2007 performance report entitled *Strengthening Accountability*.
2. To encourage States Departments and Committees to continue to give support to, and cooperate with, the Scrutiny process.

HOUSE COMMITTEE

STATES COMMITTEES - ELECTIONS

XVI.- After consideration of the Report dated 25th January, 2008, of the House Committee:-

TO NEGATIVE THE PROPOSITION that sub-paragraphs (e) and (f) of Rule 20(1) of the Rules of Procedure of the States of Deliberation be deleted and that the following be substituted therefor:

- “(e) Members of Committees
- (f) Members of Departments”.

HOUSE COMMITTEE

SUB-COMMITTEES, ETC.

XVII.- After consideration of the Report dated 25th January, 2008, of the House Committee:-

To amend, with effect from the 1st May, 2008, the Rules relating to the Constitution and Operation of States Departments and Committees, as follows:

1. In Rule 16 –
 - (a) delete the title and substitute therefor –

“Sub-Committees with Delegated Responsibility”;
 - (b) before paragraph (1) add –

“(1) This Rule applies in respect of any Sub-Committee to which has been delegated a decision-making function which binds the States or a particular Department or Committee in a matter of policy or administration.” and renumber paragraphs (1) to (6) as (2) to (7) respectively;
 - (c) after the renumbered paragraph (7) add –

“(8) In this Rule the term “Sub-Committee” shall include other subordinate bodies, however styled.”;
2. After Rule 16 add –

“Other Sub-Committees

16A (1) This Rule applies to Sub-Committees other than those constituted pursuant to Rule 16.

(2) The Policy Council and any Department or Committee may, by resolution, constitute such Sub-Committees as it deems appropriate and for such purposes and with such membership and quorum as shall be specified in the said resolution, provided that the Council, Department or Committee shall remain responsible for any act done on its behalf.

(3) The provisions of paragraphs (6), (7) and (8) of Rule 16 shall apply to Sub-Committees constituted pursuant to this Rule.”.

PUBLIC SECTOR REMUNERATION COMMITTEE

REVIEW OF PUBLIC SECTOR PENSION SCHEMES

XVIII.- After consideration of the Report dated 30th January, 2008, of the Public Sector Remuneration Committee:-

To approve the making of the Teachers’ Superannuation (Guernsey) (Amendment) Regulations, 2008.

PUBLIC ACCOUNTS COMMITTEE

IMPLEMENTATION OF THE GUERNSEY INTEGRATED SOCIAL SECURITY SYSTEM

XIX.- After consideration of the Report dated 4th February, 2008, of the Public Accounts Committee:-

1. To note the Report.
2. To direct the Treasury and Resources Department to consider and, where appropriate, implement the recommendations as outlined in the appended report from PricewaterhouseCoopers and to report back to the States once completed, and to direct the Public Accounts Committee to monitor the action taken to implement them.
3. To direct the Policy Council and Treasury and Resources Department, in consultation with Social Security Department, to consider and report back to the States on the appropriateness of the devolved financial responsibility of the Social Security Department under Section 100 of the Social Insurance (Guernsey) Law, 1978, in particular in relation to States approval and prioritisation of capital projects.

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