

# **IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 27<sup>th</sup> SEPTEMBER, 2007**

**(Meeting adjourned from 26<sup>th</sup> September 2007)**

**The States further resolved as follows concerning Billet d'État No XX  
dated 7<sup>th</sup> September 2007**

## **POLICY COUNCIL**

### **ECONOMIC & TAXATION STRATEGY OUTSTANDING ISSUES**

VI.- After consideration of the Report dated 20<sup>th</sup> August, 2007, of the Policy Council:-

1. To approve the proposals concerning the Economic and Taxation Strategy set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **POLICY COUNCIL**

### **LEGAL AID**

VII.- After consideration of the Report dated 20<sup>th</sup> August, 2007, of the Policy Council:-

1. (1) To award contracts to the following firms of Advocates, subject to the successful outcome of post-tender negotiations:

Atkinson Ferbrache Richardson  
Carey Olsen  
Albany Chambers  
Ashton Barnes Tee  
Babbé  
F Haskins and Co  
Randell and Loveridge  
Ozannes  
Advocate L. Strappini and Co  
Trinity Chambers

- (2) To further authorise the Policy Council to continue to negotiate with the Guernsey Bar regarding the terms and conditions of the contract and the directions in the Practitioners' Manual.

2. To direct the Treasury and Resources Department to have due regard to the staffing implications of implementing the Statutory Legal Aid Scheme, with particular reference to Section 2 of Schedule 2 of the Legal Aid (Bailiwick of Guernsey) Law, 2003, when administering the Staff Number Limitation Policy.
3. To request HM Procureur and the Home Department to bring forward proposals to amend section 91(3) of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 provided that the concerns regarding how to ensure that all those providing advice to persons detained by the Police or Customs receive effective advice and representation, can be dealt with.
4. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **POLICY COUNCIL**

### **CHARITIES AND NON-PROFIT ORGANISATIONS**

VIII.- After consideration of the Report dated 1<sup>st</sup> August, 2007, of the Policy Council:-

1. To approve the proposals concerning Non-Profit Organisations (including charities) set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **TREASURY AND RESOURCES DEPARTMENT**

### **CHARITIES AND NON-PROFIT ORGANISATIONS (“NPOS”)**

IX.- After consideration of the Report dated 21<sup>st</sup> August, 2007, of the Treasury and Resources Department:-

1. To approve the proposals concerning NPOs (including charities) set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **TREASURY AND RESOURCES DEPARTMENT**

### **APPOINTMENT OF NON-EXECUTIVE DIRECTOR GUERNSEY ELECTRICITY LIMITED**

X.- After consideration of the report dated 27<sup>th</sup> July, 2007, of the Treasury and Resources Department:-

In accordance with Section 3 of the States Trading Companies (Bailiwick of Guernsey) Ordinance, 2001, to approve the appointment of Mr David Farrimond as a non-executive director of Guernsey Electricity Limited.

## **HEALTH AND SOCIAL SERVICES DEPARTMENT**

### **THE NURSING AND RESIDENTIAL HOMES (GUERNSEY) LAW, 1976**

XI.- After consideration of the Report dated 29<sup>th</sup> May, 2007, of the Health and Social Services Department:-

1. To approve that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **HOUSING DEPARTMENT**

### **CHARGING FOR HOUSING CONTROL SERVICES**

XII.- After consideration of the Report dated 5<sup>th</sup> July, 2007, of the Housing Department:-

1. That charges shall be introduced for Right to Work documents and replacement documents as outlined in that Report.
2. That charges shall be introduced for Open Market inspections as outlined in that Report.
3. That the Housing Control Law shall be amended to give effect to 1 and 2 above.
4. That the Housing Department shall be able to set and change the level of charges by Regulation as required.
5. To direct the Treasury and Resources Department to take account of the fees raised from charging for Housing Control Services when recommending to the States, Cash Limits for the Housing Department for 2009 and subsequent years.

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

## **HOME DEPARTMENT**

### INSURANCE DISCS

XIII.- After consideration of the Report dated 13<sup>th</sup> July, 2007, of the Home Department:-

1. To approve the Home Department's proposals for amending the Road Traffic (Compulsory Third Party Insurance) Law, 1936, as amended to
  - introduce insurance discs and require them to be displayed on motor vehicles as set out in that Report;
  - require insurers to notify the Home Department when a policy is cancelled without the consent of the person insured;
  - allow police officers to detain vehicles where there is reason to believe the vehicle is uninsured.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

# **IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 28<sup>th</sup> SEPTEMBER, 2007**

(Meeting adjourned from 27<sup>th</sup> September 2007)

**The States further resolved as follows concerning Billet d'État No XX  
dated 7<sup>th</sup> September 2007**

## **PUBLIC SERVICES DEPARTMENT**

### **INSTALLATION OF FRENCH MARITIME RADAR TOWER AT GUERNSEY AIRPORT**

XIV.- At the instance of the Minister, Public Services Department, TO GRANT LEAVE TO WITHDRAW this Article.

## **ENVIRONMENT DEPARTMENT**

### **THE INTRODUCTION OF FEES FOR PLANNING AND BUILDING CONTROL APPLICATIONS**

XV.- After consideration of the Report dated 26<sup>th</sup> July, 2007, of the Environment Department:-

1. That, in principle, fees shall be charged for planning and building control applications.
2. That, in principle, fees shall be charged for carrying out property searches.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.
4. That fees, resource allocation and service levels shall be agreed between the Treasury and Resources Department and the Environment Department in accordance with a three year Plan, to be reviewed annually.

## **SOCIAL SECURITY DEPARTMENT**

### **BENEFIT AND CONTRIBUTION RATES FOR 2008**

XVI.- After consideration of the Report dated 27<sup>th</sup> July, 2007, of the Social Security Department:-

1. That, with effect from 7<sup>th</sup> January, 2008, the standard rates of social insurance benefits shall be increased to the rates set out in paragraph 19 of that Report.

2. That the strict proportionality in the rates of old age pension for incomplete insurance records shall be restored over a two year period through removal of the residual Christmas bonus element within all pension rates.
3. That, with effect from 1<sup>st</sup> January, 2008, for employed persons the upper weekly earnings limit, the upper monthly earnings limit and the annual upper earnings limit shall be £1,248, £5,408 and £64, 896 respectively
4. That, with effect from 1<sup>st</sup> January, 2008, for employers, the upper weekly earnings limit, the upper monthly earnings limit and the annual upper earnings limit shall be £2,079, £9,009 and £108,108 respectively.
5. That, with effect from 1<sup>st</sup> January, 2008, for employed persons and employers, the lower weekly earnings limit, and the lower monthly earnings limit shall be £105 and £455 respectively
6. That, with effect from 1<sup>st</sup> January, 2008, for self-employed persons, the upper earnings limit and lower earnings limit shall be £64,896 per year and £5,460 per year, respectively
7. That, with effect from 1<sup>st</sup> January, 2008, for non-employed persons the upper and lower annual income limits shall be £64,896 per year and £13,650 per year respectively
8. That, with effect from 1<sup>st</sup> January, 2008, the States grants to the contributory funds in respect of contributions falling due from 1<sup>st</sup> January, 2008, shall be as follows:

Guernsey Insurance Fund	15% of contribution income
Guernsey Health Service Fund	12% of contribution income

- 8.A That the Social Security Department should carry out a comprehensive review of the long term future funding of the Guernsey Insurance Fund, Guernsey Health Service Fund and the Long-term Care Insurance Fund in conjunction with the Treasury and Resources Department, and that –
  - (a) the Review should, in particular, encompass all possible options for contribution rates, the level of the States Grant and the retirement age and include actuarial advice and wide consultation, and
  - (b) the results of the Review should be reported to the States as part of the Benefit and Contributions Rates Report in September 2008.
9. To note that, with effect from 1<sup>st</sup> January, 2008, the Social Security Department will be attaching a joint liability on an individual's employed and self-employed earnings, as outlined in paragraphs 74 to 79 of that Report;
10. That, with effect from 1<sup>st</sup> January, 2008, the prescription charge per item of pharmaceutical benefit shall be £2.70;

11. That, with effect from 1<sup>st</sup> January, 2008, the contribution (co-payment) required to be made by the claimant of care benefit, under the long-term care insurance scheme, shall be £154 per week;
12. That, with effect from 7<sup>th</sup> January, 2008, care benefit shall be a maximum of £637 per week for persons resident in a nursing home or the Guernsey Cheshire Home and a maximum of £341 per week for persons resident in a residential home;
13. That, with effect from 7<sup>th</sup> January, 2008, respite care benefit shall be a maximum of £791 per week for persons receiving respite care in a nursing home or the Guernsey Cheshire Home and a maximum of £495 per week for persons receiving respite care in a residential home.
14. That, with effect from 11<sup>th</sup> January, 2008, persons receiving supplementary benefit as jobseekers shall continue to receive the short-term rates of benefit, with the long-term rates applicable to exceptional cases only.
15. That, with effect from 11<sup>th</sup> January, 2008, the supplementary benefit requirement rates shall be as set out in paragraph 119 of that Report
16. That, with effect from 11<sup>th</sup> January, 2008, the weekly benefit limitations for supplementary benefit shall be:
  - (a) £367 for a person living in the community;
  - (b) £430 for a person who is residing in a residential home; and
  - (c) £618 for a person who is residing as a patient in a hospital, nursing home or the Guernsey Cheshire Home.
17. That, with effect from 11<sup>th</sup> January, 2008, the amount of the personal allowance payable to persons in Guernsey and Alderney residential or nursing homes who are in receipt of supplementary benefit shall be £25 per week.
18. That, with effect from 11<sup>th</sup> January, 2008, the amount of the personal allowance payable to persons in UK hospitals or care homes who are in receipt of supplementary benefit shall be £42.30 per week
19. That a supplementary fuel allowance of £19.30 per week be paid to supplementary beneficiaries who are householders from 26 October 2007 to 18 April 2008;

20. That the Supplementary Benefit (Implementation) Ordinance, as amended, be further amended on the lines set out in paragraphs 143 to 149 of that Report.
21. That, with effect from 7<sup>th</sup> January, 2008, family allowance shall be £13.85 per week
22. That, with effect from 7<sup>th</sup> January, 2008, the rates of attendance allowance and invalid care allowance and the annual income limits shall be as set out in paragraph 154 of that report.
23. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **STATES HOUSING DEPARTMENT**

### HOUSING (CONTROL OF OCCUPATION) (GUERNSEY) LAW 1994 – VARIATION TO THE HOUSING REGISTER

XVII.- After consideration of the Report dated 2<sup>nd</sup> August, 2007, of the Housing Department:-

1. That each of the six apartments, namely Alligande 1, 3 and 5 and Godfrey 1, 4 and 7 at Vega Apartments, Les Banques, St Peter Port, shall be individually inscribed in Part A of the Housing Register.
2. To direct that an Ordinance be prepared, in accordance with section 52 of the Housing (Control of Occupation) (Guernsey) Law, 1994, to permit the Department to inscribe these six Apartments in Part A of the Housing Register subject to application being made by the owners within 6 months from the commencement date of the Ordinance.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **HOUSE COMMITTEE**

### STATES EMPLOYEES – POLITICAL ACTIVITIES

XVIII.- After consideration of the Report dated 19<sup>th</sup> June, 2007, of the House Committee:-

1. By a majority of more than two thirds of the Members present and voting, that the Reform (Amendment) (Guernsey) Law, 1972, as amended be further amended to the effect that:
  - (a) no States employee, whether full-time or part-time, shall be permitted to take the oaths relating to membership of the States of Deliberation, and that any States Member who, subsequent to taking those oaths,



proposes to accept an offer of full-time or part-time employment by the States shall resign as a member of the States before commencing that employment;

- (b) holders of the under-mentioned offices and any other office which may be prescribed from time to time in that regard by Ordinance of the States shall not be permitted to take the oaths relating to elected membership of the States and that any elected States Member who, subsequent to taking the said oaths, proposes to accept appointment to one of the said offices shall resign as a member of the States before so doing:

*Prescribed offices:*

Holders of judicial office in the Island's courts  
Members of the regular armed forces  
Members of the Guernsey Financial Services Commission  
The Director-General of the Financial Services Commission  
The Director-General of Utility Regulation  
The Data Protection Commissioner  
The Public Trustee

2. That the Rules relating to the Constitution and Operation of States Departments and Committees be amended, with effect from 1<sup>st</sup> May 2008, by inserting the following after paragraph (3) of Rule 11:

“(4) Civil servants shall not be eligible to serve on Departments or Committees.”

3. TO NEGATIVE THE PROPOSITION that the Rules relating to the Constitution and Operation of States Departments and Committees be amended, with effect from 1<sup>st</sup> May 2008, by inserting the following after paragraph (4) of Rule 11:

“(5) States employees other than civil servants shall not be eligible to serve on the Public Sector Remuneration Committee or on their employing Department but shall be eligible to serve on other Departments or Committees save that they shall obtain their employing Department's consent to such service prior to accepting nomination thereto.”

4. By a majority of more than two thirds of the Members present and voting, to direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **REQUÊTE**

FOUL WATER SEWERS IN VICINITY OF NEW SCHOOLS AT LES NICOLLES

XIX.- TO POSTPONE CONSIDERATION of this Requête until 10<sup>th</sup> October, 2007.

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

# **IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 10<sup>th</sup> OCTOBER, 2007**

**(Meeting adjourned from 28<sup>th</sup> September 2007)**

**The States further resolved as follows concerning Billet d'État No XX  
dated 7<sup>th</sup> September 2007**

## **REQUÊTE**

**FOUL WATER SEWERS IN VICINITY OF NEW SCHOOLS AT LES NICOLLES**

**XIX.- After consideration of the Requête, dated 30<sup>th</sup> May, 2007, signed by Deputy I  
F Rihoy and eleven other Members of the States:-**

- 1. To instruct the Public Services Department to construct 725 meters of gravity sewer in Les Effards Road, Le Bordage, Les Gigands Road and Baubigny Road as shown on drawing no. SKO2, at a total cost including road resurfacing not exceeding £850,000, to enable properties in the immediate environs of the new schools currently under construction to connect to the main drains.**
- 2. To vote the Public Services Department a total credit of £850,000 to cover the cost of the above scheme, such sum to be charged to its capital allocation.**
- 3. To authorise the Treasury and Resources Department to transfer the sum of £850,000 from the Capital Reserve to the capital allocation of the Public Services Department.**

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