



BILLET D'ÉTAT

WEDNESDAY, 30th JUNE 2010

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B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **30th JUNE 2010** at 9.30am, to consider the items contained in this Billet d'État which have been submitted for debate.

G. R. ROWLAND
Bailiff and Presiding Officer

The Royal Court House
Guernsey
11 June 2010

PROJET DE LOI

entitled

**THE HEALTH SERVICE (BENEFIT)
(GUERNSEY) (AMENDMENT) LAW, 2010**

The States are asked to decide:-

I.- Whether they are of the opinion to approve the Projet de Loi entitled “The Health Service (Benefit) (Guernsey) (Amendment) Law, 2010” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE PRESCRIPTION ONLY MEDICINES (HUMAN)
(BAILIWICK OF GUERNSEY) (AMENDMENT) ORDINANCE, 2010**

The States are asked to decide:-

II.- Whether they are of the opinion to approve the draft Ordinance entitled “The Prescription Only Medicines (Human) (Bailiwick of Guernsey) (Amendment) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

POLICY COUNCIL

PAROCHIAL LEGISLATION WORKING PARTY

Executive Summary

This Report recommends the States to implement the recommendations of the Parochial Legislation Working Party (PLWP).

Introduction

In July 2008 the Policy Council, having consulted the Guernsey Douzaine Council, established the PLWP, under the independent chairmanship of Mr Peter J H Morgan. This followed a States resolution of 1 November 2007 following consideration of a Policy Council Report dated 24 September 2007 entitled “The Rôle of the Douzaines and their Relationship with the States”:-

To note the Policy Council’s intention to create a Working Party as set out in paragraphs 23 and 24 of that report and that its mandate will include a review of the continued need or otherwise of bornements.”

Paragraphs 23 and 24 of the 24 September 2007 Report suggested that the Working Party should firstly identify precisely the functions and powers and secondly determine which functions should be retained by the parishes or transferred to the States or abandoned.

Attached as an appendix to this Report is the report dated 11 November 2009 of PLWP.

In submitting this Report to the States the Policy Council wishes to thank the Chairman and Members of the PLWP for their comprehensive report which considers and makes recommendations in respect of a wide range of legislation including functions and powers exercised by the parish authorities.

Consideration of the report of the PLWP

The Policy Council has reviewed the report of the PLWP and endorses its conclusions and recommendations.

In particular, the Policy Council

- approves the specific recommendations for amendments and repeals of legislation as summarised in appendix 1 to the report of the PLWP; and also the proposal to amend the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991 to permit the transfer by Ordinance of appropriate functions from the States to the Constables and/or Douzaines of one, or some, or all of the Parishes, and vice-versa

- endorses the view of the PLWP that the requirement for a permit to build within 9 metres of a public highway is no longer necessary and, on balance, accepts that there is value in retaining the requirement for a bornement for works within 1.5 metres of a public road

The Policy Council notes that the proposed change will, in effect, return the bornement regime to its original purpose of dealing with the boundary between private property and the public road. The extension of the bornement regime to 30 feet (9 metres) made in 1931 was based on considerations such as visibility which are now adequately dealt with under the planning regime. Whilst questioning the need to retain even this requirement, which some Members consider an additional bureaucratic requirement, the Policy Council on balance has accepted that it is complementary to the planning regime and makes good use of the knowledge and expertise of the Douzaines. Nevertheless, the Policy Council considers that wherever possible the process should be streamlined to ensure close co-operation between the Douzaines and the planning regime and that it would be desirable if the Douzaines provided guidance to the public on the issues which they take into account when considering applications for bornements. The Policy Council proposes, in due course, to ask the Douzaines to give consideration to providing such guidance.

The Policy Council will also consult, in due course, with the Douzaines on the need to increase the maximum fee for bornements by regulation (as provided for by the Fees, Charges and Penalties (Guernsey) Law, 2007).

- supports the proposal to use civil law for dealing with persons who fail to observe the provisions of the legislation on hedge-cutting and cleaning of streams

The Policy Council was initially concerned about whether this proposal would ensure that land owners (or other responsible persons) carried out hedge-cutting and cleaning of streams and sought the views of the PLWP on the suggestion that, in cases where the work was not carried out despite the imposition of civil penalties, the parochial authorities be given authority to undertake the work and charge the responsible person accordingly.

The Policy Council was advised by the PLWP that it had given careful consideration to this suggestion but that, while it was initially thought to have some merit, on further consideration had concluded that the advantages were outweighed by the difficulties, in particular legal and public liability issues.

The Policy Council was reassured by the PLWP's opinion that the proposed civil penalty of £50 fixed plus £5 per day thereafter should be sufficient to prompt non-compliant persons to take measures to have the hedges cut and the streams cleaned.

- supports the proposal that the Culture and Leisure Department works with the Constables of St Peter Port on the present day issues regarding itinerant performers and street entertainers in St Peter Port
- supports the proposal to establish a tribunal along the lines indicated in appendix 3 to the report of the PLWP which would consider appeals against decisions of a Constable or Douzaine and which should have the power to reconsider matters afresh rather than being restricted to *vires* and reasonableness
- agrees that it would be beneficial to have a simple charter, along the lines indicated in appendix 4 to the report of the PLWP, setting out the working relationship between the States and the Douzaines and, if endorsed by the States, would hold discussions with the Douzaines in order to agree a final version.

Consultations

In view of the carefully constructed membership of the PLWP, which included HM Procureur, and the consultations which it undertook with the Douzaines, the Guernsey Douzaine Council and those States Departments most affected in preparing its report, the Policy Council has only carried out limited further consultations with States Departments at this stage.

Recommendations

The States are recommended to:-

1. approve the enactment, amendment and repeal of legislation on the lines set out in the report of the Parochial Legislation Working Party appended to this Report, i.e. that –
 - (a) the legislative provisions listed in Appendix 1 thereto which are no longer thought necessary be repealed;
 - (b) other sundry legislation concerning parochial matters be consolidated in a general parochial administration ordinance;
 - (c) the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991 be amended to allow the States from time to time, by Ordinance, to transfer appropriate functions from the States to the Constables and/or Douzaines of one, or some, or all of the Parishes, and vice-versa;

- (d) the Royal Court should no longer be involved in matters relating to the establishment of cemeteries, brick-yards and quarries etc., the erection of cranes in St Peter Port and the installation of ovens in St Peter Port;
 - (e) the Douzaines' function relating to bornements should continue in respect of buildings within 1.5 metres of a public road;
 - (f) a mechanism be introduced enabling any person who is dissatisfied by any decision of a Constable or Douzaine which is directed to that person alone (or to a discrete group of which that person is a member) to appeal against that decision;
 - (g) persons who fail to observe the requirements of legislation regarding the cutting of hedges etc. and cleaning of streams be dealt with by way of civil penalty rather than criminal proceedings;
 - (h) the maximum which may be held in a Parish Reserve Fund be increased to £250,000 plus accrued interest;
 - (i) Dog Tax be increased to £10 per dog;
2. (1) authorise the Policy Council:-
- (i) to pursue discussions with the Douzaines regarding the establishment of a Charter between the States and the Douzaines setting out the working relationship between the respective parties;
 - (ii) to agree the terms of the charter;
- (2) authorise the Chief Minister (or other Minister appointed in that behalf by the Policy Council) to sign the charter on behalf of the States;
3. direct the Culture and Leisure Department, in association with the Constables of St Peter Port, to review and report back to the States on the present day issues regarding itinerant performers and street entertainers.

L S Trott
Chief Minister

30th April 2010

Appendix**REPORT OF THE WORKING PARTY**

The Chief Minister
 Policy Council
 Sir Charles Frossard House
 La Charroterie
 St Peter Port

11th November 2009

Dear Deputy Trott

Executive Summary

1. The principal recommendations of the Working Party are that –
 1. legislation relating to parochial authorities which is no longer necessary be repealed;
 2. other sundry legislation concerning parochial matters be consolidated in a general parochial administration ordinance;
 3. the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991¹ be amended to allow the States from time to time, by Ordinance, to transfer appropriate functions from the States to the Constables and/or Douzaines of one, or some, or all of the Parishes, and vice-versa;
 4. the Royal Court should no longer be involved in matters relating to the establishment of cemeteries, brick-yards and quarries etc. and the installation of ovens in St. Peter Port;
 5. the Douzaines' function relating to bornements should continue in respect of buildings within 1.5 metres of a public road and that the fees with regard to bornements be revised;
 6. a mechanism be introduced enabling any person who is dissatisfied by any decision of a Constable or Douzaine which is directed to that person alone (or to a discrete group of which that person is a member) to appeal against that decision;
 7. a Charter between the States and the Douzaines be agreed setting out

¹ Ordres en Conseil Vol. XXXIII, p. 478

how the respective parties intend to work together;

8. persons who fail to observe the requirements of legislation regarding the cutting of hedges etc. and cleaning of streams be dealt with by way of civil penalty rather than criminal proceedings;
 9. the maximum which may be held in a Parish Reserve Fund be increased to £250,000 plus accrued interest;
 10. Dog Tax be increased to £10 per dog.
2. The Working Party has also identified certain issues which fall outside its mandate but which, nonetheless, it suggests might be considered by appropriate departments: these include issues regarding itinerant performers/street entertainers.
 3. The full list of legislation reviewed, together with the Working Party's recommendations thereon, is included as Appendix 1.

Introduction

4. On the 1st November 2007 the States considered a report of the Policy Council² entitled "The Rôle of the Douzaines and their Relationship with the States" and resolved, inter alia:

"To note the Policy Council's intention to create a Working Party as set out in paragraphs 23 and 24 of that report and that its mandate will include a review of the continued need or otherwise of bornements."

5. Paragraphs 23 and 24 referred to above are in the following terms:

"In August 2003 HM Procureur wrote to the Advisory and Finance Committee (following earlier correspondence which he had exchanged with the Dean of the St. Peter Port Douzaine) stating that legislation should be enacted clarifying and defining the functions and powers of the Constables and Douzaines. It was suggested that a working party be established with the Advisory and Finance Committee, the Douzaines and Law Officers being represented thereon. HM Procureur suggested that the Working Party firstly needed to identify precisely the functions and powers and secondly needed to determine which, if any, of the functions should be retained by the parishes or transferred to the States or abandoned. HM Procureur's suggestion has not been pursued to date. Both the Council and all the parishes agree that the time is now right to carry out such a review on the lines set out above. One issue which would clearly need to be addressed is whether the present Bornement system should continue or whether it should be abandoned."

² Billet d'État XXII of 2007, p.1994

6. In July 2008 the Policy Council, having consulted the Guernsey Douzaine Council, appointed the following as members of the Parochial Legislation Working Party:

Mr Peter J H Morgan, Chairman
 Deputy A Hunter Adam, Vice-Chairman
 Deputy Roger Domaille
 Deputy Shane L. Langlois
 Douzenier Advocate Rupert A R Evans
 Douzenier Barbara J. Hervé
 Douzenier J Hugh Lenfestey
 Mr Howard E Roberts, QC, Her Majesty's Procureur³

7. As a preliminary to the review, the Working Party invited all the Douzaines, the Guernsey Douzaine Council and members of the public to make submissions regarding parochial legislation. Six of the Douzaines responded to that invitation. The Working Party was not altogether surprised to receive only three responses from the general public which it considered in the course of its deliberations.
8. The Working Party was greatly assisted in its task by a most comprehensive schedule of legislation relating to parochial functions and officials prepared in 2006 by Deputy S L Langlois when he held the office of Constable of St. Pierre du Bois. Papers and correspondence relating to a series of reviews instituted in 1996 by the Constables and Douzaines were also considered. The Working Party accordingly wishes to record its appreciation to Deputy Langlois for the work done by him.
9. The Loi relative à la Taxation Paroissiale of 1923, as amended, and associated legislation and the Rectories (Maintenance and Use in Cases of Plurality) Law, 1993 and associated Ordinance have not been reviewed by the Working Party for two reasons: firstly, such a review would extend beyond the scope the Working Party's mandate⁴ and, secondly, such a review would, in any event, be inappropriate before the States have considered the report of the Parochial Ecclesiastical Rates Review Committee.⁵

³ Prior to 20th July 2009 Mr Roberts was HM Comptroller

⁴ That is, "*to identify precisely the functions and powers of the Constables and Douzaines*" and "*to determine which, if any, of the functions should be retained by the parishes or transferred to the States or abandoned*".

⁵ The Parochial Ecclesiastical Rates Review Committee was constituted by the States on 29th June 2005 to "*investigate and report on the operation of the Loi relative à Taxation Paroissiale, 1923, as amended, as to its church property aspects, with particular reference to the repair and maintenance of parochial church property, and alternative means of providing or securing the finance required to repair, maintain and support such property*".

10. Similarly the provisions relating to parochial elections within the Reform (Guernsey) Law, 1948, as amended and the Loi relative au Scrutin Secret of 1899, as amended have not been reviewed by the Working Party, again for two reasons: firstly, such a review would extend beyond the scope the Working Party's mandate and, secondly, the Working Party understands that those Laws are presently the subject of a review being carried out by the States Assembly and Constitution Committee and the Law Officers.

The Review

11. In respect of each piece of legislation identified, the Working Party has addressed the following questions:
 - Is this function still necessary?
 - If so, should it
 - continue to be the responsibility of the Constables and Douzaines;
 - or
 - become the responsibility of the States;
 - or
 - become the responsibility of the States but with a continuing defined rôle for the Constables and Douzaines?
12. Much of the legislation reviewed dates from, or has its origins in, the 19th century and indeed earlier. The Working Party was cognisant that the function of the States of Guernsey today is vastly different to that of 150 years ago and it was mindful of this fact in making its recommendations. Whilst it is beyond the scope of this report, the reasons for the gradual transfer of functions from the parishes to the States in the late 19th century are examined by Hocart in "*An Island Assembly*"⁶.
13. The legislation reviewed has been divided broadly by subject matter. Where the report recommends that legislation should continue in force "un-amended" this is not intended to preclude the repeal of the existing legislation and re-enactment in a new law or ordinance. The Parochial Legislation Working Party has considered more than 50 items of legislation in the course of producing this report, and accordingly strongly recommends that all the sundry items of legislation relating to parochial matters be consolidated in a general ordinance.

⁶ Hocart, R. (1988) *An Island Assembly: the development of the States of Guernsey 1700-1949*: see in particular chapter 7 – "Parish Power and States Power: the Decisive Years, 1871-1904"

This will be particularly appropriate insofar as the legislation which remains in the French language is concerned. Whilst recommending the enactment of a general ordinance, it is not our intention that it should include matters which are not wholly related to parochial issues, for example liquor licensing, even though such legislation may require parochial officials to carry out specific functions.

14. The Working Party has recommended that the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991 be amended to allow appropriate functions to be transferred from the States to the parishes, and vice-versa. We believe that doing so will provide a speedy means of transferring particular functions from time to time without the need for the enactment of specific legislation which is both a lengthy process and costly. We anticipate that these issues can be addressed by the parishes and the Policy Council's Douzaine Liaison Group.

PUBLIC HIGHWAYS

15. Historically⁷ the Constables and Douzeniers have played a key rôle in issues involving the public highways. In the past they were responsible for ensuring that the roads were properly maintained and to this day continue to have a duty to inspect hedges biannually and also to consider applications for bornements. It is the view of the Working Party that these functions continue to be an important function of the Constables and Douzaines – not simply because of their links with the past – but also because they remain functions of value which can be justified in the 21st century. In particular their continued responsibilities in both determining the boundaries between private properties and the public highway and also in ensuring that the roads are kept free from obstruction is of importance.

Loi ayant rapport à la Réparation ou la Démolition de Murs, Fossés, Maisons et Bâtiments qui sont dans un état dangereux of 1919⁸

16. This Law empowers the Constables and Douzaines to serve notice on owners of properties considered to constitute a danger to persons using the roads etc. in the vicinity of those properties, requiring them to restore the properties to a state of safety. If the order to repair is not complied with the Constables and Douzaine may order that the work be carried out at the expense of the owner. The Constables and Douzeniers may also apply to the Royal Court for permission to demolish the building.

⁷ The earliest record relating to these functions is an Ordinance of the Royal Court of 1535 (Recueil d'Ordonnances Tome I, p. 2) which required the carrying out of repairs to the public highway and the cutting of vegetation. Similarly, in 1628 (Recueil d'Ordonnances Tome I, p. 161) the Constables and Douzeniers were ordered to carry out inspections to identify instances where the public highway was obstructed by buildings or vegetation.

⁸ Ordres en Conseil Vol. VI, p. 119

17. The Working Party was of the view that there remains a continuing need for this function to be undertaken but it does not believe that the Constables and Douzaines have the necessary expertise to decide whether a property is dangerous and whether it should be demolished or repaired. The States employ officials within the Environment Department with the ability to determine whether or not a structure is safe. Whilst we do not believe that the Constables and Douzeniers should retain responsibility in this regard we do consider that they should have a continuing rôle in a liaison capacity with the relevant States department. Further, that the rights of the Constables and Douzaines to inform, and to be kept informed by, the relevant States department should be enshrined in law.
18. We therefore recommend that the Loi ayant rapport à la Réparation ou la Démolition de Murs, Fossés, Maisons et Bâtiments qui sont dans un état dangereux of 1919 be repealed and provision be made pursuant to the Land Planning and Development (Guernsey) Law, 2005 for the relevant functions to be performed by the Environment Department.

Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracé de Routes et Chemins of 1931⁹

19. This Ordinance presently requires application to be made to the Constables and Douzaine for a “permit” to erect or re-erect a building (the definition of which includes other structures) where any part of which is within 9 metres from any public road. Additionally, application has to be made for a “bornement” (i.e. an alignment) where any part of the building is within 1.5 metres from any public road. Buildings forming part of the harbours of St. Peter Port and St. Sampson are within the jurisdiction of the Public Services Department rather than Constables and Douzaine of the respective parishes.
20. The fee payable to the Constables and Douzaine for the grant or renewal of a permit or bornement shall not exceed £15 and may be put to such use as the Constables and Douzaine thinks fit. An appeal presently lies to the Royal Court from the refusal of a permit or bornement. The Working Party recommends the Policy Council to consider an appropriate increase in the fee payable, such increase to take effect from the implementation of the proposed changes.
21. Prior to 1931 the Constables’ and Douzaines’ area of control was restricted to the construction of buildings within 10 feet of the roadway. This was increased to 30 feet from the public road in 1931 – one reason given for this was to maintain visibility for the increasing number of motor vehicles.
22. The Working Party has concluded that the robust planning laws now in place render the continuing requirement for a permit to build within 9 metres of a

⁹ Recueil d’Ordonnances Tome VIII, p. 132 (made permanent pursuant to the Reform (Guernsey) Law, 1948) amended by Recueil d’Ordonnances Tome XI, p. 338 and Ordres en Conseil Vol. XXXI, p. 469

public highway as being nothing more than an additional level of bureaucracy which serves no useful purpose.

23. That said, the Working Party does acknowledge that there is value in retaining the requirement for a bornement for works within 1.5 metres of a public road. We believe it is just as important today as it ever was that, when a landowner is altering or restoring the boundary between his property and the public highway, the actual line is determined by a public authority and we consider that the Constables and Douzaine should continue to be that authority.
24. That being so we have considered whether the area of jurisdiction should remain at 1.5 metres. We have concluded that when a road boundary is to be altered or replaced consideration should be given as to whether any improvement to the carriageway is desired. For that reason we consider that the applications for bornements should continue to be made in respect of buildings within 1.5 metres of a public road. With regard to appeals from refusals for bornements the working Party recommends that the existing right of appeal to the Royal Court be repealed and that such appeals be dealt with within the new general appeals procedure details of which are set out later in this report.
25. Article 35 of the Ordonnance Générale relative au Routes, Rues et Chemins of 1840¹⁰ states that during the construction of new highways by the States the owners of land bordering footpaths must be required to leave a minimum width of five feet for the footpath. The Working Party has concluded that this particular provision is no longer required because the Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins of 1931 makes similar and adequate provision, and therefore recommends that it be repealed.

*The Cutting of Hedges Ordinance, 1953*¹¹

26. This Ordinance requires occupiers of land (and in some cases the owners) to cut all hedges bordering a public road twice a year (between the 1st and 15th June and between the 15th and 30th September) and to remove immediately all material cut from such hedges. Any person who infringes this Ordinance is subject to a fine up to the maximum of level 3 on the uniform scale of fines¹².
27. The Constables are required to furnish a report to the Law Officers each year, between the 1st and 15th October stating how far the provisions of the Ordinance have been complied with in their respective parishes.
28. The Working Party is aware of the considerable effort put in by the Constables and Douzeniers, twice a year, in inspecting the hedges in their parishes and is in

¹⁰ Recueil d'Ordonnances Tome II, p. 509

¹¹ Recueil d'Ordonnances Tome X p. 373; Tome XXV p. 76; Ordres en Conseil Vol. XXXI p. 280

¹² Currently £2,000

no doubt that this valuable work should continue. It is fair to record, however, that many parish officials have expressed concern regarding the institution of criminal proceedings against defaulters.

29. In that regard Her Majesty's Procureur has advised the Working Party as follows.
30. *"Criminal proceeding can only be instituted by or on behalf of the Law Officers, which is expensive, and they will only be instituted if sufficient admissible evidence has been obtained by professionally trained investigators following proper (indeed, now statutory) procedures for interviewing, charging etc, which imposes on the often over-stretched resources of the police; the offence must be proved beyond reasonable doubt; there is (unusually for this sort of legislation of that era) no provision for the convicting court to require action to be taken, and not even for a continuing penalty, so if someone is prepared to simply pay the fine, prosecution does not achieve the real objective. As a matter of principle, without denying the importance of keeping hedges cut, there has to be some question over the proportionality of recording criminal convictions against recalcitrant riverains; and the force of that question is considerably enhanced when a citizen's liability to prosecution depends (because reporting for investigation which is the necessary precursor of prosecution depends) on the tolerance or assiduousness of the responsible officials of the Parish in which that citizen happens to live.*
31. *There are, however, civil penalty precedents which, whilst at first sight are quite a long way removed from what we have in view, might in fact provide a fair philosophical underpinning, and they are in the fields of income tax and company law, where the Director of Income Tax and Companies Registrar respectively – both public officials rather than States Departments – have powers to impose penalties for infractions by notice/order, albeit in accordance with prescribed procedures and subject to appeals. Also, both can involve additional daily penalties where default continues after the initial imposition. My feeling is that, provided it includes appropriate safeguards such as:*
 - *a written notice specifying the alleged infraction with some precision, the amount of the penalty and continuing penalty, and the addressee's rights;*
 - *a not excessive level of penalties;*
 - *a requirement for at least two Constables or Douzeniers to sign the notice;*
 - *a reasonable period of grace between its issue and taking effect; and,*
 - *a right of appeal,*

this sort of system could be introduced by Ordinance; would be human rights compliant in terms of Art 6.1 (6.2 and 6.3 would not apply) and Prot 1 Art 1; would be faster, more effective, and probably more proportionate than criminal proceedings; and could properly within reason (which an appeal procedure would go some way to ensuring) allow some room for judgment to the Constables and Douzaines of different Parishes.”

32. The Working Party endorses the view of HM Procureur that defaulters should be dealt with by way of civil penalty rather than criminal proceedings and recommends that legislation should include all the safeguards set out in the bullet points above. In addition we consider that defaulters should be given 24 hours to clear cuttings etc. from the highway and seven days to cut an uncut hedge; the penalty should be a fixed sum of £50 plus £5 per day thereafter.
33. The present Ordinance requires occupiers of land to remove hedge cuttings but this provision applies only to cuttings deposited at the time of the biannual hedge-cutting: it does not apply at other times. Thus there is no legal obligation for cuttings to be collected if, for example, the hedge is trimmed in April. The Working Party is of the opinion that there is no logical reason why cuttings should not be collected whenever the hedge is cut and therefore recommends that this provision be included in the legislation referred to in the previous paragraph.

Ordonnance relative à la hauteur des Haïes bordant les encoignures des Voies Publiques of 1925¹³

34. Under this Ordinance Constables may require owners of land bordering corners of public roads to reduce the height of hedges or to cut, trim or lop shrubs etc. so as to give clear visibility over those corners. If the proprietors fail to comply, the Constables may apply to the Royal Court for permission to carry out the work.
35. The Working Party considers that the Constables should continue to exercise this function. However, rather than having to have recourse to the Royal Court in the case of owners who fail to comply with a request from the Constables it is proposed that non-compliant persons should be subject to the same conditions and financial penalties as recommended in paragraphs 30 to 32 above relating to the biannual cutting of hedges.

Ordonnance Générale relative au Routes, Rues et Chemins of 1840 – articles 5, 8, 9, 10, 14, 27, 28, 41, 82 and 84¹⁴

36. Article 5 of this Ordinance requires the Constables and Douzaines to inspect and repair public highways other than those built by the States. The States, through the Public Services Department, now have responsibility for the maintenance of

¹³ Recueil d’Ordonnances Tome V, p. 370

¹⁴ Recueil d’Ordonnances Tome II, p. 509

the entire road network, save for a few roads which are in private ownership. The formal position was set out in a report of the Public Thoroughfares Committee to the States in 1982¹⁵: an extract from that report relating to green lanes is attached as Appendix 2. The Working Party therefore recommends that this article be repealed as it no longer has practical effect.

37. Article 8 empowers the Constables and Douzaines to divide the maintenance of the public highway between the owners of properties on both sides of the road. As the States, rather than property owners, are now responsible for road maintenance the Working Party recommends that this article be repealed as it no longer has practical effect.
38. Article 9 provides that where roads are bordered by two different parishes or cantons, the Constables and Douzeniers of both the said parishes or cantons shall have equal rights to have the roads repaired and swept. Again this matter is now the responsibility of the States and the Working Party therefore recommends that this article be repealed as it no longer has practical effect.
39. Article 10 of this Ordinance requires owners of land below the level of the public highways to keep them protected as instructed by the Constables and Douzeniers of the canton. Notwithstanding this provision, the States Public Services Department has been advised that the States have legal responsibility to prevent roads from collapsing into properties below the level of the public highway: the owners of the land below the level of the public highway, however, are responsible for the “protection” at parapet level. That being so, and as responsibility for the roads has now passed to the States, the Working Party therefore recommends that the Ordinance should be amended to the effect that the obligation under Article 10 be transferred from the Constables and Douzaines to the States.
40. Article 14 states that Constables and Douzeniers are to maintain, or have maintained by their owners, pumps, wells, fountains and ponds bordering the public highways so as to ensure that the water which they provide does not cause damage to the roads. The Public Services Department has advised that it still relies on this Article in certain circumstances. That being so, and as responsibility for the roads has now passed to the States, the Working Party recommends that the Ordinance should be amended to the effect that the obligation under Article 14 be transferred from the Constables and Douzaines to the States.
41. The proposed amendment will have no effect on Article 1(r) of the Loi relative à la Taxation Paroissiale of 1923, as amended which provides that parochial tax may be levied for the maintenance of *public* pumps and troughs.

¹⁵ Billet d'État XIII of 1982, p. 706

42. Article 27 requires the Constables of St. Peter Port to report to the Royal Court regarding applications for permission to erect cranes which will project over the streets of the Town. The Working Party is of the view that the core issues relate to planning and traffic matters for which the Environment Department is responsible. Consequently it recommends that the duties of the Constables of St. Peter Port under Article 27 of the Ordinance be transferred to the States.
43. Article 28 requires the Constables of St Peter Port to report to the Royal Court regarding applications for permission to install ovens, other than domestic ovens, for the cooking of bread, biscuits, cakes or pastry. Further, the Constables of St Peter Port are required to visit annually all the ovens in the Town, accompanied by two experts, to assure themselves that the aforementioned food can be baked there without fire hazard. The Working Party has been advised by the Chief Health and Safety Officer that the modern ovens now used do not constitute a greater fire hazard than other comparable equipment in use in other places.
44. The Working Party therefore concludes that the continued involvement of both the Constables and the Royal Court in this matter is no longer appropriate. This Ordinance was enacted at a time when ovens posed a significant fire hazard: this is no longer the case. That being so we have sought the views of the Royal Court on this matter and are pleased to report that the Bailiff and Deputy Bailiff agree that the Royal Court should no longer be involved with these applications and consequently recommend that Article 28 be repealed.
45. Article 41 provides that where it is proposed to close a road permanently application must be made to the Constables and Douzaine who are required to convene a meeting at the road concerned, following which they must report to the Royal Court, setting out the manner in which the works should be carried out in a case where they believe the closure should be permitted. The provision is not entirely clear as to whether the Constables must report to the Royal Court even if their recommendation is against closure, but it has been contended that they need not.
46. Given that responsibility for the maintenance of roads has passed to the States the Working Party is of the opinion that, whatever may have been the view in the past, the Constables and Douzaine should no longer have the power of veto over a road closure. We consider that the Royal Court should continue to have jurisdiction in the matter but that the right to make application to the Court should be transferred from the Constables and Douzaines to the States. However, we consider that the Constables and Douzaines should be given a statutory right to be consulted and that a report from them to the Royal Court be required. The Working Party therefore recommends that Article 41 of the Ordinance be replaced as set out above.
47. Article 82 states that it is forbidden to park carts or other vehicles unharnessed anywhere on a public highway or other public place other than in places

authorised by the Constables in their respective parishes. Traffic management is now the responsibility of the States, through the Environment Department. The Working Party therefore recommends that this article be repealed as it no longer has practical effect.

48. Article 84 provides that where the public service requires it, the Constables may order the owners of horses and of carts to make them available, on receiving reasonable remuneration, for the service of the Constables. The Working Party does not perceive a continuing need for this provision and therefore recommends that this article be repealed as it no longer has practical effect.

Ordonnance par rapport à la Clôture de Routes aux Occasions Spéciales of 1937¹⁶

49. This Ordinance provides that the Home Department may declare, after consultation with the Constables of the parish concerned, that a public highway be closed for a period not exceeding 48 hours, by reason of some special occasion. The Working Party is of the opinion that the parishes should continue to be consulted about proposed temporary road closures for special events and therefore recommends that this Ordinance should continue in force un-amended.

Public Highways (Temporary Closure) Ordinance, 1999¹⁷

50. This Ordinance regulates the granting of “*al fresco*” liquor licences. It provides, inter alia, that the Constables of the parish concerned must be given at least 28 days notice of the proposed application to the Royal Court. The Constables are required to send a written report to the Royal Court describing the area where it is proposed to exercise the licence, the applicant’s premises adjacent thereto and the immediate surroundings and stating whether they have any objections to the application. If they have objections they are required to appear before the Royal Court either in person or through a representative. The Working Party is of the opinion that the parishes should continue to be consulted about proposed “*al fresco*” liquor licences and therefore recommends that this Ordinance should continue in force un-amended.

Public Highways (Co-Ordination of Temporary Road Closures etc.) (Guernsey) Law, 2003¹⁸

51. This Ordinance vests the co-ordination of temporary road closures (other than those referred to in the two previous paragraphs) in the Environment Department. The Department is obliged to consult the Constables in which the relevant highway is situated. The Working Party is of the opinion that the

¹⁶ Recueil d’Ordonnances Tome IX, p. 31 (made permanent pursuant to the Reform (Guernsey) Law, 1948)

¹⁷ Recueil d’Ordonnances Tome XXVIII, p. 185

¹⁸ Ordre en Conseil No. XXV of 2003

parishes should continue to be consulted regarding temporary road closures and therefore recommends that this Ordinance should continue in force un-amended.

PUBLIC HEALTH AND SAFETY

*Loi relative à la Santé Publique of 1934*¹⁹

52. Section 1(1) of the Law provides that the Constables, acting within their respective parishes, are “sanitary inspectors”. The functions of sanitary inspectors are now carried out by trained authorised officers and it is some years since the Constables were required to fulfil this rôle. Consequently the Working Party recommends that the inclusion of the Constables in the definition of “sanitary inspectors” in section 1(1) of the Law be repealed.
53. Section 1(3) of the Law provides that the Constables, acting within their respective parishes, are included within the definition of “Sanitary Authority”. In that capacity they may, inter alia, require the evacuation of premises deemed unfit for occupation and may institute eviction proceedings if an order to evacuate is not complied with.
54. Whilst the Working Party is of the opinion that the powers of the Sanitary Authority should be exercised by trained authorised officers it does believe that the Constables can play a useful rôle in such matters in an advisory capacity. The Working Party therefore recommends that the inclusion of the Constables in the definition of “Sanitary Authority” in section 1(3) of the Law be repealed but that legislation be enacted giving the Constables a right to advise the Sanitary Authority and, when such advice has been proffered, to be kept informed of subsequent action taken by the Sanitary Authority.

*Ordonnance relative à la Santé Publique of 1934*²⁰

55. Authorised officers of the Department for Health and Social Services may serve notices requiring that measures be taken to abate a nuisance involving imminent danger to public health. Article III.3.(4) of the Ordinance requires the authorised officer to notify the Constables of the parish concerned of the action taken. The Working Party is of the opinion that the parishes should continue to be informed of such matters and therefore recommends that this Ordinance should continue in force un-amended.

*Ordonnance relative à la Destruction de Rats of 1937*²¹

56. This Ordinance includes Constables as a “Competent Rat Authority”. As such they have the power to order the destruction of rats and, if their order to do so is

¹⁹ Ordres en Conseil Vol. IX, p. 386

²⁰ Recueil d’Ordonnances Tome VIII, p. 316 (made permanent pursuant to the Reform (Guernsey) Law, 1948)

²¹ Recueil d’Ordonnances Tome IX, p. 24

not complied with, to cause the rats to be destroyed at the expense of the occupier who failed to comply. The Constables also have the right to enter premises to inspect for the existence of rats. The Working Party is not aware of any Constable having exercised this function in recent years and believes that this function is better left to persons trained in such matters. Consequently the Working Party recommends that the inclusion of the Constables in the definition of “Competent Rat Authority” in this Ordinance be repealed.

Ordonnance relative à l’Enterrement des Corps de personnes l’état desquels constitue un danger à la Santé Publique, et au transport de tels corps dans des églises, chapelles ou autre lieux de culte of 1931²²

57. This Ordinance provides that where a person dies of a contagious disease in a house occupied by other people, or that a body is in such a state as to endanger the health of the occupants of the house, the Law Officers may order the Constables to transport the body immediately to a mortuary, at parish expense. Where the relations or friends of the deceased fail to bury the body, the Law Officers may order the Constables to do so, at parish expense, albeit with the right to reclaim the cost thereof from those legally responsible for the burial of the deceased.
58. The Working Party is not aware of any Constable having been ordered to act in accordance with this Ordinance in recent years and is advised that if the circumstances envisaged did arise the arrangements would be made by, and the cost borne by, the States. Consequently the Working Party recommends that this Ordinance be repealed.

Ordonnance relative aux lieux d’Enterrement et la disposition des restes mortels des êtres humains et à l’exhumation d’iceux of 1929²³

59. This Ordinance provides that no place of burial may be established without the permission of the Royal Court. The Constables are required to visit the proposed site and report to the Douzaine. The Constables and Douzaine are then required to submit a report to the Royal Court setting out the description and dimensions of the proposed burial ground, the distance thereof from inhabited houses, schools, wells, springs and streams and their objections to the application, if any. The Working Party believes that the Constables and Douzaine should continue to be consulted in such matters and that they be given the opportunity to report their views to the relevant authority and we therefore recommend no change insofar as the rôle of the Constables and Douzaine are concerned.
60. The Working Party has questioned, however, whether the continued involvement of the Royal Court in this matter is appropriate. This Ordinance was enacted

²² Recueil d’Ordonnances Tome V, p. 355

²³ Recueil d’Ordonnances Tome VIII, p. 63 (made permanent pursuant to the Reform (Guernsey) Law, 1948)

before the Island had any real planning legislation. We believe that the establishment of a cemetery is essentially a planning matter and should be dealt with as such by the Environment Department. We have sought the views of the Royal Court on this matter and are pleased to report that the Bailiff and Deputy Bailiff agree that the Royal Court should no longer be involved with these applications.

The Mental Treatment (Guernsey) Law, 1939 – articles 20 and 34²⁴ and The Mental Treatment (Amendment) (Guernsey) Law, 1956 – article 3²⁵

61. Article 34 of the principal Law provides that a Law Officer may make a temporary admission order upon an application having been made by the husband, wife or other relative of the person to whom it relates or if they are unable or unwilling, by the Constables of the parish in which the person then is. Article 20 requires the person who made the application for the temporary admission order to visit the person detained every two months. Article 3 of the amendment Law makes provision for Constables to issue urgency orders for the detention for a short period of persons alleged to be of unsound mind.
62. The Working Party believes that the function carried out by the Constables in this sensitive matter is greatly valued and serves a most useful purpose. However, the Working Party is aware that the States have resolved that when the proposed new Mental Health Law comes into force temporary admission orders will cease to be their responsibility. That being so, the Working Party recommends that the three articles be repealed insofar as they relate to Constables, at such time as the new Mental Health Law takes effect.

Ordonnance ayant rapport à l'Établissement de Machines de Vapeur et à l'Exploitation de Carrières supplémentaire à l'Ordonnance relative aux Routes, Rues et Chemins of 1921²⁶

63. The provisions of this Ordinance require the Constables to report to the Royal Court with regard to applications to construct or establish brick-yards, tile factories, lime kilns, distilleries, foundries, soap or candle factories, factories powered by steam engines, windmills or other means and quarries for the extraction of stone by the use of explosives. The Ordinance states that the Constables may take advice from experts.
64. The Working Party is of the view that the continued involvement of both the Constables and the Royal Court in this matter is no longer appropriate. This Ordinance was enacted before the Island had any real planning legislation. We believe however that the issues dealt with in this Ordinance are essentially planning matters and should be dealt with as such by the Environment

²⁴ Ordres en Conseil Vol. XI, p. 405

²⁵ Ordres en Conseil Vol. XVII, p. 64

²⁶ Recueil d'Ordonnances Tome VIII, p. 23 (made permanent pursuant to the Reform (Guernsey) Law, 1948)

Department. We have sought the views of the Royal Court on this matter and are pleased to report that the Bailiff and Deputy Bailiff agree that the Royal Court should no longer be involved with these applications.

Ordonnance relative aux Souilles à Cochons of 1931²⁷

65. This Ordinance prohibits the keeping of pigs in certain parts of St. Peter Port without the permission of the Constables and Douzaine. The Working Party believes that this Ordinance may have been appropriate when enacted but now serves no useful purpose and therefore recommends that it be repealed.

Ordonnance ayant rapport à l'Inspection de Carrières of 1932²⁸

66. This Ordinance requires Constables to inspect the quarries situated in their parish annually and to report thereon to the Michaelmas sitting of Chief Pleas. The Working Party has noted that many of the Island's quarries are owned by the States and for that reason is of the view that the Constables, who act independently from the States, should continue to inspect the quarries. Consequently the Working Party recommends that this Ordinance should continue in force un-amended.

Summary Offences (Guernsey) Laws 1982-1990²⁹

67. Section 2(1)(d) of this Law makes it an offence to ignite or discharge a firework in a public place without the prior permission of the Constables in which the place is situated. The Working Party is of the opinion that the parishes should continue to have this power and therefore recommends that this Law should continue in force un-amended.

COMMERCE

The Sunday Trading Ordinance, 2002³⁰

68. This Ordinance confers a wide range of functions on the Constables and Douzaines regarding Sunday Trading including the granting of annual licences, special event licences and emergency licences. They may vary the terms and/or conditions of licences and may revoke and suspend licences. In addition, they may designate places as tourist or recreational areas or as places of particular interest. The Working Party is of the opinion that the parishes should continue to have jurisdiction with regard to Sunday Trading and therefore recommends that this Ordinance should continue in force un-amended.

²⁷ Recueil d'Ordonnances Tome V, p. 357

²⁸ Recueil d'Ordonnances Tome VI, p. 148

²⁹ Ordres en Conseil Vol. XXVII, p.397; Vol. XXVIII, p. 436; Vol. XXIX, p. 345; Vol. XXXII, p. 380

³⁰ Recueil d'Ordonnances Tome XXIX, p. 114

Ordonnance relative aux Musiciens Itinérants &c of 1843³¹

69. The preamble to this Ordinance refers to *the great number of itinerant musicians, puppeteers or magic lantern showmen which infest this Island*. It prescribes measures to be taken by the Constables of St Peter Port *to prevent this evil* and provides that such entertainers may not perform without a permit from the Constables. Whilst the terminology employed in the Ordinance is perhaps not consonant with current thinking it does go some way to assisting the Constables of St Peter Port in regulating what might loosely be termed street entertainers. It has been represented to us by St Peter Port officials that there are issues of concern which this Ordinance does not address.
70. The Working Party acknowledges that there is an issue which needs to be considered but which goes beyond the remit given to us. We therefore recommend that this Ordinance should, for the present continue in force but we further recommend that the States be asked to direct the Culture and Leisure Department, in association with the Constables of St Peter Port, to review and report back to the States on the present day issues regarding itinerant performers and street entertainers.

The Liquor Licensing Ordinance, 2006³²

71. This Ordinance requires the Constables and Douzaine to make reports to the Royal Court in respect of premises in their parish for which a liquor licence is being sought. The Constables may request the Law Officers to apply to the Royal Court for a suspension, variation or revocation of a licence. They are also required to report when application is being made for an under-18s permit and when it is proposed to carry out alterations to licensed premises or when it is proposed to exercise a licence in different parts of the premises. The Working Party considers that the Constables and Douzaine make a valuable contribution in the liquor licensing process and therefore recommends that this Ordinance should continue in force un-amended.

The Gambling (Betting) Ordinance, 1973³³

72. Under this Ordinance the Constables are required to inspect the proposed premises to be used as a betting office and then to report to the Douzaine. A report by the Constables and Douzaine describing the premises and the immediate neighbourhood thereof and objections, if any, is subsequently submitted to the Home Department. The Working Party is of the opinion that the parishes should continue to be consulted regarding this matter and therefore recommends that this Ordinance should continue in force un-amended.

³¹ Recueil d'Ordonnances Tome III, p. 44

³² Recueil d'Ordonnances Tome XXXI, p. 157

³³ Recueil d'Ordonnances Tome XIX, p. 147

Loi ayant rapport aux Licences pour les Salles Publiques of 1914³⁴

73. This Law requires the Constables and Douzaine to report to the Royal Court in respect of any premises for which a *Salle Publique* licence is being sought. When the Constables wish to oppose the annual renewal of a *Salle Publique* licence they must instruct the owner, tenant or occupant, as the case may be, to appear before the Michaelmas Chief Pleas.
74. The Law also contains a provision that where the Constables believe that “reprehensible or immoral acts take place” they have the right to halt such activities immediately and to instruct the licensee to appear before the Royal Court in order that their licence may be suspended or revoked. The Working Party is of the opinion that the parishes should continue to play a part in this matter insofar as reporting etc. is concerned.
75. However, we do not consider that Constables should have the power to suspend an activity. This Law was enacted before the Island Police Force came into being. Our view is that if it is alleged that reprehensible or immoral behaviour is taking place it should be a matter for the Island Police, whether or not such activities are taking place in a *Salle Publique*. The Working Party therefore recommends that this Law should be amended to the extent that the power to halt reprehensible or immoral activities should pass to the Island Police rather than remain with the Constables.

Loi relative aux Ventes Publiques à l’Encan of 1914³⁵

76. This Law prohibits the holding of a public auction without a current auctioneer’s licence. Applications for such a licence must be accompanied by a recommendation from the Constables and Douzaine of the parish in which the applicant resides. There is an appeal to the Royal Court where the applicant is not recommended by the Constables and Douzaine. The Working Party, by a majority, does not see any merit in the participation of the parishes in this matter and therefore recommends that the requirement for a recommendation from the Constables and Douzaine be repealed.

The Gambling (Crown and Anchor) (Guernsey) Ordinance, 1983³⁶

77. This Ordinance prescribes that the Home Department shall not grant an application for a table permit unless the Constables and Douzaine have previously been given the opportunity to make representation to the Department regarding the application. The Working Party is of the opinion that the parishes should continue to be consulted regarding this matter and therefore recommends that this Ordinance should continue in force un-amended.

³⁴ Ordres en Conseil Vol. V, p. 56

³⁵ Ordres en Conseil Vol. V, p. 41

³⁶ Recueil d’Ordonnances Tome XXII, p. 457

WATERCOURSES

*Loi relative aux Douits of 1936*³⁷

78. This Law provides, inter alia, that the Constables and Douzaines shall constitute the Streams Committee with regard to the streams in their respective parishes and makes provision for cases where a stream forms the boundary between two parishes. It requires the Streams Committees to inspect the streams at least once per annum - the current practice in all parishes is that there are two inspections each year - one such inspection must be between the 30th September and the 15th October. The Constables and Douzaines must then report to the Central Streams Committee (i.e. the Public Services Department) on the state of the streams in their parish by the 31st October annually.
79. The Streams Committees are authorised at all times between sunrise and sunset to enter upon any land upon which it may be necessary to enter in order to gain access to any watercourse for the purpose of inspection. Whilst the Constables and Douzeniers clearly have a statutory power to enter upon land it is regrettable that there is an increasing tendency for landowners to challenge that right and indeed on occasion, inspections have not taken place because of the threatening behaviour of the occupiers of the property concerned.
80. That being so the Working Party recommends that this Law should be amended to the extent that it would be an offence to impede a Constable or Douzenier in the execution of his duty under this Law.
81. The current penalty for failing to clean or maintain a stream is currently a fine up to the maximum of level 1 on the uniform scale of fines³⁸. The Working Party considers that rather than having recourse to criminal proceedings in such cases it is preferable that non-compliant persons should be subject to the same conditions and financial penalties as recommended in paragraphs 30 to 32 relating to the biannual cutting of hedges, and so recommends.

SOLID WASTE COLLECTION AND DISPOSAL

*The Parochial Collection of Refuse (Guernsey) Law, 2001*³⁹

82. Under this Law the Douzaines are required to make arrangements for the regular collection of refuse; they may impose a limit on the quantity to be collected from each household and specify the dates on which collections are to be made. The cost of refuse disposal is defrayed by a refuse rate approved by the ratepayers and electors of the parish. The Constables are required to apply to the Royal Court for a remède to levy the sum voted. The Douzaines have the power to

³⁷ Ordres en Conseil Vol. X, p. 419

³⁸ currently £500

³⁹ Ordres en Conseil No. IX of 2002; No. XIII of 2004; Ordinance No. XIX of 2008

enter into private agreements regarding the collection of non-household refuse, etc.

83. The Working Party is of the opinion that the Constables and Douzaines play a crucial rôle in this matter and therefore recommends that this Law should continue in force un-amended. It accepts, however, that this matter may need to be reviewed at a later date in the light of States' policies regarding waste collection and disposal. Whilst this matter may be the subject of wider debate in future, the Working Party is aware that the Douzaines are keen to retain this important parochial function and is also aware that the Policy Council's Douzaine Liaison Group is currently considering whether to recommend an amendment to the Law to afford the parishes greater flexibility in the method of charging for refuse disposal.

The Refuse Disposal Ordinances 1959 to 1995⁴⁰

84. The Constables' permission is required to deposit refuse in a quarry, save in respect of acts done by or on behalf of the States. The Working Party is of the opinion the Constables and Douzaines should continue to be involved in this matter and therefore recommends that this Ordinance should continue in force un-amended. It accepts, however, that this matter may need to be reviewed at a later date in the light of States' policies regarding waste collection and disposal.

PARISH ADMINISTRATION

Loi relative aux Assemblées Paroissiales of 1902⁴¹

85. This Law prescribes that parish meetings shall be either ecclesiastical or secular: the former are convened by the Rector and Churchwardens and the latter by the Constables and Douzaine. The Rector presides over ecclesiastical meetings and the Dean of the Douzaine over secular meetings. Meetings may not be held in religious buildings and the deliberations must be recorded in a book.
86. It has been represented to the Working Party that ratepayers and electors should be able to request the Douzaine to convene a parish meeting to discuss any issue of relevance to the parish. Present practice is that only matters set out in the convening notice may be discussed. The Working Party was interested to learn that there are several examples in the early part of the twentieth century where seven ratepayers, as a matter of custom, signed a requête addressed to the Constables and Douzaine of their parish requesting that a meeting be convened to consider particular issues. Meetings were subsequently duly convened. This established practice seems to have fallen into disuse in the first quarter of that century.

⁴⁰ Recueil d'Ordonnances Tome XII, p. 97; Tome XIII, p.290; Tome XXV, p. 75, p. 129 and p. 259;

Ordres en Conseil Vol. XXXI, p.278

⁴¹ Ordres en Conseil Vol. III, p. 274

87. We believe that the Loi relative aux Assemblées Paroissiales of 1902 should be amended to make provision for not less than seven ratepayers or electors to be able to require the Constables and Douzaine to put a particular matter forward for consideration at a parish meeting, and we so recommend. Permitted matters would be restricted to those regarding a service provided by, or function carried out by, or property administered by, the Constables and Douzaine. The Constables and Douzaine would be required to lay the matter before a meeting of ratepayers and electors within six months of receiving the request.

*The Parish of the Vale (Control of Moorings) Ordinance, 1976*⁴²

*The Parish of Saint Peter Port (Control of Moorings) Ordinance, 1979*⁴³

*The Parish of Saint Sampson (Control of Moorings) Ordinance, 1979*⁴⁴

*The Parish of the Castel (Control of Moorings) Ordinance, 1979*⁴⁵

*The Parish of Saint Peter-in-the-Wood (Control of Moorings) Ordinance, 1979*⁴⁶

*The Parish of Torteval (Control of Moorings) Ordinances, 1979 and 1984*⁴⁷

*The Parish of Saint Martin (Control of Moorings) Ordinance, 1980*⁴⁸

*The Parish of the Forest (Control of Moorings) Ordinance, 1984*⁴⁹

*The Parish of Saint Saviour (Control of Moorings) Ordinance, 1985*⁵⁰

88. These Ordinances establish moorings committees in all parishes, other than in St. Andrew. The Constables are ex-officio members of the Moorings Committee in their parish and the Senior Constable is chairman. The Douzaine appoints three ordinary members, who need not be Douzeniers, and the Douzaine may remove the said ordinary members from office at any time. The Moorings Committee is required to maintain a register of the allocation of moorings and the Constables are obliged to issue certified extracts thereof when required. The Working Party recommends that these Ordinances should continue in force unamended.

*Ordonnance relative aux Taxes Paroissiales of 1931*⁵¹

89. This Ordinance sets out obligations on owners to notify the Constables of details of the properties owned; it authorises the Constables to obtain relevant information from the States Cadastre; it requires the Constables to send demands

⁴² Recueil d'Ordonnances Tome XX, p. 377

⁴³ Recueil d'Ordonnances Tome XXI, p. 289

⁴⁴ Recueil d'Ordonnances Tome XXI, p. 295

⁴⁵ Recueil d'Ordonnances Tome XXI, p. 301

⁴⁶ Recueil d'Ordonnances Tome XXI, p. 307

⁴⁷ Recueil d'Ordonnances Tome XXI, p. 313; Tome XXVI, p. 313

⁴⁸ Recueil d'Ordonnances Tome XXI, p. 479

⁴⁹ Recueil d'Ordonnances Tome XXIII, p. 20

⁵⁰ Recueil d'Ordonnances Tome XXIII, p. 285

⁵¹ Recueil d'Ordonnances Tome V, p. 387; Tome XXIII, p. 254; Ordinance No. XVIII of 2008

for payment of tax to the ratepayers and it requires taxes to be paid within 30 days, in default of which Constables may impose penalties for late payment. The Working Party recommends that this Ordinance should continue in force un-amended.

The Parochial Taxation (Reserve Funds) (Guernsey) Law, 1997⁵²

90. Parishes may establish a reserve fund which is maintained by the Constables. The maximum sum which may be held in such a fund is £100,000, plus accrued interest. There are restrictions (a) as to the maximum sum which can be added to the fund in any year, and (b) the purposes for which the fund can be employed. Royal Court approval is required before the fund can be drawn upon. The Working Party is of the view that the current maximum which may be held is inadequate and therefore recommends that it be increased to £250,000.

The Dog Licences (Guernsey) Law, 1969⁵³

91. This Law requires all dogs over the age of six months to be licensed by the Constables who must maintain a register of the names and addresses of all persons to whom a licence has been issued. The tax levied may be applied by the Constables and Douzaine for the benefit of the parish as they deem fit. The Constables are required each March to publish a statement specifying the amount of tax received in the previous year and the purposes for which it has been applied. The Working Party is of the view that the rate of tax which has remained unchanged for several years should be increased from £5 to £10.

The Places of Recreation Ordinance, 1975⁵⁴

92. This Ordinance regulates certain activities at designated places of recreation. In respect of places of recreation owned or administered by a parish, the Constables are deemed to be “the authority in control of the place”. The Working Party recommends that this Ordinance should continue in force un-amended.

Ordonnance relative à l’assistance des Connétables aux Chef-Plaids of 1801⁵⁵

93. This Ordinance provides that at least one of the Constables of each parish must attend every sitting of the Court of Chief Pleas. The Working Party recommends that this Ordinance should continue in force un-amended in these respects.

⁵² Ordre en Conseil No. XII of 1997; Ordinance No. XVI of 2004

⁵³ Ordres en Conseil Vol. XXII, p. 296

⁵⁴ Recueil d’Ordonnances Tome XX, p. 139

⁵⁵ Recueil d’Ordonnances Tome II, p. 5

Ordonnance relative à l'accès des Connétables aux Registres du Greffe of 1822⁵⁶

94. This Ordinance requires Constables to pay search fees at the Greffe. It was enacted at a time when such fees formed part of Her Majesty's Greffier's remuneration. The Constables and Douzaines are clearly an integral part of the administration of the Island and as such should not have to pay search fees when researching matters relating to parish business. The Working Party therefore recommends that this Ordinance should be repealed.

Ordonnance relative aux Registres Paroissiale of 1801⁵⁷

95. This Ordinance requires Constables to keep a book in which all records of the Douzaine are to be registered. They are also required to keep separate accounts books in respect of the general funds of the parish and the reserve fund, if any. The accounts have to be "examined" (i.e. audited) and approved by the ratepayers and electors before the Constables vacate office. They are required to pass on the books to their successors.
96. There is, without doubt, a continuing requirement for records, both general and financial, to be kept but the Working Party is of the view that the 1801 Ordinance is no longer fit for purpose in that it does not address present day requirements regarding auditing. There are also timing difficulties involved regarding the need to have books audited before Constables vacate office. The Working Party therefore recommends that this Ordinance be repealed and replaced with new legislation which addresses the issues outlined above. For the avoidance of doubt the proposed legislation should apply to all accounts whether held in the name of the Constables, Douzaine, Churchwardens (insofar as those accounts relate to parish funds) or other bodies, for example Cemetery Committees. The legislation should include a requirement that all accounts are made available for public inspection at least seven days prior to the meeting of ratepayers and electors convened to approved the said accounts. In addition, any charitable funds held by the aforementioned should also be subject to the proposed legislation.

Ordonnance relative à la Passation des Comptes des Officiers Paroissiaux of 1872⁵⁸

97. This Ordinance simply provides that Constables' accounts must be approved at a meeting of the ratepayers or before such persons as shall be named by the said ratepayers. The Working Party recommends that this Ordinance be repealed and incorporated in the new legislation proposed in the previous paragraph.

⁵⁶ Recueil d'Ordonnances Tome II, p. 278

⁵⁷ Recueil d'Ordonnances Tome II, p. 6; Ordre en Conseil No. XII of 1997

⁵⁸ Recueil d'Ordonnances Tome IV, p. 129

Ordonnance relative aux Connétables of 1827⁵⁹

98. This brief Ordinance provides that Constables' accounts must be approved annually by the Douzaine and that, when possible, there should be a period of at least six months between the election of two Constables. The Working Party recommends that this Ordinance be repealed and the accounts provisions incorporated in the new legislation proposed above.

Ordonnance relative aux Curateurs des Trésors of 1809⁶⁰

99. This Ordinance prescribes the term of office of Churchwardens; requires their accounts to be presented annually to the ratepayers for approval; provides that an election for Churchwarden shall not be proceeded with before the accounts have been approved and prohibits the misuse of gifts to the trésor. The issues in this regard are similar to those set out in paragraph 96. The Working Party therefore recommends that this Ordinance be repealed and replaced with new legislation which addresses the issues outlined above.

Ordonnance relative au Temps de Gestion des Connétables of 1778⁶¹

Ordonnance relative aux Individus élus à la charge de Connétable of 1799⁶²

100. The 1778 Ordinance prescribes the term of office of Constables and the 1799 Ordinance requires individuals elected to the said office to take an oath. However, the provisions of both Ordinances have been superseded by Article 52A of the Reform (Guernsey) Law, 1948, as amended. The Working Party therefore recommends that these Ordinances be repealed.

APPEALS PROCEDURE

101. In most cases the legislation which empowers the Constables and/or the Douzaines to carry out certain functions does not provide any appeals mechanism. The Working Party is of the opinion that this is no longer acceptable and needs to be rectified. In that regard Her Majesty's Procureur has advised as follows.
102. *"I agree that an appeals mechanism must be provided for the benefit of any citizen (and any body corporate or unincorporated body) who is dissatisfied by any decision of a Constable or Douzaine, which is directed to that person alone or to a discrete group of which that person is a member, and which purports to either*

- *compel him to do something, or*

⁵⁹ Recueil d'Ordonnances Tome II, p. 350

⁶⁰ Recueil d'Ordonnances Tome II, p. 71

⁶¹ Recueil d'Ordonnances Tome I, p. 306

⁶² Recueil d'Ordonnances Tome I, p. 381

- *prohibit him from doing something, or*
 - *impose conditions on his freedom to do something.*
103. *I put the matter in that way in order to make a point that, whereas the right of appeal should cover each and every exercise of a power which directly and particularly impacts on an individual (or body), it should not include acts of a governmental or administrative nature affecting the whole community or a sector of the community. This is a distinction of universal relevance; it is one which becomes more difficult to identify as the size of the governmental/administrative unit becomes smaller, but is no less important and in some senses may be more so. Each specific statutory provision in respect of which there should be a right of appeal needs to be identified, and whatever system is devised, applied to each of those provisions. I see no reason why this should not be achieved by Ordinance.*
104. *I now turn to questions around what sort of appeals system would be most appropriate:*
105. *First, the basis of the appeal and rôle of the appellate body: Traditional appeals to the Royal Court have been on the grounds of vires and reasonableness, but in other fields a different view has been taken: that the grounds of appeal should be broadened considerably, the appellate body should really look at the whole issue de novo, with the possibility that the appellate body may substitute its own assessment for that of the original decision maker. This latter approach, or alternatively something in between but closer to the latter approach, is preferable insofar as compliance with human rights provisions is concerned. It would of course mean that the parochial authorities might on occasion be overruled because the appellate body takes a different view, rather than just being asked to reconsider when the appellate body determines that they have misdirected themselves.*
106. *Second, the appellate body itself: To some extent the basic choice between a tribunal and the courts needs to take into account the decisions about the basis of appeal and rôle of the appellate body: the courts are better suited for traditional judicial review exercises; whereas, even with the recent flexibility in court composition and procedures, it might be argued that suitably constituted tribunals still have the edge where a more de novo approach is required.”*
107. The Working Party concurs with the advice given by HM Procureur and recommends that a tribunal be set up with the power to reconsider matters afresh rather than being restricted to *vires* and reasonableness. We propose that the tribunal be drawn from a panel of persons appointed in that behalf by the Royal Court. Attached as Appendix 3 to this report is a draft of the functions, constitution and procedures for the proposed tribunal which would be established by Ordinance of the States. The list of legislation specified in clause

1(3) of the draft Ordinance could, of course, be amended by a subsequent Ordinance.

CHARTER

108. It was submitted to the Working Party that it would be of mutual benefit to both the States and the Douzaines to have a simple charter setting out the working relationship between them. We are of the view that the rôle of the Douzaines is not always properly understood and have concluded that a charter might indeed assist in clarifying that position. Accordingly we are of the opinion that the establishment of a charter should be considered as a matter for further discussion between the Policy Council and the Douzaines. Consequently we recommend that the Policy Council be authorised to pursue such discussions and to agree the terms of the charter and that the Chief Minister (or other minister appointed in that behalf by the Policy Council) be authorised to sign the charter on behalf of the States. We attach, as Appendix 4, an early draft of what we anticipate might be included in such a charter.

Consultation

109. The Working Party has consulted all the Douzaines and the Guernsey Douzaine Council with regard to the proposals set out in this report. All the Douzaines, with the exception of St Andrew's, responded. The Working Party was greatly encouraged by the responses from the majority of the Douzaines which, in general, were supportive of the measures proposed in this report. For that reason, and in the interests of brevity, we are therefore not including here any of the specific positive comments made. However, the Working Party feels it appropriate to make reference to significant points where one or more of the Douzaines did not agree with our proposed action.
110. The first such issue was bornement jurisdiction. Two Douzaines preferred to retain the present 9 metres limit and two suggested something between 9 metres and the proposed 1.5 metres. The Working Party reconsidered the matter but remained convinced that bornement jurisdiction should be limited to 1.5 metres from the public highway.
111. One Douzaine suggested, in the context of hedge cutting legislation, that the phrase "public road" needed to be defined. In our view this is not necessary. It was also suggested that the Douzaines should retain a veto on the permanent closure of a road situated in their parish: the Working Party does not agree. Strong representations were made by one parish that the Constables should retain their functions under the Mental Treatment Laws. The Working Party acknowledges that Constables have for many years discharged their function in this most sensitive area with great care. However, the States have enacted legislation which, when it comes into force, will transfer the functions to persons with professional expertise in mental health matters. It follows, therefore, that the old legislation will be repealed.

112. Another Douzaine submitted that the duties of the Constables to inspect, and report to the Royal Court on, the safety of quarries should pass to the States. The Working Party has concluded that this function should remain with the parishes as many of the Island's quarries are owned or occupied by the States and it would not be appropriate for the States to be both owner/occupier and inspector.
113. Two Douzaines submitted that the Sunday Trading Law should be repealed, although one Douzaine stated that it should not. The Working Party has reached no view on this matter as this would clearly go beyond its mandate. This also applies to representations made regarding liquor licensing and the continuing need for dog registration.
114. The recommendation that seven or more ratepayers be able to request that a specific matter be discussed at a parish meeting was commented on by two Douzaines. One submitted that considerably more than seven ratepayers should be required to demand a meeting whilst the other parish suggested that when a request is received the matter should be put to the ratepayers within three months. The Working Party gave careful consideration to both points but was not minded to change its recommendation.

Recommendation

115. The Working Party recommends the Policy Council to report to the States:
 1. requesting the enactment, amendment and repeal of legislation on the lines set out in this report, i.e. that –
 - (a) the legislative provisions listed in Appendix 1 which are no longer thought necessary be repealed;
 - (b) other sundry legislation concerning parochial matters be consolidated in a general parochial administration ordinance;
 - (c) the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991 be amended to allow the States from time to time, by Ordinance, to transfer appropriate functions from the States to the Constables and/or Douzaines of one, or some, or all of the Parishes, and vice-versa;
 - (d) the Royal Court should no longer be involved in matters relating to the establishment of cemeteries, brick-yards and quarries etc., the erection of cranes in St Peter Port and the installation of ovens in St Peter Port;

- (e) the Douzaines' function relating to bornements should continue in respect of buildings within 1.5 metres of a public road and the fees with regard to bornements be revised;
- (f) a mechanism be introduced enabling any person who is dissatisfied by any decision of a Constable or Douzaine which is directed to that person alone (or to a discrete group of which that person is a member) to appeal against that decision;
- (g) persons who fail to observe the requirements of legislation regarding the cutting of hedges etc. and cleaning of streams be dealt with by way of civil penalty rather than criminal proceedings;
- (h) the maximum which may be held in a Parish Reserve Fund be increased to £250,000 plus accrued interest;
- (i) Dog Tax be increased to £10 per dog.

2. proposing that the Policy Council be authorised -

- (i) to pursue discussions with the Douzaines regarding the establishment of a Charter between the States and the Douzaines setting out the working relationship between the respective parties;
- (ii) to agree the terms of the charter;

and that the Chief Minister (or other minister appointed in that behalf by the Policy Council) be authorised to sign the charter on behalf of the States;

3. directing the Culture and Leisure Department, in association with the Constables of St. Peter Port, to review and report back to the States on the present day issues regarding itinerant performers and street entertainers.

Yours sincerely

P J H Morgan
Chairman
Parochial Legislation Working Party

APPENDIX 1**Schedule of Legislation**

Serial	Report reference	Title	Proposed Action
		Public Highways	
1	16-18	Loi ayant rapport à la Réparation ou la Démolition de Murs, Fossés, Maisons et Bâtiments qui sont dans un état dangereux of 1919	Repeal and make provision for function to be performed by Environment Department
2	19-24	Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins of 1931	Douzaines' jurisdiction regarding bornements be limited to 1.5m from the public highway
3	26-33	The Cutting of Hedges Ordinance, 1953	Amend Ordinance (i) so that defaulters are dealt with by way of civil penalty rather than criminal proceedings (ii) introducing a new penalty system (iii) to require cuttings to be collected at all times
4	34-35	Ordonnance relative à la hauteur des Haïes bordant les encoignures des Voies Publiques of 1925	Defaulters to be subject to same penalty system as in serial 3 above
5	36 37 38 39 40-41 42 43-44 25 45-46	Ordonnance Générale relative au Routes, Rues et Chemins of 1840	(i) Article 5 –repeal (ii) Article 8 – repeal (iii) Article 9 – repeal (iv) Article 10 – transfer function to the States (v) Article 14 – transfer function to the States (vi) Article 27 – transfer function to the States (vii) Article 28 – repeal (viii) Article 35 – repeal (ix) Article 41 – amend to the extent that veto over a road closure be replaced with a right to consultation

	47 48		(x) Article 82 – repeal (xi) Article 84 - repeal
6	49	Ordonnance par rapport à la Clôture de Routes aux Occasions Spéciales of 1937	No change
7	50	Public Highways (Temporary Closure) Ordinance, 1999	No change
8	51	Public Highways (Co-Ordination of Temporary Road closures etc.) (Guernsey) Law, 2003	No change
		Public Health and Safety	
9	52 53-54	Loi relative à la Santé Publique of 1934	(i) Section 1(1) – repeal (ii) Section 1(3) – replace designation of Constables as Sanitary Authority with right to be consulted
10	55	Ordonnance relative à la Santé Publique 1934	No change
11	56	Ordonnance relative à la Destruction de Rats of 1937	Repeal definition of Constables as a Competent Rat Authority
12	57-58	Ordonnance relative à l'Enterrement des Corps de personnes l'état desquels constitue un danger à la Santé Publique, et au transport de tels corps dans des églises, chapelles ou autre lieux de culte of 1931	Repeal
13	59-60	Ordonnance relative aux lieux d'Enterrement et la disposition des restes mortels des êtres humains et à l'exhumation d'iceux of 1929	Constables and Douzaine to continue to be consulted; Royal Court no longer to be involved
14	61-62	The Mental Treatment (Guernsey) Law, 1939 and the Mental Treatment (Amendment) (Guernsey) Law, 1956	Articles 20 and 34 of Principal Law and Article 3 of Amendment Law to be repealed when new Mental Health Law comes into effect
15	63-64	Ordonnance ayant rapport à l'Établissement de Machines de Vapeur et à l'Exploitation de Carrières supplémentaire à l'Ordonnance relative aux Routes, Rues et Chemins of 1921	Repeal

16	65	Ordonnance relative aux Souilles à Cochons of 1931	Repeal
17	66	Ordonnance ayant rapport à l'Inspection de Carrières of 1932	No change
18	67	The Summary Offences (Guernsey) Law, 1982-1990	No change
		Commerce	
19	68	The Sunday Trading Ordinance, 2002	No change
20	69-70	Ordonnance relative aux Musiciens Itinérants &c of 1843	No change but recommendation that Culture and Leisure Department in association with Constables of St. Peter Port carry out a review
21	71	Liquor Licensing Ordinance, 2006	No change
22	72	The Gambling (Betting) Ordinance, 1973	No change
23	73-75	Loi ayant rapport aux Licences pour les Salles Publiques of 1914	Amend Law to the extent that Constables' power to halt reprehensible or immoral activities be transferred to Island Police
24	76	Loi relative aux Ventes Publiques à l'Encan of 1914	Repeal requirement for report from Constables and Douzaine
25	77	The Gambling (Crown and Anchor) (Guernsey) Ordinance, 1983	No change
		Watercourses	
26	78-81	Loi relative aux Douits of 1936	Amend Law (i) so that defaulters are dealt with by way of civil penalty rather than criminal proceedings (ii) introducing a new penalty system (iii) to create offence of impeding Constables and Douzeniers in the execution of their duty
		Solid Waste Collection and Disposal	
27	82-83	The Parochial Collection of Refuse (Guernsey) Law, 2001	No change
28	84	The Refuse Disposal Ordinances 1959-1995	No change

		Parish Administration	
29	85-87	Loi relative aux Assemblées Paroissiales of 1902	Amend Law to allow 7 or more Ratepayers to request that a specific matter be discussed at a parish meeting
30	88	Various Control of Moorings Ordinances 1976-1985 relating to the parishes of St. Peter Port, St. Sampson, Vale, Castel, St. Saviour, St. Peter-in-the-Wood, Torteval, Forest and St. Martin	No change
31	89	Ordonnance relative aux Taxes Paroissiales of 1931	No change
32	90	The Parochial Taxation (Reserve Funds) (Guernsey) Law, 1997	Increase maximum to £250,000
33	91	The Dog Licences (Guernsey) Law, 1969	Increase tax to £10
34	92	The Places of Recreation Ordinance, 1975	No change
35	93	Ordonnance relative à l'assistance des Connétables aux Chefs-Plaids of 1801	No change
36	94	Ordonnance relative à l'accès des Connétables aux Registres du Greffe of 1822	Repeal
37	95-96	Ordonnance relative aux Registres Paroissiale of 1801	Repeal and replace with legislation which embraces all accounts and parochial officers
38	97	Ordonnance relative à la Passation des Comptes des Officiers Paroissiaux of 1872	Repeal and replace
39	98	Ordonnance relative aux Connétables of 1827	Repeal and replace
40	99	Ordonnance relative aux Curateurs des Trésors of 1809	Repeal and replace
41	100	Ordonnance relative au Temps de Gestion des Connétables of 1778	Repeal
42	100	Ordonnance aux Individus élus à la charge de Connétable of 1799	Repeal

APPENDIX 2

**Extract from Billet d'État XIII of 1982
Report of the
Public Thoroughfares Committee**

11. GREEN LANES

In recent years there has been considerable uncertainty over who is responsible for the maintenance and repair of the so called 'green lanes' i.e. the minor lanes and tracks which are remnants of the Island's original road system and which, for the most part, are neither permanently surfaced nor used by vehicular traffic (other than farm vehicles).

In some cases a Parish had accepted responsibility for such lanes and in others the Committee carried out work on the surface but in a number of cases no-one acted and some lanes became choked with weeds.

As the Committee was not satisfied with this situation it sought legal advice as to its responsibilities in relation to 'Green Lanes' and was informed that the mere fact that a public road had not got a tarmac surface or was not suitable for four-wheel vehicular traffic did not remove it from the responsibility of the Public Thoroughfares Committee.

Following consultation with the Parishes in 1981 it was agreed that in future the Public Thoroughfares Committee should assume responsibility for ensuring that:-

- (a) vegetation growing on the *surface* of such lanes was cut at the appropriate times; and
- (b) the *surfaces* of such lanes were maintained in a reasonable state of repair.

(The cutting of hedges bordering such lanes remains the responsibility of the occupiers of adjacent land).

The Committee does not intend that unsurfaced lanes should be surfaced with bitumen macadam but will carry out repairs using hoggin or compacted graded stone, or some other material to match that which already exists.

The Committee has also made the point to the Parishes that as it has insufficient funds to put every green lane in perfect order and since many lanes do not receive sufficient use to justify such actions, efforts will be concentrated on repairing the most important lanes and the Committee will rely on the Parishes for guidance on the lanes which are in urgent need of attention.

APPENDIX 3**Draft Constitution of the
PAROCHIAL APPEALS TRIBUNAL****Establishment and functions of the Tribunal**

1. (1) There is established by, and in accordance with the provisions of, this Ordinance, an independent and impartial Tribunal which is a public authority for the purposes of the Human Rights (Bailiwick of Guernsey) Law, 2000
- (2) The name by which the Tribunal is to be known is The Parochial Appeals Tribunal.
- (3) The Tribunal's functions consist of hearing and pronouncing judgments on appeals under:
 - (a) L'Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins of 1931, as amended (*insofar as it relates to bornements*);
 - (b) The Cutting of Hedges Ordinance, 1953, as amended
 - (c) L'Ordonnance relative à la hauteur des Haïes bordant les encoignures des Voies Publiques of 1923
 - (d) Loi relative aux Douits of 1936

Membership of the Tribunal

2. (1) The Panel is to comprise -
 - (a) a President and Vice-President, both of whom shall be qualified as an Advocate or have held judicial office in Guernsey; and
 - (b) up to 15 other members who shall hold, or shall have held the office of Constable or Douzenier

all appointed from time to time by the Royal Court.
- (2) A member of the Tribunal shall hold office until whichever is the earlier of -
 - (a) the date specified in that behalf in the instrument appointing him; or
 - (b) his 72nd birthday; or

- (c) his death; or
 - (d) his resignation in accordance with sub-section (3); or
 - (e) his removal in accordance with section 3.
- (3) A member of the Tribunal may resign his office by giving not less than one month's notice to the Royal Court.

Removal from office

3. If it appears to the Royal Court that a member of the Tribunal -
- (a) has been absent from the Island for a period longer than six consecutive months; or
 - (b) is incapacitated by physical or mental illness; or
 - (c) is otherwise unable or unfit to discharge the functions of a member of the Tribunal
- the Royal Court may declare his office to be vacant and thereupon shall appoint a person to fill the office vacated.

Support and Finances

4. (1) The Policy Council shall provide the Tribunal with
- (a) such professional, administrative, technical, clerical and secretarial assistance,
 - (b) access to appropriately located and equipped premises, and
 - (c) such other equipment, facilities and support
- as the Tribunal reasonably requires in order to perform its functions fairly, impartially and efficiently.
- (2) The Policy Council shall pay to the members of the Tribunal such remuneration as may be agreed between them and the Council in respect of their attendance at hearings, together with any expenses reasonably incurred by them in performing their functions.

Rules of Procedure

5. (1) The Tribunal must make, promulgate and observe its own rules of procedure, consistent with its duty as an independent and impartial

tribunal to afford to appellants a fair and public hearing within a reasonable time.

- (2) The Tribunal's rules of procedure may in particular:
 - (a) regulate procedure in connection with matters preparatory to hearings, such as the giving of notices, submission of cases, exchange of documents, attendance of parties and giving of directions;
 - (b) prescribe the procedure for hearings, including the representation of parties, method of pleading, means by which particular facts may be proved, methods by which evidence may be given, the striking out of vexatious, oppressive or frivolous claims or pleadings, and generally the practice to be followed;
 - (c) regulate procedure in connection with matters subsequent to hearings, such as publication of judgments, opinions, directions and recommendations;
 - (d) specify the circumstances in which, the basis on which, and the manner in which the Tribunal may order any party to an appeal to pay costs to, or to give security for costs in favour of, any other party to that appeal.
- (3) In subsection (2):
 - (a) "costs" means the whole or part of any costs, fees and expenses reasonably incurred by any party in the preparation or presentation of that party's case, including witness costs;
 - (b) "fees" means amounts payable in respect of or towards the expenses of, or incidental or preliminary to, the holding or conduct of a hearing, including, without limitation, a fair contribution to the operational expenses of the Tribunal.
- (4) The Tribunal may, from time to time, subject to sub-paragraph (1), vary its rules of procedure.

Hearings etc.

- 6. (1) On receiving notice of an appeal in respect of any matter for the time being within the Tribunal's jurisdiction, its President shall convene sufficient members to constitute a quorum.
- (2) At the hearing of any such appeal –
 - (a) any three members constitute a quorum:

PROVIDED THAT if a member other than the President

- (i) is prevented by illness, unavoidable absence or other compelling cause from attending some part of a hearing other than its opening or conclusion, that part only of the hearing may be conducted before the President and one other member; or
 - (ii) is unable for any reason to continue participating in a hearing which has commenced but not concluded, the hearing may be continued and concluded before the President and one other member;
 - (b) the President shall preside;
 - (c) a member shall not sit if he has any direct or indirect pecuniary or other personal interest in the latter;
 - (a) every member, party, representative and witness has the same protections, immunities and duties as he would have if sitting or appearing in proceedings before the Royal Court.
- (3) At a hearing of any such appeal
- (a) the Tribunal shall consider afresh all relevant issues of fact and law;
 - (b) the proceedings shall be conducted:
 - (i) in accordance with natural justice;
 - (ii) with as little formality, and with as much expedition, as a proper consideration of the matters before the Tribunal will permit;
 - (c) the proceedings shall be in public, save to the extent that:
 - (i) all the parties agree in writing that all or part of the hearing should be held in private; or
 - (ii) the Tribunal orders that the press and/or public must be excluded from all or part of the hearing in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the Tribunal in special

circumstances where publicity would prejudice the interests of justice;

- (d) the appellant and respondent shall each have the right to make oral representations, to call witnesses, and to ask questions of each other and, unless as respects a particular witness the Tribunal otherwise orders in the interests of justice, of any witnesses.
- (4) Without prejudice to subsection (2)(d), members of the Tribunal and persons appointed pursuant to section 4(1) to provide assistance to the Tribunal have the same protections, immunities and duties when engaged on the business of the Tribunal as those enjoyed and owed by, respectively, holders of judicial office in, and servants of, the Royal Court, when engaged on the business of that Court.
- (5) Subject to this Ordinance, to the Human Rights (Bailiwick of Guernsey) Law, 2000, and to the provisions of any other enactment, the Tribunal's procedure is within its discretion.
- (6) The validity of proceedings before the Tribunal is not affected by mere formal deficiency or informality.
- (7) The President may, by means of a certificate signed by him, correct any error arising from an accidental slip or omission in a decision of the Tribunal.

Determinations and their effect

- 1. (1) Every question shall be decided by the opinion of the majority of the members sitting.
- (2) The Tribunal's judgment on any appeal before it shall be pronounced publicly, either:
 - (a) by being delivered orally at a public sitting of the Tribunal; or
 - (b) by publication in writing (as well as written notification to the parties) in such manner as, subject to any relevant rule of procedure, appears to the Tribunal adequate to bring it to public attention; or
 - (c) by both methods.
- (3) By its judgment on an appeal the Tribunal may:
 - (a) confirm the decision appealed from, or

- (b) quash the decision appealed from, in whole or in part, and remit the matter to the respondent with such directions as appear appropriate to the Tribunal, or
 - (c) without either confirming or quashing the decision appealed from, require the respondent to reconsider the matter in accordance with such directions as appear appropriate to the Tribunal.
- (4) Subject to section 8, the respondent must comply with any direction given by the Tribunal in accordance with sub-paragraph (3).

Further appeals

8. (1) Any party to an appeal brought before the Tribunal who is dissatisfied with the Tribunal's judgment as being erroneous in law may, within 21 days of its delivery, notify the Tribunal of the precise basis of the error alleged by that party and request the Tribunal to state a case for submission to the Ordinary Court.
- (2) In that event the President must as soon as possible state and sign a case setting out the relevant facts, the matters in dispute, and the judgment of the Tribunal, and transmit it to Her Majesty's Greffier and to the parties.
- (3) The Ordinary Court shall give its opinion on any question of law arising on the case and may reverse, affirm or amend any direction given by the Tribunal in the light of that opinion.
- (4) An appeal lies from the Ordinary Court to the Court of Appeal on any question of law, within such period and in such manner as may be prescribed by Order of the Royal Court.
- (5) This section is without prejudice to sections 7 and 9 of the Human Rights (Bailiwick of Guernsey) Law, 2000.

Interpretation

9. (1) In this Ordinance, unless the context otherwise requires –
- | | |
|-------------------|--|
| “Advocate” | means an Advocate of the Royal Court of Guernsey; |
| “appeal” | means an appeal under any enactment listed or referred to in section 1(3); |
| “Council” | means the States Policy Council; |

- “Court of Appeal”** means the Court of Appeal constituted by the Court of Appeal (Guernsey) Law, 1961;
- “decision”** includes a recommendation made, or proposed to be made, by a respondent concerning a decision or action to be taken, as well as a decision or action which has been taken;
- “H. M. Procureur”** includes H. M. Comptroller;
- “member”** includes the President and Vice-President of the Tribunal;
- “Ordinary Court”** means the Royal Court sitting as an Ordinary Court;
- “President”** includes the Vice-President
- “respondent”** means the Constables and/or the Douzaine of one or more parishes of the Island;
- “the States”** means the States of Guernsey;
- “Tribunal”** means the independent and impartial Tribunal established by, and in accordance with the provisions of, this Ordinance;

(2) Unless the context otherwise requires –

- (a) a reference in this Ordinance to a provision by number and/or letter is to the provision of that number and/or letter in this Ordinance,
- (b) a reference in a provision of this Ordinance to a subdivision by number and/or letter is to the subdivision of that number and/or letter in that provision.

APPENDIX 4

DRAFT CHARTER
between The States of Guernsey and the Parish Douzaines

Introduction

1. This Charter is an agreement between the States of Guernsey and the Douzaines setting out how they aim to work together for the benefit of parishioners. It is a means of confirming existing good practice.
2. The States acknowledge that the Douzaines are the grass-roots level of government and by working with them aim to act in partnership with the parishes, whilst balancing the needs of the whole island.
3. As democratically accountable bodies, the Douzaines offer a means of shaping the decisions that affect their parishes. They offer a means of decentralising the provision of certain services and of strengthening parishes. In turn, the Douzaines recognise the strategic rôle of the States and the equitable distribution of services which they have to achieve.
4. This Charter reflects the importance attached by the States to working in partnership with the Douzaines.

Sustainability

5. The States will work in partnership with all Douzaines to promote sustainable social, economic and environmental policies for the benefit of the parishes.

Consultation

6. The States will give Douzaines the opportunity to comment before making a decision which affects the parish(es). In furtherance of this, the States will continue to circulate Billets d'État and their public reports to Douzeniers at the same time as they are sent to members of the States. Douzaines are encouraged to comment directly to the relevant States body.
7. When the States consult Douzaines, they will provide them with sufficient information to enable them to reach an informed view on the matter, and give them adequate time to respond, in accordance with statutory requirements when applicable.

(NB The Treasury and Resources Department has no comment on the proposals.)

The States are asked to decide:-

III.- Whether, after consideration of the Report, dated 30th April, 2010, of the Policy Council, they are of the opinion:-

1. To approve the enactment, amendment and repeal of legislation on the lines set out in the report of the Parochial Legislation Working Party appended to that Report, i.e. that –
 - (a) the legislative provisions listed in Appendix 1 thereto which are no longer thought necessary be repealed;
 - (b) other sundry legislation concerning parochial matters be consolidated in a general parochial administration ordinance;
 - (c) the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991 be amended to allow the States from time to time, by Ordinance, to transfer appropriate functions from the States to the Constables and/or Douzaines of one, or some, or all of the Parishes, and vice-versa;
 - (d) the Royal Court shall no longer be involved in matters relating to the establishment of cemeteries, brick-yards and quarries etc., the erection of cranes in St Peter Port and the installation of ovens in St Peter Port;
 - (e) the Douzaines' function relating to bornements shall continue in respect of buildings within 1.5 metres of a public road;
 - (f) a mechanism be introduced enabling any person who is dissatisfied by any decision of a Constable or Douzaine which is directed to that person alone (or to a discrete group of which that person is a member) to appeal against that decision;
 - (g) persons who fail to observe the requirements of legislation regarding the cutting of hedges etc. and cleaning of streams be dealt with by way of civil rather than criminal proceedings
 - (h) the maximum which may be held in a Parish Reserve Fund be increased to £250,000 plus accrued interest;
 - (i) Dog Tax be increased to £10 per dog.
2. (1) To authorise the Policy Council:-

- (i) to pursue discussions with the Douzaines regarding the establishment of a Charter between the States and the Douzaines setting out the working relationship between the respective parties;
 - (ii) to agree the terms of the charter;
- (2) To authorise the Chief Minister (or other Minister appointed in that behalf by the Policy Council) to sign the charter on behalf of the States.
- 3. To direct the Culture and Leisure Department, in association with the Constables of St Peter Port, to review and report back to the States on the present day issues regarding itinerant performers and street entertainers.
- 4. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

POLICY COUNCIL

TRIBUNAL OF INQUIRY INTO INDUSTRIAL ACTION BY AIRPORT FIRE FIGHTERS AT GUERNSEY AIRPORT

Executive Summary

The primary purpose of this Report is to provide an opportunity for the States to debate the Report of the Tribunal of Inquiry into Industrial Action by Airport Fire Fighters at Guernsey Airport. Given that its own actions were examined by the Tribunal, the Policy Council has refrained from detailed comment on the body of the Report and has restricted itself to advising the States of a number of workstreams initiated prior to publication of this Report which will take forward some of the recommendations of the Tribunal.

Background

On the 16th July 2009 the States resolved to establish a Tribunal under the Tribunals of Inquiry (Evidence) (Guernsey) Law, 1949, as amended, to inquire into the facts and circumstances leading up to and surrounding the industrial action taken by the Airport Fire Fighters at Guernsey Airport in May 2009, including the circumstances in which the dispute was resolved.

A Tribunal was appointed by the Royal Court on 2nd October 2009 and concluded its work with the presentation of a Report which was published as Appendix III to Billet d'Etat IX for the States Meeting on 28th April 2010. Included in the Terms of Reference for the Tribunal was a requirement:

- “• To deliver a report on its findings to the Presiding Officer of the States of Deliberation as soon as practicable”.

In publishing the Tribunal's Report as an Appendix to Billet d'Etat IX, the Presiding Officer stated

“I had considered whether it would be appropriate for me to include a proposition “to note that report” but that would have raised issues as to the role and powers of the Presiding Officer who is the servant of the Assembly. It is, however, appropriate for me to observe that the recommendations made by the Tribunal are numerous, diverse and far-reaching. Careful consideration will be merited and so I anticipate that in due course there will be a further debate or debates. It will be therefore for Members and, in due course, the Assembly to consider what action, if any, will flow from the Report”.

It is clear to the Policy Council that it is in the interests of the States, the community and good governance for the Tribunal's Report to be formally debated by the States. However, it also recognises that the Rules of Procedure which facilitate debate of an appended item assume that such appendices will have been submitted by a Department

or Committee of the States which then allows debate to be led by the appropriate Minister or Chairman. The Rules do not envisage circumstances in which no such political lead exists and it concurs with the Presiding Officer that it would be entirely inappropriate for him to fill this vacuum.

Against this background the Policy Council concluded that it would be in the interests of good governance for it to:

- a) take the initiative by submitting a formal Report to the States; but
- b) refrain from commenting other than in general terms on the body of the Tribunal's Report (not least given that the actions of a number of Policy Council Members were subject to scrutiny by the Tribunal); and
- c) restrict its comments to advising the States of a number of workstreams which are already in train that will take forward some of the recommendations made by the Tribunal.

General Comment

The Policy Council believes that the Tribunal has produced a clear, accurate, detailed and fair account of events together with helpful, informed and constructive criticism and observations. Accordingly, the Policy Council would wish to place on record its appreciation of the work undertaken by the members of the Tribunal and those who have supported them. The Policy Council believes that Members of the States will wish to formally record their thanks to the Members of the Tribunal for serving and for discharging this Inquiry so expeditiously and for their most thorough and clear Report on all the issues involved and has therefore included an appropriate recommendation in this Report.

While the Policy Council will wish to reflect on the views expressed by States Members in debate, it nevertheless accepts the Tribunal's analysis of actions and omissions and believes that its recommendations can, and should be, built into an agenda for change.

Consultation

Given that the primary purpose of this Report is to facilitate early debate of the Tribunal's findings, the Policy Council has taken a conscious decision not to consult with States Departments and Committees or external bodies generally at this time, although it has corresponded with the Public Sector Remuneration Committee (PSRC), the Commerce and Employment Department and the Public Accounts Committee on specific recommendations. Clearly, such consultation is likely to be required in taking forward a number of actions arising from consideration of the Tribunal's Report.

Cost

The Treasury and Resources Department has advised that the work of the Tribunal has been completed at a cost of some £170,000 against an initial estimate of up to £250,000.

Commentary on the Tribunal's Recommendations

The Policy Council believes the States will be assisted by the following brief comments in relation to each of the formal recommendations contained in Chapter 9 and the related observations in Chapter 8 of the Tribunal's Report, given that many of the suggestions fall within the mandate of the Policy Council as "employer" and other recommendations relate to workstreams that are already in progress.

1. Public sector pay determination

The Tribunal acknowledges that, following receipt of the "Report of a Review of the Role of the States of Guernsey as an Employer, Mechanisms for Determining Public Sector Pay in Guernsey" by Dr Graham Robinson in February 2008, the Policy Council formed a sub group to explore the concept of a States Employment Board and completed a related consultation process. The Tribunal's Report acknowledges that taking forward that review was suspended pending the investigation and Report of the Tribunal.

In Section 8.4 of its Report, the Tribunal observes amongst other things that:

- “• We do not consider that the creation of a States Employment Board would be beneficial”.*
- “• We consider that responsibility for pay determination should rest with the Policy Council.”*
- “• Operational responsibility for negotiations within the remit should rest exclusively with professional negotiators”.*

Following debate on this Report it is the Policy Council's intention to revisit the concept of a States Employment Board in the light of the Tribunal's observations and to consult further with interested parties including States Departments, employee organisations and the PSRC. A States Report on this subject is likely to be presented early in 2011.

2. A partnership approach to industrial relations (paragraphs 9.2 – 9.3)

“We recommend the adoption of a “partnership” approach to industrial relations, under principles to be developed by the Head of Human Resources and Organisational Development”.

The Policy Council has commissioned the Head of Human Resources and Organisational Development (Head of HR and OD) (who acts as the Chief Officer of the PSRC) to advise how such an approach might be delivered, to identify the steps necessary to achieve it and the cost and resource implications. This process will require discussion with employing Departments, employee organisations and the PSRC. It is envisaged that the Policy Council will be in a position to advise the States of progress in

this area when it reports on the wider issue of public sector pay determination in 2011 as outlined above.

3. Structured collective bargaining (9.4)

“We recommend that collective bargaining should be conducted on the basis of procedural agreements”.

The Tribunal acknowledged that a number of procedural agreements for collective bargaining exist and it was the decision of the Airport Fire Fighters to leave the Public Sector Employees Joint Council that led to the collective bargaining becoming unstructured and ad hoc.

Against the background of a move towards the adoption of a “partnership approach” and the review of the method of public sector pay determination adopted by the States, the Policy Council has invited the PSRC, working with the Head of HR and OD, to follow through this recommendation by:

- Reviewing the appropriateness of those formal procedures that are currently in place and,
- Establishing the need for appropriate procedures where they do not exist

In this respect, the Policy Council appreciates that, if some procedures do merit improvement but are currently the subject of a contract between groups of employees and the States, then these will need to be changed through negotiation.

4. Evidence based pay determination (9.5)

“We recommend that economic and labour market data should be routinely compiled and circulated by an independent body which has the confidence of all parties”.

The Policy Council has requested the Head of HR and OD to review the data sets required to fulfil this recommendation, their current availability and how to secure them and whether and how this might be achieved through an independent body. In this respect this workstream will be assisted by the extensive work planned under the banner of the Finance Transformation Programme where there is considerable emphasis in acquiring data to support evidence based decision making.

5. Job evaluation (9.6)

“We recommend that public sector jobs should be weighted according to an objective, gender – neutral system of job evaluation”.

The Policy Council has commissioned the Head of HR and OD, working with the States Economist, to review this option and report on his findings but, at the outset, it is recognised that the magnitude and impact of such a task should not be under-estimated.

6. New arrangements for public sector pay determination (9.7)

“We recommend that the current institutional arrangements for public sector pay determination should be replaced”.

In this section the Tribunal notes that the current arrangements separate pay determination from service delivery and prevent employing Departments from engaging in productivity bargaining and other changes to working practices that may facilitate service redesign or promote efficiencies. However, for the reasons set out in Chapter 8 of its Report the Tribunal stops short of making a recommendation in this regard. The Policy Council’s commitment set out earlier in this Report to review the “Robinson” proposals for a States Employment Board in the light of the Tribunal’s conclusions will address this issue.

7. Changes to the Industrial Disputes and Conditions of Employment (Guernsey) Law, 1993 as amended (9.8)

“There are specific aspects of the 1993 Law which we recommend should form part of any review”.

The Commerce and Employment Department has confirmed that, as acknowledged by the Tribunal, it is intending to issue a consultation paper on the reform of the 1993 Law. The Department’s plan is that consultation on this particular law would form part of a wider review encompassing current and future employment relations related legislation. The Department has confirmed that it will invite comment on the six areas identified by the Tribunal amongst other issues and will reflect on them in considering any changes to the legislation.

8. Legal regulation of industrial action (9.9)

“We recommend that consideration be given to legislation to clarify the scope of lawful industrial action and the conditions under which it may be taken. Such legislation should have regard to the restrictions which may be legitimate and proportionate in essential services and to appropriate guarantees to safeguard the terms and conditions of workers in such services”.

The Commerce and Employment Department has confirmed that it will (and, indeed, had already so resolved) cover consideration of the scope of lawful industrial action and the conditions under which it may be taken, within the planned review of employment relations legislation.

9. Commitment to good governance (9.10)

“We recommend that the States of Guernsey should confirm its commitment to these principles and should institute an education training programme relating to these principles”.

The principles referred to are the six principles of good governance established by the UK Independent Commission on Good Governance in Public Services. The Policy

Council believes that this is a matter for the States to consider at the time when the Public Accounts Committee brings forward its report on the good governance which it is understood is likely to be submitted to the States later this year.

10. Relationships between Departments and Committees (9.11)

We recommend that there should be greater inter-Departmental co-operation and collaboration, with the Policy Council resolving difficulties where the priorities of Departments differ. Specifically, we recommend that:

- (a) cross-Departmental working should be part of the initial and ongoing training of officials;**
- (b) where cross-Departmental projects have been identified, a cross-Departmental Board should meet at regular intervals (for example, every quarter or six months as appropriate) to monitor progress and identify any gaps or conflicts in approach;**
- (c) any unresolved operational difficulties should be reported immediately to the Chief Officer Group;**
- (d) the Chair of the Chief Officer Group should ensure that any policy issues requiring resolution are presented speedily to the Policy Council.**

The Policy Council believes that any conclusions drawn by the Tribunal on corporate working will be based on evidence submitted in respect of the events surrounding the Airport Fire Fighters dispute. However, the Tribunal will not have been exposed to the wider experience of increasing co-ordination and co-operation between Departments at corporate level across the States. It is assumed therefore that the comments relate to the co-ordination of cross-Departmental issues in an industrial relations context.

The Chief Executive and his leadership team have adopted improved corporate working as a priority and, reflecting the recommendations of the Tribunal, it is intended that the Chief Officer Group should consider the findings of the Tribunal's Report and make recommendations to the Policy Council as to how the current approach might be improved particularly in the matter of industrial relations.

11. Adherence to process (9.12)

“We recommend that there should be clear mandates and procedures for dealing with incipient emergencies and the procedure relied upon should be appropriately designated and understood”.

The Policy Council has commissioned the Emergency Powers Advisory Group (EPAG) (an officer level advisory group) to examine this issue and to advise on any new processes, amendments to existing processes or creation of guidelines which will give life to this recommendation. This response is also closely related to the following recommendation.

12. Crisis Management (9.13 - 9.15)

“We recommend there should be an identifiable body with a mandate to deal with crises falling short of an emergency”.

The Policy Council fully accepts the Tribunal’s conclusions that *“The Emergency Powers Authority is mandated to deal with emergencies but the use of emergency powers should always be a last resort. In the absence of executive government, it is important that there should be a specific body which is mandated to deal with crises which fall short of an emergency. It is the lack of such an identifiable body, and the confusion about the basis on which the Emergency Powers Authority Panel acted, that has led to this Inquiry”*.

These conclusions arise from the Tribunal’s findings expressed earlier in paragraphs 7.9 – 7.12 dealing with the Emergency Powers Authority Panel. While the Tribunal concluded that *“those persons who met on 26th May were entitled to act as they did”* the Policy Council accepts that the status of that meeting may not have been clear to those outside of the Policy Council. It also acknowledges that the practice of meeting as an extended EPA Panel developed because of the vacuum that exists in the arrangements set out under the Emergency Powers legislation where it is quite clear what can be done when an emergency has been declared but less clear as to what steps need to be taken and by whom to avoid that emergency occurring in the first place.

The acknowledged inadequacies of the Emergency Powers (Bailiwick of Guernsey) Law 1965 as amended are currently being addressed by a comprehensive review which was prompted by a resolution of the States on 30 March 2005 *“To direct the Emergency Powers Authority bring forward proposals to replace the Emergency Powers (Bailiwick of Guernsey) Law, 1965 as amended with new legislation on the lines of the UK Civil Contingencies Act 2004”*.

This work is being undertaken by EPAG with the assistance of HM Procureur. A Report seeking to replace existing legislation with new powers will be presented to the States in due course.

Establishing a Strategic Threats Group

Recognising that it may be some time before new legislation is submitted to and approved by the States and acknowledging the shortcomings of the current arrangements the Policy Council, at its meeting held on 8 February 2010, decided to create a new approach in the form of a new sub group of the Policy Council entitled the “Strategic Threats Group”.

Although this Group was created before the findings of the Tribunal were known, it is in full accord with their conclusions at 9.14 that

“we consider that the Policy Council is well placed to deal with crises falling short of an emergency. Its role in this area should consist of advising and

supporting the Department(s) or Committee(s) which have the executive power to take ameliorating action". And

"it would be preferable to introduce a specific mandate which makes explicit and transparent the scope of the Policy Council's powers in this area".

The Strategic Threats Group has been created as a Rule 16A Sub Committee ie. with the same status as the Social Policy Group, the Environment Policy Group and the Fiscal and Economic Policy Group, all of which were able to give advice and assistance and to explore and recommend a particular course of action but cannot of themselves take such action which is a matter for others who have the powers and mandate to do so.

The focus of the Group is to provide political and practical input to a situation where one or more strategic threats are emerging and where there are options for remedial action that requires the co-ordinated efforts of a number of Departments and agencies. This Group would also advise the Chief Minister on the need or otherwise to evoke the Emergency Powers Authority and declare an emergency.

Constitution

Pursuant to Rule 16A of the Rules relating to the Constitution and Operation of States Departments and Committees

- A Chairman who should be the Chief Minister
- The Minister of the Home Department
- Three other Members of the Emergency Powers Authority Panel as shall be deemed appropriate by the Chairman

(Note: the foregoing reference to "Chief Minister" includes, in the Chief Minister's absence, the Deputy Chief Minister and, in the absence of both, the senior Panel Member or Minister of the Home Department, if he is senior to any Panel Member).

The Policy Council is conscious that the States Assembly and Constitution Committee has put forward in the past a view that where possible sub-groups should contain a minority of Departments Members otherwise such a Group, if it consisted of a full Departmental quorum would potentially always carry the day. This in effect was the case with the informal Extended Emergency Powers Authority meetings where a quorum of the Policy Council were present. The new constitution of the Strategic Threats Group avoids this situation.

Mandate

To advise the Policy Council, States Departments and States Committees, as appropriate, in any circumstances in which

- the preservation and maintenance of supplies and services essential to life in the Bailiwick; or
- the protection of the economic interests of the Bailiwick or any part thereof; or
- the well-being and security of the community; or
- the safeguarding of public health; or
- the maintaining of security and law and order

are considered to be at risk and which, if such circumstances remain unresolved, may lead to the declaration of a status of emergency.

Support

The Strategic Threats Group will be assisted by officers of EPAG who currently support the EPA.

Beyond reacting to developing threats the Group will meet occasionally to discuss with EPAG Members general horizon scanning and monitoring of developing situations.

The Policy Council commends the Strategic Threats Group to the States as a pragmatic interim response to the conclusions reached by the Inquiry as a result of the uncertainty surrounding the status of the extended EPA Panel meetings.

In accordance with the commitment given to the States in July 2008, the Policy Council has provided the States Assembly and Constitution Committee with details of the new Strategic Threats Group to be included on the particular list of mandates of the Policy Council, Departments and Committees (the Grey Book).

13. Risk Management (9.16)

“We recommend that every Department should conduct a risk assessment in relation to the activities for which it is responsible and should subject the risk assessment to regular review”.

Risk management is embedded within Departments to greater or lesser degree and, at corporate level, the Policy Council has approved an Island Risk Register which identifies potential major threats to the well-being of our community and in respect of which response plans exist. However, it is fair to say that there is currently no consistent, centrally co-ordinated corporate approach to risk assessment along the lines suggested by the Tribunal. Work towards achieving this objective is already in hand initially through a review being undertaken by members of the Chief Officer Group.

14. Openness and transparency (9.17)

“We recommend that there should be a presumption that reports commissioned from the public service will be made publicly available unless there are specific

grounds for doing otherwise”.

The Policy Council has indicated its commitment publicly on a number of occasions to the principles of open government and in the light of the Tribunal’s conclusions it will be giving further consideration to the development of guidelines covering the publication of reports commissioned by the States.

Conclusion

A fully independent, legally empowered Tribunal to examine in detail the way in which the States undertakes pay negotiations and manages developing crises, provides a rare opportunity for the States to make lasting improvements to the way in which it conducts its business.

The Policy Council hopes that its comments and observations on the Tribunal’s recommendations will be seen as helpful and will assist debate.

It also believes that the debate afforded by the presentation of this Report will form an important backdrop to future Reports on issues raised by the Tribunal.

Recommendations

The Policy Council recommends the States

1. To accept the Report of the Tribunal of Inquiry into Industrial Action by Airport Fire Fighters at Guernsey Airport.
2. To record their thanks to Mr David Hogg, CB, the Chairman, and to Professor Gillian Morris, LLB, PhD and Mr John Lee, TD, FCIB the Members, of the Tribunal for serving on the Tribunal, for discharging their Inquiry so expeditiously and for their most thorough and clear report on all the issues involved.
3. To endorse the proposed workstreams to be taken on the recommendations of the Tribunal, as set out in this Report.

L S Trott
Chief Minister

17th May 2010

(NB The Treasury and Resources Department has no comment on the proposal.)

The States are asked to decide:-

IV.- Whether, after consideration of the Report dated 17th May, 2010, of the Policy Council, they are of the opinion:-

1. To accept the Report of the Tribunal of Inquiry into Industrial Action by Airport Fire Fighters at Guernsey Airport.
2. To record their thanks to Mr David Hogg, CB, the Chairman, and to Professor Gillian Morris, LLB, PhD and Mr John Lee, TD, FCIB the Members, of the Tribunal for serving on the Tribunal, for discharging their Inquiry so expeditiously and for their most thorough and clear report on all the issues involved.
3. To endorse the proposed workstreams to be taken on the recommendations of the Tribunal, as set out in that Report.

POLICY COUNCIL

OVERSEAS AID

Executive Summary

This Report provides an opportunity for the States to debate the provision of Overseas Aid and the work of the Overseas Aid Commission.

Background

The States resolved on 11 March 2004 (Billet d'État III of 2004) to set up an Overseas Aid Commission

- To distribute monies voted by the States for overseas aid by making contributions by way of grants and emergency and disaster relief
- To develop programmes relating to the collection and distribution of funds involving the private and voluntary sectors

in accordance with policies set out by the Policy Council.

Annual Report of the Overseas Aid Commission

The Commission is required to submit an annual report to the Policy Council for presentation to the States.

The Commission's annual report is normally included as an appendix to a Billet d'État but the Policy Council has agreed that it would be beneficial for Overseas Aid to be debated once during the lifetime of each States. During the last States, the Commission's 2006 annual report was accordingly submitted by the Policy Council for debate and the Policy Council is now pleased to submit the 2009 annual report (attached as appendix A to this Report) for debate by the States.

Whilst the provision of emergency aid understandably attracts publicity, which in turn encourages Islanders to make their own contributions through the Bailiff's Disaster Relief Fund or directly to the UK Disasters Emergency Committee or individual charities, the Commission's annual report also details the unsung work undertaken year on year by the Commission in making grants to individual development projects.

In 2009 the Commission made 80 individual grants totalling £2,365,225. It is not surprising that three-quarters of the amount went towards projects in Africa and more than half on healthcare projects. Details of the individual grants made are included in the Commission's report. These projects provide tremendous long-term benefits to many tens of thousands of men, women and children living in least developed countries, who face enormous difficulties in their daily lives.

What may not be realised is that the Commission had considerably more than twice as many projects as it had the funds to support and that Members therefore had to prioritise the available funds on the most deserving of projects.

The Policy Council wishes to publicly express its appreciation of the unenviable task which the Overseas Aid Commission faces in deciding which projects to support and, indeed, those which it is unable to support, when distributing the available funds and to acknowledge the diligence with which the members carry out this task.

This is not to understate the importance of emergency aid in responding to the devastation which can be caused by natural and, on occasion, man-made disasters. In 2009 the Commission provided £140,000 in respect of four disasters – detailed in the Commission’s report. Unusually, three of the four payments were made to individual charities rather than to the UK Disasters Emergency Committee, which demonstrates the flexibility available to the Commission.

Working with the private and voluntary sectors

As detailed in its annual reports, the Commission’s primary role has been to distribute funds made available to it by the States.

There is also a second element to the Commission’s mandate as set out above – ‘to develop programmes relating to the collection and distribution of funds involving the private and voluntary sectors in accordance with policies set out by the Policy Council’.

The Policy Council is aware that both the current Commission and its predecessor has struggled to progress this element of its mandate and in its 2008 annual report advised that it intended to review the second element of its mandate and, if appropriate, to report to the Policy Council in due course.

Attached as Appendix B to this report is a letter dated 7 April 2010 in which the Commission reviews this issue and concludes that that it cannot actively pursue the second element of its mandate.

The Policy Council

- recognises the operational difficulties which the Commission has faced
- considers that it would be inappropriate to provide additional staff resources at the present time to enable to Commission to devote more time
- acknowledges the potential detrimental impact on local fundraising activities

in attempting to pursue the second element of its mandate.

The Policy Council also welcomes the role of the Bailiff’s Disaster Relief Fund in providing a channel for individual donations to emergency aid appeals to which the Commission has provided States funds.

The Policy Council accordingly has endorsed the conclusion of the Overseas Aid Commission that it should not actively pursue the second element of its mandate and recommends that the States, by noting this Report, concurs with this view.

States Funding of the Overseas Aid Commission

In this Report the Policy Council wishes to take the opportunity to update the States on the funding which the States provides to the Commission.

The Policy Council includes contributions to overseas aid in its general revenue budget which is approved by the States as part of the annual budget.

The Policy Council is committed to recommending real term increases in overseas aid having regard to the States approved objective of progressing towards the UN target of 0.7% of GNI (Gross National Income).

Between 2005 and 2009 the Overseas Aid Commission budget was increased each year in real terms - an overall increase of 63% compared with an increase of 20% in the index of retail prices. As a proportion of GNI, the total increased from 0.1% in 2004 to a forecasted 0.13% in 2008 (the last year that figures are currently available.) In respect of 2010 the Policy Council was unable to recommend an increase in the overseas aid budget in the light of the existing economic and fiscal climate.

The following table sets out the annual overseas aid budgets for 2004 to 2010

Year	Grant aid	Emergency/ Disaster relief	Total	% of GNI ¹
2004	£1,350,000	£200,000	£1,550,000	0.10
2005	£1,500,000	£200,000	£1,700,000	0.11
2006	£1,700,000	£200,000	£1,900,000	0.12
2007	£1,885,000	£200,000	£2,085,000	0.12
2008	£2,105,000	£200,000	£2,305,000	0.13
2009	£2,340,000	£200,000	£2,540,000	n/a
2010	£2,340,000	£200,000	£2,540,000	n/a

Members of the States may be interested to note that the comparable overseas aid budgets of the three Crown Dependencies in 2009 and 2010 were as follows:

	2009	2010
Guernsey	£2,540,000	£2,540,000
Jersey	£7,731,000	£8,055,000
Isle of Man ²	£2,400,000	£2,400,000

¹ GNI figures for 2006, 2007 and 2008 have yet to be finalised.

² A further £200,000 is available on a discretionary basis

As to the future, the Policy Council, in consultation with the Treasury and Resources Department, will be giving further consideration to the 2011 overseas aid budget in the coming months but concurs with the Overseas Aid Commission that ideally it would be desirable if the real value of the 2009 overseas aid budget could be restored in 2011.

In the longer term the Policy Council would wish to be able to recommend further significant real increases in the overseas aid budget.

Recommendation

The Policy Council recommends the States to note this Report.

L S Trott
Chief Minister

17th May 2010

Appendix A

GUERNSEY OVERSEAS AID COMMISSION ANNUAL REPORT 2009

In accordance with Resolution XVIII on Billet d'État III of 2004

Background

The Overseas Aid Commission was established by the above States Resolution and begun its work in July 2004.

Constitution

The constitution of the Commission is:

- A Chairman who shall be a member of the Policy Council (appointed by the Council)
- Six ordinary members who need not be sitting members of the States (elected by the States)

Commissioners serve for a four-year term. The Chairman was appointed by the Policy Council in May 2008 and the other Commissioners in July 2008.

The Commission comprises

Deputy Carol Steere, Chairman
Mrs José Day, Vice-Chairman
Mr Glyn Allen
Mr Mike Dene MBE
Mr Ian MacRae
Mr Steve Mauger
Mr Tim Peet

Mandate

The mandate of the Commission is:

- To distribute monies voted by the States for overseas aid making contributions by way of grants and emergency and disaster relief
- To develop programmes relating to the collection and distribution of funds involving the private and voluntary sectors

in accordance with policies set by the Policy Council, having regard to recommendations from the Commission.

The Commission indicated in its 2008 Report that it intended to review the second element of its mandate and, if appropriate, would report to the Policy Council in due course. This review has now been completed and a separate report submitted by the Commission to the Policy Council.

Annual Report

The Commission is required to submit an annual report to the Policy Council. This is normally included as an appendix to a Billet d'État. However, on one occasion during the previous States' term (in 2007) the Policy Council submitted the 2006 Annual Report for debate by the States and it is proposed that the 2009 Annual Report similarly be submitted for debate.

Policies

The Commission considers that it would therefore be appropriate (as was the case with the 2006 Annual Report) to set out the funding policies, as agreed with the Policy Council, under which it operates.

Grant Aid Policy

The policies which determine the provision of grant aid are as set out in an annex to this introduction (the Commission only intends to include this full list once in its four year term).

Emergency Disaster Relief

The Commission can respond to emergency aid appeals issued by the Disasters Emergency Committee (DEC) and by individual charities. The DEC is an umbrella organisation comprising thirteen major UK charities which co-ordinates the UK national appeals in respect of major humanitarian disasters overseas.

The Commission's ability to respond to appeals by individual charities is an extension of the policy previously operated by the former Overseas Aid Committee and provides the Commission with a greater flexibility as the DEC does not launch appeals for every emergency.

The Commission has agreed that emergency disaster relief would be provided to individual charities in accordance with the following criteria

- (a) the charities must be registered in the UK;
- (b) grants will only be made in response to public appeals for major disasters that have been well publicised; and
- (c) the disaster must have occurred in the developing world.

2009 Funding

The Commission was provided with States funding in 2009 as follows:

- £2,340,000 in respect of grant aid
- £200,000 in respect of emergency and disaster relief

In addition to this, and in accordance with the March 2004 States Resolution, £25,000 which remained unspent in respect of the 2008 allocation for emergency and disaster relief was also utilised for grant aid in 2009.

During the year the Commission received three refunds, amounting to £54,642, in respect of grants made in previous years, one that resulted in an under spend and the other two in respect of projects which had also received funding from other sources. The refunded amounts were reallocated to other projects.

Expenditure on grant aid in 2009 totalled £2,365,225.

Expenditure on emergency and disaster relief in 2009 totalled £140,000. In accordance with the March 2004 States Resolution, the remaining £60,000 will be made available to the Commission for grant aid in 2010.

Details of the grants made during 2009 are enclosed together with breakdowns of the expenditure.

Summary of Grants made during 2009

During 2009 the Guernsey Overseas Aid Commission disbursed £2,365,225 in Grant Aid and supported a total of 80 projects which, for administrative purposes, can be subdivided into four main categories. In this summary, the amounts shown have been rounded to the nearest £1,000.

1. Agriculture

£361,000 has been invested in 12 projects, for the direct benefit of more than 32,000 people. The projects not only provided items such as irrigation systems and livestock, but also included training in each case.

2. Education

£198,000 was invested in 6 projects, supporting more than 80 schools, for the direct benefit of almost 104,000 pupils. These projects included classroom rehabilitation, the provision of educational materials, books to library centres, water points including hygiene training, and teacher training.

3. *Integrated Development*

£455,000 was invested in 19 projects for the direct benefit of almost 120,000 people. Of these:

- 1 supported a mine detection dog team to assist the release of 516,000 sq. metres. of land back to agricultural use, while a second provided a specialised truck to enable de-mining teams to remain operational during the rainy season, plus de-miners' tool kits, and a third the provision of de-mining equipment.
- 14 involved support and vocational training for groups such as: orphans/street children, widows/single mothers (including rape victims) and the disabled.
- The 2 remaining projects provided flood risk reduction programmes and early warning equipment in schools and flood mitigation structures to help reduce vulnerability to landslides in villages.

4. *Healthcare*

As the largest category, this contains the remaining 43 projects. For convenience, they can be subdivided into three groups:

- Water/Sanitation: £865,000 has been invested in 26 projects to provide water, latrines and associated hygiene training for the direct benefit of over 400,000 people. In one case Guernsey's support triggered supplementary funding from the EU totalling over £154,000
- Essential Equipment: 10 projects were supported. These included medical/drugs/hospital supplies, as well as the provision of mosquito nets and the purchase of ambulance jeeps. These investments – totalling £295,000 - will benefit at least 277,000 people a year, as well as assisting many medical staff. Again, Guernsey's support triggered nearly £160,000 from the EU.
- Infrastructure: Support of £192,000 was provided to 7 projects which will benefit at least 88,000 individuals, the bulk of the money going to fund new hospital facilities.

5. *Emergency Disaster Relief*

Emergency Disaster Relief amounted to £140,000 and was provided in respect of four disasters, as follows:

- British Red Cross Zimbabwe Region Appeal – cholera outbreak - £20,000

- Christian Aid Gaza Crisis Appeal – humanitarian crisis - £20,000
- Disasters Emergency Committee Appeal for Indonesia, Philippines and Vietnam - typhoon Ketsana, Vietnam and two earthquakes that struck Indonesia - £40,000
- Oxfam East Africa Food Crisis Appeal – severe drought situation - £60,000

The Guernsey Overseas Aid Commissioners are confident that States Members will feel that the money invested by Guernsey has been used appropriately.

<i>Distribution of Funding 2009</i>
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Africa

<i>Agriculture/Fisheries</i>	£330,874	
<i>Education</i>	£158,315	
<i>Health</i>	£1,012,877	
<i>Integrated Development</i>	£282,304	
Total Grant Aid Given to Africa		£1,784,370
Total Emergency Disaster Relief Given to Africa		£80,000

Indian Sub-Continent

<i>Education</i>	£39,580	
<i>Health</i>	£200,724	
<i>Integrated Development</i>	£104,765	
Total Grant Aid Given to Indian Sub-Continent		£345,069

Latin America & Caribbean

<i>Agriculture/Fisheries</i>	£30,000	
<i>Health</i>	£79,760	
<i>Integrated Development</i>	£7,631	
Total Grant Aid Given to Latin America & Caribbean		£117,391

Middle East

<i>Emergency Disaster Relief</i>	£20,000	
Total Emergency Disaster Relief Aid Given to Middle East		£20,000

Other Asia & Pacific

<i>Health</i>	£58,412	
<i>Integrated Development</i>	£59,983	
Total Grant Aid Given to Other Asia & Pacific		£118,395
Total Emergency Disaster Relief Given to Other Asia & Pacific		£40,000

Total Grant Aid Contribution to Aid Overseas	£2,365,225
Total Emergency Disaster Relief Contribution to Aid Overseas	£140,000

TOTAL	£2,505,225
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GUERNSEY OVERSEAS AID COMMISSION

Grant Aid Policy

The Commission's policy is to fund specific projects in accordance with the following criteria:-

- (a) the prime objective of each project must be to reduce human vulnerability;
- (b) projects must be in respect of locations in developing countries in Africa, the Indian sub-continent, Latin America and the Caribbean, the Middle East and Asia and the Pacific – the Commission does not fund projects in Eastern Europe;
- (c) priority is given to projects located in least developed countries as designated by the UN.
- (d) projects must meet basic human needs by helping communities achieve self-sufficiency and, to help achieve this objective, people in the communities where the project is located should be involved in the planning or implementation of the project;
- (e) projects are not for the provision of emergency disaster relief – projects which provide rehabilitation following a disaster may be funded;
- (f) projects should fall within the following categories:-

- (i) **Women**

providing literacy for women is essential if communities are to benefit from education, health care and economic development;

providing economic development opportunities, such as employment and income generation projects, to women is crucial;

- (ii) **Health/Water/Sanitation**

providing clean water and good sanitation is fundamental to the success of communities in poor countries;

providing primary health care within communities including both curative and preventative medicine and awareness raising covering such issues as HIV/AIDS, mother and child health, nutrition, health education, birth control and immunisation;

(iii) **Rural Development**

providing economic development opportunities, which tackle rural poverty and strengthen the rural economy and so curb migration to the cities, which is a major problem in many developing countries;

(iv) **Education/Training**

providing basic literacy skills, training of trainers, educational opportunities particularly for young adults, technical skills and training for employment opportunities;

(v) **Environment**

providing conservation and environmental rehabilitation programmes and training in improved agricultural techniques to counter problems caused by drought, flooding and deforestation leading to soil erosion and desertification;

- (g) grants will normally only be made in respect of projects submitted by non-governmental organisations (NGOs) including many well known charities – the Commission will occasionally respond to requests from local persons to support particular projects but it does not sponsor individuals or make donations nor does it give bilateral government-to-government aid or funding for conferences or seminars;
- (h) individual grants will not normally exceed £40,000;
- (i) grants do not meet the running costs of the NGOs; a small proportion of the grant may be allocated to help cover the administration costs involved in setting up/running a project on the ground; and
- (j) reports must be submitted to the Commission by the NGOs within six months of the grant having been made and on completion of each project;
- (k) in considering an application for a grant the Commission will wish to be satisfied as to the validity and capability of the organisation making the application, and that the proposed project meets the criteria set out above;
- (l) although several of the organisations with which the Commission deals are Christian-based, the Commission does not take this fact into account and aid is distributed irrespective of race or religion. The Commission would not make a grant to a project whose purpose was to advance the interests of a particular church or religion.

<p style="text-align: center;">GUERNSEY OVERSEAS AID COMMISSION ANNUAL REPORT 2009</p>

Agriculture/Fisheries

ETHIOPIA

Send a Cow

Highlands Community Development Project, Southern Nations Nationalities and Peoples Regional State

£37,873

The aim of the Highlands Community Development Project is to enable smallholder farming families in Southern Nations Nationalities and Peoples Regional State, Gamo Gofa Zone, to achieve food security by adopting sustainable farming practices, and by managing their natural resources wisely. In the remote highlands of Ethiopia, many families have to rely on food aid to survive the ‘hungry months’ every year. In years when the rains fail, such as in 2008, these very vulnerable families face famine. Their resources include livestock, which is plentiful in the area but generally low-yielding and poorly managed. They also include farm soils, which have become severely degraded through years of inappropriate farming practices plus the effects of climate change.

Send a Cow (SAC) will work with 360 families, or 2,520 people, in 18 community groups, helping to bring communities closer together. While SAC will provide livestock (donkeys, sheep, and poultry), the focus will be on providing two good quality bulls for cattle cross-breeding programmes to improve the quality of offspring; and on training farmers in how to integrate their animals into a mixed system. Farmers will learn sustainable farming methods, based largely around manure, so they can grow nutritious food all year round. During a pilot scheme, training was delivered at three dedicated centres. However, upon evaluation, it was decided to provide training in the future within the communities themselves, to demonstrate the relevance of the techniques to people’s lives and enable groups to sustainably carry forward the project’s work. Funding is for the provision of training in sustainable organic farming practices and social development, plus livestock and follow-up support for farmer groups.

MALAWI

Voluntary Service Overseas (VSO)

Irrigation Support Project, Rumphi, Ntcheu, Ntchisi, Chitipa, Mwanza, Nsanje and Thyolo Districts

£38,500

This project aims to improve household level food security for 5,880 people in seven districts of Malawi, namely Rumphu, Ntcheu, Ntchisi, Chitipa, Mwanza, Nsanje and Thyolo, through supporting community initiatives of farmer groups to develop their irrigation infrastructure. The seven districts in which this project will operate have been selected because they have high levels of food insecurity, HIV prevalence and environmental degradation as well as low levels of female literacy, health care provision and representation of other NGOs. These districts as a whole are therefore particularly disadvantaged.

Currently, most smallholder farmers are engaged in subsistence farming on landholdings too small to grow enough crops to adequately feed their families. Coupled with the limited opportunities for off-farm employment through which to earn cash to purchase food, this means these households have a 3-4 month food deficit: for up to four months of the year, through the winter season, they do not have enough food. This also increases the vulnerability of these people to shocks and unexpected events, such as natural disasters, rising prices and illness.

This project will contribute to an improved physical environment in the targeted areas. The seven districts included in this project have all suffered from environmental degradation, which can be partly attributed to poor farming techniques as well as to climate factors. Through supporting farmers to develop sustainable irrigation systems, this project will improve the local environment and increase the fertility of the soil in these communities. Supporting farmer groups to develop and use small-scale irrigation schemes of 4-10 hectares has been shown to be effective in reducing the number of 'hungry' months for small-scale farmers, and in some cases has even led farmers to have a cash crop surplus for sale. Funding is for: training for farmers and construction of irrigation infrastructure.

MALI

Christian Aid

Improving Health and Nutrition through the Creation of Market Gardens, Sikasso Region

£37,000

The aim of this project is to improve basic health and nutrition levels in the Sikasso Region of Mali by increasing food security through market garden plots for women of up to 1 hectare each, and will also help the overall community of 99,300 people with a supply of nutritious, cheap, localised food. With over 72% of the population living below the poverty line in Sikasso and more than a fifth of all people living in Sikasso living in extreme poverty an intervention is desperately needed. This is the second year of an EC co-funded project that will be implemented over a 12 month period and will target: 30 women's rice production groups; 65 women's improved seed groups; 6 research action groups; and 12,000 children between the ages of 0-59 months from across six rural communities of Kolondieba: Ngolodiana, Mena, Kebila, Bougoula and Farako.

Key activities will include: (1) Increasing market garden production for women (onions, root vegetables, peppers and tomatoes) which will be locally available and will provide an improved vitamin-rich diet; (2) Training local women in improved seed and vegetable production, conservation, storage and marketing of produce. This will include training women on the use of solar equipment to dry fruits such as mango which women can sell for income all year round; (3) Training local women's groups in nutrition and hygiene and providing them with simple equipment to diagnose, record and monitor malnutrition levels in isolated villages which can be supplied to central government health posts; (4) Increasing the awareness of local government about malnutrition and supporting them to include a focus on nutrition within their annual local development plans. Funding is for water and irrigation materials, food production equipment, nutrition training, women's empowerment sessions and project support.

MAURITANIA

Rainbow Development in Africa

Mid-Gorgol Community Project, Southern Mauritania

£19,675

The aim is to relieve poverty across the five agro-geographic zones of the Mid-Gorgol agricultural community in Southern Mauritania (8,000 direct beneficiaries; 60,000 indirect) by increasing family incomes through improved and sustainable farming practices, in particular the promotion of organic farming and water conservation techniques, integration of animal husbandry with agriculture, crop diversification, the introduction of animal health and micro-credit schemes, and farm management and organisational training.

Currently, agriculture, the primary economic activity in this arid, marginalised region, is non-profitable due to a combination of constraints identified by the community in a 2007 stakeholder analysis: high in-put costs, bad market prices, poor agricultural know-how, and frequent drought (or floods). This has led to a rural exodus (75% of young men leave) and increasing poverty levels. Managed by local partners (with whom Rainbow Development in Africa has many years previous experience working with farmers in the region), and using the concept of Seeing is Believing, the project will work through selected farmers (particularly including women's cooperatives) who will be supported to apply and demonstrate farming practices that will reduce in-put costs whilst increasing harvest yields as well as addressing environmental issues.

A year-on-year duplication of activities across the zone and a program of farmer site visits will assure project access across all sectors of the community, leading ultimately to increased confidence for agricultural investment, higher family incomes and the rejuvenation of local communities. Funding is for all Year 2 activities, including crop diversification tests, improved women's vegetable gardening, animal traction, water harvesting, livestock vaccination scheme and stock, micro-credit, farmer training and site visits, and related support costs.

MOZAMBIQUE

World Vision UK

HIV & AIDS Orphan Care: Commercial Poultry Enterprise, Zambezia Province

£26,137

The aim is to contribute towards the self-support of three community groups in Namacurra District, Zambezia Province, that care for AIDS orphans in the district, 60 miles west of the capital Quelimane in Zambezia Province, through the establishment of three poultry production units and one marketing unit that will benefit communities through the generation of income to support the care of orphans. The prevalence rate of HIV/AIDS is high in Namacurra District, being officially reported to be 12.5%.

As a result many children in Mozambique are being orphaned. The three targeted communities already have established groups, termed locally as Community Care Coalitions (CCCs) whose primary purpose is to act as guardians to, and provide a support system for, the orphans living in their midst. In addition to supporting the establishment of broiler production enterprises, the project will strengthen the ability of poultry owners to take care of their flocks including the protection of their chickens against prevalent diseases such as Newcastle. The market outlet to be established in Namacurra town will provide the CCCs an opportunity to sell other produce in addition to broilers. The establishment of the poultry units will involve all the stakeholders including the Ministry of Agriculture, the local community, World Vision staff, and the local authority. The government will provide the technical staff to advise the CCCs on the design and operation of the units including the securing of veterinary medicines for immunisations against chicken diseases. The project will directly benefit approximately 325 people.

PERU

Tearfund

Food Security and Agricultural Production for Impoverished Quechua Communities, Cajamarca Region

£30,000

The aim of the project is to improve food security for impoverished Quechua communities in the Cajamarca region, through the introduction of new varieties of vegetables and fruit, via provision of a Training Centre thus enabling communities to be less reliant on a vitamin and protein deficient potato-based diet, additionally providing diet, health and child care education, to benefit around 2,800 individuals directly and 1,200 indirectly. Today the Quechua communities depend excessively on potatoes which lack essential protein and vitamins.

The project will promote the construction of latrines and the use of anti parasite medicines and good hygiene practice with the aim of reducing the levels of acute diarrhoea which has an adverse impact on persistent malnutrition among children. The Training Centre will be growing improved seeds that are suited to the climatic conditions. Local farmers will be trained in appropriate techniques for agriculture. Tearfund and its partner organisation Warmys, plan to develop a system of barriers and drains to cope with flooding in the rainy season; this will also serve to create reservoirs for the dry season. In the Centre mothers will be taught cultivation techniques as well as how to prepare the products for daily meals. Funding is for Training Centre construction, training and agricultural resources.

SENEGAL

World Vision UK

Mbella Food Security Project, Département de Fatick

£39,826

The aim is to address increasing land degradation and consequent decreasing harvests in Mbellaacadio Rural Community, Diakhao, Département de Fatick, and will contribute to the improvement of the communities' food security through training farmers on improved sustainable agricultural practices and natural resource management practices and, specifically, will reduce environmental degradation through training 50 farmers and 80 pupils from 6 villages on reforestation techniques and recovery of salty land.

Some 90% of households in Mbellaacadio are defined as poor (World Vision survey). Most people obtain their livelihood through agricultural production which has seen a 70% decrease in the last ten years. One of the main reasons for this decreasing agricultural production is the increasing degradation of land. This makes households extremely vulnerable since they have access to few other local non-agricultural income-generating opportunities. Land degradation is caused by increasing desertification and salinisation of soils. The project will fund the creation of a 5ha wood band and a vetiver (low-cost erosion control system, based on vetiver grass) system. It will set-up a 5ha defence zone in order to promote Farmer Managed Natural Regeneration, so as to ensure that diverse species remain the area. It will also promote the adoption of good agricultural practices through training 60 model producers on good agro-sylvo pastoral activities.

The project will also enable individuals to increase household income through training community groups on market production techniques and it will give people access to the resources they need for market production. Specifically, this will enable farmers to develop market gardening production, through provision of basic equipment to enable market production on 2ha. of land and training 5 Producer Organisations in financial and administrative management. The project will work in 8 villages with a total population of approximately 8,000.

SUDAN

SOS SAHEL International (UK)

Sand and Sub-surface Dams: Transferring Water Technologies from Kenya to Sudan

£17,000

The aim is to provide a contribution towards the construction of three sand or sub-surface dams in Kordofan State as part of a larger overall project (to include a field visit to Kenya for Government representatives to Kenya to see the technology in action followed by training workshops in Sudan, which elements are not included here), to benefit 3,000 settled villagers plus an additional 3,000 indirect beneficiaries in the form of pastoralists passing through the area.

Guernsey's funding for SOS Sahel UK's initiatives in Sudan to date have been focused in the Red Sea State, Eastern Region. This new project is based in Kordofan State, central Sudan, where SOS Sahel UK has operated for 17 years. The project has a similar aim to our Red Sea initiatives, which is to increase rural water supply. The purpose of this new water project is to transfer a proven effective water technology from Kenya to Sudan to increase the amount of water available and lengthen the time it is accessible in the dry season, thereby improving the livelihoods of nomadic and settled communities in Kordofan.

This grant will help fund all the materials and resources needed for the construction of the dams. This project will improve and increase water availability for domestic use, reduce the burden of water collection on women, increase the opportunities for income generation in the area and reduce incidences of conflict over resources between settled communities and mobile herders in Kordofan. The main aims of the project are: (1) To raise the water table in selected sections of the seasonal river beds; (2) To increase water availability for domestic use; (3) To reduce incidences of violent conflict over access to water.; (4) To reduce the burden of water collection on women, allowing them more available time for other activities, such as vegetable gardening and handicrafts; (5) To increase the opportunities for income generation in the area via crops and vegetables grown using the improved water supply; (5) To halt and reverse the number of able-bodied men (including de-mobbed soldiers) migrating to cities for work by training them as skilled masons in rural water supply. Funding is for the construction costs of the three dams, and in-country costs, representing 39% of overall project costs.

UGANDA

Bees Abroad UK Ltd

Beekeeping for Income Generation in the Ruteete Settlement Scheme and Surrounding Parishes in Kibaale District, Western Uganda – Phase Two

£13,188

Further to the Commission's grant in 2008, the aim is to build on the achievements of the project by consolidating the gains made and extending the beekeeping project's activities into a third sub-county, increasing the number of beneficiaries to a further 150 households, estimated to comprise 750-900 people, (as well as continuing to offer advisory services and support to the 250 first-year beneficiary households, an estimated 1,250 – 1,500 people), thus further alleviating the poverty of people who, under the Ruteete Settlement Scheme, have moved into the west of the district to escape violence in the Congo and Rwanda or have been displaced from more densely populated areas of Uganda.

Beekeeping is traditional in Kibaale District and also among many of the immigrants themselves, so there exists a fund of knowledge and skills which the project can utilise. Honey is a high value primary product used for both food and medicine. Bees also produce a range of supplementary products, especially beeswax, that are an ideal means of increasing women's incomes. Honeybee pollination enhances crop yields, thereby improving food security for the whole community. Honey production depends on nectar from flowering plants and trees and the project will educate participants about forest and watershed protection. This second stage will continue to focus on technical training in honey production and the making of hives from local materials. The marketing of honey and other products will be strengthened by setting up more collection centres and upgrading the packaging facilities.

The outputs are: (1) An additional 15 groups of beneficiaries will be formed in a neighbouring sub-county and their 150 members trained in technical beekeeping, value addition and business skills to provide new income-generating opportunities for 150 particularly vulnerable households; (2) These participants will be supplied with starter equipment so that they can take advantage of new business opportunities more quickly; (3) Market linkages created in the first phase will be consolidated. This will help an additional 4,500 honey-producers in Kibaale District who are not direct beneficiaries of the project to access profitable markets.

UGANDA

Trust for Africa's Orphans

Animal Traction for Agricultural Production for Food, Income and Employment for Poor People Affected by Conflict, Apach District

£30,000

The project aim is training and provision of animal traction to enable poor people in Apach District, Northern Uganda, affected by conflict to increase agricultural production, the main economic activity in the region, providing food, income and employment, in particular through the provision of 152 units of animal traction, to benefit initially 300 families – between 1,800-3,000 people. The conflict has ended and many people have left the Internally Displaced People (IDP) camps, and returned to their villages of origin. With loss of productive, physical and financial capital during

displacement, IDP's have little access to credit and have been rendered totally dependent on humanitarian assistance for their survival. One important constraint to agricultural production in the region is lack of draught power to cultivate fallow land. Shortage of transport to get products to market and inefficient product marketing are further constraints to income growth.

The provision of animal traction will change the lives of these people in the following ways: (1) A family unit can cultivate, manage and harvest 6 times the amount of land in a growing season as against hand cultivation; (2) Large areas can be done by animal cultivation, even before the rain has softened the ground, and the crops can be planted in a more timely manner, taking advantage of the rainfall fully. Because the land is cultivated earlier the early rain is stored in the loosened soil rather than running off, and if mechanical planting of seed or if the seeding follows the furrows of the cultivation, then a better plant density will ensue; (3) Five families can share a pair of oxen and any surplus capacity can be used by other families. Northern farmers are accustomed to work on a communal basis and sharing of cultivation and harvesting labour is the norm. Through the provision of oxen, which have been traditionally used in the North, the production capacity hitherto available before the troubles will be restored in the project areas; (4) A direct consequence of war and AIDS is that there is no longer plenty of spare human capacity to undertake non-productive tasks. The use of ox-drawn seeders and ox-drawn weeding should replace the very high level of human (women) toil of traditional methods. Funding is for the provision of the animal traction units including start-up workshop and training costs.

ZAMBIA

Africa Now

Profitable Organic Vegetable Production for Rural Producers in Southern Province

£35,897

The project aims to reduce poverty levels in Livingstone and Kazungula, in Zambia's Southern Province, by assisting farmers to grow high-value organic vegetables and sell them in a community-owned Farmers Market supplying the local tourist industry. Farmers currently struggle to meet their basic needs as they all sell the same seasonal crops, driving prices down. Their crops are also often destroyed by elephants, leaving farmers with nothing. The tourism industry in Victoria Falls offers an untapped opportunity for farmers to supply a growing demand for a wider variety of organic vegetables, which, due to a lack of local capacity, are currently flown in from Bulawayo or Harare.

The project seeks to take advantage of this opportunity, improving the self-sufficiency of 400 disadvantaged rural households (representing 3,200 people) by supporting them to grow a range of organic vegetables and secure an increased, guaranteed income. It will also introduce chilli growing which will create a significant extra income whilst

helping farmers protect their crops from elephants, as chillies make elephants sneeze. Crucially, farmers will be linked to a Village Bank which will enable people to save their income and invest in their farms. Through local partners, the project particularly encourages the participation of women, and will make a long-term difference through employment creation, links to micro-finance, access to seeds, tools and training, and environmentally friendly farming practices to reduce vulnerability to drought. Funding, representing 51% of match-funding required to release the 75% balance from the EU, will build the capacity of farmer groups to run their own Farmers' Market and provide training in farming, gender and HIV/AIDS.

ZAMBIA

Send a Cow

Zambia Eastern Province Livestock Project

£35,778

The aim of the Zambia Eastern Province Livestock Project is to alleviate poverty and generate sustainable livelihoods for impoverished women and their families. The project will benefit 660 people from 110 low-income families living in the province, and a further 500 families (3,000 people) from informal training from project beneficiaries and copying farming practices. Community groups in Zambia will be supported with livestock and training which will result in food security, income, education for children and improved relationships in the home and wider community. Project livestock will be stall fed protecting the animal from disease and the environment from degradation by grazing and will facilitate the collection of manure and urine for composting into organic fertiliser. Compost will improve the soil structure whilst adding vital nutrients. This, together with other sustainable organic agricultural practices will enable farmers to grow more food, regenerate the land and reduce dependency on expensive inputs such as commercial fertiliser.

Farmers will learn how to build fuel-efficient stoves. These burn 70% less fuel than traditional stoves, saving trees and labour, and the smoke is also removed from the cooking area protecting women's health. Training in agro-forestry and seedlings will be provided plus training in water management and rainwater harvesting techniques. Severe poverty in the region has been exacerbated by HIV/AIDS which has depleted the labour force and left many widows, orphans and vulnerable children.

Families are reliant on agriculture for their livelihood, but drought, poor farming methods and land overuse has contributed to soil infertility and declining crop yields. As a result, families have inadequate food, high malnutrition rates among children and insufficient income for basic essentials, healthcare or education. Limited access to resources and high illiteracy mean that women lack opportunities for income generation; families are trapped in poverty and children are unable to go to school. The project will rebuild family and community life and empower women with training plus cows or goats so that they can generate sufficient food and income for their families

needs, giving them hope for a better future. Funding is for the provision of training in farm technologies and social development plus livestock and follow-up support for farmer groups.

Education

CHAD

CORD

Education for Sudanese Refugees and Chadian Host Community, Ouaddaï Region

£29,831

The aim of the project is to improve access to a quality education for Sudanese refugee children living in Bredjing, Tréguine and Gaga refugee camps and in the surrounding Chadian host communities in Ouaddaï Region, and to promote positive interactions between the two communities. Since October 2004 CORD's education programme funded primarily by UNICEF has developed and strengthened the capacity of Chad and Sudanese managers and teachers to provide quality education to 18,940 primary school refugee children and 1,459 pre-school children.

This project will support 19 primary schools (approximately 21,940 pupils) in 3 camps and 18 primary schools (approximately 4,000 pupils) in the host community with scholastic materials for students, pens, notebooks, text books which have the additional benefit of encouraging attendance. 37 parents-teachers management committees – one for each school - will receive management training as they continue to take responsibility for the management of their children's education. Shelter for a further 14 classrooms will be built through this project. This will ensure that education programmes become sustainable without external support. Funding is for training teachers and parents management committees, scholastic materials for the students and teachers, and the construction of the temporary classrooms, representing 19% of overall costs.

ETHIOPIA

Save the Children Fund (UK)

Improving the Quality of Basic Education for Pastoral Boys and Girls, Shinile and Aw Bare Districts, Somali Region

£39,262

The aim of the project is to improve the quality of education for 6,138 children in the Shinile and Aw Bare Districts, Somali Region of Ethiopia, through improving the physical infrastructure and availability of learning resources in 16 Alternative Basic

Education (ABE) Centres and 4 Formal Primary Schools (Cluster Resource Centres). Activities include: (1) Rehabilitation of water points in 8 schools, including training of teachers and students in hygiene and sanitation to promote safe water in the school environment.; (2) Classroom furniture for 5 schools, including desks, chairs and blackboards for 15 classrooms; (3) Rehabilitation of dilapidated classrooms in 8 schools (cement floors, plaster walls and fix roof); (4) Equip 4 Teacher Resource Centres with local language reference books and teaching materials. The Centres provide support to 145 teachers from 20 ABE Centres and 60 teachers from formal schools; (5) training for the 145 educators and teachers on skills such as classroom management, lesson preparation and classroom learning; (6) Provision of support and training for 100 members of Parent Teachers Associations and Girls Committee members on school management.

In the Somali Region of Ethiopia, pastoral boys and girls have the least access to school, with enrolment rates as low as 30 per cent. Their nomadic lifestyle means that they are unable to attend formal schools, whilst few formal school teachers wish to teach within this community due to the harsh living conditions. Since 2000, Save the Children Fund (SCF) has piloted an alternative model of providing basic education (ABE) to pastoral children in Somali Region.

The Government of Ethiopia (GoE) has adopted the SCF model as a means of increasing access to education for pastoral boys and girls. The GoE focus has been on expanding enrolment rates, leaving limited funding for the teacher training and basic material resources required for children to learn effectively. Challenges include a lack of safe, clean classrooms equipped with desks and chairs; a lack of water and sanitation, limited reading materials in the local language, and inadequate training for teachers. As a result, up to 40 per cent of children drop out of school before completing the first three years. The project will therefore fund the provision and expansion of critical basic primary education resources to encourage the most disadvantaged out-of-school children - in particular girls - in the Somali Region to enrol and remain within school.

INDIA

World Vision UK

Virudhunagar Education Project, Tamil Nadu

£39,580

The aim is to address the issues of enrolment and retention of children in schools in 30 villages in Virudhunagar District, Tamil Nadu, through creating awareness of the need for educating both girls and boys, through the construction of additional classrooms, provision of classroom furniture & equipment, and the construction of adequate water & sanitation facilities, together with the provision of a capacity-building programme to the teachers on child rights and child development.

In India there is a huge gap in the literacy status of boys and girls. According to the 2001 census, the percentage of literate population is 62.91%. The percentage of male literacy is 75.67% and female literacy is 50.17%. Some of the issues that has led to failure in enrolment and retention given by the community and teachers are: (1) Inadequate number of classrooms; (2) Inadequate sitting benches and desks; (3) Lack of access to drinking water; (4) Lack of toilet facilities; (5) No recreation facilities. The integration of the project activities into World Vision's Child Labour Prevention project will facilitate a sustainable approach to education in the respective communities. The project will benefit approximately 32,123 people (incl. 7,000 children) and will be implemented over a period of 12 months. Funding is for the provision of awareness raising, education infrastructure and capacity building.

KENYA

International Childcare Trust

Better Lives for Street Children, Orphans and Young People, Kakamega Central and Mumias Districts

£30,824

The aim is to increase the participation in primary education and protection of street children, their siblings and orphans living in remote, resource-poor areas of Mumias and Kakamega Central Districts, Western Province, the second poorest Province in Kenya with over 56% of the 3.3 million people living under the poverty line of \$1 per day, through non-formal education and economic initiatives.

The project is located in the poorest and most rural districts of the Province. There are over 2,500 street children and over 112,000 working children (majority aged 9 to 14 years). These children are not enrolled or are at risk of not completing their primary education and face all the problems associated with extreme poverty.

The project will: (1) Provide access to primary education through 2 Drop In Centres and Child Support Centres offering support services in non-formal education skills, 3-6 months short-term residential rehabilitation services, night shelter, psychological care, family placements and enrolment to mainstream primary education; (2) Strengthen street children life skills and abilities enabling them to make informed decisions about their own lives through child to child mentoring and marketable vocational training. The children will learn marketable skills that will give them an opportunity to access employment and income enabling them to be self-reliant; (3) Strengthen economic security of street children's families (especially vulnerable young single mothers) to access financial resources through marketable vocational training, savings mobilisation and revolving funds to enable them afford the basic needs that children need to survive and access primary education; (4) Construct 2 Non formal education classrooms/Library , purchase 30 study tables and chairs to provide basic literacy skills to enable children enrol in mainstream primary schools.

The project will benefit directly a total 505 street children and their siblings, 695 orphans, 300 street children's families and indirectly 2,100 people. Funding is for 500 children-education support packages, support services at the Drop in Centre for 1,200 children, vocational skills equipment, revolving funds for 300 families, the construction of 2 non-formal education classrooms/Library, and the purchase of study tables and chairs, representing 58% of total costs.

RWANDA

PLAN International UK

Increasing Girls Retention in School through Quality Education, Gatsibo District

£39,930

The overall aim is to increase the retention and completion rate of girls in primary education by enhancing the quality of education provision in 10 schools in the Gatsibo district, focusing specifically on building teacher's capacities to deliver quality education, establishing and/or strengthening Parent Teacher Associations (PTAs), establishing Children's Clubs to effectively promote girls education within their communities and developing a role model mentoring programme, reaching a total number of 6,143 children over the 12 months of implementation.

The project will pilot Plan's innovative and integrated approach to girl's education – which promotes girls' rights to quality education, ensuring girls and parents' participation in school governance, improving the accountability and quality of schools, and ensuring safe, motivating and effective learning environments. It will benefit 6,143 children over a 12-month period.

Plan Rwanda has recently finalised its 5-year programme strategy for 2008-13 which prioritises girl's education as a key intervention area. During this process, extensive consultations were undertaken with the Ministry of Education, local civil society, and local schools and communities. It became clear that whilst the Rwandan government has made great efforts to increase enrolment in school, to 97% of girls and 95% of boys, retention rates for girls remain very poor. Of 2.15 million children currently enrolled in primary schools, only half reach Grade 6 and complete their primary education. Despite the fact that net primary school enrolment is slightly higher amongst girls, end of primary school exams are testament to the tougher time that girls face; in 2006 just 40% of girls passed compared to 60% of boys. Nationally, the repetition rate at primary school is very high at around 19% and due to the recent success in enrolment, the average number of children taught by one teacher is 75, and even for core subjects, the pupil to textbook ratio is 1:5. As a legacy of the genocide, children and young people under-25 make up 67% of the population, with a very high proportion of orphans and youth-headed households. It is therefore critical that action is taken to address the gaps in education which will prevent children, and specifically girls, from fulfilling their full potential as educated and active citizens.

SOMALIA

Book Aid International

Creating Literate Communities, Somaliland and Puntland

£18,750

The project aims to provide essential books to Somaliland (Hargeisa, Boorama, Berbera) and Puntland, and to ensure that they are used by priority groups, for an assessment of library resource centres, a two-day training workshop for teacher-librarians and, principally, towards providing approximately 11,500 books for library resource centres in the region. These will include approximately 10,300 books provided through Book Aid International publisher donated stock, 600 titles purchased in the UK and 600 locally purchased books.

Books will include dual language titles, children's, and books on health, agriculture, and Somali/African history. In Somalia, major problems include famine, use of contaminated water contributing to human health problems, deforestation, overgrazing, soil erosion and desertification. Estimates are that only 19% of adults are literate and that only 23% of children attend primary school. Literacy and learning are vital for poverty reduction, community health and economic development. Book Aid's partners in Somaliland have requested assessment, training and books to help them support community literacy needs.

The three main activities are: (1) Conducting an assessment visit to a minimum of 10 library resource centres in Somaliland, including centres in Hargeisa, Boorama and Berbera in April/May 2009; (2) A two-day training workshop in Hargeisa, in April/May 2009 to equip teacher-librarians with skills to run an effective school/community library. This will focus on effective running and maintenance of library resources and effective promotion of resources to ensure that services are used by school students and the wider community; (3) Supplying approximately 11,500 books including dual language, children's, health, agricultural and Somali and African history. Approximately 10,300 of these will be donated through Book Aid's relationships with UK publishers. The project will also provide locally purchased and UK purchased titles. The estimated value of the donated books provided is £60,000. Book Aid estimates that each book it provides is read at least five times, so 57,500 people will benefit from the project. The training workshop will train up to 30 participants and will result in greater community involvement in literacy-related activities. Funding is for 69% of total project costs.

Health

AFGHANISTAN

HealthProm

Reducing Maternal and Infant Deaths in Ten Villages, Balkh Province

£18,842

The aim is to reduce deaths of women and newborn babies in ten villages in Chaharkint, Balkh Province, by increasing uptake of maternity care and improving its quality, in accordance with the WHO's No. 1 Priority of Safe Motherhood in Afghanistan, and within the framework of the Afghan Government's Basic Package of Health Services, through a variety of interventions such as the provision of clean birth kits to reduce infection, donkey carts as ambulance transport, establishing safe motherhood groups and wheat/pea banks, and an oxygen concentrator and ultrasound equipment for Mazar-i-Sharif Hospital Maternity Department.

The Commission's grant in 2006, which funded training in life-saving procedures in emergency obstetric care at the Hospital, has raised the capacity of the Maternity Department to treat emergency referrals in the present project. Estimated maternal mortality is 1,600 per 100,000 live births, the second highest in the world. Deaths result mainly from "the three delays": in deciding to seek a midwife; in reaching clinic or hospital and in receiving care there. HealthProm will work with ten villages of subsistence farmers in a mountainous district just north of the Hindu Kush, without roads and with poor access to the health centre, especially in snow. The population is about 10,000 (no reliable figures), at least half being beneficiaries. Project preparation is funded and taking place.

Activities are: (1) Gathering baseline death rates, (2) Facilitating village 'safe motherhood' groups to identify problems and solutions, (3) Building services of health centre and Hospital, (4) Providing wireless telephones, emergency transport and village crop banks to support it. Funding is provided as a contribution to the project and represents the balance of the Commission's 2009 grant allocation. It is mainly for essential equipment and medicines for the Maternity Department, emergency transport, local staff and training, representing 70% of overall project costs.

ANGOLA

Oxfam

Providing Clean Water and Sanitation, Moxico Province

£39,450

This projects aims to improve access to safe water supplies and sanitation for 10,000 Internally Displaced People (IDP) and refugees who have returned home to Luena town,

Moxico Province. The 30-year conflict destroyed the basic water and sanitation systems in the project area leaving only 40 per cent of the population with access to water and 31 per cent with access to sanitation; these are the lowest rates in the Southern Africa region.

Oxfam aims to improve the access and quality of water and sanitation services in 20 areas in Luena town. Project activities include; (1) To set up and train 20 community water and sanitation groups (GAS) in water point maintenance, latrine construction and health promotion who will in turn, (2) Be provided with 20 toolkits and technical support to rehabilitate 20 existing water points and; (3) Construct 20 public latrines in two market places and supply cleaning and disinfecting materials. (4) 250 of the most vulnerable families will be given latrine digging kits, training and support from the GAS groups to dig their own family latrine. (5) Each of the 20 GAS groups will receive training in gender and HIV&AIDS and (6) Implement a health promotion and HIV&AIDS campaign in their area and distribute awareness raising materials. The grant will be used to fund construction materials, toolkits, training and communication materials.

BURKINA FASO

Water Aid

Improving Access to Water and Sanitation of People Living in Poor Rural Communities, Diapaga District

£39,949

The aim is to improve health and quality of life for 6,589 people living in poverty by improving water supply & sanitation facilities and hygiene promotion in the two villages of Mangou and Pembiga, Diapaga District. The water supply component will include the construction of three new boreholes, rehabilitation of two existing boreholes, water quality testing and capacity building for community members. With regard to sanitation, the project will set to construct two school latrines and to implement the Community-Led Total Sanitation process, which aims for zero open defecation in the targeted communities.

All project components will involve maximum use of local materials and a range of capacity building initiatives particularly with regard to behaviour change. The project will carry out a comprehensive programme of hygiene education activities to ensure that the people targeted understand the causal links between unsafe hygiene practices and disease, and the importance of practising safe hygiene behaviour, such as hand washing after using a latrine.

The project will be implemented by DAKUPA, Water Aid's local implementing partner organisation in this region. This non-governmental organisation has well established relationships with local leaders and strong links with the community. DAKUPA will undertake the technical assessment, mobilisation of community members, infrastructure

and service implementation whilst providing day-to-day management and supervision of all project activities in the two villages. Community members will provide contributions in kind such as the digging of latrine pits and collecting and delivering local materials. Funding is for the provision of infrastructure and materials, hygiene promotion activities, education materials, project monitoring, evaluation and accounting, project office running costs, transportation and materials haulage.

BURUNDI

CORD

Water and Sanitation for Returning Refugees in Mpinga-Kayove and Bukemba Communes, Rutana Province

£16,579

The aim is to improve the quality of life and reduce the levels of poverty within Mpinga-Kayove and Bukemba communes of Rutana Province in South-Eastern Burundi, by increasing access to clean and safe drinking water and providing training in water management and sanitation in line with the United Nations Millennium Development Goal. This is part of a larger programme co-funded by the European Commission, representing 9% of total project costs.

The specific objective of the overall project is to improve access to clean safe drinking water and improve sanitation practices through the protection of 300 springs and the rehabilitation of 10 small water gravity schemes across Rutana. The final beneficiaries for the whole programme will be 87,460 rural inhabitants. Funding is for 9% of overall project costs, for the protection of 24 springs – 12 in each commune, as well as training each water committee in water management and sanitation in order to ensure the sustainability and wider impacts of the project, to benefit 7,750 people.

ETHIOPIA

African Medical and Research Foundation (AMREF)

Better Health for Pastoralists, South Omo

£39,607

The aim is to improve the health of women and children in pastoralist communities living in South Omo, a remote, rural area of Ethiopia, through expanding the reach of health and development activities to South Omo's pastoralists by equipping two health posts in Malle district, training 20 health workers in the district to provide essential healthcare to women and children and providing equipment and supplies. The nomadic pastoralists of South Omo, 70% of whom live on less than 1\$ a day, have little access to health services and particularly high levels of child and maternal mortality. Outside of the zonal town, Jinka, the region has only one health centre, and five health posts to reach the population of 250,000 dispersed over 70 kebele (villages).

The 20 Health Extension Workers (HEW) trained through the project will provide the vital link between rural communities and the health system, and are a formally recognised health services provider, stationed in rural kebeles. HEWs work at health posts providing essential health services and within their communities to promote good health and treatment seeking behaviour, encouraging community members to seek treatment where necessary. By strengthening formal health services available in the region and increasing the capacity of nomadic pastoralist communities to access these services, the project seeks to improve the health of this particularly disadvantaged group.

Additionally, for those groups not reached by the project's core activities, or those unable to access the improved health services the project brings to the area, outreach programmes will bring health services to the most marginalised. AMREF has been awarded a grant from the European Union of GBP £600,000 towards this four-year project on the condition that AMREF secures a matched contribution of 25%. Funding will have a leverage effect, enabling AMREF to secure this funding, and will reach 10 of the 40 kebeles, directly benefiting 9,500 women of reproductive age (15-49) and 5,700 children under five. The wider project will work across 40 kebeles (villages) of South Arie and Malle districts, reaching a wider population of 152,365. Funding is to cover such items including equipment and supplies, health centre refurbishment, training and in-country running costs, representing 25% of project costs for the first year.

ETHIOPIA

Habitat for Humanity Great Britain (HFH)

Scaling up Provision of Mosquito Nets and Providing Access to Clean Water for Vulnerable Communities, Debre Berhane, Debre Markos, Nazareth, Kombolcha, Dessie, Shashemene and Ambo Districts

£35,653

The aim of this project is to transform the health and living conditions of low-income and vulnerable people in 7 communities across Ethiopia by providing 1,500 Long Lasting Insecticide Treated Mosquito Nets (LLINs) for 3,000 individuals and installing mains water, 15 stand pipes and water-storage tanks to provide access to clean water for over 27,000 individuals. In 2006 the Commission helped Habitat for Humanity (HFH) supply mosquito nets to 125 poor Ethiopian families as part of a pilot project. The success of the programme created a waiting list among prospective homeowners and HFH now wishes to build on the lessons learned and scale up its ability to improve the health of poor communities.

By supporting the distribution of mosquito nets with access to clean water, HFH aims to reduce the incidence of water-borne diseases and so aid the government's drive towards the Millennium Development Goals 4, 6 and 7. The target beneficiaries will include

women-headed families, the disabled, people affected by leprosy and people living with HIV/AIDS. Funding is for the purchase and distribution of mosquito nets and training; purchase and instillation of main water lines, standpipes and communal water storage tanks and training in water management.

ETHIOPIA

Health Unlimited

Improving the Sexual and Reproductive Health of Pastoralist Communities in the Bale Lowlands

£38,662

The aim is to improve the Sexual and Reproductive Health (SRH) status of remote pastoralist communities in Rayitu and Sawena in the Bale Lowlands. There is currently a lack of awareness of HIV, sexually transmitted infections (STIs) and family planning – local contraceptive use is under 2%. 95% of women and girls are subjected to Female Genital Mutilation (FGM) and its damaging effects. There are no local facilities for HIV testing or counselling, or to treat complications occurring as a result of illegal abortions, and maternal mortality is high.

This 4-year project has 5 key activities: (1) Training Ministry of Health (MOH) staff on life saving obstetric skills, diagnosing STIs, family planning, and HIV/AIDS prevention and treatment; equipping health facilities with safe delivery equipment and rain water harvesting schemes (to meet emergency obstetric water requirements); (2) Promoting community discussions on SRH issues including FGM and developing appropriate education materials; and training Traditional Birth Attendants (TBAs) in safe referral of women in labour; (3) Training MOH staff on HIV voluntary counselling and testing (VCT); setting up a mobile VCT service; setting up youth SRH clubs and training peer educators; (4) Building the capacity of staff from the MOH and our local partner organisation (EECMY) to manage SRH programmes (5) Training project staff in advocacy, and influencing national health policy and practice.

An estimated 25,000 women of child-bearing age, 19,080 youth, and 25,000 adult men will benefit from improved quality of maternal and SRH health facilities and services. 38 TBAs, 40 community health staff, 10 volunteers living with HIV/AIDS, 20 peer educators, 19 MOH staff and 7 staff from EECMY will also benefit. Funding is towards the provision of 25% part-funding with the European Commission for Year 2 (2009/10), to cover expenditure towards: Mobile HIV Voluntary Testing equipment; rainwater harvesting schemes, contraceptive supplies and maternity equipment for health facilities; equipment and support for TBAs; health education materials; and salaries for 4 Community Mobilisers.

ETHIOPIA

Merlin

Rain Water Harvesting in Schools and Hygiene Education Project, Oromiya Region

£15,833

This project aims to reduce the death of children from diarrhoea in the Eastern Bale Zone, Oromiya Region, through installing rainwater harvesting systems in schools to provide clean water, the construction or upgrading of school latrines, and by running an education programme to improve hygiene and sanitation practices, targeting over 3,500 students in 6 schools in the Ginnir Woreda (District) of Bale Zone. In Oromiya Region, one in five children – over half a million every year - dies from diarrhoea before the age of five. The main causes are limited access to clean water and poor hygiene and sanitation practices.

The schools were identified jointly by Merlin and the Woreda Education Bureau as lacking access to reliable water sources and also having a roof suitable for rainwater harvesting. Each will be fitted with latrines and a system that fills a 10,000 litre fibreglass tank with filtered water channelled from the roof by a system of pipes. The water is accessed by a tap on the tank and used in the dry season for drinking, hand washing and cleaning latrines and classrooms. Indirect beneficiaries include the 21,179 people making up the total area population. Aimed at teachers, pupils and parents, the educational strand of the project will raise awareness of disease prevention through improved hygiene and sanitation practices. It will include intensive teacher training, dissemination to pupils through regular lessons, school sanitation clubs, hand-washing campaign days and distributing educational materials. Parents will be involved by attending campaign days at schools and learning from their children at home and via wider community activities. Funding is for the water tanks and latrine construction costs only, representing 40% of total project costs.

ETHIOPIA

Oxfam

Improving Health and Access to Fresh Water, Harshin, Aware and Dambel Districts

£39,527

The aim is to assist Oxfam in working with pastoral communities to support them in strengthening their access to basic services, in particular through drilling a borehole and training traditional birth attendants and community health/hygiene persons, to benefit more than 32,000 people directly with access to reliable water sources, plus hundreds of women will benefit from giving birth aided by a trained birth assistant, and many

hundreds more will be aware of effective health and hygiene practices. Oxfam will work with communities, helping them to withstand drought and to have access to services, especially maternal health care, and will work with partners to train people to manage their water sources and enable local women to become traditional birth attendants (TBAs) through training and provision of health kits.

Funding is for the following project activities: (1) Drilling and maintenance of a borehole to a depth of around 300 metres to serve more than 13,000 people with clean water; (2) Training 10 TBAs; (3) Providing a standard medical kit to each TBA; (4) Training 100 community members to promote basic health and hygiene messages, HIV/AIDS awareness and prevention, and reducing gender-based violence. This project is part of a wider programme to improve the lives of 90,000 pastoralists, and a further 183,500 people indirectly, by providing access to sustainable basic services. Reliable water sources are vital for families and their livestock, but the Somali region is prone to severe drought and insecurity, which disrupts all aspects of life including basic health care.

GUINEA BISSAU

PLAN International UK

Promoting Access to Potable Water and Hygiene, Bafata District

£39,031

The aim is to improve the health of children and their communities in the Bafata region in Guinea-Bissau to benefit 1,800 people and 900 pupils in communities and schools in one of Guinea-Bissau's most under-developed regions through the provision of boreholes and latrines together with hygiene training. Bafata suffers from a lack of potable water and sanitation facilities: an estimated 24% of the population lack access to potable water and only 2% have access to a latrine.

The lack of these facilities and the low level of awareness among local people about basic health and hygiene issues have resulted in a high incidence of diarrhoea, intestinal parasites and other infectious and water borne disease. Children are seriously affected by the consequences of poor hygiene and sanitation and are the most vulnerable to illness and infection. This contributes towards very high levels of child mortality: 200 per 1,000 live births, equivalent to approximately 16,000 child deaths per year. Poor health affects children's ability to attend school and gain an education.

Girls are particularly disadvantaged by the lack of sanitation facilities at school as menstruating girls are less likely to attend and girls are more vulnerable to physical assault when defecating in the bush. This project will provide three community boreholes and latrines at three primary schools with separate blocks of three toilets for girls and boys. The three selected schools will be provided with large specialised plastic water containers with taps that children can use for drinking water and hand washing. The teachers and school children will be trained in hygiene promotion

messaging and students will encourage the adoption of healthy practices through peer-to-peer health and hygiene promotion activities. Community members will also be engaged through awareness raising activities about health and hygiene to encourage better practices at home and in the wider community.

HAITI

Concern Worldwide

Access to Water, La Gonâve Island

£40,000

Further to the Commission's grants in 2006 and 2007 for the construction/rehabilitation of community cisterns and the protection of springs, the overall aim of the project is to continue to reduce the prevalence of waterborne disease on the island of La Gonâve, a desperately dry place, by sustainably improving access to potable water, in particular through funding the construction of 3 large community cisterns, rehabilitating the pumping system for 1 water system as well as associated staffing and administrative running costs, as part of Concern's five year project (2006-2010) for integrated water resource management. This involves rehabilitating and expanding water-related infrastructure carried out within the broader framework of environmental protection (reforestation and soil conservation in the areas immediately surrounding water infrastructure) and capacity building of key stakeholders at the community and state levels.

Families in La Gonâve are in desperate need of clean water supplies. Population growth and shifts in patterns of consumption as a result of increased urbanisation have increased demand on a water supply that is dwindling and increasingly polluted due to environmental degradation. The hurricane in 2008 also damaged infrastructure already constructed through this programme. For these people a sip of water could be lethal. But when one is thirsty and the only water available is riddled with disease and contaminated with bacteria, there is no choice. The 750 km² island of La Gonâve is one of the most disadvantaged areas within Haiti. For the Island's 110,000 inhabitants, average daily access to water for drinking, food preparation and cleaning is just 7 litres (1.8 gallons) of water per person, which is less than half of the internationally recommended minimum emergency response standard of 15 litres (3.96 gallons). The project benefits 621 families (3,105 individuals) directly but also is of benefit to the entire island, benefiting indirectly all its 110,000 inhabitants.

HAITI

United Nations Children's Fund (UNICEF)

Rehabilitating Water and Sanitation Facilities and Protecting against Future Natural Disasters, Haiti

£39,760

The aim is to address high death rate of children under five in Haiti, through rehabilitating water and sanitation facilities and providing education in good hygiene practices. In Haiti, as many as 7,000 children under five die every year due to acute diarrhoea, and intestinal parasites infect 80% of school children. It is vital that water and sanitation services are improved in order to reduce these figures, and since many water points were destroyed by two tropical storms and two hurricanes in August 2008, the situation has become more urgent.

As part of wider reconstruction efforts, this project aims to rehabilitate one water gravity system, 20 community wells with hand pumps and 100 household latrines, benefiting 40,000 people. Supplies such as water kits, water purification tablets and hygiene kits will be provided to families in the communities where rehabilitation work is taking place. A hygiene promotion campaign will also be carried out, raising awareness of risks and educating families on how best to protect against water-borne diseases following natural disasters.

The first stage of the project will be to start rehabilitating damaged water points. It is the weaker water and sanitation systems that have been most extremely affected by storms. These will be prioritised so that communities can have access to safe drinking water as quickly as possible. In the meantime, families in these communities will be given water purification tablets, water kits with buckets and containers for water collection, and hygiene kits with soap and cleaning items to help protect children from the spread of disease. These items will remain useful when the water systems are up and running as children can use the supplies at school as well as at home, and communities will be better prepared for future natural disasters.

INDIA

Arpana Charitable Trust (UK)

Essential Transportation Needs for Arpana Health and Development Services, Haryana and Himachal States

£37,689

The aim of this project is to solve the transportation difficulties that are holding back the health and development services that Arpana Hospital is providing for a large disadvantaged rural population in Haryana as well as for hill folk in Chamba District, Himachal Pradesh, through the provision of 6 Mahindra Jeeps (2 of which are ambulance jeeps), and 4 Honda motorcycles. Without vehicles it is impossible for Arpana's work to be carried out.

The Hospital is the only NGO in these areas. In Haryana, Arpana Hospital is providing affordable health care and treatment to over 500 villages. Doctors and facilities are excellent for a rural hospital and include 3 operation theatres, a basic ICU and many items of excellent equipment, including those given by Guernsey over the past 12 years, which have made it possible for Arpana to provide sophisticated treatment to the most

disadvantaged. Intensive health and development programmes cover 65 villages in 3 Blocks of Karnal District. Health inputs include providing HB tests, weight, blood pressure and urine tests for village antenatal clinics run by Government Auxiliary Nurse Midwives. Development is now done through self-help groups facilitated by Arpana which is continuing to inspire, motivate and train them to take up community responsibilities.

Vehicles are required for trainings and motivational inputs, for medical camps and health clinics in the villages as well as for referrals of pregnancy complications and emergencies from the target area. Without vehicles, Arpana's service activities would be severely affected including: (1) Arpana Hospital with over 65,000 patients annually and benefiting a population of over 600,000 in over 500 villages and towns in Haryana; (2) Intensive Development activities in 65 villages in Haryana and 125 villages in Himachal with a population of over 140,000; (3) Intensive Health Inputs including 77,819 home visits covering antenatal care, well babies, family planning, gender sensitization and nutrition as well as 1,038 street meetings on health topics like HIV/AIDS, diabetes, ANC care, family planning, etc. with 10,495 in the audience. New vehicles and motorcycles will cover intensively a population of over 100,000 and, overall, a population of over 250,000, and produce around 17% savings on fuel and servicing.

INDIA

The Leprosy Mission

Improving Physiotherapy and Disability Prevention Services, West Bengal, Maharashtra, Bihar, Delhi and Andhra Pradesh

£28,097

This project aims to improve the quality of physiotherapy and prevention of disability services in eight TLM Hospitals, namely Kolkata and Purulia in West Bengal, Kothara, Miraj and Poladpur in Maharashtra State, Muzaffarpur in Bihar, Shahdara in Delhi and Salur in Andhra Pradesh, for people affected by leprosy and disability.

Prevention of disability and physiotherapy services are essential medical services for the people affected by leprosy and disability. By enabling these Hospitals to provide quality physiotherapy services this project will increase the mobility of patients and will ultimately improve the quality of their life. Likewise, services provided for prevention of disability will reduce the risk of further deformity. A total of 5,976 patients availed general physiotherapy in these eight TLM Hospitals in 2007 and numbers are expected to increase in 2009 as a result of this project. Likewise, more than 9,000 people will benefit from self-care education to prevent disability.

The major objective of the project is to provide the eight Hospitals with equipment and materials necessary for quality physiotherapy and prevention of disability services. These include providing a nerve conduction velocity machine, scan probe, muscle

stimulators, traction machines and other physiotherapy equipment, as well as specialist protective footwear, and reconstructive surgery for 60 people affected by leprosy. The project will also renovate the patient toilets in Shahdara hospital and provide 20 mattresses for patients at Salur hospital, further improving the quality of care offered at these Hospitals.

KENYA

CARE International UK

Water and Sanitation for Somali Refugees, North Eastern Province

£39,839

This project will improve access to safe water and sanitation for the poor, marginalised pastoral Somali community in the Balambala village, Garissa District, in the North Eastern Province of Kenya, through enhancing the provision of safe drinking water and hygienic sanitation facilities to benefit over 600 students directly and over 3,000 villagers indirectly.

The particular activities are: (1) Enhancing access to safe drinking water in the Balambala Primary School by replacing the existing (out-of-use) dilapidated water storage facility with a new 90 cubic metre tank; (2) Improving access to hygienic sanitation facilities through the construction of 4 girl-child friendly latrines and 2 hand-washing facilities at the School; (3) Enhancing access to safe water and sanitation for patients (particularly women and children) at the Balambala village clinic by providing 1 rain water harvesting storage tank, constructing 2 latrines and 2 hand-washing facilities.

This holistic strategy focuses on points of (water) use, water treatment, improvement of water storage and the promotion of safe water handling. At present the schools and health centres in this area run out of water altogether due to lack of reliable storage facilities. The overall goal of the proposed project is to reduce the risk of waterborne and faecal-borne diseases as well as the high dropout and absenteeism rates from primary schools as a result of the unavailability of safe water and clean sanitation.

KENYA

East and Southern Africa Volunteer Scheme

Kifaru Community Clinic, Rift Valley Province

£11,478

To provide permanent access to maternity and general health care for four rural

communities in Mahiga, Rift Valley Province, namely Kilo, Mitimangi, Game and Mamendi, through the provision of a purpose-built stone clinic comprising treatment and maternity delivery rooms, together with a nurse's house, to serve a catchment area of between 20,000 - 25,000 people. Women approaching delivery, or requiring ante-natal and post-natal care have to travel a minimum of ten kilometres on difficult earth roads to the nearest government clinic which is staffed during weekdays only, or twenty five kilometres to a district hospital.

The population consists mainly of subsistence farmers in a semi-arid environment and poverty is rife. Women and children rely on walking to their destinations; men may travel by bicycle but there is no public transport. The provision of a substantial stone built clinic with treatment and maternity delivery rooms, together with a nurse's house will immeasurably improve healthcare facilities for the communities. The rooms will have concrete floors and plaster and painted walls to allow for efficient cleaning and high standards of hygiene; pit latrine toilets and a sheltered waiting area will ensure comfort for patients. Funding is for materials and labour to construct the clinic, nurse's house, pit latrines and toilets.

KENYA

Excellent Development

Excellent Water Project for Schools, Eastern Province

£24,357

The project will provide 1,750 pupils at 5 primary schools in Makueni and Kibwezi, Eastern Province, a very poor area of semi-arid SE Kenya, with a supply of clean water, for drinking, cooking school meals and hygiene to enable more children to attend school, improve concentration in class, and reduce incidence of water-borne disease. The schools serve remote communities of subsistence farmers in marginal agricultural areas that are prone to drought and food shortages. Children, especially girls, tend to miss school in dry seasons and droughts because of having to walk miles to fetch water or mind the home while their mothers fetch it.

Diarrhoea and typhoid from drinking bad water, and malnutrition from a poor diet, are major causes of child illness and mortality. Together with members of the community, including the pupils' parents, Excellent Development will build a water tank for each school. The tanks will fill with rainwater run-off from the school roof, when the seasonal rains come. Capacity is 100,000 litres. The tanks have an expected lifespan of 25 years and need very little maintenance, so will provide water to generations of pupils. The community has requested this project and will contribute labour worth around £3,350. The cost per pupil year of providing water over 25 years is £0.56p. Every 1,000 litres will cost just under £1. Funding is for 88% of total costs.

KENYA**MaterCare International****Project Isiolo - Comprehensive, Essential Obstetrical Care: Provision of an Operating Room****£38,657**

The objective of the project is to reduce maternal and perinatal mortality and morbidity in the Isiolo district by providing essential obstetrical care, in particular through the provision of funding for an Operating Room at a hospital to be built on land donated by the Diocese of Isiolo and will include: a maternity ward of 30 patient beds with showers and toilets; a maternity waiting home, outpatient clinic; delivery room with 5 beds, and two operating rooms, one for clean cases and the other for infected cases; with a recovery room attached; laboratory with blood bank; pharmacy, administration; maintenance; teaching centre; kitchen; laundry and accommodation for medical and midwifery staffs (according to mission hospital custom).

The project target area is remote and arid and has been described as “unique and forgotten by government and other health care providers”. The maternal mortality risk in Kenya is 1:19 but in this region it is much higher due to poverty, environmental and geographical situations and the lack of any sort of health care. The project will provide essential obstetrical services through a new model which includes a 30-bed maternity hospital, a maternity waiting home, 12 rural maternity clinics, all linked together to an emergency obstetrical transport by radio, able to reach the mother with life threatening complications, resuscitate her and then transfer her to hospital safely.

The project also includes the training of doctors and midwives in the management of obstetric complications. The direct beneficiaries will be mothers and their babies from three indigenous tribes, refugees internally displaced from the Ugandan boarder and those following the ethnic violence in then aftermath of the December 2007 general election, and others from Sudan and Somalia. The indirect beneficiaries are their husbands/partners, their families, villages and tribal communities.

KENYA**WASOT- UK INTERNATIONAL****Malaria Prevention Program for Pregnant Women and Children under 5, Nyando District, Lake Victoria Region****£22,000**

The aim is to distribute long lasting insecticidal nets (LLINs) PermaNet® 2.0 to 10,000 pregnant women and children under the age of five which represents up to 2,000 families, including people living with HIV/AIDS, in Nyamware and Alendu areas of

Nyando District as a way of preventing malaria among the most vulnerable in the community. Nyando District is located along the shores of Lake Victoria and a marked malaria-endemic area. Here immunity is acquired by the community before adulthood and the risks of disease and death from malaria are concentrated amongst children and pregnant women. Transmission is perennial and the parasite prevalence amongst childhood communities often exceeds 50%.

In most parts of Nyanza especially Nyando District, malaria remains a major killer disease to the rural and urban poor populations, pregnant women, children and people living positively with HIV/AIDS. Malaria remains a leading cause of morbidity and mortality in Kenya, especially in young children and pregnant women. It accounts for 30% of outpatient attendances and 19% of admissions to health facilities. Malaria is the most important cause of death in children under 5 years of age and is estimated to cause 20% of all deaths in this age group.

However malaria is a preventable and curable disease. Currently the Kenyan government distributes free ITNs to children under the age of 5 through its expanded immunisation programme but this is not enough to reach remote areas due to scarcity of resources. In spite of these efforts aimed at controlling and preventing malaria there are still major challenges in containing the vector through distribution and use of LLINs and Indoor Residual spraying (IRS), management of malarial illness and control of malaria in pregnancy within remote communities such as Nyando district. This has forced the vulnerable people to sleep without the nets exposing them to the danger of malaria transmission. Distribution of LLINs is left to the private sector and PSI where they remain affordable only to the economically able. OGRA Foundation therefore intends to supplement government's effort to reach pregnant women and children in the rural population who have no access to LLINs or any information on the importance of sleeping under a treated mosquito net.

KENYA

WASOT- UK INTERNATIONAL

Construction of a Maternity and Waiting Room Facility for Pregnant Women, Osani Health Centre, Homa Bay District

£17,790

This project seeks to reduce the high transmission rate of HIV/AIDS from mother to child during pregnancy, labour and improve safe delivery, breastfeeding among the poor women and teenage mothers in the rural community of Osani, Homa Bay District, through the construction of a simple maternity and mother and child health wing (waiting room facility) at Osani Health Centre, where WASOT's partner, OGRA Foundation, has in the recent past been able to put up a simple health facility for the locals. The expanded service is expected to benefit over 10,000 women and teenage girls with information on PMTCT, family planning and access and provision of in-patient maternity services to the over 120 deliveries currently happening at the unit.

HIV/AIDS has had devastating effects and is currently a common complication of pregnancy worldwide with more than 600,000 children infected annually. Mother-to-child transmission of the virus is responsible for more than 90% of these cases in children under 15 years. In Kenya the prevalence of HIV infection among pregnant mothers is estimated at 23%, thereby increasing infant and child mortality rate. In Nyanza, Western Kenya, an average of 4,000 mothers attend antenatal clinics annually at the provincial hospital in Kisumu town. This only caters for the urban dwellers and its environs. The women living in rural and remote places have little or no access to antenatal and post-natal services. Lack of trained midwives and clinical staff results in maternal deaths during delivery notably due to complications i.e. post partum haemorrhage, obstructed labour, failure to progress and sepsis following births supervised by poorly trained traditional birth attendants.

In Osani, lack of infrastructure and poorly resourced health systems, long distance to health facilities, high poverty levels, stigma, culture as well as total lack of information on PMTCT are the main factors contributing to the slow progress in combating HIV transmission from mother to child. Part of the programme will involve retraining of Traditional Birth Attendants and community health workers and will ensure that all 120 new babies born at the clinic are safe and receive initial medical attention. Funding is for the provision of the building costs.

MADAGASCAR

Habitat for Humanity Great Britain (HFH)

Scaling up Provision of Mosquito Nets and Reducing Health Risks Associated with Water for Vulnerable Communities, Manjakandriana Municipality

£14,827

This project aims to reduce a number of health risks associated with water for a poor community in Ambohimiadana, in the municipality of Manjakandriana, to benefit 100 families, through the planting of 2,000 m² of slopes to protect against landslides, the provision of 5 water points and 300 malaria nets (3 per household). The Municipality has allocated land adjacent to the overcrowded Ambohimiadana community for them to create a new settlement and the government has invited Habitat for Humanity (HFH) to assist with the construction of the new houses. To date 47 low-income families have moved into new affordable homes built in partnership with HFH with another 53 due to join them.

The area is (a) prone to seasonal and devastating flooding and landslides, (b) lacks access to clean water supplies and has a high incidence of Malaria. The municipality and neighbourhood government officials are aware of the above health risks but lack the budget to protect the community against them and have asked HFH to assist in finding sustainable solutions. The project will enable HFH to provide natural vegetation to protect against flooding and landslides, while educating the community against forest degradation; sink five clean water wells, which the community will maintain; and distribute three long-life malaria nets per family to reduce child and adult mortality

rates. In this way HFH aims to work towards four of the Millennium Development Goals in partnership with communities and local government. Funding is for malaria nets, water points, disaster prevention and training components only, representing 46% of project costs.

MADAGASCAR

Water Aid

Increasing the Quality of Life of Poor People Living in Rural and Remote Villages of Antanifotsy, Vakinankaratra Region

£39,943

The project's aim is to improve the health and quality of life of 1,512 men, women and children living in two poor rural and remote villages in Antanifotsy, Vakinankaratra Region, namely Ambohimanatrika and Ambatoharanana, by providing them with access to safe water and sanitation facilities, as well as hygiene education. The water supply component of the project will include construction of two gravity flow schemes providing water for 17 communal tap stands, as well as water quality testing and training for community members and local people on operation and management and water resource management.

With regard to sanitation, the project will support the construction of 350 family latrines and two school latrines. These will be complemented by the construction of school hand washing facilities to promote improved hygiene education and practices amongst children. A comprehensive programme of hygiene education activities will be delivered and a range of capacity building activities carried out to ensure that the target groups fully understand the importance of practising safe hygiene behaviours and are equipped to do so. CNEAGR, Water Aid's non-governmental partner organisation in this Region, will implement this project.

Having been present in this district since 2007, CNEAGR has well established relationships with local leaders, both traditional and governmental, and strong links with the community. CNEAGR will provide day-to-day management and supervision of all project activities in the two villages. Funding is for a contribution towards the construction costs of the water, sanitation and hygiene promotion infrastructures and activities, project monitoring and accounting as well as project office running, transportation and partner's project staff costs, representing 76% of overall project costs.

NEPAL

IMPACT Foundation

Safer Motherhood and Child Survival, Rautahat District

£39,936

The aim of the project is to take a holistic approach to improving women and young children's health at the community level in Rautahat District, through the provision of medical equipment, seeds and equipment for home gardens, sanitation, salaries etc. Specifically the project will: (1) Provide essential equipment and train 22 local people (many are women providing their time freely) to deliver quality maternity care to 3,000 women; (2) Improve nutritional security for up to 40,000 women and children through access to micronutrient supplements, anti-parasitic drugs and / or home gardening as a sustainable solution; immunise them against disabling disease; (3) Improve sanitation for 25 of the poorest families; and (4) Increase awareness of relevant issues for 4,000 local women in village health education sessions and thousands more people through national radio and television campaigns.

Similar action in other areas has shown dramatic improvements; significantly reducing the infant, child and maternal mortality rates in the environs. Ranked 142nd in the UN's development ratings, Nepal is very much a least developed country. When money is scarce, women's health is very often a low priority which, coupled with the outdated knowledge and traditional practices that surround reproduction, means that too many women and infants still die or become disabled as a result of pregnancy and childbirth. It is impossible to know how many women and babies have been saved from disability because of these straightforward schemes. The project will make motherhood and infancy safer for many underserved women and babies.

NEPAL

PLAN International UK

Community Managed Water and Sanitation Project, Morang District

£41,002

The aim is to improve the health of 400 households (2,206 people) by providing access to water and sanitation facilities in four communities in Morang district, Nepal, one of the least developed countries in Asia with 38% of the population living below the poverty line, targeting communities in Madhumalla, Jante and Letang where the majority of people are extremely poor, isolated and depend on subsistence agriculture.

Feasibility studies led by Plan indicate a particular lack of adequate water supply in the target communities, requiring women and children to walk long distances for collection, and extremely low sanitation coverage in Morang. Awareness of good hygiene practices is low and open defecation is a major problem amongst the poor. Inadequate access to a water supply and sanitary facilities, alongside poor hygiene behaviour, has resulted in high incidences of water related diseases, with diarrhoea affecting 234/1000 children under the age of 5 per year.

This project will undertake the following activities. Three piped water supply systems will be constructed in the communities of Madhumalla, Jante and Letang. The

communities will be trained in the management, operation and maintenance of the water systems through the establishment of legally registered Water and Sanitation User Groups (WSUG) which will comprise of all households. WSUGs will be assisted to form Water and Sanitation User Committees (WSUC), executive bodies to be democratically formed for the purpose of overall management of project implementation. Democratically selected members from each of the target communities will also be provided with plumbing and caretaker training for operation and maintenance of the water systems. All households will be trained in good hygiene practices such as safe storage and use of water, hand washing and personal hygiene through the use of IEC materials, audiovisual shows, home visits and focus group discussions. The Community Led Total Sanitation (CLTS) approach, an innovative and participatory methodology, will be used in each of the communities to raise awareness of the negative environmental and health impacts that result from open defecation. Households will also be provided with technical support for the construction of latrines.

NIGER

The Leprosy Mission

Saving Sight, Danja Hospital, Maradi

£30,416

This project aims to improve the capacity of Danja Hospital, in the Department of Maradi, to provide quality eye treatment by building a new ten-bed eye ward and renovating the operation block. The Leprosy Mission has partnered Danja Hospital since it was established by Serving in Mission International in 1956. As well as serving those affected by leprosy from all over the country and from across the border in Nigeria, it also provides general health care to the rural population surrounding the Hospital. It treats approximately 20,000 people per year of whom approximately 750 are affected by leprosy. The majority of patients are extremely poor and cannot afford the cost of private eye treatment.

Danja Hospital provides the only low-cost medical treatment in the area. Many of the people attending the Hospital are affected by eye conditions caused by poor nutrition, limited access to medical care, poor hygiene or leprosy. These can often be treated easily but if left untreated can lead to severe impairment or even blindness. The most common condition is cataract. The Hospital has a good reputation and is in a strategic position to provide eye care. Over the last few years there has been an increase in the number of patients seeking help for eye problems with 3,077 eye patients treated in 2007. The renovation of the operating block will improve hygiene and the quality of treatment. Likewise the eye ward will have a significant impact on quality of post-operative care, as at present patients have to rest in the Hospital grounds after operations due to lack of ward space. This is unhygienic and uncomfortable, particularly in bad weather.

PAKISTAN

International Rescue Committee

HIV/AIDS, STI and Malaria Prevention Project, Hangu District

£40,000

The overall aim is to reduce the prevalence of deaths due to HIV/AIDS, STIs, and malaria in Hangu District, North West Frontier Province through this strengthening the delivery of government health services in the District, at the district level, and to improve patients' access to effective health care in the short and long-term, as well as decrease transmission rates through improvement in blood screening methods, use of universal precautions and management of medical waste and, specifically, in respect of malaria, to address the incidence of the deadly falciparum malaria which is endemic in the District, and which could spread if not immediately and effectively addressed, through the provision of 7,125 Insecticide Treated Nets (ITNs), to benefit 21,375 people.

In Pakistan, there are an estimated 500,000 cases of malaria annually. Insecticide Treated Nets (ITNs) have proven to be the most effective method of preventing transmission of malaria in Pakistan. Therefore a key component of this programme is providing ITNs at a highly subsidised rate (Rs.180=GBP£1.30), while ensuring sustainability by using all revenue for the purchase of additional nets. This project is delivered in partnership with the Government of Pakistan and EuropeAid. Funding, representing 1.6% of overall programme costs, will enable the International Rescue Committee to reinforce its efforts to distribute ITNs to the entire District population, approximately 468,000 individuals (about 66,000 families with an average of 7 persons per family), as part of its comprehensive mosquito control intervention and expand its work to build the capacity of the Hangu District Health Department by providing anti-malarial medicines for the treatment of those infected.

PAKISTAN

Sightsavers International

Increasing Poor People's Access to Quality Eye Services, Balochistan and Punjab Provinces

£14,000

The aim of this project is to increase poor people's access to quality eye services delivered by Layton Rahmatulla Benevolent Trust (LRBT) Hospital in Quetta, Balochistan Province, through the provision of an Operating Microscope with Teaching Aids.

There are approximately 40,000 blind people in the area served by the LRBT Hospital in Quetta. Around 32,000 are blind due to avoidable causes and 17,280 are blind due to cataract. Disabled people are among the most disadvantaged within their communities. They are excluded from basic services and from political, economic and social opportunities available to their peers. Among people with disabilities, research shows that those with visual impairment are most likely to be affected by unemployment, lower salaries and higher levels of poverty.

It is estimated that a total of 1,960 patients will directly benefit from the Operating Microscope (1,082 men, 825 women, 33 boys and 20 girls). The projected outcomes of the project are: (a) 7,200 patients including men, women and children will benefit from this intervention on an annual basis; (b) Training of trainees (ophthalmologists) reduced from two years to one year (50% reduction) with their output increased from 10 surgeries per week to 100 at the end of the 1 year period; (c) Improved quality of outcomes of surgery which will save valuable resources and create demand for the services.

RWANDA

Save the Children Fund (UK)

Gahunga Health Centre, Burera District

£36,946

This project aims to provide curative and preventive health services to the women and children of Gahunga sector, Burera District, and nearby villagers who must otherwise walk a 2 hours or longer to reach to the closest health facilities, in particular through constructing the paediatric ward of Gahunga Health Centre, to benefit 30,000 people including 6,000 children under 5 and 6,000 women of childbearing age.

Save the Children Fund (SCF) is currently working in this region and has managed to secure funding to construct a consultation room, delivery room and sanitary facilities, but a paediatric ward is urgently needed to provide care for children who would otherwise need to travel to other sectors of Burera district to receive care. SCF is also proposing to conduct training to improve the technical skills of 10 staff who will be assigned after the completion of the health centre and training for the community so they can get involved in the management of the centre. Burera District has been underserved during the last three years and SCF is the only international actor actively working in this area. In the Burera District acute respiratory infections, diarrhoea and malaria account for more than three quarter of under-five health care consultations.

This project will take an integrated approach – first to reduce preventable diseases by delivering health education to the community, providing mosquito nets, and also improving the health centre infrastructure by constructing a paediatric ward and training for health workers. The Health Centre will provide all the basic curative and preventive

services to the underserved community of Gahunga. In parallel the community based intervention such as immunization, community mobilization and awareness campaigns, community based treatment of communicable diseases will be strengthened with the support of Save the Children. The Rwandan Ministry of Health and SCF have identified the Burera District located in the North of Rwanda bordering Uganda, as a geographic priority. Financial barriers (for 71% of women) and distance (for 40% of women) represent the two main obstacles to access to health care. Building a health clinic in the district will bring maternal and child health services closer to the community and ensure that the users get access to quality and affordable services.

SIERRA LEONE

United Nations Children's Fund (UNICEF)

Improving Maternal Nutrition and Preventing Low Birth Weight, Tonkolili District

£39,868

The aim is to reduce low birth weight in Tonkolili District by improving the health of women of childbearing age and giving them access to low-cost services that will help prevent their babies being born underweight through the provision of medical supplies and training of relevant staff. Sierra Leone has the highest child mortality rate in the world. Low birth weight is a major underlying cause of death in very young children, caused by foetal malnutrition, maternal anaemia, underweight mothers, and infections such as malaria and HIV/AIDS.

Community women's groups will be trained on health care for pregnant women and supported to go out and identify women, offer them advice and refer them to local clinics. Local health and outreach workers will be trained on how to prevent low birth weight through a basic antenatal care package – providing micronutrient supplements, carrying out de-worming, administering preventative treatment for malaria, vaccinating against tetanus and offering health and nutrition advice. Health centres will receive essential supplies so that they can offer the right supplements and information to an estimated 60,000 pregnant women in the area over the next two years, with improved health services benefitting around 140,000 women in total.

Through this project, all women of childbearing age in Tonkolili district will have access to quality, affordable health care, benefiting approximately 60,000 pregnant women over the course of the next two years. Improved health and nutritional status of around 140,000 women will help to prevent babies in Tonkolili being born with low birth weight and the provision of iron folate supplements will radically reduce the prevalence of anaemia among pregnant women. A total of 45 key health managers and local health staff will be trained, as well as 80 community volunteers, who will then be responsible for identifying pregnant women and referring them for relevant treatment.

SOUTH AFRICA

Red Cross Children's Hospital Trust

Equipping of the Operating Theatre Complex, Cape Town

£15,000

The overall aim is to build and equip the new paediatric operating theatre complex at the only dedicated Children's Hospital in Southern Africa, to enable access to 21st century care for the African continent's sickest children, in particular through the provision of a contribution towards equipping the Emergency Theatre. Four theatres will become eight. Dedicated theatres will replace the current problem of moving equipment from one theatre to another to perform surgery. There is an increased emphasis on keyhole surgery through new methods and equipment. The most complicated heart or liver and kidney transplants will be easier to perform and the simpler surgical procedures can be more frequent.

The Trust believes it will have the knock-on benefit of helping to keep some of the world's best paediatric surgeons in Africa, and attract the best recruits to work there. It will provide a much improved platform for training both undergraduate and post-graduate students, visiting international teachers, trainees and fellows, through digitalisation of equipment which can enable telemedicine to start there. It creates a hub of excellence in practise and a platform to support training for the African continent's future surgeons. Most importantly it provides better outcomes for children who will need to spend less time in Hospital and improve their chances of full recovery.

The Hospital is a centre for excellence, particularly in surgery, where the first paediatric heart transplant and combined liver and kidney transplant took place, and was where Christian Barnard trained, who performed the first heart transplant ever. The Hospital's facilities have not been refurbished at all in 30 years, and they are now 50 years old, with the attendant out-of-date problems. The Hospital performs around 9,000 operations every year, and 93% of patients are from previously disadvantaged communities whose families have not the means to pay for treatment. It serves the children of Southern Africa, and some have flown down from other countries such as Uganda for complex surgery. The Trust and the community at large have combined to get together funds to extend and refurbish the theatres, and increase their capacity and modernity.

SUDAN

United Nations Children's Fund (UNICEF)

Protecting Children Against Malnutrition, Eastern Equatoria State

£39,748

The aim is to address severe malnutrition in Eastern Equatoria State, Southern Sudan, through providing 500 cartons of 'Plumpynut' out of an overall project provision of

2,000 cartons, a new peanut-based paste that comes in a ready-to-use sachet, to help nurse 1,750 malnourished children back to health of a total 7,000 children supported by the overall project, plus the provision of training of outreach health workers to screen children and educate mothers on best infant and young child feeding practices.

Due to lack of funding, UNICEF has not been able to pre-position enough nutrition supplies in hubs before the start of the rains this year. No water is needed for mixing, which means that it can be provided to children in any situation. They do not have to be treated at a health centre – mothers can be given the sachets to administer at home. Just three of these sachets a day can save the life of a child suffering from severe malnutrition, without resorting to hospitalisation. Acute malnutrition continues to be a major problem in Southern Sudan, contributing to severe illness and death in young children.

Plumpynut's first major use was in Darfur in 2006 when it resulted in a more than 50% reduction in severe malnutrition. But in the meantime, the nutrition programme in Southern Sudan has suffered from severe lack of funding due to the lower profile of the situation, and more children are suffering as a result. The overall project will enable primary health care facilities to expand coverage to reach 7,000 malnourished children under the age of five in Eastern Equatoria State, and funding will represent 29% of total project costs. Outreach health workers will be trained to screen children for malnutrition, refer them for the relevant treatment, and to educate mothers on the best feeding practices. UNICEF would not simply be handing out Plumpynut supplies, as health workers will at the same time be giving mothers advice on nutrition, how best to feed children with limited resources, what danger signs to look out for and how to seek help when its needed.

TANZANIA

Homeless International

Improved Water and Sanitation Provision in Urban Slums, Dar es Salaam, Arusha and Dodoma

£29,779

The aim is to enable communities to work together to improve water supply and sanitation in selected slum settlements in Dar es Salaam, Arusha and Dodoma through project activities to include community mapping and surveys to identify and prioritise settlement-specific issues, including water and sanitation needs; hygiene and sanitation promotion work; rehabilitation and installation of water kiosks; loans from a revolving fund for individual toilet construction and individual water connections; and training and sharing learning regarding water and sanitation improvements between communities, through community-to-community exchange visits. The project will be implemented by Homeless International's partners in this initiative: the Centre for Community Initiatives (CCI) and the Tanzania Federation of the Urban Poor. The Federation is formed from a network of community-based savings groups whose

members live in informal settlements. CCI is a small NGO which supports the Federation's activities.

Tanzania has one of the highest rates of slum growth in sub-Saharan Africa, more than 6% per annum. The UN estimates that 92% of its urban population live in slums. The lack of basic services (including water and sanitation) in informal settlements "influences water-borne disease rates, HIV/AIDS rates, security and crime rates". The project will not only reduce vulnerability to disease, but also build community capacity to address other issues, such as housing and HIV/AIDS. At least 500 people will benefit from improved sanitation and 5,000 people from improved water supplies. In addition members of the wider Federation and their families (15,000) will benefit indirectly from the learning that emerges. Funding is for identifying settlement-level needs, hygiene and sanitation promotion, rehabilitation and installation of community water supplies, loans for individual toilet construction and water connections, and technical support from CCI.

TANZANIA

PLAN International UK

Water Supply Project, Kilombero District

£39,810

The aim is to improve the health of 29,776 people by increasing access to potable water for 7,000 people and improving the hygiene and sanitation practices of all households in six target communities in Kilombero district, where only 60% of the population has access to potable water and people frequently use shallow wells, which are vulnerable to contamination. The lack of water supply is having a significant impact on the quality of education due to the time lost by teachers and pupils collecting water from long distances, as well as having a detrimental impact on hygiene in schools.

Only 15% of people have access to a toilet and open defecation is common. Poor sanitation and the lack of knowledge and use of safe health and hygiene practices have negative health and social impacts on the communities. This project will install six boreholes with hand pumps near primary schools in six communities. Each community will contribute to the project by providing labour and materials and once the project is complete the facilities will be overseen by Water User Groups (WUGs), who will receive training in project management and water facility maintenance. The WUGs will be responsible for collecting a nominal user fee for the water and for maintaining the facilities.

The Community Led Total Sanitation approach will be used to achieve Open Defecation Free status in the target communities. By facilitating communities to realise the impact of open defecation on their own community, it is expected that they will be encouraged to build their own low cost, sanitary latrines, without subsidy, and improve their hygiene practices. A Sanitation Committee will be formed in each community to

oversee the transition to an Open Defecation Free status. Children will participate through health and hygiene groups formed in and out of schools to promote sensitisation on safe health and hygiene practises. The project will: (1) Improve health and reduce instance of water borne diseases; (2) Increase access to water in six villages and reduce time spent collecting water by women and children; (3) Increase awareness and implementation of good health and hygiene practices; (4) Six communities to become Open Defecation Free; (5) Improve the capacity of six communities to manage their own development processes.

TIBET AUTONOMOUS REGION, CHINA

Save the Children Fund (UK)

Improving Access to Clean Water and Environmental Sanitation in Rural Primary Schools, Lhoka and Nagchu Prefectures, Tibet Autonomous Region, China

£39,570

This project aims to improve access to clean water and sanitation facilities in selected primary schools located in the project target areas of Lhoka and Nagchu Prefectures, areas in which Save the Children has been invited to replicate successful work done in the Lhasa Valley (work which was funded by the Commission in 2007, to benefit 3,000 school children and 180 teachers.

While the government in Tibet Autonomous Region has targeted improving the basic infrastructure of rural schools as one of their development priorities, unfortunately access to clean drinking water and sanitation is very poor – in fact often non-existent - in many rural schools. The investment is often geared toward improving school buildings and other hardware input. Many schools are actually left without running water and sanitary latrines. In addition, some schools' grounds or the environment is so full of litter and debris that they resemble a rubbish dump more than a place to learn and play.

The main project activities are installation of appropriate, low-cost drinking water and environmental sanitation systems, and funding is for the provision of: (1) 3 hand-dug wells attached with anti-freezing enclosure chambers, plus 1 borehole-fed water system in 2 rural primary schools; (2) 4 multi-stall gender-segregated latrines and 4 refuse burning pits in 4 rural primary schools; (3) Equipping 4 rural primary schools with 12 handcarts for refuse collection and transfer and 48 refuse collection containers. Funding is for 81% of total project costs.

TOGO

Self Help Africa

North Togo Water Programme

£26,973

The project aim is to reduce poverty and improve health for 4,000 people in eight communities in the districts of Tône, Tandjoaré and Kpendja in Northern Togo, by building wells and a borehole, and running training sessions in health, hygiene, sanitation and water management with the local communities. Togo is a Least Developed Countries and poverty levels in the north are higher due to poor agricultural yields, lack of alternative income sources, unreliable rainfall, lack of cultivatable land and illiteracy. The Togolese Government has not had the funds for the provision of safe water sources and the low population density of the areas in which we work means that it is not profitable enough to warrant the investment by private sector organisations.

Women in the communities identified the provision of drinking water as their first priority to relieve the burden of collecting water, which takes up to seven hours a day, for four months in the dry season. Girls are negatively affected in that they are taken out of school to help their mothers. Funding is to cover the cost of five of the wells, community training, setting up five Village Water Committee, local office support costs and monitoring and evaluation, representing 49% of overall project costs.

TOGO

United Nations Children's Fund (UNICEF)

Diarrhoea Control for Child Survival and Development, Kara Region

£39,953

The project seeks to prevent diarrhoea occurring in 7 vulnerable districts of the Kara Region in the north of Togo, namely Assoli, Bassar, Binah, Dankpen, Kozah, Doufelgou and Keran, and to ensure that extremely poor families can access oral rehydration therapy, a cheap and effective sugar and salt solution that is used to treat dehydration caused by diarrhoea, through procuring and distributing oral rehydration salt sachets and zinc supplements to meet the needs of 80,000 children in these 7 vulnerable districts. Key messages about diarrhoea prevention and treatment will also be communicated through national and local campaigns to ensure that every family in the Country is more aware of the importance of protecting children against diarrhoea and knows how to access treatment, and approximately 160,000 adults and children will benefit from related education leaflets.

Local health staff and outreach workers will be trained on how to raise awareness among parents and to administer treatment for children, particularly those from the poorest areas who are under five years old. Squatting plates for latrines and school hygiene kits will also be provided so that the wider communities can improve their own hygiene and sanitation practices, thus reducing the incidence of diarrhoea. Some 60 squatting plates will be distributed, making latrines safer to use and easier to clean and 40 hygiene kits containing enough water containers, buckets, soap, water-purification tablets for 400 families will be given to schools so children can take the supplies home and teach their families good hygiene habits.

UGANDA

ActionAid

Safe Water and Sanitation for Returning Internally Displaced People, Katakwi District

£35,781

To provide clean water and sanitation facilities for 12,380 people in Katakwi District, North-East Uganda, who have been displaced as a result of the conflict between the Lord's Resistance Army and Karamojong warriors. The security situation in Katakwi District is continuously improving and over 21,000 people are now returning home or moving to camps closer to their villages. However, the large number of returnees has stretched the district's resources and infrastructure.

Only 1 in 10 people in the area have access to water and women and girls are the most affected as they bear the burden of sourcing water. Girls also drop-out from school due to the poor sanitation facilities and having to share toilets with boys. On average 1 latrine is used by up to 50 people, resulting in high incidences of malaria, diarrhoea and dysentery, as well as common occurrences of skin infections, other water borne diseases in children.

The project will: (1) Construct and sink 2 deep wells to increase access to safe and clean water for the community; (2) Construct one five-stance latrine for schools and the local community to access improved sanitation facilities; (3) Construct 1 solar powered water point to pump water to water tanks; (4) Provide 3 water tanks, which will be used to distribute water to schools and the local community; (5) Provide radio talk shows to promote good hygiene and sanitation practices. Funding is towards construction of wells and latrines, raising awareness on good hygiene and sanitation practices and monitoring of the project impact, providing 82% of total project costs.

UGANDA

CARE International UK

Water and Sanitation, Lira District

£37,525

The aim is to provide safe drinking water, clean sanitation facilities, which will promote sustainable hygiene practices among at least 4,500 internally displaced persons (IDPs) in the impoverished, semi-arid region of Otuoke county in the northern Ugandan (rural) district of Lira affected by years of civil war, through the provision through the provision of wells, boreholes, latrines, training etc., in order to meet the basic needs of internal refugees returning and resettling in their communities of origin after years of conflict.

The particular activities are: (1) Constructing 2 deep wells to meet the growing demand for safe water for drinking and household consumption; (2) Rehabilitating 5 existing boreholes (deep wells) to serve the target IDP community; (3) Providing 5 latrines (toilets) and ten hand-washing facilities to five primary schools; (4) Organising 7 'Water User Committees' and 5 'Sanitation Committees' to ensure local ownership and long-term sustainability of the project while encouraging women's participation in local water resource management; (5) Enhancing awareness of sustainable hygiene practices among school children.

The overall goal of the project is to improve the health status of the beneficiary communities with special focus on maternal and child health. The activities of the project will achieve this by addressing the link between the high incidence of water and faecal-borne diseases such as Hepatitis E, dysentery, cholera and malaria and the absence of safe drinking water and clean sanitation. As a result of the on-going peace process, IDPs have been returning from camps elsewhere in the country to their homes in this county over the past year. An initial assessment carried out by CARE revealed the urgency to meet sanitation needs of the community as almost 100% of the local community does not have access to clean sanitation facilities.

UGANDA

Christian Engineers in Development

Kakagatie Charco-cum-Valley Tank Water Supply, Kiruhuru District

£31,500

The aim is to assist in the alleviation of poverty and ill health in the Kakagatie area, Kiruhuru District, to benefit about 2,500 people and a large primary school with 420 pupils through the provision of a charco-cum-valley tank to store rainfall run-off from a near by catchment in an excavated tank in the ground from which water is drawn from an adjacent shallow well, which is fed through a gravel filter adit from the tank, plus the provision of health and hygiene education and training together with measures to improve sanitation.

This is an area of particular hardship where the community have sought help from the Planning, Development and Rehabilitation Department of the Church of Uganda to assist them in a self-help scheme to gain access to clean water. One of the principle causes of poverty is ill-health which in turn is greatly exacerbated by the current lack of access to adequate supplies of clean water and poor sanitation. Women and girls are the main carriers of water and the time spent fetching and carrying water, often of poor quality and inadequate quantity for family hygiene, takes up a disproportionate amount of time each day at the expense of schooling for girls and productive home duties for women. Boreholes as a source of water at reasonable depth have not proved successful and shallow wells do not provide perennial water. Water holes containing polluted water dry out in the dry season. The only feasible solution is to store surface run-off during periods of heavy rain. A suitable site near the settlement has been located,

surveyed and a design prepared for a charco-cum-valley tank. This will store 52,000 cu.met. of water sufficient to meet the needs of the community throughout the year. The water from the valley tank being drawn from a shallow well, fed from the tank, which is fitted with a hand pump. The community has been fully involved in the planning and design of the project and will participate in the construction, thus ensuring a sense of ownership and assurance of sustainability. Funding is for the provision of 67% of overall project costs.

UGANDA

Methodist Relief and Development Fund

Community-managed Water, Sanitation and Hygiene Improvement Project, Wakiso Sub-County

£40,000

The project aims to improve health through increased access to safe water and sanitation facilities and the promotion of good hygiene in communities and primary schools in Sisa Sub County, Nankonge, Nkungulutale and Bulwanyi Parishes in Wakiso District, and will benefit approximately 8,934 people in 3 parishes and 2 primary schools.

Around 72% of people are regularly drinking dirty water, which is leading to high levels of water-related diseases such as dysentery, typhoid and cholera. There is also a lack of knowledge about good hygiene and safe sanitation practices. Other problems faced are long distances to collect water, which is often undertaken by children and is particularly difficult for the elderly and people with disabilities, and a lack of access to adequate latrines and appropriate bathing facilities.

The project will protect/construct: 22 natural water sources; 12 shallow wells, 5 spring tanks and 5 ordinary springs. The elderly, people living with HIV/AIDS (PLWHAs) and people with disabilities (PWDs) will receive new or improved latrines, rainwater harvesting tanks and bathing shelters at household level. Two local primary schools will also receive water tanks and latrines and child hygiene clubs will be formed. Community based volunteers will be trained to promote good hygiene and sanitation practices. Funding is for: The construction of improved water sources and latrines, training local masons, management of water sources and the promotion of health, hygiene and sanitation.

UGANDA

Rotary Club of Guernsey

Renovation of the Operating Theatre Suite, Kitovu Hospital Care Complex

£20,000

The aim is to rebuild and enlarge the operating theatres at Kitovu Hospital, Masaka, which are now 40 years old and in need of total renovation and refurbishment, for minor and major procedures, in particular to fund the provision of theatre lights, which represents the majority of Phase 2 costs of this on-going project supported by The Rotary Club of Guernsey, under the direct, hands-on management of one of their members Mr Tim Peet along with the Medical Missionaries of Mary, to provide the development and funding of the Kitovu Hospital Care Complex

Kitovu Hospital is a 250 bed hospital in Masaka, 140km from Kampala. It serves a population of 100,000 and is now a national centre for training visiting surgeons in fistula repair surgery. The Hospital was founded by Medical Missionaries of Mary and administration is now undertaken by an order of nuns. Phase 1 was completed in December 2008. This consisted of the renovation and rebuilding, where necessary, of the local Hospital buildings with the provision of more appropriate accommodation for medical use.

Modern thoughts on patient flow, more elaborate surgical procedures and increasing workload have created an intolerable position with the use of the current facilities. The new reconfiguration will allow better use of the existing equipment and provision of an essential separate entry for septic or infected patients with a formal change barrier for all staff before entering a sterile operating theatre. Present throughput of surgical, obstetric and gynaecological work is 80 cases per month plus another 50 cases of minor operations under local anaesthetic. Administration of chemotherapy and an intensive caseload of fistula surgery have placed additional severe strains on the infrastructure. Rotary Club has largely secured the funding to cover the majority of the building costs and capital is required to complete the project and to provide the necessary financial support for essential equipment, specifically the theatre lights.

UGANDA

Water Aid

Improving Community Hygiene, Water and Sanitation in Rural Communities of Nkozi and Muduuma Sub-Counties, Mpigi District

£40,000

The project aims to improve health standards, and ultimately the quality of life, for 7,800 people in the rural communities of Nkozi and Muduuma Sub-counties, Mpigi District, whose daily incomes are below £1, by scaling up safe water coverage and levels of hygiene and sanitation. The project purpose is to increase the communities' access to potable water from the current rate of 38% to 60% and their adoption of effective hygiene and sanitation practices from 10% to 70% in the above two Sub-counties of Mpigi District.

The Water Component of this project will include: (1) The construction of 15 shallow-medium depth tube wells (with hand pumps); (2) The construction of two ferro-cement

tanks (each 15,000 litres); (3) The construction of 95 water jars (each 1,400 litres to store rain water); (4) The rehabilitation of 14 dysfunctional water sources; (5) Building capacity of target water user committees in Operations and Maintenance.

The Sanitation and Hygiene Components of this project will include: (1) The construction of one communal Eco-san latrine (A composting latrine that can benefit local agriculture by creating a safe, renewable source of fertile compost from human waste); (2) The construction of 15 household low cost demonstration Eco-san latrines; (3) A casting yard in each of the two sub-counties with 150 slabs for 300 family latrines; (4) Social marketing to promote an increased demand for sanitation facilities; (5) Hygiene and sanitation education campaigns by disseminating key safe practices through radio shows, drama and the training of village hygiene promoters.

The project, implemented by The Busoga Trust, WaterAid's local partner, will be undertaken in a participatory manner involving the community, local leaders and the technical arm of the local government to enhance ownership of the activities and outcomes. Funding covers infrastructure and materials, hygiene promotion activities, education materials; project monitoring and accounting, project office running, transportation and partner's project staff costs, representing 79% of overall project costs.

ZAMBIA

Sound Seekers

Zambia Ear Care Project, Copperbelt Region

£36,220

The aim is to prioritise access to audiology/ear-care services amongst the isolated rural poor communities of these regions, in particular through the provision of a test room and equipping of a maintenance and ear mould laboratory, based at the Kitwe Central Hospital, Copperbelt Region. The Northern and Copperbelt Regions of Zambia currently have no audiology service. The service will deliver screening for hearing loss and debilitating ear disease, treatment of disease, referral to hospital for surgery, referral to school for deaf children, dissemination of advice and information about how to care for one's hearing, and provision of hearing aids.

The project will have the capacity to assist 7,000 people per year in this way. It will be run by two local nurses and two clinical officers, trained in Zambia by Sound Seekers. The outreach service will be delivered with the use of a bespoke mobile 'HARK!' audiology clinic, carrying a full suite of diagnostic and treatment equipment. The project will especially improve the life opportunities of children suffering ear disease and hearing loss, many of whom will be able to benefit from school attendance otherwise blocked to them.

A key element of the project will be the building and equipping of a sound-proofed hearing test room, together with a laboratory which will enable the maintenance, calibration and repair of audiology equipment, as well as the manufacture of earmoulds for hearing aids. This application relates to the building of the test room and equipping of the laboratory, representing 18% of the overall project cost.

Integrated Development

BANGLADESH

ActionAid

Building Community Resilience to Natural Disasters through Disaster Risk Reduction Programmes in Schools, Golachipa, Patuakhali District

£40,000

The aim is to reduce vulnerability of school-going children and communities to natural disasters through risk reduction programmes (DRR) in schools in Golachipa, Patuakhali District, high-risk disaster areas in Bangladesh, in particular through reconstructing and strengthening 1 school destroyed in the Cyclone SIDR (2007) to serve as a cyclone shelter as well; raising awareness and training communities and school children in disaster responses through mock cyclone drills; and training and equipping schools and communities with disaster-management items. Early Warning equipment will include a Radio, Megaphone and emergency medical supplies.

Schools and health centres play a vital role in poor communities and a majority of families will live close to these facilities. Communities also (as evidenced in the case of Cyclone SIDR) feel more confident about seeking shelter in a school or health centre, where they are guaranteed the maintenance of the infrastructure, which is a key factor in a cyclone-shelter. Thus schools and education in particular, are an ideal platform from which to spread awareness about disasters and the means to reduce vulnerability for communities.

The primary stakeholders will be the schools in the selected char (islands), nearly 400 pupils and their parents, and over 30 teachers and school management committee members and 5,000 people from the community. DRR training will also be conducted in a further 4-5 schools to ensure that the secondary stakeholders and district and national agencies are also involved. Funding is for capital costs (construction), awareness-generation, training, and the purchase of Early Warning equipment for the school being reconstructed. It is also hoped to use this as a model school to lobby the government to ensure that all future schools in the risk prone areas are constructed/renovated to become cyclone-resilient and have these materials.

BURKINA FASO

International Service

Income Generation for Disabled People, Gaoua, Banfora and Oradora

£14,948

This aim of this project is to assist over 500 disabled people and their families who are members of 17 Disabled People's Organisations (DPOs) in South West Burkina Faso, an area where few international NGOs operate, through the provision of revolving loans, plus training, for small business development. The 17 DPOs belong to three DPO Co-ordinations based in Gaoua, Banfora and Oradora; all the DPOs are run by disabled volunteers. The project will provide start-up funds and training for income-generation.

As disabled people have difficulty in competing with other poor but able people, they will be investigating a number of niche activities for small business start ups. Already, some have been identified, including selling petrol and making clothes but the DPO members lack the initial finance and support to get started. Training for credit loans will involve small groups in stages and most loans will be for £50. Once the first group's loans have been repaid with interest, the next trained group will receive its loans and so on. By the end of a year, most of the 500 will be part of the project. To ensure sustainability, International Service (IS) will be strengthening the volunteer Management Committees of the three DPO Co-ordinations and providing training for their volunteer staff in credit management as well as training the Trainers. The Co-ordinations will assume responsibility for the management of the credit schemes.

IS's experience over 30 years in West Africa has indicated that, once disabled people become economically active, they are better regarded and their opinions listened to. In addition, IS will use Irish Aid funding to pay for three development workers and to run training courses in disability rights, HIV/AIDS awareness, take-up of civic rights, and a media campaign to enable the members of all three Co-ordinations to be part of its nation-wide Disability Programme. Funding is for 27% of total costs.

CAMBODIA

CAFOD

Integrated Rural Development through Empowerment of Vulnerable Women, Battambang and Siem Riep

£19,851

To empower through training poor, vulnerable Cambodian women in rural areas of Battambang and Siem Riep Districts, to become leaders and bring about sustainable economic and social change to their families and communities, to benefit 300 women and their families from 7 villages and an estimated 35,000 indirect beneficiaries. The women will be trained to identify the needs of their villages, and to participate with men

in designing village development plans, which incorporate sustainable agriculture and income generation, food security, health, education, water resources, Disaster Risk Reduction (DRR) and market access components.

Cambodia still suffers from the devastating impact of the Khmer Rouge and the civil violence and international isolation that followed the regime. War widows and other women head a quarter of Cambodian households. They are disadvantaged by a traditional hierarchical order of society, which deeply entrenches gender inequality in Cambodian society. Banteay Srei, CAFOD's partner who is the subject of this proposal, is a local Cambodian NGO which has been working with poor and vulnerable women in targeted areas of Cambodia for 16 years.

The overall project focuses on three key interrelated objectives: (1) Community organising and women's leadership building; (2) Livelihoods Development and Natural Resource Management (including village-level planning & training on disaster risk reduction techniques, and school rehabilitation); (3) Eliminating Violence Against Women. Objective 1 costs include the training of women to become active the development processes of their villages; Objective 2 costs include livelihoods development and DRR training, plus funding for (a) the construction of village shops; (b) the construction of Women's Centres, which will be used for training and meetings; (c) the repair of village primary schools which will enable are much improved learning environment for children, plus some much-needed school materials. Objective 3 concerning action relating to Violence Against Women is funded separately by International Women's Development Agency. The Commission's funding is for the Livelihoods & Natural Resource Management components only, including the school rehabilitation elements, within Objective 1, representing 48% of total project costs.

CAMBODIA

Mines Advisory Group (MAG)

Humanitarian Mine Action Support, Programme Wide

£40,132

The aim is to upgrade the metal detector fleet to support Humanitarian Mine Action activities to reduce the risk of death and injury from landmines and unexploded ordnance (UXO) and assist in the socio-economic recovery of mine-affected communities, programme wide, in Cambodia. Over 40% of Cambodia's population continue to live alongside, and suffer from, remnants of the 30 year conflict. The presence of UXO and landmines represents a constant threat to life and limb and restricts economic opportunities and social development. MAG currently deploys 21 manual clearance Mine Action Teams (MATs) across its Cambodia programme to address the impact of UXO and landmines on vulnerable communities.

These teams utilise metal detectors as an integral and vital part of clearance operations. Following a recent review of the Cambodian Mine Action Standards (CMAS), the

national authority, the Cambodian Mine Action and Victim Assistance Authority (CMAA), has requested that all mine action operators in Cambodia update their detector fleets to ensure that mines are being detected to a depth of 13cm. Accreditation, and therefore the future continuation of MAG operations in Cambodia, relies on MAGs ability to comply with this requirement across its detector fleet.

The MineLab F3 is currently the most suitable detector for Cambodia as it can detect the prevalent Type 72A minimum metal mine, at the CMAA required depth. The full upgrade of the MAG fleet to Minelab F3 detectors will ensure that MAG is compliant with the CMAA requirement and is better able to respond to the current mine situation in Cambodia. The Minelab F3 is already a proven part of the MAG fleet, making up approximately 40% of the fleet, and have been in use with MAG teams operating in Cambodia for three years. In light of this, and the CMAA requirement, MAG Cambodia has made a commitment to ensure that all teams operating in areas where the Type 72A is suspected are utilising the Minelab F3 detector. This project will enable MAG to fully equip 2 MATs with CMAS compliant detectors. Funding is for the purchase of 19 Minelab F3s and 1 F3 unit box plus shipping.

DEMOCRATIC REPUBLIC OF CONGO

SCIAF

Support to Women Rape Victims, South Kivu

£35,000

This project is a continuation of work supported by the Commission during 2008, providing care and support for twelve months to a further 3,000 women and girls in South Kivu region of the Democratic Republic of Congo, who are victims of rape and sexual violence by members of the various rebel factions still operating there, despite a formal end to the 5-year war in 2003 in which an estimated 3.8 million people have died, mainly from starvation and disease, and around a further 5.5 million more displaced – 2 million of those to neighbouring countries.

Following years of brutal conflict, government remains virtually non-functional in this part of DRC, civilians live in great poverty and insecurity, with looting and rape a daily occurrence. This ongoing project, run by local church-based partner Codilusi, aims to help women/girl rape victims to regain health, dignity and hope, and to reintegrate into their families and communities, by providing essential medical and obstetric attention, treatment for HIV and other infections contracted as a result of their ordeal, and counselling to assist their rehabilitation and reacceptance by their families/communities. At least 500 of their children born of rape will receive food, clothing and medical care, and be assisted where possible to gain legal paternity from their mothers' family. The project will also provide micro-credit and training to help 500 women to start income generation for self reliance. Legal advice and support will enable some cases to be brought to court, which, together with advocacy with local leaders and military

personnel, aims to secure some compensation, challenge stigma, tackle the climate of impunity, and so help reduce future incidence of rape and sexual abuse.

Codilusi has access to every community, including remote isolated locations, and enjoys a respected position in society and the trust of local people. The project will assist re-integration into family and community will enable the majority of women and girls to regain their former way of life. The small businesses developed with the help of micro-credit (selling fish and other goods, tailoring etc) will enable the women to regain self-sufficiency and ability to support themselves and their children. The programme will be delivered by 4 Codilusi staff and 164 trained community volunteers, with specialist assistance from other NGOs for counselling and legal work.

HONDURAS

One World Action

Providing Women Experiencing Domestic Violence with Economic Opportunities, Comayagüela

£7,631

The aim is to improve the economic livelihoods of 55 women, especially those who have experienced domestic violence living in a very poor and violent barrio, Colonia Ramón Aymaya Amador near Comayagüela, through the provision of a rotating credit fund and training in order to enable four small community businesses to be established, enabling such women to get out poverty. The majority of the women are single mothers, of whom 75% have no regular income. Of the 25% who do, most of them obtain this from street vending, making and selling tortillas (pancakes), working as domestic servants, etc. However, income levels are very low, with none earning more than US \$2 a day, i.e. less than the minimum wage.

To address the lack of economic opportunities in the barrio, a rotating credit fund will be set up and managed by the management committee of the 330 strong Women's Group of the Colonia. This fund will directly benefit 55 women who will set up the four small businesses and workshops for the production and sale of soya products, granos básicos (beans, maize tortillas etc), spices and condiments and the collection and distribution of firewood. Technical training, and training in basic accountancy, administration and marketing will be provided. A one-day health fair will also be held in August to promote health care and will reach all women living in the barrio (1,888 women). Women will also be supported in tackling domestic violence with training of women leaders as para legals and facilitators of self-help groups who will accompany women lodging accusations of domestic violence with the police and prosecutor's office. Funding is for the credit fund, equipment for the production workshops, marketing materials, medicines, training and legal costs for taking cases of violence through the courts.

INDIA

One World Action

Community-based Livelihood and Marketing Projects, West Bengal

£14,378

This project will provide livelihoods for 225 poor families (around 1,350 people) in West Bengal by supporting the formation of three financially-sustainable social enterprises, namely embroidery, tailoring and silkworm cocoon rearing, owned and managed by women who, currently, have no regular income, are illiterate and live in extreme poverty, and who through the provision of a credit fund and training will be enabled through these alternate economic opportunities together with their families, to escape from the cycle of poverty and exploitation.

West Bengal is a state in eastern India with Bangladesh on its eastern border. It has a population of around 82 million and faces extreme poverty, political instability and bureaucratic corruption - approximately 32% of people live below the poverty line. The region is regularly affected by severe flooding. This project will target women who live in poor rural villages and urban slums. These women and their families do not have access to adequate housing, sanitation, drinking water and health care. Some women currently work as low paid bidi rollers (making handmade cigarettes) others work in jute fields or as agricultural labourers.

The three social enterprises will be embroidery, tailoring and silkworm cocoon rearing. The project will provide equipment, training, marketing opportunities and a revolving credit fund. The decision to focus on these three business options was based on an extensive survey, feasibility studies and assessment of current national and international markets. The project and revolving fund will be managed by the women themselves who will establish a management committee. Technical training, and training in basic accountancy, administration and marketing, will be provided. The project will also support marketing activities to promote the goods and services of all three enterprises. Funding is for the credit fund, materials, marketing, skills workshops, project co-ordination, training and a crèche.

KENYA

Excellent Development

Kwa Mukonza Water Catchment Project, Eastern Province

£14,963

This project will enable a community of marginalised subsistence farmers in Makueni, Eastern Province, to gain increased water and food security, and improve their health, incomes and school attendance through helping them build a water catchment system to

harvest seasonal rainwater from a massive rock outcrop, and providing them training and practical support to reduce their vulnerability to drought, to benefit around 800 people.

This semi-arid area suffers from poor soil fertility and rainfall, making it a marginal agricultural area prone to drought and food shortages. Deforestation is severe. The water catchment system will consist of channels round a flat rock outcrop on top of a hill; the channels will direct the water into a pipeline leading to two water storage tanks. The farmers will give labour worth around £1,850 to help build the catchment system, which accounts for 11% of project costs. They will terrace land to conserve the soil, and we will provide them with training in farming practices that will help them become less vulnerable to drought. The project will support their tree nursery by providing seedlings and ongoing training.

Benefits for this community of around 800 people are interdependent. Supplies of clean water will save women and children walking miles to fetch water from dirty water-holes in dry seasons, freeing them to farm and attend school. Health will improve – less water-borne disease. More productive farms will mean better diets and allow people to earn incomes. The trees planted can be sustainably harvested for fruit, fodder, fuel, building materials and medicines. The combination of water, soil and trees will reverse environmental degradation. Funding is for 89% of total costs.

KENYA

NEW WAYS

Construction of Rock Catchment Dam to Provide Permanent Water Resource, Turkana District

£38,643

The overall aim of the project is to establish three permanent water resources in the Ilelmi Triangle, Turkana District, to benefit around 1,800 families (12,600 individuals) through provision of ready access to fresh water, with funding from Guernsey to establish one of these dams to benefit 600 families (4,200 individuals). These resources will benefit the local communities in several areas – by providing a supply of water for their livestock reducing the long distances the local people need to travel to find fresh supplies. This also relieves tension in the area between tribes as conflicts do arise over scarce resources in the region which comprises a triangular area of land joining Sudan, Kenya, and Ethiopia and measures between 10,320 and 14,000 square kilometres approximately.

These rock dams will also help support existing nursery schools in the area which will reduce the mortality rate in under 7's and allow women and children in particular to receive regular meals and access to a clinic. This project is part of an integral programme to bring sustainable water supplies to the peoples of Northern Kenya which are largely nomadic and semi-nomadic communities with small herds of goats and cattle.

Funding is for the capital costs of building one of the dams. The three double wall rock catchment dams will each consist of a 30m long retention wall which is 6m thick at the base and 11m high in dry riverbeds where the rock formation already stores rainwater (the dimensions given are approximate). In the area 73 such dams have already been built which have already been filled with water following rains and have proven to be successful.

MALAWI

The Ellen Jane Rihoy Charitable Trust

Provision of Basic Needs to Chiuzira Orphan Care Centre, Lilongwe District

£17,614

The overall aim of the project is to provide basic necessities of life education and water to orphans, women and old people from 17 villages under Group Village Headman Chiuzira in Traditional Authority Tsabango, Lilongwe District, in particular, through the construction of 4 classroom blocks, each with its own toilet, at Chiuzira Orphan Care Centre (COCC), together with the provision of a water connection from the nearest township, benefiting a total of over 400 children including over 200 orphans each and every other year, while the water provision will benefit more than 10,000 people from Chiuzira and 5 surrounding villages and, indirectly in the long term, 15,000 people from the remaining 12 villages within a radius of more than two kilometres from COCC will benefit from the school and water supply.

Young orphans below the age of ten will be able to attend pre-primary and junior primary classes. Most of the children currently attend their classes at Kanyandule and Mlodza Primary Schools, located four and six kilometres away respectively. It is tiring, unsafe, unproductive and extremely difficult for young children of these ages to be walking such long distances every day and many do not attend school as a result. Despite being on the edge of Lilongwe City (the capital), the villages do not have access to clean and safe water.

The community currently uses water from shallow wells and water-borne diseases are prevalent during the rainy season. This project will connect water from the nearest township to a community-managed water point making a safe, reliable water supply available to all. The planned school classrooms will also be used for skills development for all orphans to enable them to learn various income-generating skills such as carpentry, gardening, building, plumbing, and similar technical activities. The results of the project will be improved lives of 1,000's of HIV/AIDS-affected orphans and the community in general through the provision of care and training to the orphans to equip them with skills to ensure that they have employment opportunities in later life. Funding is for four classrooms, eight toilets for pupils and the water connection.

NEPAL

Appropriate Technology Asia

Rainwater Harvesting Techniques for Drinking Water and Water-efficient Agricultural Production, Surkhet and Humla Districts

£24,923

This project aims to provide at least 4 villages, around 3,750 people who are the primary stakeholders, in the high altitude areas of Surkhet and Humla Districts, Western Nepal, with the skills and infrastructure they require to improve their livelihoods through more efficient use of resources. Currently these households rely on agriculture, livestock and migratory labour to provide their main source of food and income.

This project will provide a source of drinking water to villages and harvest and conserve water to extend the growing seasons during the dry early winter and early spring periods. The project will also provide innovative farmer-led solutions to the health, food and water security issues to more than 5,350 living in the two districts, through low cost, environmentally appropriate technologies. Training will also be provided in agricultural production and efficient, environmentally appropriate utilisation of land resources. This project intends to address the issues of health, food security and water shortages through the introduction of rainwater harvesting technologies. The methodology used for implementation ensures that the programme promotes self-help among the population through training and subsequent opportunities.

The activities are: (a) Construction of at least 40 water storage tanks will be constructed; (b) Development of low cost roof coverings and collection systems designed to reduce infiltration and evaporative losses, constructing at least 40 roof water catchments; (c) Development of low cost surface and subsurface gravity-fed water distribution systems, including piping, emitters and other minimum-cost forms of precisely metering water delivery to growing plants; (d) Development of and training in crop production strategies designed to minimise evaporative losses and maximise production during arid periods; (e) Training for around 300 people in precise usage schedules designed to maximise the benefit of the storage tanks while minimising overall size, in order that onward dissemination can occur with minimum investment costs; (f) Training for around 3,750 people in livestock and agricultural production systems to ensure that the water is most efficiently used; (g) Planting of around 4,000 seeds and saplings as part of an environmental regeneration/carbon offsets scheme.

PAKISTAN

Concern Worldwide

Landslides and Flood Mitigation, North West Frontier Province

£40,000

The aim of the project is to help to reduce community vulnerability in 7 villages in Siran Valley, Mansehra District, North West frontier Province, to land slippage, landslides and floods through the construction of appropriate mitigation structures, and to raise awareness amongst local communities and elected representatives on disaster preparedness and mitigation.

Three years after the South Asia earthquake, those who were most severely affected by the disaster remain vulnerable to flooding, land slippage, land slides and other hazards. Vulnerability to natural disasters is a key contributing factor to poverty. Another disaster on the scale of 2005 would not only undo the progress these households have made towards recovery, but would plunge them even further into poverty. Due to regular flash floods and rock falls the impact of Concern Worldwide's work to improve poor families' livelihoods cannot be sustained without putting in place mechanisms to enhance community resilience. Currently, limited financial and human resources, a lack of emergency preparedness and the poor capacity of local government are some of the factors which hamper efforts to limit the impact of these hazards on the local community.

Concern Pakistan's Disaster Risk Reduction specialist and government Soil Conservation Department officials will conduct 7 trainings for members of village committees on disaster preparedness and mitigation skills including hazard mapping, vulnerability analysis, and sustainable land use and watershed management. Specifically, in the most vulnerable areas in the 7 villages, funding is for: (a) 7 gabions/spurs; (b) 2 catchment drains (Structures used to divert flash floods protecting habitation and agricultural lands); (c) 2 retaining walls/check dams; (d) 2 soft gabions; (e) Live brush wood check damming; (f) Carry out plantations. The project will directly benefit 825 families, or approximately 5,775 people, directly, and 855 families, or approximately 5,985 people indirectly, from the poorest and most vulnerable segment of the community. In addition, 300 hectares of agricultural land will be protected from erosion. Newly re-constructed public facilities and infrastructure will also be protected from flash floods and land slides.

RWANDA

Mines Awareness Trust

Mine Detection Dog Support to the National Mine Action Programme, Northern Rwanda

£28,158

Further to the Commission's grant in 2008, the aim of this programme is to continue to hand land back to the indigenous peoples of Rwanda, so they can work the land identified and feed their families, as they did prior to the conflict in their homelands and farms, through the use of Mine Detection Dogs (MDD) to accomplish the final 'signing off' of 'cleared land' to international standards, in particular through supporting a further three-months deployment of one MDD dog set. A dog set comprises three MDD

dogs, two handlers, one supervisor, one 4x4 vehicle and trailer, one camp kit plus accessories.

The country Mine Action programme in Rwanda has seen various areas 'cleared' through manual de-mining and 'Battle Area Clearance' tasks. These areas, although cleared, cannot be handed back to the local communities until a 'final check' has been carried out. Indeed, if these 'cleared areas' are to be signed off to International Mine Action Standards (IMAS) then there has to be a tool to ensure that clearance has been done effectively. This final 'signing off' cannot be achieved without the use of external Quality Assurance such as MDDs. These dogs are the key to this land being of use again. There will be 10,000 direct beneficiaries through the use of the 515,703m² of land released by this work, which will be used for farming and tea production, and will also increase employment in the area for another 5,000 people.

Rwanda has been severely affected by a landmine and UXO threat since the 1990 – 1994 Tutsi insurgencies. Rwanda had 16 recorded minefields, which comprise up to 1,000,000 m² of land, which has been surveyed/ de-mined to a stage where MAT and the National Authority have cleared 13 of these. The Commission's 2008 grant enabled MAT to finally begin the process to check that the 'manual' clearance done to date meets international standards through the short term deployment of MDDs. The Rwandan Defence Force (RDF) was trained by the International Mine Action Training Centre in Nairobi funded by the British Government. They were then sent back to Rwanda, where MAT had provided technical advisors, who to date have led the RDF in clearing the 515,703m² of Rwanda, this funded by the US Department of State and the UK's Department for International Development.

SIERRA LEONE

HelpAge International

Livelihood and Health Support to Older People and Their Families, Eastern Province

£39,472

The aim is to alleviate the poverty and improve the livelihoods of 8,025 people (1,525 older people, 80 orphaned and vulnerable children (OVC) and 6,420 family members) affected by HIV/AIDS in Kenema District, Upper Bambara Chiefdom, Eastern Province, through agricultural support, income generation support, educational and health support, etc.

Older people were among the most affected by the civil war in Sierra Leone. Many lost family members and the majority now care for grandchildren orphaned by the war and HIV/AIDS. However, they continue to be marginalised as development activities focus mainly on the youth, children and young women. In Kenema District older people are particularly affected by the HIV/AIDS pandemic, which has a prevalence rate of 4% - high above the national average. 82.1% of older widows care for an average of four

orphans. As a result older people and their families are increasingly unable to meet their basic needs such as food, health care and school fees.

A total of 600 older headed households will be supported with agricultural inputs to increase agricultural production and food security, subsequently leading to improved health through better nutrition. A further 80 non-farming older people will undertake income generating activities and 80 OVCs living with older carers will be supported to finish their education and improve their chances of employment. It is expected that approximately 500 older people will also have improved access to health care and appropriate drugs through a community based health outreach programme. It is expected that older people will have improved access to health care through the provision of appropriate drugs in outreach clinics. Some 150 older people and their families will benefit from increased awareness on HIV/AIDS prevention, care and support. Furthermore, heightened awareness will promote the inclusion of older people in HIV/AIDS intervention strategies. Overall the activities will create an environment where disadvantaged older people can be active and productive members of communities and contribute to the wellbeing of their families and poverty reduction. This project presents an opportunity to demonstrate the effectiveness and impact of providing health care and livelihood support for older people and promote integration with Government service provision in the future.

SUDAN

Mines Advisory Group (MAG)

Humanitarian Mine Action Support, Blue Nile State

£39,904

The overall aim is to increase the mobility of the Mine Clearance Teams in the Blue Nile State, especially during the rainy season, through the provision of two Mercedes UNIMOG trucks, thus increasing their capacity to clear land in impacted communities identified by the Landmine Impact Survey conducted in Blue Nile State and allowing them to access remote areas currently inaccessible by NGOs, government and other agencies operating in the area. Specifically, the purchase of one Mercedes UNIMOG truck (used vehicle which has been fully refurbished and include a spares pack) will greatly increase the mobility of the mine action teams working in Blue Nile State, and 36 prodders and 36 deminers toolkits which will be used to support clearance operations in Blue Nile State.

The trucks have a large hauling capacity and so are able to carry all of the equipment (including camping equipment) for the teams, as well as being able to access areas where a conventional Toyota Land Cruiser is unable to go. This is especially an issue during the rainy season when many roads become inaccessible for four to five months of the year cutting off several operational areas. These areas include the Southern and Western Part of Blue Nile State, especially communities south of Kurmuk town.

There is a need for MAG to increase access in these areas as the LIS has identified 33 impacted communities in Blue Nile State and 61 Suspected Hazardous Areas and the estimated impacted population is 54,629 or an average of 1,655 per community. Based on interviews with communities it is estimated that 61,431 refugees and Internally Displaced People are planning to return to these areas. Currently the teams need to pull out of these areas before the rains start in order not to get bogged down in the mud, thus reducing the time that the teams are able to be productive in the field. The provision of these trucks will therefore allow the teams to remain operational for longer periods of time by enabling them to continue work during the rainy season in areas where they otherwise could not.

UGANDA

Advantage Africa

Single Parent Families' Integrated Development Project, Kampala and Wakiso Districts

£19,925

The aim is to address the poverty and stigma experienced by 1,500 members of disadvantaged single parent families in Makindye, Kampala District and Kyebando, Wakiso District, to enable them to improve their incomes and health, care for their children/orphans living in their homes, and advocate for increased opportunities in their communities, through various income-generating activities to improve their incomes, education and health.

Training and inputs and training will be provided in enterprises such as poultry/pig rearing, baking and handicraft making to enable single parents to generate income with which to meet the basic needs of their families for food, shelter and education. The health component of the project will focus on helping single parents to access voluntary counselling and HIV testing and antiretroviral drugs (which drugs are usually available free in Uganda) as well as undertaking prevention education and care initiatives in their own communities. Childcare initiatives, including the construction of a nursery, will be established to release single parents to spend time on income generation. Practical support for orphans and their carers will include the provision of basic health kits and memory work to enable children and adults to improve their mental and emotional well being and prepare for the future. (Memory work is a community-led approach that encourages families to communicate openly about HIV. It helps parents and children to disclose their HIV status, record important information in 'memory books' and 'hero books', and plan for the future. It helps overcome the fear people have about disclosing their HIV status and enables children to share in their family's problems in a safe and assuring way). The project will also include training for single parents to enable them to overcome stigma by increasing their representation on school, church and village committees and to ensure they are not exploited by in laws and customary courts over rights to property and children.

UGANDA

Workaid

Skills Development - Uganda Programme 2009: Kampala Region, Mbale and Kasese Regions

£13,950

The aim is to tackle poverty by improving the livelihoods of disadvantaged groups of people living mainly in poor rural areas of Uganda, in particular the Kampala region and remote areas of Mbale in the South East and in the Kasese area of Western Uganda, through the provision of tools and equipment thus enabling people to acquire the skills and knowledge to earn a basic living and become more self-sufficient. Workaid assists carefully assessed, community-run, self-help and vocational-training projects which have practically-designed teaching programmes leading to profitable, useful skills, such as carpentry, typewriting, tailoring, leatherwork, metal work and masonry, which enable people to generate income, helping to empower themselves, their families and local communities.

Projects are located in and around the Kampala region (an approx 30k radius) in and around remote areas of Mbale in the South East and in the Kasese area of Western Uganda. More than 85 per cent of Uganda's population lives in rural areas and many of these areas suffer from extreme poverty, high unemployment and the devastating impact of HIV/AIDs which is epidemic in Uganda.

Projects benefit young students, particularly young girls, who have no choice but to leave school due to lack of finances, orphans, street children, the elderly, refugees, the disabled and widows largely due to conflict or HIV/AIDS, who all need to learn new skills to secure an income, reduce their vulnerability and enhance their self-esteem. Rather than sending funds overseas, Workaid recycles unwanted tools and equipment, donated by the general public in the UK, for transportation to Africa, to assist training projects which provide practical education in useful skills. A total of 280 volunteers give their time to collect, repair and refurbish equipment. This practical operation is therefore extremely cost effective and in addition, has a significant environmental impact here in the UK, as the recycling of items keeps more than 66 tonnes of waste material out of UK landfill sites each year. Funding is for the provision of tools and equipment for practical skills development through 45 vocational skills training projects in Uganda in 2009 assisting an estimated 2,250 vulnerable people.

ZAMBIA

Cobo Mission Hall

North West Zambia Development Trust (NWZDT)

£3,427

The aim is to fund the purchase and shipment of a container to Zambia full of second-hand electrical transformers, switch gear, cable meters etc donated by Sark Electricity Co and Guernsey Electricity, in order to extend charity-funded hydroelectric schemes in bush areas in NW Zambia.

The first hydroelectric scheme is already operational providing continuous 'green' power to the Kalene Mission Hospital and School and saves the regular 800 mile round trip to fetch diesel for the Hospital generators. The £1M cost has all been raised by NWZDT, mainly through UK churches. The power being produced is providing more than is required by the Hospital and School, therefore the mains system is being extended to local villages in the bush to improve the lives of the population and provide power for the establishment of basic light-scale industry and water pumping.

This hydro scheme has proved so successful that several others are now planned. The containers used to send goods deep into the bush are too expensive to ship back to the UK so they are used there; some are welded together with windows cut in to form classrooms or workshops etc.

ZAMBIA

Workaid

Skills Development - Zambia Programme 2009: Northern Copperbelt Region, Mansa and Kasama in the North, Maamba, Monze and Choma in South

£16,300

The aim is to tackle poverty by improving the livelihoods of extremely poor, marginalised groups of people living in poor rural and urban areas of Zambia, located mainly in the northern Copperbelt region, in Mansa and Kasama in the North and in the South around Maamba, Monze and Choma, through the provision of tools and equipment thus enabling people to acquire the skills and knowledge to earn a basic living and become more self-sufficient.

These areas suffer from extreme poverty, high unemployment and the devastating impact of HIV/AIDs, which has left an estimated 630,000 orphans. Workaid assists carefully assessed, community run, self-help and vocational training projects which have practically designed teaching programmes leading to profitable, useful skills, such as carpentry, typewriting, tailoring, leatherwork, metal work and masonry, which enable people to generate income, helping to empower themselves, their families and local communities. The total skills development programme in Zambia for 2009 aims to reach approximately 2,000 disadvantaged people through more than 40 skills training projects.

Projects benefit young students, particularly young girls, who have no choice but to leave school due to lack of finances, orphans, street children, the elderly, refugees, the disabled and widows largely due to conflict or HIV/AIDs, who all need to learn new skills to secure an income, reduce their vulnerability and enhance their self-esteem.

Rather than sending funds overseas, Workaid recycles unwanted tools and equipment, donated by the general public, for transportation to Africa, to assist training projects which provide practical education in useful skills. A total of 280 volunteers give their time to collect, repair and refurbish equipment. This practical operation is therefore extremely cost effective and in addition, has a significant environmental impact in the UK, as the recycling of items keeps more than 66 tonnes of waste material out of UK landfill sites each year. Funding is for the provision transportation costs etc., of 2 containers of tools and equipment for practical skills development through 20 vocational skills training projects in Zambia in 2009, plus in-country distribution costs and monitoring. This will assist an estimated 2,000 vulnerable people.

Emergency Disaster Relief

ETHIOPIA/KENYA/SOMALIA/UGANDA

Oxfam

East Africa Food Crisis Appeal

£60,000

In response to the on-going severe drought that is threatening the lives and livelihoods of millions of people across an enormous swathe of land in East Africa, in particular Ethiopia, Kenya, Somalia and Uganda which are the worst affected, to enable Oxfam to provide food and water etc. Oxfam is targeting these countries, as the worst affected, but the crisis has spread to Sudan, Djibouti and Tanzania. An estimated 23 million people across the region are facing critical food and water shortages following successive years of failed rains. The region is now in its fifth consecutive year of drought.

Less than average rainfall, the prospect of serious crop failures, the soaring price of staple crops, a reduction in funding available to the World Food Programme, increased instability through regional and civil wars, and the overburdening of less severely hit areas through the displacement of populations, have combined to bring about the current situation. It is predicted that the anticipated El Nino 'short' rains will bring about heavy rainfall which is likely to kill livestock and deliver floods and mudslides.

In making this grant, the Commission recognises the continuing deep and increasing need in East Africa.

GAZA

Christian Aid

Gaza Crisis Appeal

£20,000

In response to the humanitarian crisis in Gaza, to enable Christian Aid to provide for the immediate needs of those affected, in particular 200 emergency food baskets for 200 families, or approximately 1,000 people, to be distributed through its local partner the Palestinian Agricultural Relief Committees (PARC) in both Middle and East Gaza. Christian Aid is also continuing to support its other local partner organisations, enabling them to provide medical relief, first-aid training etc

INDONESIA / PHILIPPINES / VIETNAM

Disasters Emergency Committee

Donation to Disasters Appeal for Indonesia, Philippines and Vietnam

£40,000

To enable all the Disasters Emergency Committee (DEC) aid agencies participating in the DEC's Appeal for Indonesia, Philippines and Vietnam to provide emergency relief following the two recent natural disasters, in particular the devastating typhoon Katsana that has affected, in the main, the Philippines and Vietnam, and in addition the two earthquakes that struck the west coast of Indonesia.

Typhoon Katsana cut a destructive path through various parts of South East Asia. It struck the Philippines causing major destruction across Central Luzon, including the capital city of Manila. Over 400 people so far have been confirmed dead. An estimated 700,000 have been left homeless and around 2.5 million have been affected. A second typhoon, Parma, has subsequently also lashed the northern Philippines, but damage and flooding, whilst extensive, were less widespread than originally anticipated.

In Vietnam over 350,000 houses are said to have been destroyed or damaged, around 1.4 million people affected and over 20,000 acres of farmland damaged in the country which is the world's second largest rice exporter.

Two earthquakes struck the west coast of Indonesia in quick succession, the regional capital Padang was the worst hit. The death toll has risen to around 1,000 in a city of 900,000 people. Houses, hospitals, schools and hotels have been damaged.

The funds will be used to provide food, water, medicines and health care, blankets, emergency shelter etc.

ZIMBABWE / SOUTH AFRICA / ANGOLA / BOTSWANA / MOZAMBIQUE

The British Red Cross Society

Zimbabwe and Region Appeal

£20,000

In response to the severe cholera outbreak across various countries in Southern Africa, to enable The British Red Cross to provide blankets, jerry cans, bars of soap, water purification tablets, sanitation assistance, hygiene promotion/kits etc to those affected. The epidemic has already claimed more than 1,700 lives in Zimbabwe with 35,000 more suspected. The crisis has also affected neighbouring South Africa, Angola Botswana and Mozambique. The number of cases in Angola is very high with over 10,000 in 12 of the Country's 18 provinces reported so far. The funds will be used according to need in the region.

Appendix B

OVERSEAS AID COMMISSION

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

7th April 2010

Dear Deputy Trott

The Guernsey Overseas Aid Commission was established by States resolution of 4 March 2004 as the result of a policy letter from the former Overseas Aid Committee.

The Committee was to disappear as part of the 2004 Machinery of Government changes and the formation of the Commission was intended to put the distribution of aid overseas at arms length from government.

In proposing the establishment of the Commission the former Overseas Aid Committee commented in its 30 January 2004 policy letter:

34. *The Commission would be able to continue to give thorough examination of individual specific projects and would be able to develop additional programmes such as community work projects and matching specific fundraising by Guernsey Charities.*
35. *Further, the Committee believes that a Commission would be better able to work with, and attract sponsorship from, private sector organisations and to co-ordinate private donations to emergency appeals so increasing the overall amounts available for overseas aid.*

and this is reflected in the Commission's mandate as approved by the States, which is as follows

- *To distribute monies voted by the States for overseas aid by making contributions by way of grants and emergency and disaster relief*
- *To develop programmes relating to the collection and distribution of funds involving the private and voluntary sectors*

in accordance with policies set out by the Policy Council, having regard to recommendations from the Commission.

The previous Commission, in response to an approach from the previous Policy Council, decided in 2005 (at the time of a general review of the Machinery of Government) that it was too early to review its mandate and, indeed, that it wished to consider further the issue of working with the private and voluntary sectors before coming to a conclusion.

The current Commission indicated in its 2008 Annual Report that it intended to review the second element of its mandate and, if appropriate, to report to the Policy Council in due course. That is the purpose of this letter.

It became increasingly apparent to both the former and current Overseas Aid Commissions that, whilst the principle of working with the private and voluntary sectors was a laudable objective, there were significant issues which needed to be carefully considered.

In particular, two approaches made by the Commission identified particular problems.

The first approach was a possible joint venture with the Guernsey Press to identify and seek public funds for a specific project. After careful consideration the Guernsey Press decided not to pursue this venture. The Commission was also concerned that such a venture could result in competition with other fundraising activities by local charities and rather than increasing overall funding could result in the diversion of funds.

The second approach taken by the Commission was to seek the assistance of the leading business organisations in obtaining funding from local business and trusts to add to the funding which the Commission receives from the States of Guernsey. It became clear that many businesses, as a matter of policy, direct their charitable giving to support local causes only, and others, as subsidiaries or branches of international firms, do not have a budget for overseas charitable giving as this is handled by their head offices.

A further issue which came to light was that international development agencies faced an ethical issue in accepting donations from commercial organisations because of their activities potentially conflicting with agencies' stated development policy aims and objectives. Agencies would be unable to accept any donation that risked damaging their integrity, public image or professional reputation. For example, if the donor had any involvement with activities that were damaging to the environment, or perhaps funded activities that harmed agencies' missions to overcome poverty and suffering, then donations from such organisations would not be acceptable.

The Commission also realised that if it wished to pursue working with the private and voluntary sectors this would require considerably greater staff resources than the Policy Council is currently able to provide to the Commission. It is also not convinced that, even if the additional resources were made available, this would increase the chances of success, particularly given the issues which have already become apparent to the Commission.

There are also practical issues in relation to how any involvement with the private and voluntary sectors could be integrated into the existing arrangements which the Commission operates for the distribution of funding provided by the States. For example, businesses would doubtless be wary of delegating responsibility for choosing how any donations should be distributed to a body which is still seen as part of Government, however remote. It is also apparent, and in relation to this, that the partial funding of projects for example by the commercial sector funding a specific element only, also raises issues for agencies themselves and could well result in delays in the implementation of some projects if some agencies were unable to cover the balance from their unrestricted funds.

Whilst the practical issues concerning resources and operational arrangements are, no doubt, able to be overcome, the Commission has come to the conclusion that, in view of the likelihood that there would be limited success in achieving such an objective, there is little purpose in pursuing it.

As indicated previously, the Commission is also concerned that it should not be seen as diverting fundraising from charitable organisations, (for example, the Jersey Overseas Aid Commission as a matter of policy, does not engage in fundraising and holds the view that it would be a contradiction to compete for funds against those whom it sets out to help), nor should it be regarded as doing so as a means of reducing the level of support provided by the States. Indeed, any funding produced by linking with the private sector would not represent official Government giving and, therefore, would not be able to be included towards the States official figure for overseas aid expressed as a percentage of national income. The States has been supportive of the use of increasing levels of public funds and, notwithstanding the decision to freeze the level of funding for 2010, has stressed its commitment to increasing the level of such funding over time having regard to the internationally agreed target. It would be doing a great disservice to the States if the Commission was perceived as being asked to obtain private funding to offset public funding.

The Commission also welcomes the initiative which the former Bailiff undertook, which is being continued by the current Bailiff, to seek private donations for national emergency aid appeals as a focus for public giving, which has meant that the Commission itself has not had to undertake this role.

It should also be noted, with regard to the suggestion by the former Overseas Aid Committee that the Commission would be able to undertake community work projects as indicated above, that neither the current nor former Commissions have supported the concept of developing community work projects, preferring instead to consider projects for support involving the provision of vocational training rather than organising and funding teams undertaking short-term visits to set up/assist in various projects in communities in developing countries. An additional factor is the staff support that such an initiative would require. The Commission has noted that the Jersey Overseas Aid Commission, which does organise and sponsor parties of volunteers, has a separate Sub-Committee and a dedicated officer who deals with all matters relating to community work projects. Even if it wished to undertake such an initiative, this would not be

possible within the staff resources the Policy Council is currently able to afford to the Commission.

The Commission has concluded, after six years of operation, that it cannot actively pursue the second element of its mandate for the various reasons set out in this letter. Whilst it could simply leave things as they are it believes that it would be appropriate, particularly as its 2009 annual report, which it will shortly submit and will be for debate by the States (as previously agreed), to take the opportunity to formally ask the States to note that it is not actively pursuing the second element of its mandate at this present time.

However, the Commission is not asking the States to rescind this second element. The Commission has taken the view that by leaving its mandate unchanged, a future Commission would not be precluded from pursuing this second element should it feel able to do so. In addition, a mechanism would also be left in place in the event should a future Bailiff ever approach the Commission to undertake the role currently undertaken by the Bailiff's Disaster Relief Fund in providing the focus for public giving in the event of a national emergency aid appeal.

Yours sincerely

C A Steere
Chairman

(NB The Treasury and Resources Department has no comment on the proposal.)

The States are asked to decide:-

V.- Whether, after consideration of the Report dated 17th May, 2010, of the Policy Council, they are of the opinion:-

To note that report.

HEALTH AND SOCIAL SERVICES DEPARTMENT

PROPOSED BAN ON THE DISPLAY OF TOBACCO PRODUCTS AND RESTRICTION ON VENDING MACHINES TO ESTABLISHMENTS FOR OVER 18 YEAR OLDS

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

4th May 2010

Dear Sir

Executive Summary

Smoking remains the major cause of premature death and ill health in the Bailiwick of Guernsey.

The purpose of this report is to request:

- i) that the States Resolution to prohibit advertising at point of sale should be extended to include a prohibition on the display of tobacco products;
- ii) that legislation be prepared restricting vending machines to establishments for over 18 year olds. The vending machines should be token operated and the establishment's tobacco licence (when such a system is introduced) could be removed if it was proved that tokens were being sold to and/or used by young people under the age of 18 years old.
- iii) that legislation should be prepared banning the supply (including possession for supply) of tobacco products for oral use as proposed in this report;
- iv) that legislation enabling the States to make provision by Ordinance for matters relating to the importation, advertisement, sale, supply or consumption of tobacco products should be prepared as proposed in this report.

This is to protect adults and young people in particular, from exposure to tobacco products and to support people who want to stop smoking.

1. On 12th March 2009, the Health and Social Service Department published a consultation document on proposed Laws to ban displays of tobacco products in retail outlets and to ban cigarette vending machines or limit them to establishments only accessed by those aged 18 years and over. The majority of respondents supported a ban on the display of tobacco products and vending machines being restricted to establishments for over 18 year olds and/or banning them. The modal timescale for implementation was “as soon as possible”. Various ideas were suggested on how retailers should be supported.
2. Following discussion with the Home Department, it is proposed that this legislation would be enforced by Environmental Health Unit and that there would be no exemption to this law and it would include Duty Free retailers. Guernsey does not have the Specialist Tobacconist retailers that are exempt from similar laws in Jersey and the UK.

Background

3. Tobacco smoking is the most important preventable cause of premature death in Guernsey. It causes death and ill health from many diseases and can affect health from pre-birth to old age. For instance, smoking causes 90% of lung cancers, the most common cause of cancer death in men in Guernsey. Smoking not only harms smokers but also third parties, including children, through passive smoking.
4. Smoking is also highly addictive, with two thirds of regular smokers taking up the habit before they reach the age of 18. The protection of children is the primary, although not the only, focus of the proposed Law. It has long been accepted, both domestically and internationally, that special safeguards, including appropriate legislation, are needed to provide children with the best possible environment in which to grow and develop. The United Nations Convention on the Rights of the Child legally obliges governments to protect children from harm, while the World Health Organisation argues that states have a duty to take all necessary legislative and regulatory measures to protect children from tobacco and ensure that the interests of children take precedence over those of the tobacco industry’.
5. The range of measures agreed by the States of Deliberation in March 2008 (Billet d’État III 2008, page 405) to protect young people in Guernsey and support any smokers who wanted to quit included the following recommendations:
 - 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;
 - that further legislation be prepared to ban advertising at the point of sale; and

- that any legislation necessary to enact the above be prepared and that such legislation should also provide for the Tobacco Advertising (Guernsey) Law, 1997 to be amended by subordinate legislation.
6. However, since this strategy was approved, the Health and Social Services Department has become aware of a growing body of evidence that shows that not only advertising and promotion but also the display of tobacco products is directly and indirectly related to young people taking up smoking. (Department of Health “Consultation on the future of tobacco control” May, 2008). Given the positioning of display gantries behind tills, it is inevitable that tobacco will be noticed by customers. Across the world, the following jurisdictions have prohibited tobacco displays: Ireland (July 2009), Iceland (2001), Thailand (2005) and many provinces in Canada. A number of other jurisdictions are proposing to do so.

Summary of Consultation Process

7. In response to this evidence, the Health and Social Services Department published a consultation document and undertook consultation, between “No Smoking Day” on Wednesday 11th March 2009 and Saturday 30th May 2009, on the display of tobacco products and the availability of cigarette vending machines in Guernsey.
8. The methods used in the consultation process were as follows:
- a consultation document with supporting evidence from the UK Department of Health, ‘Consultation on the future of tobacco control’ was developed. To minimise costs, a simple questionnaire was produced, covering four areas of the proposed regulation (See Appendix A).
 - this consultation paper was sent to all the Guernsey Tobacco Retailers on Wednesday 11th March 2009 and then to a cross section of the population, including schools, finance businesses, health professionals and all States Departments; a total of 1,200 papers. Questionnaires were also handed out in the High Street on No Smoking Day. A self-completed questionnaire was set up on the Government website www.gov.gg/tobacco-consultation and the consultation was widely publicised in the media.

Consultation Responses

9. The total number of responses to the consultation was 466. The types of respondent (and number of responses) have been categorised as follows: general public (196), students and education staff (98), tobacco retailers (59 questionnaires returned in identical stamped addressed envelopes that had not been supplied by HSSD), health professionals (39), Health and Social Services

Department staff (37), staff of other States Departments (15), charities (15), finance companies (5) and general retailers (2). Five tobacco manufacturers and importers completed the online questionnaire; these were Philip Morris Limited, British American Tobacco CI Limited, Imperial Tobacco UK Limited, Japan Tobacco International and the Channel Island Tobacco Manufacturers' Association. A further online questionnaire was completed by The Liberation Group.

10. The following is a summary of the responses received:

Question 1

Do you support a ban on the display of tobacco products in retail outlets?

- 327 (70%) respondents supported a ban;
- 139 (30%) respondents did not support a ban.

Question 2

Cigarette vending machines – would you:

- a) Ban them?

- 225 (55%) respondents supported a ban;
- 186 (45%) respondents did not support a ban.

OR

- b) Limit cigarette vending machines to establishments only accessed by over 18 year olds:

- 235 (75%) respondents supported a limitation;
- 77 (25%) respondents did not support a limitation.

Question 3

What do you think is an appropriate time scale for the implementation of the legislation?

Of the 360 respondents:

- 110 suggested “as soon as possible”
- 7 suggested one month;

- 23 suggested three months;
- 56 suggested six months
- 3 suggested nine months;
- 85 suggested one year;
- 23 suggested eighteen months;
- 31 suggested two years;
- 13 suggested three years.

Question 4

How should tobacco retailers be supported?

There was a range of responses, which included:

- “Why should they be supported for supplying a harmful/lethal drug?”
- “Not at all”
- “Timescale and planning”
- “Information sessions”
- “Advice and discussion forums”
- “Encouraged to diversify”
- “New signage provided”
- “Listening to and understanding their concerns”
- “They should be licensed”
- “Hopefully the importers will support the retailers”
- “Retailers should be allowed to sell as long as they are checking ages”
- “Sales allowed but not on display”
- “Guernsey should continue to show a positive and dynamic approach to reducing/stopping smoking”
- “A small grant should be given towards the cost”.

Several of the tobacco manufacturers’ responses ran on to many pages, so it is difficult to include their comments in this summary. However, these are attached as Appendix B.

Consultation Responses from States Departments on the States Report

11. The Home Department indicated that, in general terms, it is supportive of the content of the report. It agreed that the administration, regulation and in most cases, the enforcement of tobacco licensing be undertaken by the Environmental Health Unit, which already regularly visits the majority of the establishments selling tobacco products for other purposes. The Home Department suggested that the regulation of displays and vending machines should also be undertaken by the Environmental Health Unit with the Police continuing to be involved if required and that the report, therefore, be amended slightly to include reference to the role of Environmental Health Officers in this matter.
12. The Education Department *“felt that this was the type of issue they would prefer to comment on an individual basis and therefore resolved not to make a collective response as a Department on the issue”*.
13. The Commerce and Employment Department recognised that this is essentially a Public Health issue but it does have an overarching interest in developments that aim to improve the general well being of the population and people’s ability to continue to contribute to the workforce, the economy and of course their own domestic finances as a result of improved health. *“Against that background the Department is fully supportive of these incremental and understandable developments which will affect a limited part of the local retailing and which are being applied across the sector. From its own research at staff level, this Department understands (from representatives of CITIMA – the Channel Islands Tobacco Importers and Manufacturers’ Association) that the tobacco manufacturers support measures to prevent under 18s having access to tobacco products and they contend that a ban on displays may not be as effective as other measures. They believe that it may drive sales from small retailers to larger retailers better able to handle the logistics of the arrangements and this may have the unintended effect of damaging the viability of small retail businesses whilst not controlling sales which may move to larger shops.”* The Department asked that the Health and Social Services Department *“ensures that there is some suitable dialogue with the stakeholders”*. The Department also noted that Trading Standards Officer will support the Environmental Health Unit in the implementation of the Tobacco Strategy where necessary.
14. The Public Services Department has provided the following comments from its Business Units:

Guernsey Airport – Comments from the Director *“There is an obvious conflict between the States acting in a public health/welfare capacity, and as an ultimate beneficiary of the sale of tobacco based products through the duty free outlet at the Guernsey Airport. Guernsey Airport is a direct beneficiary from the duty free outlet on the basis of its share of the turnover. Any decision by the States to prevent display of tobacco products will run the risk of reducing a proportion of this income stream*

to Guernsey Airport” The Director asked for clarification on the suggestion that an A4 sized pictorial list may be used to display the available products. He asked for some detail on the number of A4 signs allowed or whether only one single A4 sign would be permitted in the whole of the current duty free outlet.

Harbour – Comments from the Harbour Master “Sales of tobacco at the harbour at present are very limited. Condor has the franchise to sell in the Passenger Terminal, but the small sales at the terminal are passing trade and workers only. At present there is an application from a local business to operate a duty free outlet for yachtsmen at the Harbour but the details of how this might operate or the quantities that might be sold are not known at this juncture.”

States Works – Comments from the General Manager “No mention of the “Litter” problem has been made as this paper focuses on the health benefits only, which is fine. For us any reduction in smoking will have a beneficial effect on litter, particularly around town and so we of course support any efforts made.”

Summary and how the proposed legislation would work

15. Taking account of the responses to the consultation process and expert opinion, including that of the World Health Organisation, the Health and Social Services Department has considered that the current legislation relating to tobacco should be extended as detailed in the following paragraphs.
16. It is proposed that no advertising or display of tobacco products be permitted in or outside retail premises that sell tobacco products. Retailers must ensure that their tobacco products or reproductions of tobacco products are stored out of view, within a closed container or dispenser, which is only accessible to the retailer and retail staff.
17. It is further proposed that retailers may use one A4 pictorial list to inform a member of the public aged 18 years or older who intends to purchase a tobacco product as to the products available. Retailers must display a sign at their premises informing the public that tobacco products may only be sold at those premises to persons aged 18 years or over.
18. There would be no exemptions; the law would therefore include Duty free retailers.
19. This legislation would be enforced by the Environmental Health Unit by their existing staff.
20. It is recommended that implementation within one year of the legislation being approved, in order to give retailers plenty of time to make the necessary changes.

21. The Health and Social Services Department will support retailers with resources and training in the lead up to the implementation of the legislation.

Tobacco for oral use

22. The Health and Social Services Department would like to take the opportunity to seek approval for a further policy development, which has not been the subject of any local consultation, but which would, if adopted, bring Guernsey into line with most other jurisdictions in Europe including the UK.
23. Tobacco is legal in the UK and most other jurisdictions in smokable (or chewable) form. However, the supply (including possession for supply) of products such as “snus” (tobacco in the form of a product resembling teabags, designed to be sucked) is banned, in many jurisdictions, including the UK.
24. The ban extends to all tobacco products which are intended for oral use (unless to be smoked or chewed), or which are in powder or particle form, or which are presented as a food product. In the relevant UK legislation (the Tobacco for Oral Use (Safety) Regulations 1992), the phrase “tobacco for oral use” is used to define such banned products. It is stressed that, perhaps confusingly, this definition does exclude chewed (and indeed smoked) products, which are of course strictly speaking orally ingested. (It does not cover nasally ingested products such as snuff.)
25. Some of these products are still legal in parts of Europe, but the Health and Social Services Department would wish to follow the UK’s lead and take the opportunity to introduce a ban on tobacco for oral use (as defined within the UK legislation, i.e. excluding smoked or chewed tobacco), as they are harmful to health.

Legislation

26. Draft legislation is being prepared in relation to some of the tobacco related policy developments (including pack warning requirements and packets of ten cigarettes) approved by the States in March 2008.
27. It is proposed that the final form of the legislation should be drafted so as to give the Health and Social Services Department (and the States) greater flexibility, from a legislation mechanics perspective, to deal with future policy developments in relation to tobacco, although, apart from the matters mentioned in this report, the Department is not proposing any new policy developments in relation to tobacco at this stage. This greater flexibility is proposed to be achieved by seeking delegated authority for the States to legislate by Ordinance on matters relating to the importation, sale, supply, possession and consumption of tobacco.

Recommendations

28. The Health and Social Services Department recommends the States to resolve:
- i. that the States Resolution of 12th March, 2008 (on Billet d'État III of 2008) to prohibit advertising at point of sale should be extended to include a prohibition on the display of tobacco products;
 - ii. that legislation should be prepared restricting vending machines to establishments for over 18 year olds and providing that such vending machines should be token operated and the establishment's licence (when such a system is introduced) should be removed if it was proved that tokens were being sold to and/or used by young people under the age of 18 years old.
 - iii. that legislation should be prepared banning the supply (including possession for supply) of tobacco products for oral use as proposed in this report;
 - iv. that legislation enabling the States to make provision by Ordinance for matters relating to the importation, advertisement, sale, supply or consumption of tobacco products should be prepared as proposed in this report.

Yours faithfully

A H Adam
Minister

Consultation on Restricting Smoking (Advertising & Display) Regulations

Only responses returned on this questionnaire will be accepted for the consultation

The Health and Social Services Department is proposing to recommend to the States that consideration be given to the proposals listed in these documents. It wishes to seek the views of the stakeholders and the general public before making any recommendations.

Question 1

Do you support a ban on the display of Tobacco products in retail outlets?

Yes No

Comments

Question 2

Cigarette vending machines – would you:

a) Ban them?

Yes No

Or

b) Limit to establishments only accessed by over 18 year olds? Yes No

Comments

Question 3

What do you think is an appropriate timescale for the implementation of the legislation?

Comments

Question 4

How should the tobacco retailers be supported?

Comments

Name.....

Smoker / Non Smoker.....M/F.....

Date..... Organisation (If appropriate).....

Please return to the Health Promotion Unit, Princess Elizabeth Hospital,
St Martin's GY4 6UU by 30th May 2009

Appendix B

E-mail from Channel Island Tobacco Manufacturers and Importers Association (CITIMA)

Sent: 29 May 2009 14:17

Subject: Tobacco Control Consultation Questionnaire

Question 1: No

Question 1 comments: The Channel Island Tobacco Importers and Manufacturers Association (CITIMA) does not support a ban on the display of tobacco products in retail outlets on several counts.

In addition, and further to our letter of 31 March 2009, we still have grave concerns over the consultation process itself, which does not appear to comply with any recognised standards and is particularly misleading when it implies that a tobacco display ban would fall within the scope the Guernsey Tobacco Strategy 2009-13, which clearly states at page 403 that legitimate display of tobacco products could continue at the point of sale. Any tobacco display ban would therefore not conform to the Guernsey Tobacco Strategy 2009-13, upon which States Members voted in March 2008. Would that vote have been the same had they known that such a u-turn would be proposed before the legislation had been drafted? There can be no definitive answer and the credibility of the Strategy will be seriously compromised if this proposal is pursued. In his letter to CITIMA dated 22 April 2009, Deputy Matt Fallaize, Vice Chairman of the Scrutiny Committee, also acknowledged the general concern at the way that HSSD is conducting the consultation process: In addition, I can advise that the consultation process employed by the department in respect of any changes to tobacco advertising regulations continues to be a subject of interest to several States Members.

Turning to the proposal itself, such a measure would contribute nothing to Guernsey's public health policy objectives, as set out within the consultation document itself:

a) Preventing the uptake of smoking in young people - We have serious reservations about whether the proposals will contribute anything towards their objective of reducing the prevalence of smoking in those under 18.

The consultation document is disappointingly light on supporting evidence to back up the proposals. It claims that tobacco companies of necessity must direct their marketing to youth an extraordinary accusation - whilst providing not a single piece of supporting evidence. Such a reckless and unhelpful contention is wholly refuted by the tobacco industry and we challenge the authors of the proposals to produce a single example of tobacco marketing that is specifically aimed at under 18s. This claim should be withdrawn immediately in the interests of positive and open consultation and dialogue, and not restated without credible evidence. The tobacco industry does not engage in such practices, and to claim that it does is disingenuous, serving only to mislead

potential consultation respondents. We also challenge the authors to produce credible evidence that displays of tobacco connected with the uptake of smoking in young people as they offer nothing to support their argument.

The actual evidence of display bans in other jurisdictions casts serious doubt over its effectiveness in combating under age smoking. Youth smoking rates in Iceland have not changed in any meaningful way since the ban was brought in (see <http://www.statice.is>). A display ban was implemented in 2001 and, if successful in reducing underage smoking, it would have been reasonable to expect to see the numbers reporting that they had not started smoking increasing (duration of study 2007). However, the numbers in the 15 -19 year old age group reporting that they had never smoked remained fairly constant throughout, with very similar figures in 2007 to those recorded in 2000.

In addition, Saskatchewan, which has a tobacco display ban, provides an even more dramatic example. The numbers of 15 -19 year olds in the province that smoked actually fell more slowly than the rest of Canada, which aside from Manitoba did not have display bans.

Based on studies such as these, the Prime Minister of New Zealand John Key announced that the country would not be going ahead with a display ban after all as: There is no international evidence that it actually works, and its hugely expensive to do it (John Key MP, TV's Sunrise programme, 24th February 2009).

Research and evidence suggest that the display of tobacco does not have a marked effect on the numbers of young people starting to smoke. CITIMA takes the view that by putting tobacco out of sight might actually have the opposite effect to that desired. Anyone with experience of young people will know that by making a product more mysterious (e.g. by hiding it out of sight) it becomes more exclusive, prestigious and desirable. They are therefore likely to behave counter intuitively.

At the very minimum there is a need for some credible local market research to be undertaken, to determine whether or not the display of tobacco itself is the primary factor in either encouraging young people to start smoking, or in provoking former smokers to start again. The scope of such research should include a range of other factors, such as peer, social or family issues, along with educational achievement.

b) Reduce impulse buying in current smokers and those trying to quit .The consultation document claims that: an estimated 60% of tobacco purchases are unplanned yet the source of that claim is not revealed. Similarly, there is no evidence supplied to show that a ban on visual displays would aid the smoker who is trying to quit. We are highly suspicious of these claims since they conflict starkly with the findings of a study carried out on former smokers who had quit in the last two years. Subjects were asked what influenced them to smoke when they were quitting:

- 29 percent were most tempted while in the company of friends or family who smoke;
- 27 percent after drinking coffee or an alcoholic drink;
- 12 percent in a location where they used to smoke;

12 percent following a meal;
 8 percent at the time of day when they used to smoke;
 Only 1 percent found that being in a shop where tobacco is sold tempted them to smoke again.

(www.populuslimited.com/tobacco-alliance-smoking-survey-180508.html).

Before proposing this type of legislation we would expect some form of local professional market research to be undertaken, to determine the precise effects of tobacco being on display on the smoking habits of the target age group.

c) Making smoking unacceptable - Making smoking unacceptable is, at best, a nebulous public health policy objective. The degree of unacceptability of a legal act is entirely subjective, with no reliable way of measuring the success of a policy that claims to influence it. Such lack of substance cannot form the basis of fair, legitimate and proportionate regulation. Retailers, particularly in small, independent businesses, should not be forced to pay a substantial sum of money to adapt their premises in order to restrict their sales of a legal product in support of an objective that is neither quantified nor proven.

Making smoking unacceptable by hiding tobacco from view could actually encourage smuggled and counterfeit sales (known as the grey market), which are currently minimal in Guernsey. If all tobacco is kept out of sight then the distinction between purchasing from legitimate and illegitimate sources may well become blurred in consumers minds, with a reduced public awareness of the look and feel of a legal pack of cigarettes. They may also be less likely to inspect the pack they have bought, thereby stimulating the sales of counterfeit product. It is worth noting that grey market tobacco products don't pay any duty at all to the States exchequer, would be outside the jurisdiction of local health warnings on packaging, and in the case of counterfeit product would not adhere to any recognised standards of manufacture.

Question 2a: No

Question 2b: No

Question 2 comments: CITIMA is of the opinion that there should be effective control of vending machines, to ensure that those underage cannot buy cigarettes from them. However, banning vending machines would mean that adult smokers would have reduced choice as to where to buy their cigarettes.

Question 3: There is no appropriate time scale as this legislation should not be introduced. The inclusion of this question is unhelpful and does not contribute towards a fair consultation.

Question 4: Tobacco retailers should be supported by measures that are proportional, accountable, consistent, transparent and targeted (in accordance with the 'Five Principles of Good regulation, published in 2006 by The Better Regulation Commission). Such support might include:

- a) ID - More support to identification schemes, such as No ID, No Sale (NINS; see www.citizencard.com). A half price card system was supported by the Drug & Alcohol Strategy
- b) Enforcement - Greater enforcement of existing legislation preventing the sale of tobacco to under 18s.
- c) Proxy Purchasing - Consideration of legislation to make purchasing of tobacco by adults for under 18s (known as proxy purchasing) an offence. As far as we can determine, it remains legal for adults to purchase tobacco (unlike alcohol) on behalf of those under 18. Creating an offence of proxy purchasing would send a clear message to all adults that tobacco must not be sold or given to anyone under 18 years of age. There is overwhelming public support for this measure in the UK, with 87% of adults in favour of proxy purchasing being made an offence (www.populuslimited.com/tobacco-alliance-smoking-survey-180508.html).
- d) Education - Better education through schools and social networks.
- e) Acknowledgement of retailers concerns - Recognition within government and the public sector that tobacco sales are vitally important for all shops that stock it, contributing up to a third of their revenue. Generally, the smaller the shop, the more heavily the business relies on it. UK research conducted by the Institute of Grocery Distribution (www.igd.com), a charity, revealed that smokers spend 50 percent more on average than other shoppers. Tobacco is the third most frequently purchased item in small local shops, after newspapers and confectionery. Around 37 percent of all tobacco sold in the UK is purchased by independent stores (RAL, year ending October 2008).

It is also worth mentioning that coinciding with the introduction of a display ban in Iceland, the number of independent retailers there fell by one third (<http://www.statice.is>). During this time overall tobacco consumption fell in line with the general decline seen in most western countries, indicating that the ban has not achieved its objective.

In UK, the Association of Convenience Stores (ACS) estimates that the minimum cost compliance would be a minimum of £1,850, and very likely to be closer to £5,000, resulting in around £252m in costs to change equipment in outlets nation wide. A full economic impact assessment should therefore be the very minimum level of support offered to local retailers, in order to analyse and understand the consequences of any possible regulation. Such objectivity appears to have been absent from local tobacco regulation to date, where proposals have not been underpinned by evidence. Local retailers already face the prospect of licensing, with the associated costs and

employment requirements, which went before the States last year with neither consultation nor economic analysis. For a display ban also to be forced through undemocratically, either knowingly or otherwise, would reinforce this unfairness. There will also be the problem of the extra time needed for each transaction when a customer has to explain verbally to the shop assistant which type of tobacco they would like, in the absence of any visual cues. The problem would be compounded for the growing number of guest workers, where English is not their first language.

Name: Marco Ciotti
 Smoker: Non Smoker
 Sex: Male
 Organisation: CITIMA

E-mail from Liberation Group
 Sent: 22 May 2009 13:08
 Subject: Tobacco Control Consultation Questionnaire

Question 1: No

Question 1 comments: The legislation proposed call for a ban on advertising of tobacco products at the point of sale. This is different than a ban on the display of tobacco products as outlined in the consultation question above. Paragraph 27 of the March 2008 Billet d'Etat seeks to clarify the matter by pointing out that advertising and promotion is still allowed at the point of sale despite a move to ban it in 1996. The recommendation (as outlined on p 403) is to continue to allow legitimate display of tobacco products whilst seeking a ban on advertising and promotion at the point of sale. There is clearly a requirement for the consultation process to ensure that the term display is clarified as a matter of urgency so that the responses can be correctly evaluated. If it is a display ban of tobacco products that is being sought, rather than an advertising ban then this has serious financial implications for retailers because of the required alterations to premises. From the Liberation Group's perspective, we estimate that the cost per premise would be upwards of £2,500.

Display bans can have the effect of making tobacco products seems illicit and, inversely, attract younger smokers who respond to the mystery of smoking as it moves under the counter. Adult smokers are normally not impulsive in their buying habits but committed to one brand. If a lack of display is successful in denying access to those who chose to smoke through well-regulated channels then there is a risk that they could turn to the grey market not only does this deny revenue to the States of Guernsey it also increases the harm of smoking because of the lower quality of smuggled or counterfeit cigarettes.

It is the view of the Liberation Group that the key to controlling smoking in Guernsey is through proper enforcement of legislation that prohibits the sale of tobacco products to those under 18. There is a recommendation to tighten the requirements for securing proof of age at the point of sale of tobacco and the Liberation Group endorses this strongly. For adult smokers, the Liberation Group welcomes the suggestion of increased pictorial representation of the effects of smoking on the packets and investment in health protection programmes to help with addiction.

Question 2a: No

Question 2b: No

Question 2 comments: Vending machines are a legitimate way for adult smokers to gain access to tobacco products and should not be banned on that basis. It might be that there is a perception that vending machines give greater access to tobacco products to the under -age smoker. The Liberation Group and other responsible outlets have in place stringent processes to prevent young people gaining access to vending machines. There are other solutions, such as tokens that are only available with proof of age that can be used to ensure that Vending machines are restricted to adult use. It is our view that banning these machines would have little effect on smoking in the community. The March Billet d'Etat is silent on the matter of vending machines and it is concerning that the consultation process has one of only four questions focussing on this matter when other important parts of the recommendations have been excluded (an example being the promotion of bulk buying duty free cigarettes through promotional pricing).

As a responsible operator of licensed premises, the Liberation Group would be in support of vending machines being limited to establishments that are only accessed by over 18 years old. The reality of the situation, however, is that this would be unenforceable and lead to a great deal of confusion because it is at odds with the alcohol licensing regime. Our licensed premises can be accessed by minors under certain conditions would this then preclude vending machines being in place? A more sensible approach might be to require vending machines operators to apply for licenses on a regular basis and a reapplication procedure to be enforced if there is regular evidence that they are being misused in any way.

Question 3: To implement a full display ban would cause considerable expenditure and impose significant operational changes to organisations that currently sell tobacco. It is the view of the Liberation Group that 5 to 6 years is the minimum time that is required for an orderly and effective change out period. This will ensure that there is sufficient time for the States of Guernsey to implement regulations that minimise the issues surrounding:

Avoidance. These can arise if the legislation is not complete and allows sale and display through specialist tobacco vendors (snuff, cigar or tobacco distributors).

Economic impact. This is clearly an important issue given the significant direct contribution that tobacco makes to the economy of Guernsey. Measures that restrict the sale of tobacco will have a significant impact on small retailers and may well put some of them out of business. There may be an overall impact in Guernsey from the loss of these small businesses, especially socially with the impact on families and the requirement for greater social support.

Enforcement. Any new legislation will only be as good as the enforcement framework and this must cover penalties for proxy purchasing to prevent under-age smoking. There must be consistency and an ability to penalise those that do not comply with the eventual legislation. This may lead to considerable expense in additional resource for the States of Guernsey.

Question 4: There will be a significant impact on tobacco retailers. It is noted that no retailers were part of the Tobacco Strategy Review Group and it is difficult to understand how a full strategy can be proposed without all stakeholders having a voice at the outset of the legislation. It is noted that there was a significant contribution from the medical profession which was not balanced by either economic or commercial interest. This may be why there is no mention of commercial mitigation in the recommendations being proposed.

The Liberation Group is not in a position to propose an exhaustive list of support for retailers as their needs might significantly differ from our own. It is our recommendation that a separate forum of retailers be gathered to ensure that there is the correct level of representation for this important question.

The following are some of the measures that could be used to mitigate the impact:

5 to 6 year implementation timescale

Grants to cover the cost of the refitting of premises

Tax relief to cover the likely impact on smaller businesses through lost sales

Name: The Liberation Group

Smoker:

Sex:

Organisation: The Liberation Group

E-mail from British American Tobacco CI Limited
 Sent: 27 May 2009 08:25
 Subject: Tobacco Control Consultation Questionnaire

Question 1: No

Question 1 comments: We support retaining the status quo on the display of tobacco products in the retail environment and we are opposed to a total product display ban. We believe that a total ban is neither a necessary nor a proportionate step to achieve the stated public health goals.

A total display ban is not proportionate given:

The absence of relevant and reliable evidence connecting a total ban to reduced cigarette consumption in the aggregate, reduced youth smoking initiation or increased cessation rates among current smokers. Evidence from Canada (source Canadian Tobacco Use Monitoring Survey 1999-2007) and Iceland (source: Statistics Iceland) show that the imposition of a display ban does not reduce the rate of youth smoking for example, in Canada, despite a display ban in Saskatchewan smoking incidence declined at a similar rate to other provinces where display bans have not been imposed.

The fundamental right to freedom of commercial expression that is at stake

The unintended adverse consequences that would flow from a total display ban, such as increasing the illicit tobacco trade by driving legal tobacco sales under the counter; and

The disproportionate and anti-competitive impacts on tobacco retailers given that many small retailers derive a considerable proportion of their sales from tobacco products. Evidence (source Statistics Iceland) shows that turnover in stores under 400sq metres fell by over 50% in the first year of the ban.

We would also point out the Government of New Zealand has scrapped plans to ban displays of tobacco in shops. This decision was made after the Prime Minister, John Key, expressed concern that while there is no evidence to prove that hiding tobacco out of sight reduces smoking, the move would place a huge burden on retailers. On TV3s Sunrise show he stated "The reason is there is no international evidence that it actually works, and it's hugely expensive to do it. I don't support at this time a change from the current situation."

Question 2a: No

Question 2b: No

Question 2 comments: We would support a proposal requiring mechanisms being placed on all tobacco vending machines to restrict under age access by young people in venues that are not themselves age-restricted. If age restriction devices are required, we recommend that this be done in close consultation with vending operators.

We further recommend that the States encourages strict adherence with existing legislation limiting access to vending machines by people under the age of 18.

Question 3: British American Tobacco is committed to helping to ensure that only informed adults can access tobacco products and recommends measures to ensure compliance with and enforcement of laws restricting under age access to tobacco products. However, we do not believe that the initiatives proposed are effective, justified and proportionate to protect children and young people from smoking. British American Tobacco believes that children should not smoke and we recommend that the States prioritise the following areas to continue the downward trend in under age smoking:

- (1) Enforcement of existing laws forbidding retailers to sell to children
- (2) Enforcement of existing laws against the manufacture, importation and sale of illicit tobacco or duty free products. Whilst illicit trade is not currently considered a major issue by Customs duty free sales in the Channel Islands represents over 50% of island consumption. The desire to impose a total ban on the display of tobacco products will inevitably blur the distinction between legitimate domestic product and non duty paid product.
- (3) Increased resource to manage points 1 and 2
- (4) Improved retail and youth access education programmes

The timescale for these initiatives should be in line with the existing States of Guernsey Tobacco Strategy

Question 4: British American Tobacco support retaining the status quo on the display of tobacco products in the retail environment and we are opposed to a total product display ban for the reasons stated in response to question 1.

That said, we are concerned on behalf of all tobacco retailers in Guernsey as to the financial impact resulting from a restriction on the display of product. These restrictions may have both a direct, i.e the cost of providing solutions to stock holding issues, and an indirect impact, such as the effect on turnover and profitability, on their businesses. At a time when many organisations are facing financial issues as a result of the worldwide credit crunch these restrictions may lead to further business failures which in turn may create socio-economic issues for Guernsey. As such should the States proceed with their proposals to ban display they should commit to a package which will compensate any retailer for loss of profit or income. They should also fund costs relating to any in store redevelopment that would be necessary to ensure tobacco

products cannot be seen by consumers.

Name: Graham Ford
 Smoker: Non Smoker
 Sex: Male
 Organisation: British American Tobacco CI Limited

E-mail from Philip Morris Limited (PML)
 Sent: 29 May 2009 13:32
 Subject: Tobacco Control Consultation Questionnaire

Question 1: No

Question 1 comments: PML supports comprehensive regulatory measures that govern the manufacture, marketing, sale and use of tobacco products that contribute to the broader goal of harm reduction. However, we do not support regulation designed to prevent adults from buying and using tobacco products or to impose unnecessary impediments to the operation of the legitimate tobacco market. Regulation must be evidence based and should not raise unintended consequences that are neither good for public health nor for the legitimate tobacco industry.

The Consultation proposes a measure that lacks solid evidence and is unlikely to foster harm reduction. Display of product at retail is the most basic way consumers learn about available products, differentiate among competing brands, and receive information about product innovations and improvements, including those that may reduce the harm caused by smoking. Accordingly, while we support the objective of reducing the demand for and use by youth of tobacco products and promoting cessation, we do not support a ban on the display of tobacco products at points of sale.

We believe a display ban is an excessive and disproportionate measure because:

none of the data from countries that have implemented bans on product display establish that a ban will have any effect on (youth) smoking. The current studies of the impact of display bans on smoking rely on evidence that is speculative. The UK Department of Health in its 2008 consultation on tobacco control stated that the evidence of the public health benefits of a display ban was not conclusive. The Norwegian government, too, found in 2007 that there is yet no scientific study published that definitely shows the impact that a ban against public display would have on the number of people who smoke.

there has yet to be a comprehensive assessment of the economic, retail, consumption and illicit trade impact of a display ban;

a ban of product display at point of sale will impair free commercial speech. In its proposal to ban tobacco product display, the Norwegian government stated there was no doubt that a [display] ban will remove the use of positioning as a competitive measure between the producers. This is consistent with well-established law recognizing that display space at retail is an important component of competition in the consumer goods sector. Indeed, display space has been at the heart of numerous anti-competition disputes in the EU where courts, governments and manufacturers have stressed the importance of access to display in retail to the ability to enter into and compete in a market.

the display ban is likely to undermine its stated health objective by leading to unintended consequences including an increase in competition on pricing and a potential increase in illicit trade;

a ban would favour those who operate outside of the official and regulated trade channels; and

youth smoking prevention should be addressed through proven effective measures, including fiscal measures, education and communication, effective retail licensing and enforcement programs.

Philip Morris Limited provided an extensive response to the department of health's consultation in the UK, which included an in depth analysis of the argumentation on the items covered in the Tobacco and Primary Medical Services proposed Bill. A copy of this submission can be found at:

http://www.philipmorrisinternational.com/pmintl/pages/eng/stories/f017_ukgovcons.asp

I would also like to take this opportunity to raise our concerns about the entire consultation process for this proposed legislation.

We do not believe that the Public Health Department has fully explored the issues raised by the implementation of a point of sale display ban. No evidence has been cited by the Department and the proposals themselves leave many questions in need of further clarification.

Additionally, the Department states that only responses returned on this questionnaire will be accepted for the consultation. Four questions and one sheet of A4 paper does not, we believe, give any respondent sufficient scope to fully answer the questions posed.

The Guernsey Scrutiny Committee has a mandate to examine the effectiveness of States policies or services, to identify areas that might be inadequately or inappropriately addressed? as well as assess the performance of departments and committees in implementing policies and services. We believe the consultation process offered by the Department of Health and Social Services falls well short of the standards expected by the Scrutiny Committee.

 Question 2a: No
 Question 2b: Yes

Question 2 comments: In line with WHO's Framework Convention of Tobacco Control (FCTC), PML believes that the law should ensure that minors cannot purchase cigarettes from vending machines. We support age verification measures to ensure that only adult smokers can access tobacco products from vending machines

Question 3: As outlined above, we do not believe that a point of sale display ban should be implemented in the states of Guernsey.

Question 4:

Name: Mr Martin Cairns
 Smoker:
 Sex: Male
 Organisation: Philip Morris Limited

E-mail from Imperial Tobacco UK Ltd
 Sent: 18 May 2009 11:41
 Subject: Tobacco Control Consultation Questionnaire

Question 1: No

Question 1 comments: The Health and Social Services Department's case for banning the retail display of tobacco products is premised on two suppositions:

- a. that tobacco advertising in general causes individuals to smoke; and
 - b. that seeing tobacco packaging on display and point of sale advertising causes young people, occasional smokers, smokers who are attempting to quit and former smokers to smoke.
1. We do not find convincing the claim that product display restrictions will reduce the consumption of tobacco products. In fact, in countries where they have actually been introduced, such as Canada and Iceland for example, there has been no impact on

consumption at all. This negates the Health and Social Services Department's claim that such restrictions will prevent the uptake of smoking by young people and that a ban on visual displays would aid the smoker who is trying to quit

2. New Zealand has already reached the same conclusion. Recently, Prime Minister John Key announced that his government would not be supporting a move to ban displays, as there is no international evidence that it actually works, and it's hugely expensive to do it .

3. Even organisations such as Action on Smoking and Health and Cancer Research UK now agree that a display ban will have no impact upon sales of tobacco. In a briefing document on the Health Bill dated 30th March 2009, the Smokefree Action Coalition drew attention to the fact that display bans have had no impact on legal sales of tobacco in Canada. We agree.

4. The assertion in the Health and Social Services Department's consultation document that 60% of tobacco purchases are unplanned is spurious. A survey conducted on behalf of ITUK by Albemarle Marketing Research in 2000 revealed that 96% of those adults buying tobacco had planned to do so before visiting the store. A report undertaken in Canada by Meyers Research Centre indicated that 99% of those who purchase cigarettes in convenience stores make the purchase decision before entering the store .

5. The retail supply of tobacco to consumers is already strictly controlled. Currently, tobacco products can only be purchased in two ways:

- a) face-to-face transactions with the retailer, with product stored on gantries which are always situated behind the retailer and out of reach of the customer; and
- b) from vending machines (based on Imperial Tobacco UK market data, we estimate that this applies to around 3 per cent of overall market volume in Guernsey).

6. Maintaining the display of tobacco at the point of sale is essential for efficient retailing, given the high turnover and value of the product.

7. The display of tobacco products is important to ensure adult choice and free and fair competition. It provides consumers with the information to make a selection from the wide range of tobacco products, brands and prices that are available in retail outlets. A ban on tobacco product displays would favour dominant brands and suppliers and would act as a barrier to entry for new brands and suppliers.

8. It is our view that a retail display ban would increase the levels of cross-border trade taking place. Imperial Tobacco agrees with the assessment made in the UK Department of Health's tobacco control consultation document of May 2008 that illicit trade undermines public health objectives, damages legitimate business and results in substantial revenue losses, through creating a market that is uncontrolled, untaxed and unaccountable.

9. In view of the lack of credible evidence presented in the Guernsey Health and Social Services Department's consultation document that banning retail tobacco product displays will have any positive impact on youth smoking initiation or consumption, and mindful of the negative effects it would have on competition and illicit trade, Imperial Tobacco believes that the current level of restrictions should be maintained. However, it is our view that this should be supported with greater enforcement of current minimum age laws, together with additional resources to support efforts to tackle cross-border sales and illegal selling.

Question 2a: No

Question 2b: No

Question 2 comments:

1. Imperial Tobacco supports reasonable solutions to reduce the illegal access by minors to cigarettes through vending machines. However, we object to the proposal to only allow vending machines to be sited in age-restricted premises. There are more appropriate options available, such as age-restricted access mechanisms on each machine.

2. Imperial Tobacco does not believe that minors access cigarettes from vending machines in great numbers, and the incidence appears to be declining, as demonstrated by a 2006 UK Government study.

3. The implementation of the smoking ban in public places (including licensed outlets such as pubs, bars and restaurants) has caused a major decline in vending sales in the UK, where less than 1 per cent of all tobacco sales come from vending machines. In the absence of any readily available data, it can be assumed that the smoking in public places ban in Guernsey is likely to have had a similar impact. It is highly unlikely that many licensed outlets would opt to continue to sell tobacco (i.e. over the bar) in the event of a ban on vending. In such a scenario it is most likely that, if smokers are unable to purchase tobacco from a vending machine, the void would be filled by illegal sellers who move from pub to pub selling non duty paid cigarettes.

4. It is our view that a ban on vending would be a disproportionate response to a diminishing problem and would create other unintended unfortunate consequences.

Question 3:

1. Imperial Tobacco hopes that this consultation will inform the Health and Social Services Department that the proposals should not be implemented.

2. The root causes of youth smoking have nothing to do with tobacco advertising or displays. Instead, the principal causes include factors such as rebelliousness and risk taking, family structure and relationships, socioeconomic status, school connection and educational success. As such, the determinants of youth smoking are not advertising or tobacco displays but more fundamental factors.

3. A tobacco strategy focused on advertising and displays will be disconnected from these factors and is unlikely to achieve the Health and Social Services Department's stated objectives.

4. Instead, we recommend that the Guernsey Health and Social Services Department give careful scrutiny to the available evidence and adapt its proposals accordingly.

5. Imperial tobacco believes the evidence supports an approach based on greater enforcement of current minimum age laws together with additional resources to support enforcement agencies in their efforts to tackle illegal sales.

6. We would not oppose legislation which would make it an offence for an adult to purchase tobacco on behalf of a minor (proxy purchasing) should the Guernsey Health and Social Services Department wish to consider complementing existing age of sale laws. As it may be difficult to enforce proxy purchasing regulation we would encourage careful consideration to be given to the practicality of effective enforcement.

Question 4:

1. The available evidence from Canada and Iceland predicts that there will be serious unintended consequences for retailers and for the illicit trade if a ban on display is introduced.

2. Claims based on Canadian evidence that the cost to business of implementing these proposals could be as low as £200 per store are wholly unrealistic. Imperial Tobacco estimates that it would cost independent retailers between £2,000 and £2,500 for each outlet to comply with a ban. These costs are consistent with estimates from retailers. The costs would have a disproportionate effect upon small businesses already struggling with the economic downturn, a proportion of which will no longer be viable.

3. The most recent data from Canada indicate that a significant proportion of the total retail universe was placed at risk by the introduction of a tobacco display ban. Around 7 per cent of all retail businesses in Canada closed down during the last 9 months of 2008.

4. Consequently, the Health and Social Services Department can best support retailers by carefully listening to and understanding their concerns. A thorough Regulatory Impact Assessment should be conducted to ensure that any proposed

legislation is balanced, proportionate and evidence based.

5. In our experience retailers take their responsibilities seriously. Not only do they comply with regulation, but they also take proactive steps which seek to eliminate sales of tobacco products to under 18s. These efforts, which have already contributed to measurable success in reducing youth smoking rates across the UK should be celebrated, and their views as to how to further develop regulation should be properly taken into account.

Name: Dr Steve Stotesbury, Corporate Affairs Manager
 Smoker: Non Smoker
 Sex: Male
 Organisation: Imperial Tobacco UK Ltd, Winterstoke Road, Bristol

Japan Tobacco International
 Sent: 29 May 2009 10:07
 Subject: Tobacco Control Consultation Questionnaire

Question 1: No

Question 1 comments:

1.1 Japan Tobacco International (JTI) is a subsidiary of Japan Tobacco Inc., the worlds third largest global tobacco company. JTI, which has its UK headquarters in Weybridge, Surrey, has a long-standing presence in the Guernsey market. JTI's brand portfolio in Guernsey includes Mayfair cigarettes, as well as a number of other tobacco products including cigars (such as Hamlet), roll-your-own tobacco and pipe tobacco (such as Old Holborn and Condor). JTI is a member of the Channel Islands Tobacco Importers and Manufacturers? Association (CITIMA).

1.2 Whilst JTI agrees with the key policy rationale underlying the TCCD (young people should not smoke, and should not be able to buy tobacco products), we fundamentally disagree with the proposal stated in the States of Guernsey Tobacco Control Consultation Document dated 30 March 2009 (the TCCD) to ban the display of tobacco products at point of sale as:

(a) the proposal departs without justification from the principles and balances of the current regulatory regime for the sale of tobacco products in Guernsey.

(b) there is no evidential basis to support a display ban. Despite stating that: there is a large and growing body of evidence that shows that advertising, promotion and display of tobacco products is both directly and indirectly related to young people taking up smoking, to progression from experimentation to regular smoking and to continued smoking amongst adults, the Health and Social Services Department (the

HSSD) has provided no evidential basis whatsoever on which to claim that a ban would be effective in: preventing the uptake of smoking in young people. The proposal is fundamentally flawed due to the absence of clear and credible evidence.

- (c) it would impede and restrict lawful activity whilst facilitating illegal activities.
- (d) it would have wide-ranging negative effects.

1.3 In light of these reasons, as well as the fundamental constitutional and property rights that would be engaged by a ban, the proposal is manifestly disproportionate. Whilst JTI sets out its views in this regard in more detail below, we would be very happy to meet with representatives of the HSSD to discuss our position as regards the TCCD and the proposals contained within it.

JTI SUPPORTS YOUTH SMOKING PREVENTION AND BETTER REGULATION

1.4 Tobacco products carry risks to health. Appropriate and proportionate regulation of the sector is thus both necessary and right. Children and young people should not smoke, and should not be able to buy tobacco products. Adult smokers should be appropriately informed about the risks of smoking before they make the decision to smoke.

1.5 For this reason, JTI supports legislative and regulatory measures on tobacco control that meet internationally accepted principles of Better Regulation, which require that any regulation should be clear, transparent, accountable, proportionate, consistent and targeted only at cases where action is needed. Regulation must be necessary and appropriate to achieve an identified and legitimate public policy objective.

1.6 Action contemplated in the TCCD falls short of these fundamental requirements:

- (a) the lack of a Regulatory Impact Assessment (RIA) makes any analytically meaningful platform for policy-making impossible;
- (b) the necessity for new regulation in the light of existing regulatory measures has not been considered (see, for example, the impact in Guernsey of the Smoking (Prohibition in Public Places and Workplaces (Guernsey) Law, 2005 banning smoking in public places and workplaces). Further, the need for the proposals as a means to reduce youth smoking is unclear given that the Guernsey Youth Survey 2007, referred to in the March 2008 Billet D'État (the Billet d'État), suggests that: the number of young persons smoking generally appears to have declined steadily;
- (c) the initiatives lack any reliable evidential basis;
- (d) where evidence is relied upon in the TCCD, this takes place without the source of the evidence being cited/being made available to stakeholders (for example, the statistics as regards young people: who describe themselves as smoking regularly referred to in the Background section and the suggestion that: estimated 60% of tobacco purchases are unplanned referred to in the Public Health Policy Objectives section);

- (e) the serious and widespread potential negative impacts of the initiatives have not been assessed;
- (f) there appears to be little consistency or coherence with the policies of other Departments and agencies in Guernsey or the Channel Islands more generally; and
- (g) alternative, more effective and less restrictive, solutions have not been properly considered or assessed.

OTHER PUBLIC HEALTH POLICY OBJECTIVES

1.7 In addition to the goal of seeking to prevent the uptake of smoking in young people, the initiatives are stated to have the following additional policy objectives:

REDUCING IMPULSE BUYING BY CURRENT SMOKERS AND THOSE TRYING TO QUIT?

1.8 The TCCD does not contain any analysis at all of the way in which the HSSD believes that future controls will assist existing adult smokers: who are trying to quit. Nor does it present any reliable evidence to suggest that a ban on retail display will lead to an improved environment for those trying to quit smoking. Rather, the TCCD simply asserts that: tobacco control research has found that tobacco sales are boosted by point of sale promotions. A ban on visual displays (promotions) would help the smoker who is trying to quit and is likely to reduce consumption of current smokers. As noted above, the TCCD does not cite the evidence to which it refers in this quotation. Clearly, this prevents stakeholder analysis of the reliability of the evidence.

1.9 Purchases of tobacco products are not appropriately characterised as impulse buying. Such purchases are highly planned. The vast majority of consumers have decided to buy a specific tobacco product before going to a retail outlet.

1.10 JTI has set out its position and considered in detail the evidence on impulse buying and those trying to quit in paragraphs 9.24 to 9.30 of its response to the UK Department of Health's Consultation on the Future of Tobacco Control, 5 September 2008 (the FTC Document) (available at http://www.jti.com/cr/industry_regulation).

MAKING SMOKING UNACCEPTABLE?

1.11 JTI does not accept that making smoking unacceptable is a legitimate public policy objective that can justify tobacco regulation. It is not, and cannot be, a self-standing objective. It is not legitimate to seek to discriminate against, stigmatise or ostracise existing adult smokers, or to treat the purchase or use of tobacco, a legal product, as abnormal, unacceptable or tainted. As a policy objective, it runs counter to the hallmarks of a democratic society (notably pluralism, tolerance and broadmindedness), lacks any evidential foundation and is arbitrary. JTI considers that making smoking unacceptable adds nothing to the underlying public health rationale.

THE PROPOSALS DEPART FROM THE PRINCIPLES AND BALANCES OF THE EXISTING REGULATORY REGIME

1.12 Tobacco advertising and promotion have been addressed in Guernsey since 1997 by way of the Tobacco Advertising (Guernsey) Law, 1997 (the Law). A display ban would unjustifiably, and without any evidential basis, depart from positions of principle taken by the States of Guernsey throughout the existence of the current regulatory regime under the Law. The TCCD states that: it is recognised that point of sale tobacco displays and the advertising featured on them, are an integral part of promoting the product. This is at odds with section 6(4)(a) of the Law, which states that: for the avoidance of doubt tobacco products themselves are not tobacco advertisements.

1.13 The proposals contained in the TCCD seek, contrary to the principles of the current regime, to characterise tobacco packaging and its display as advertising. Tobacco packaging and the display of tobacco packaging are not themselves advertising. This conclusion is supported by:

(a) Regulation adopted elsewhere. The WHO Framework Convention on Tobacco Control (the FCTC) deals with these issues separately. Article 13 sets out the FCTC requirements relating to tobacco advertising, promotion and sponsorship. By contrast, Article 11 of the FCTC sets out its requirements relating to the packaging and labelling of tobacco products.

Similarly, the tobacco control regime in the European Union separates out its regulation of: the advertising and promotion of tobacco products; and the labelling and design of the pack itself. European Directive 2003/33/EC is the primary legislative measure relating to the advertising and promotion of tobacco products. By contrast, it is European Directive 2001/37/EC (particularly Articles 5 and 7) that regulates pack labelling.

(b) Marketing theory. Dr Warren Keegan, an expert commissioned by JTI, addresses this point on page 3 of his September 2008 report *Analysis of Consumer Survey Evidence Relevant to the UK Department of Health Consultation on the Future of Tobacco Control?* (Dr Keegan's Report) (available at http://www.jti.com/cr/industry_regulation) and concludes that product display is not promotional marketing or advertising as it is generally understood in academic writing or practice.

1.14 The States of Guernsey has recently reinforced the distinction between the display and advertisement of tobacco products. The Billet d'État recommends that: legislation be prepared to ensure that, whilst the legitimate display of tobacco products could continue at the point of sale, advertising and promotion at the point of sale be precluded in the future

1.15 Moreover, the HSSD has previously considered, and rejected, the introduction of a display ban. The Billet d'État states that: a ban was considered, but not pursued, at the

time of the 1996 States debate, on the basis that tobacco was a legal product and that adult smokers should have opportunity to choose which brand they preferred to buy. It states that whilst further legislation be prepared to ban advertising at point of sale: tobacco products may be on display.

1.16 JTI is, therefore, surprised and concerned by the HSSD's departure from its own recommendations in March 2008, particularly given the short time span since the recommendation was made and the absence of any new evidence justifying such a change.

A DISPLAY BAN WILL NOT ACHIEVE THE STATED POLICY OBJECTIVE OF PREVENTING YOUTH SMOKING UPTAKE

1.17 For the reasons stated above, JTI considers that the only legitimate public policy objective stated by the TCCD is: preventing the uptake of smoking in young people. However, even where a legitimate goal is stated, JTI believes that public policy must be based upon clear evidence and sound research. The HSSD has a burden to provide clear evidence to justify a display ban. It is unable to do so.

1.18 The TCCD asserts that there is: a large and growing body of evidence that a display ban will: protect children from tobacco promotion and reduce the recruitment to smoking. However, the HSSD has:

(a) cited no clear or credible evidence, and JTI is not aware of the existence of any relevant evidence, demonstrating that a display ban will reduce smoking uptake by young people. This view is reaffirmed by expert analysis (see further Dr Keegan's Report).

(b) provided no statistical evidence that a display ban would, in fact, affect rates of consumption or prevalence of smoking amongst young people by reference to the experience in jurisdictions that have introduced a display ban. In fact, Dr Andrew Lilico, an expert commissioned by JTI to conduct an economic analysis of proposed point of sale display restrictions in the UK, has indicated that there is no discernable impact in reducing the already existing decline in smoking in jurisdictions including Canada and Iceland (Dr Lilico's Report) (available at http://www.jti.com/cr/industry_regulation); and

(c) failed to consider the relative impact of predictors of youth smoking, such as family and social influences.

1.19 JTI considers that, in fact, there is not evidence on which to justify a ban or further restrictions on tobacco product display. It is inappropriate and contrary to Better Regulation principles to base regulation on manifestly flawed evidence, let alone in the absence of any evidence whatsoever.

1.20 The TCCD, rather weakly, states that: by removing constant visual reminders to those three quarters of smokers who expressed a wish to give up, it is hoped that local

smoking rates for smoking will fall. In contrast to the hopes of the HSSD, expert analysis demonstrates that there is no reliable evidence, whether in consumer studies or from comparative international experience, including Canada and Iceland, on which to justify a display ban or further display restrictions.

1.21 At section 6 of his report, Dr Lilico ran established statistical tests to assess whether there is an impact on prevalence trends pre and post the removal of tobacco products from display elsewhere. Dr Lilico concludes that:

(a) smoking prevalence is statistically unaffected so far by display bans in the first two Canadian provinces to introduce such bans (Manitoba and Saskatchewan) (paragraph 6.14 of Dr Lilico's Report); and

(b) display bans have not yet had any impact upon established trends in prevalence and consumption (paragraph 6.20 of Dr Lilico's Report).

There is, in fact, no evidence, on the basis of international experience and on the data available, that a display ban would accelerate the already existing decline in youth smoking in Guernsey.

1.22 These findings are not surprising. Health Canada and the Norwegian Department of Health and Care Services have previously questioned the likely efficacy of measures to restrict display. Most recently, the Prime Minister of New Zealand rejected, in February 2009, a proposed ban on the display of tobacco products, concluding that there is no international evidence that a display ban would work.

A DISPLAY BAN WILL IMPEDE AND RESTRICT LAWFUL ACTIVITY, AND FACILITATE ILLEGAL ACTIVITY

1.23 A display ban would not only fail to achieve the public policy objectives stated by the HSSD, it would also have the following widespread negative impacts.

THE FUNDAMENTAL ROLE OF DISPLAY AT POINT OF SALE AND COMPETITION IN THE TOBACCO MARKET

1.24 The ability of JTI to display its products in retail outlets is one of the last remaining, and therefore a critical, means by which JTI maintains connection with existing adult smokers. Through product display, existing adult smokers can identify that JTI's products exist, that products are available, that they have choices and that different brands have different characteristics.

1.25 A display ban would deny existing adult smokers their right to be aware of, and to have the information required to make informed choices between, the wide range of tobacco products available in Guernsey.

1.26 The TCCD fails to examine how such consumers could become aware of new products, particularly new brands, in a display ban environment and taking into account

existing communication restrictions. JTI believes that a display ban could make new market entry extremely difficult, if not almost impossible.

1.27 Furthermore, the ability of a manufacturer to capture even 0.1% of its competitors market is critical. This makes brand switching, where an existing adult smoker changes his or her tobacco product of choice, either temporarily or permanently, fundamental to commercial success.

1.28 Dr Lilico's Report (at paragraphs 3.7 to 3.15) demonstrates that competition in many markets depends on switching by a marginal number of consumers, and the result of switching by only a minority benefits all consumers. Point of sale display is therefore key in facilitating brand switching amongst existing adult smokers.

THE ILLICIT TRADE IN TOBACCO PRODUCTS

1.29 JTI's position on illicit trade issues is set out in detail in at paragraph 15.1 of its response to the FTC Document. Although JTI understands that illicit trade in tobacco products is currently limited in Guernsey, JTI is concerned that the proposed display ban would facilitate this illicit trade and could, unintentionally, result in a move from the purchase of legally sourced tobacco to illegal, unregulated sources.

JTI'S FUNDAMENTAL RIGHTS

1.30 The proposal to prohibit the display of tobacco products engages a number of JTI's fundamental rights which are protected under various legal instruments and Guernsey law, including the freedom of expression (to impart and receive information), the right to enjoyment of property and intellectual property rights. In particular:

(a) prohibiting the display of tobacco products at the point of sale denies JTI its freedom of expression through the communication with existing adult smokers about the attributes of its products and, as a corollary, denies those individuals their right to receive information. Prohibiting commercial expression at point of sale impairs the very essence of commercial free speech and JTI's rights to engage in commerce.

(b) a prohibition on the display of tobacco products would impair the functions of JTI's trade marks and JTI's ability to enforce and protect these marks.

IMPACT ON RETAILERS

1.31 A ban on the display of tobacco products would have a significant impact upon the estimated 278 tobacco retailers in Guernsey. The sale of tobacco products is an important revenue stream for retailers. JTI fully supports, and urges the HSSD to give careful consideration to, the concerns raised by retailers in this context.

1.32 Please see further the response to Question 4. The concerns raised by a similar proposal in the UK are summarised at paragraph 10.26 of JTI's response to the FTC document.

ALTERNATIVE REGULATORY SOLUTIONS

1.33 As there are alternative, less restrictive measures available to tackle youth smoking, a display ban would be manifestly disproportionate. JTI believes strongly that a more proportionate and effective solution to the problem is to be found within the principles and balances inherent in existing legislation, together with more effective and targeted enforcement of the current regulatory regime and new measures to restrict youth access to tobacco products. This could include:

(a) greater resources and manpower for effective, targeted enforcement strategies by the States of Guernsey Customs & Excise, Immigration & Nationality Service. JTI understands that the Billet d'État has already considered the better enforcement of under age sales and that the Commerce and Employment Department has commented that it sees a possibly increased role for Trading Standards Officers in this area;

(b) reinforcing retail access prevention measures (e.g. enforcement of existing legislation on underage sales and the introduction of an effective youth access prevention ID scheme). JTI welcomes the recommendation made in the Billet d'État which states that: an over 18 card or a driving licence or a passport should be the only acceptable confirmation of age for sales of tobacco and that these requirements should be actively enforced;

(c) criminalization of proxy purchasing and the purchase or attempted purchase of tobacco products by under-18s;

(d) introducing negative licensing provisions, whereby retailers lose the ability to sell tobacco products completely if they persistently sell tobacco products to under-18s (such provisions took effect in England and Wales on 1 April 2009); and

(e) targeted public information campaigns to raise, quickly and effectively, awareness of the existing legislation and future regulation in respect of criminalization of proxy and youth purchasing. JTI notes in this regard the previous success of public information campaigns undertaken as part of the Guernsey Adolescent Smokefree Project, in conjunction with legislation which raised the minimum age of purchasing cigarettes from 16 to 18 years of age, in reducing youth smoking by 50% between 1997 and 2002.

Question 2a: No

Question 2b: Yes

Question 2 comments:

2.1 JTI believes that access to cigarette vending machines should be strictly controlled to prevent sales to under-18s. JTI does not, however, support a prohibition of

vending machines, which would prevent legitimate access by adult smokers. A prohibition is unnecessary, and would not be a targeted regulatory response.

2.2 JTI supports the requirement for mechanisms on all tobacco vending machines to restrict access by young people such as by Electronic Age verification, ID coin mechanism or Infra-red remote control.

2.3 JTI has experience of introducing such systems in other countries around the world, including Austria and Japan, and would be willing to share further information on the costs, timings and technicalities of the different types of adult identification functions available.

Question 3:

3.1 JTI is seriously concerned that the nature of this question suggests that the decision to implement the proposals contained in the TCCD has been pre-determined by the HSSD, irrespective of stakeholder input. This is clearly at odds with Better Regulation principles.

3.2 Effective consultation requires regulators to consider all relevant evidence contained in stakeholders submissions before embarking on a decision to proceed with policy. Question 3 assumes the outcome of the TCCD process, and is inconsistent with the yes and no options allowed for in Questions 1 and 2. For this reason, JTI, through its local lawyers, Carey Olsen, has already outlined its concerns arising from the nature of this question to the Guernsey Scrutiny Committee, in a letter copied to the HSSD on 8 May 2009. We were extremely disappointed - given the fundamental importance of these issues to JTI - by the Committee's response, dated 20 May 2009, indicating that it is not in a position to pursue this topic at this stage.

3.3 JTI is aware of the UK Code of Practice on Consultation. It states that: put simply, effective consultation allows the Government to make informed decisions on matters of policy. JTI suggests that, consistent with this, the HSSD should consider all the evidence submitted by stakeholders as regards Questions 1 and 2 of the TCCD. This would allow the HSSD to consider additional evidence in informing the development of policy, which is at the core of effective consultation and the principles set out in the Code of Practice.

3.4 If further regulation is considered to be justified by the HSSD on the basis of a detailed and thorough review of all relevant evidence and stakeholder views, only then should a subsequent consultation process be embarked upon to seek views from stakeholders as to:

- (a) the means by which display is to be restricted; and
- (b) the timescales for implementing such regulation.

Question 4:

4.1 Question 4 is inappropriately vague. It is a basic facet of Better Regulation that stakeholders should be clear as to the question on which a response is sought. JTI has highlighted this concern to the Scrutiny Committee in the letter referred to in the response to Question 3.

4.2 As discussed in response to Question 1, no RIA has been published to support the TCCD. This suggests that no economic impact assessment has been conducted by the HSSD. JTI believes that had an RIA been conducted and published it would have confirmed that the proposals contained in the TCCD will undoubtedly have a material economic impact on a number of stakeholders, including retailers.

4.3 Sales of tobacco products are an important revenue stream for a large number of retailers across a range of different retail businesses in Guernsey, including small community-based retailers. JTI supports fully, and urges the HSSD to give careful consideration to, the concerns raised to date by retailers, particularly at a time when the Treasury Minister has indicated that it would not be surprising if Guernsey was to experience a: ?shallow recession?.

4.4 These concerns have been borne out in Canada. According to the Canadian Association of Convenience Stores (the CASC), following the introduction of display bans in certain provinces of Canada, 23 corner shops closed every week in Ontario and 12 in Québec. The CASC president Dave Bryans has been reported as saying: [t]his new evidence shows the dire effect of a ban on tobacco displays has had on corner shops in Canada.

4.5 Similar concerns have also been raised in Guernsey by local retailers. JTI understands that following the publication of the TCCD, retailers in Guernsey have commenced a Save Our Shop Campaign. Furthermore, local retailers have also stated that: the heavy cost of the display ban, which is likely to be imposed on retailers at the worst possible time, is being pushed through in the face of weak evidence that it will make a difference to youth smoking.

4.6 As outlined in Question 1, JTI has proposed alternative regulatory solutions, which avoid many of the serious unintended consequences to retailers, particularly during an economic downturn. JTI would therefore urge the HSSD to fully consider this alternative approach before taking any further regulatory action.

Name: Japan Tobacco International (JTI)
 Smoker:
 Sex:
 Organisation: Japan Tobacco International (JTI)

(NB The Policy Council has no comment on the proposals.)

(NB The Treasury and Resources Department has no comment on the proposals.)

The States are asked to decide:

VI.- Whether, after consideration of the Report dated 4th May, 2010, of the Health and Social Services Department, they are of the opinion:-

1. That the States Resolution of 12th March, 2008 (on Billet d'État III of 2008) to prohibit advertising at point of sale shall be extended to include a prohibition on the display of tobacco products.
2. That legislation shall be prepared restricting vending machines to establishments for over 18 year olds and providing that such vending machines shall be token operated and the establishment's licence (when such a system is introduced) shall be removed if it is proved that tokens were being sold to and/or used by young people under the age of 18 years old.
3. That legislation shall be prepared banning the supply (including possession for supply) of tobacco products for oral use as proposed in that Report.
4. That legislation enabling the States to make provision by Ordinance for matters relating to the importation, advertisement, sale, supply or consumption of tobacco products shall be prepared as proposed in that Report.
5. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

ISLAND-WIDE VOTING – 2nd REPORT

The Presiding Officer
The States of Guernsey
Royal Court House
St Peter Port

7th May 2010

Dear Sir

EXECUTIVE SUMMARY

1. This report invites the States to consider three options for the introduction of Island-wide voting. The three options are:
 1. 45 Deputies elected Island-wide for a four-year term; or
 2. 45 Deputies elected Island-wide for a four-year term but with elections held every two years for half the number of seats; or
 3. 10 Parish Deputies, one elected from each parish for a four-year term and 35 Island Deputies elected Island-wide for a four-year term.

The States are also invited to consider whether each elector would be able to vote for as many candidates as there are seats in the Island-wide election or whether each elector should be restricted to selecting a maximum of 10 candidates.

INTRODUCTION

2. On the 27th April 2006 the States resolved¹ –

“5B To direct the House Committee to undertake a comprehensive review of all practicable methods of introducing Island-wide voting for the office of People’s Deputy, and to report back to the States in sufficient time to enable the introduction of such a system with effect from the General Election to be held in 2012.”.

¹ Billet d’État VII of 2006, p. 505
(Resolution 5B was added following an amendment proposed by Deputy I. F. Rihoy, in respect of which the voting was 26 pour, 11 contre)

3. On the 28th January 2009 the States considered the States Assembly and Constitution Committee's first report² on Island-wide voting which had been submitted pursuant to Rule 12(4) of the Rules of Procedure, i.e. as a report for general debate. The report set out eight principal options for Island-wide voting and also addressed a number of subsidiary issues which might be considered in the development of an Island-wide voting system. Whilst it was helpful for the Committee to hear the views of States Members expressed in the course of the debate it is perhaps unsurprising that no clear conclusion could be drawn therefrom. However, the States resolved –

“1. *To note the Report.*

2. *To direct the States Assembly and Constitution Committee to report further to the States with detailed proposals regarding the election and constitution of the States of Deliberation which will take effect from the General Election to be held in 2012.”*³.

4. This present report is presented in pursuance of that resolution of the States.

RATIONALE FOR THE INTRODUCTION OF ISLAND-WIDE VOTING

5. The Committee is proposing the introduction of Island-wide voting because the vast majority of decisions taken by the States relate to Island, as opposed to parochial, issues and consequently the electorate should be able to participate in the election of all States Members. This, in turn, will render States Members accountable to all Island residents and not just those residing in their electoral district.
6. The Committee believes that Island-wide voting would stimulate renewed interest in elections as many electors currently perceive that, as they can presently vote for just one-seventh of the total number of States Members, their vote has only a marginal effect on the overall composition of the States.
7. Further, the public consultation referred to later in this report indicated that a significant majority of the general public believes that Island-wide voting should be introduced.

PUBLIC CONSULTATION

8. In the course of the January 2009 debate the Chairman of the Committee stated that, if the States directed that a further report be prepared, it was the Committee's intention to carry out a public consultation. The Committee identified three possible schemes for the implementation of Island-wide voting –

² Billet d'État I of 2009, p.1

³ The voting was 26 pour, 19 contre, 2 abstentions

- A. 10 Parish Deputies, one elected from each parish for a four-year term and all other Deputies elected Island-wide for a four-year term;
- B. All Deputies elected Island-wide for a four-year term;
- C. All Deputies elected Island-wide for a four-year term, with elections held every two years for half the number of Deputies.

All three schemes are described in detail later in this report.

9. In addition to the three options for change set out as A, B and C above, the status quo option was also provided, as follows –

- D. All Deputies elected in electoral districts.

10. Having previously sought tenders from four local firms of public consultants the Committee appointed one such firm to carry out the consultation exercise on its behalf. The form of the questionnaire was purposely kept simple and the Committee believes that this resulted in the high response rate. Indeed it is understood that the response rate ranks amongst the highest of such exercises carried out by the States, certainly in recent years.
11. The Committee engaged Guernsey Post to deliver a consultation document to every household in Guernsey, Herm and Jethou. It was designed so that up to four members of the household (aged 16 years or over) could each indicate their preferred option. 3,676 forms were returned, stating the views of 6,837 individuals (i.e. approximately 14% of the population aged 16 years and over). This is an average of 1.86 persons per form and is consistent with the average of 2.15 persons aged 16 years and over in each household.
12. The views expressed were as follows –

<i>Option</i>		<i>Respondents</i>	
		<i>number</i>	<i>%</i>
A	10 Parish Deputies, one elected from each parish for a four-year term and all other Deputies elected Island-wide for a four-year term	2,134	31.2
B	All Deputies elected Island-wide for a four-year term	2,101	30.7
C	All Deputies elected Island-wide for a four-year term, with elections held every two years for half the number of Deputies	1,381	20.2
D	All Deputies elected in electoral districts	1,152	16.9
	No option declared or view ambiguous	69	1.0
	Total	6,837	100

13. In addition to being invited to express a preference for one of the options, respondents were invited to add additional comments. The following recurring themes were noted in those that were directly relevant:
- Combination of options A and C favoured
 - Combination of options B and C favoured
 - Preferred votes should be given a stronger weighting (i.e. using the Single Transferable Vote system)
 - Island-wide voting could lead to under-representation of smaller parishes
 - Island-wide voting would lead to too large a number of manifestos
 - Too costly to change the election process in the current economic environment
 - Bring back Conseillers
 - Bring back Douzaine Representatives
 - Deputies (at least a proportion) should have a strong parish mandate
 - The number of votes should be limited to 10 per voter.

NUMBER OF VOTING MEMBERS IN THE STATES OF DELIBERATION

14. In addition to the comments set out in the previous paragraph, a number of respondents suggested that the overall number of States Members should be reduced. There may indeed be good reason to reduce the number of States Members but the Committee holds the view that it would be inappropriate to associate such a reduction with a proposed change in the method of election. Reducing the number of Members simply to accommodate a system of voting is not sufficient reason in itself for such a change.
15. A decision to reduce the overall number of voting Members would not adversely affect any of the options set out in the following paragraphs. Indeed the contrary is true: the implementation of all the options would probably be eased by a reduction in the number of persons to be elected. All the options below are therefore based on there being 45 Members elected in some way by the Guernsey electorate.

THE THREE OPTIONS IN DETAIL

16. There are certain issues which are common to all three options. These are dealt with in paragraphs 28 to 40. The details of the individual options are set below. In earlier paragraphs and in the public questionnaire the options are referred to as “A, B, C and D”. In subsequent paragraphs they are referred to numerically by reference to the order in which the propositions will be considered by the States. Option 1 is the same as former option B, option 2 is the same as former

option C and option 3 is the same as former option A. The former option D (i.e. the status quo) is referred to as option 4 in later paragraphs.

Option 1 –

45 Deputies elected Island-wide for a four-year term

17. Under this option all candidates would seek election as Island-wide Deputies. Those who favour this option believe that the electorate will wish to elect all the Members of the States on an Island-wide basis. The system itself would be simple – every Guernsey elector regardless of where he or she resides would be given the same choice of candidates. Each elector will be able to vote for up to 45 candidates or a lesser number of candidates – see paragraph 28. Trends in previous elections indicate that most electors will probably use fewer votes than the maximum permitted although this may change given the larger number of candidates.
18. This option retains the concept of a ‘General’ Election – that is it affords the electorate of the Island a real opportunity of expressing either approbation or disapproval of the Island’s government as a whole.

Option 2 –

45 Deputies elected Island-wide for a four-year term

with elections held every two years for half the number of Deputies

19. This option is similar to Option 1, in that all Members would be elected as Island-wide Deputies but differs in that half the Deputies would be elected every two years for a four year term. It is put forward on the basis that Option 1 places too great a burden on the electorate in having to consider manifestos from a large number of candidates. Option 2 would require the voters to consider the manifestos of fewer candidates. Those who favour this option consider it to be more practicable. It also offers opportunities for mid-term elections for membership of departments and committees.
20. The estimated costs of the options are set out later in this report, but the cost of Option 2 would certainly be considerably more than the other two options as the electoral system would have to be set up every two years rather than every four years. The Home Department has also expressed strong reservations regarding electoral roll costs should this option be pursued: the Department’s comments are attached as Appendix 1.
21. Option 2 would need to be implemented in stages, as follows. The 2012 election would be held in the current seven electoral districts. The top three successful candidates in each district would be elected to serve for four years to 2016. The remaining successful candidates in each district would be elected for only two years to 2014. In 2014 those vacated seats would be contested on an Island-wide basis. Similarly in 2016 when the term of office of those Members elected for four years would expire, those seats would be contested on an Island-wide basis.

Option 3 –

10 Parish Deputies, one elected from each parish for a four-year term and 35 Deputies elected Island-wide for a four-year term

22. This option would be a step towards full Island-wide voting: whilst it would not satisfy those who are committed to a full Island-wide voting system and nothing else, it would be acceptable to those who submitted that there should be some element of Island-wide voting without necessarily wishing every Member of the States to be so elected. This would not be a novel innovation in the constitution of the States. From 1900 to 1928 nine People's Deputies were elected by the people island-wide and from 1994 to 2000 12 Conseillers were chosen by the electors of Guernsey and Alderney⁴.
23. It has been represented to the Committee that many Islanders regretted the end of direct parish representation when the office of Douzaine Representative was abolished in 2004. The principal objection to Douzaine Representatives was that although they were elected as Douzeniers they were not chosen by the electorate as Members of the States. This would not, however, be the case with the proposed Parish Deputies who would be elected by the people on the same day as the election of Island-wide Deputies.
24. It is accepted that a full or indeed partial move to Island-wide voting is likely to diminish further the constituency links between the electors and the People's Deputies. In the present Assembly, for example, no Deputies reside in either St. Saviour's or Torteval. This option would ensure that each parish would have one States Member mandated to have special regard to the particular interests of the parish. However, it is acknowledged that one of the disadvantages in single-seat systems is that they may, in certain circumstances, be perceived to be "safe seats" for the incumbent.
25. In formulating this option the Committee acknowledges that under such a system there would be some imbalance in favour of the smaller parishes as each parish would have one Parish Deputy. Many jurisdictions do, however, have such a representational imbalance in the constitutions of their parliaments for the very purpose of giving a fair voice to communities which are insignificant numerically. Perhaps the best known example of this is the Senate of the United States of America where each of the 50 states regardless of population is represented by two senators.
26. Earlier reference was made to the possibility that these positions could be perceived to be "safe seats". If this option is approved by the States, consideration will need to be given to the possibility that Parish Deputies be restricted to serve one term only in that office. If, at the end of the term, they wished to continue as Members of the States they would be required to seek election as Island-wide Deputies.

⁴ From 1948 to 1994 the 12 Conseillers were elected by the States of Election.

27. The 35 Island-wide Deputies would be elected by Island-wide franchise. It is envisaged that the election of Parish Deputies and Island-wide Deputies would be held on the same day. Candidates would not be able to compete in both elections – they would have to decide whether they wished to stand either for the parish seat or one of the Island seats.

ISSUES COMMON TO ALL THREE OPTIONS

Maximum number of votes to be cast by each Elector

28. In paragraph 13 reference is made to the additional comments which were sought in the public consultation. One such comment was that if Island-wide voting is introduced each elector should be limited to 10 votes. Some members of the Committee, in supporting that view, believe that restricting the number of votes would not have an effect on the outcome of the election but would result in a greater efficiency in the electoral process. Other members of the Committee, however, believe that the electors should be entitled to vote for as many candidates as there are seats available. For that reason, therefore, if the States vote in favour of introducing one of the three options set out in paragraphs 17 to 27, they will then be asked to decide whether a limit should be placed on the number of votes which each elector may cast in the Island-wide election.

Ballot Paper

29. Based on the number of candidates who sought election in April 2008 it is possible that, under Option 1, 90 candidates may contest an Island-wide election. A sample ballot paper was included as appendix 7 to the Committee's First Report on Island-wide voting.⁵ Whilst some reduction in the type size might be possible it is likely that the ballot paper will still be larger than at present. Under Option 2 the number of candidates is likely to be much lower. Whilst the number of Island-wide candidates under Option 3 is likely to be less it is difficult to assess the impact that the election of a Parish Deputy will have on the number of candidates in the Island-wide election. Further, under Option 3, electors will be given two ballot papers – one for the Island-wide election and one for the Parish election.

Hustings

30. Whilst there is an established tradition of hustings being held prior to each election of People's Deputies there is no statutory obligation for such meetings to take place. The meetings are usually organised by the Constables and Douzaines of the parishes although in the present multi-parish electoral districts the District Returning Officer now undertakes the task. The costs of hiring an appropriate hall and public address system and the placing of advertisements is met by the States. Under Option 3 there is no reason why traditional hustings should not continue in respect of the election of Parish Deputies.

⁵ Billet d'État I of 2009

31. In 1994 the electorate of Guernsey and Alderney were required to choose 12 Conseillers from a total of 26 candidates. A series of traditional hustings was held in Guernsey and Alderney: at those meetings the opening speeches and replies to questions were each restricted to one minute per candidate. Notwithstanding that restriction, generally not more than four questions were taken at any one of the meetings. In effect, this meant each candidate spoke for no more than five or six minutes at each meeting. Further, the candidates' responses to the questions often became repetitive.
32. With a limited number of candidates, hustings provide a useful means of establishing two-way communication between the electorate and the candidates. Importantly the electorate is able to gauge the ability of the candidates and to hear their opinion on various issues but it would clearly be impossible to hold traditional hustings with the potential number of candidates.
33. New ways would, therefore, have to be found of conducting public interaction between the candidates and the electorate, for example the one-to-one 'surgeries' held in several electoral districts in the 2008 General Election. These comprised full-day or half-day events when all or most of the candidates assembled together. Electors were able to engage candidates on a one-to-one basis. This means of engagement appears to have been appreciated both by the candidates and the electors. Several such meetings could be held in large venues. The Committee envisages that future candidates are likely to use the internet increasingly and notes that a number of candidates in the 2008 General Election had set up comprehensive websites. It is also envisaged that media, both written and spoken, will continue to play an important part in disseminating candidates' views to the electorate.

Manifestos

34. It has become an almost universal practice for election candidates in Guernsey to distribute a manifesto either to each elector, or alternatively, one to each household. The cost of printing and enveloping is borne wholly by the candidate and must be contained within the limits prescribed by Ordinance⁶. By resolution of the States,⁷ 50% of the cost of postage of manifestos may be reclaimed from the States by the candidates. However, when the envelope contains the mailings of two or more candidates then the States will meet the full cost thereof. The cost of this facility in respect of the 2008 General Election was just over £30,000.
35. In respect of the elections of Conseillers held in 1994 and 1997, candidates' manifestos were published in a free newspaper distributed as a supplement to the Guernsey Evening Press and Star. Each candidate was allocated one page. The cost of printing was borne by the States: candidates were required, at their own

⁶ The Elections Ordinance, 2007 provides that the maximum which may be expended by a candidate for the office of People's Deputy is £1,400

⁷ Resolution of 29th October 2003 on Article 24 of Billet État XXI of 2003, p. 2103

expense, to deliver camera-ready artwork to the printers. The Committee, by a majority, considers that this method is probably the most cost-efficient way of distributing the manifestos of each candidate to all electors. It would, however, be open to candidates not to participate in the scheme but they would still have to carry out their campaign within the limits prescribed by Ordinance. The question of whether candidates should bear none, or some, or all of the costs of issuing the Election newspaper is considered in the section headed “Costs”.

Logistical Issues

36. There will be a number of logistical issues which will be the subject of a further report following consultation with the Constables and Douzaines who have a crucial rôle in the conduct of the voting on the day of the election. However, there is one matter which needs to be addressed in this report because of cost implications – the electronic counting of votes.
37. In the 2008 General Election in Sark there were 57 candidates for 28 seats. 412 voters cast a total of 9,860 votes, an average of 23.9 votes per elector (i.e. 85% of the maximum possible). In the Guernsey 2008 General Election voters used an average of 76% of the maximum number of votes. The comparative figure in the 1994 Election of Conseillers was 70%.
38. 18,576 electors voted in the 2008 General Election. If, in an election for 45 Island Deputies, that same number of voters used 70% of the maximum number of votes possible that would amount to over 585,000 votes. In the 2008 General Election just over 91,000 votes were cast. These figures indicate that in an Island-wide election there could be a six-fold increase in the number of votes to be counted. More conservatively it can be assumed that there would at least be a quadrupling of the votes cast.
39. In all seven of the present electoral districts large teams of people work diligently in the counting of votes after the poll has closed. However, the present system is both labour-intensive and time-consuming. It is now not unusual for the declaration of the result to be made in the early hours of the morning in two or more districts. With a considerably larger number of candidates and votes to be counted the margin of error is likely to increase.
40. The Committee has therefore concluded that if Island-wide voting is introduced it will be essential to employ electronic equipment to count the votes. Indeed the use of electronic counting equipment could be considered even if Island-wide voting does not proceed.

ESTIMATED COSTS

41. The figures included in the table below are intended to give a broad indication of the overall cost of the Options 1, 2 and 3 detailed above, together with Option 4 which represents the current system of election by electoral districts. The following assumptions have been made:

- Option 1:** 90 candidates for Island Deputies' seats
Option 2: 55 candidates every two years for Island Deputies' seats
Option 3: 25 candidates for Parish Deputies' seats
 65 candidates for Island Deputies' seats
Option 4: 90 candidates for seven electoral districts – i.e. current system.

42. It would be possible to pass on the full cost of the 'manifesto' newspaper to the candidates (depending on the number of pages the cost per candidate ranges from £545 to £625) or else the cost might be divided between the States and the candidates. The Committee, by a majority, holds the view that it would not be unreasonable to require candidates who wished to be included in the 'manifesto' publication to meet the full cost thereof, in which case the cost to the States would be as follows:

<i>Option</i>	<i>General Costs</i>	<i>Manifestos/ Newspaper</i>	<i>Electronic Counting</i>	<i>Total</i>
1	£ 40,000	Nil	£ 25,000	£ 65,000
2 per election	£ 40,000	Nil	£ 25,000	£ 65,000
2 per 4 year period	£ 80,000	Nil	£ 50,000	£ 130,000
3	£ 50,000	Nil	£ 25,000	£ 75,000
4	£ 70,000	Nil	optional £ 25,000	£ 70,000/ £ 95,000

43. However, should the States bear the full cost, the figures would be as follows:

<i>Option</i>	<i>General Costs</i>	<i>Manifestos/ Newspaper</i>	<i>Electronic Counting</i>	<i>Total</i>
1	£ 40,000	£ 50,000	£ 25,000	£ 115,000
2 per election	£ 40,000	£ 34,000	£ 25,000	£ 99,000
2 per 4 year period	£ 80,000	£ 68,000	£ 50,000	£ 198,000
3	£ 50,000	£ 39,500	£ 25,000	£ 114,500
4	£ 70,000	Nil	optional £ 25,000	£ 70,000/ £ 95,000

44. With regard to the figures set out in the above two tables relating to Option 2, attention is drawn to the representations made by the Home Department as set out in its letter annexed to this report as Appendix 1. It would be possible to operate Options 1, 3 and 4 within the Committee's present budget allocation. Option 2, however, would require an increase in budget of between £2,500 and £19,500 per annum (depending on whether the cost of the 'manifesto' newspaper was met by the States or the candidates).

RECOMMENDATION

45. The States Assembly and Constitution Committee acknowledges that both States Members and the general public have strongly-held views either in favour of, or

against, Island-wide voting. However, a majority of the members of the Committee believe that Island wide voting should be introduced. The Committee is fortified in that belief by the responses to the public consultation referred to earlier in this report which showed that in excess of four out every five respondents favoured the introduction of Island-wide voting by means of one of the three alternatives now referred to as Options 1, 2 and 3.

46. However, the public consultation was less clear as to precisely which of those three options was preferred by the public. In particular Options 1 and 3 received almost equal support with Option 2 being favoured by fewer people. Options 1, 2 and 3 – and indeed Option 4 – were put forward for consultation because the Committee considered that each of the options was capable of implementation. That being so, the Committee was faced with deciding which of the options should be recommended for implementation in 2012.
47. The Committee, by a majority, has therefore decided that all the options considered for the introduction of Island-wide voting should be laid before the States as propositions. When voting, the States will first be asked to vote on proposition 1: if that proposition is carried propositions 2 and 3 will fall. If proposition 1 fails then the States will proceed to vote on proposition 2 and, if 2 fails, then they will vote on proposition 3. Should all three propositions fail then the status quo will continue – i.e. 45 People's Deputies elected in seven electoral districts.
48. If the States accept one of the three propositions they will then be asked to decide whether a limit should be placed on the number of votes which each elector may cast in the Island-wide election. The Committee will present a further report setting out detailed proposals relating to the procedure at, and conduct of, such elections.
49. The States Assembly and Constitution Committee recommends the States to resolve that the Reform (Guernsey) Law, 1948, as amended⁸ be further amended to provide that with effect from the General Election to be held in 2012 there be either

⁸ It may assist Members of the States to have the precise wording of Article 3(4) of The Reform (Guernsey) Law, 1948, as amended which applies to the above recommendation.

“... any resolution of the States of Deliberation directing the preparation of legislation to repeal or vary any of the provisions of this Law which is carried by a majority of less than two-thirds of the members present and voting shall not be deemed to have been carried before the expiration of seven days from the date of the resolution:

Provided that where before the expiration of the aforesaid seven days an application in writing signed by not less than seven members of the States of Deliberation is made in that behalf to the Presiding Officer such resolution shall be brought back before the States of Deliberation by the Presiding Officer as soon as may be after the expiration of three months from the date of the resolution whereupon such resolution shall be declared lost unless confirmed by a simple majority.”.

1. 45 Deputies elected Island-wide for a four-year term;

or

2. 45 Deputies elected Island-wide for a four-year term but with elections held every two years for half the number of seats and subject to the transitional arrangements set out in paragraph 21 of the report;

or

3. 10 Parish Deputies, one elected from each parish for a four-year term with 35 Island Deputies elected Island-wide for a four-year term, provided that when elections for both offices occur on the same day candidates may seek election to one such office only;

and, if one of the above is approved

4. that in the Island-wide election each elector shall be entitled to vote for a maximum of 10 candidates only.

LEGAL CONSULTATION

50. The Law Officers have been consulted and they have advised that
 - (i) one of the most difficult aspects of this matter is ascertaining the will of the States given that the propositions contain options; in those circumstances a better opportunity for Members' votes to reflect their individual views would be provided by a series of propositions designed to ascertain first whether the States endorses any Island-wide element for the Assembly; if so, whether that should be universal; and if it should, whether it should be introduced in two stages, but the Committee disagrees with this;
 - (ii) if any changes to the present regime are approved by the States the further report referred to at paragraph 48 will have to address the detail with great care but, given that, it should be possible to implement those changes legislatively.

Yours faithfully

I F Rihoy
Chairman

APPENDIX 1**HOME**

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15th October 2009

Dear Deputy Rihoy

Island Wide Voting

At a recent Board meeting, the Home Department discussed the consultation paper and it was agreed that the Board would make a formal approach to your Committee to present any areas of concern. These comments are limited purely to the potential impact on the Electoral Roll and do not reflect the individual views of members regarding the merit of Island-wide voting or otherwise.

The Board carefully considered Option C, believing it to be the most relevant to the Home Department and the Electoral Roll. I note, from your guidance notes on the internet, that the intention is that this option would be phased in over a period of time, with elections being held from 2012 on a district basis and then from 2014 onwards on an Island wide basis.

The Department has significant concerns over the introduction of these proposals in regard to the Electoral Roll. In order for any election to take place, an accurate and comprehensive Electoral Roll needs to be in place. Currently, although the work for the Electoral Roll is constantly ongoing, it is cyclic in nature becoming more resource intensive in the eighteen months leading up to the General Election. Adopting a General Election on a biannual basis would effectively place the Department permanently in the intensive run up to an Election and will significantly affect staff and financial resources.

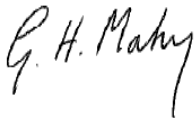
This is a concern intensified by the current financial position affecting the States. As you may be aware, as part of the States Strategic Plan, the Department had put in a request for money to be allocated to the Electoral Roll for 2010, but this is not one of the eight priorities supported by Policy Council. This effectively puts the Department in an exceptionally difficult position. In order for an accurate and comprehensive Electoral Roll to be compiled, the Department requires the necessary resources, and I would be

unwilling to support any initiative which would increase the work associated with the Electoral Roll without strong assurances that the necessary resources will be in place.

Further, one of the recommendations of the post 2008 Election Report was the creation of a new Electoral Roll for each quadrennial Election. Although I am mindful that there are possible work streams around, such as the creation of a Population Office or a Citizen's Register, which may in the long run negate the need for an independent Electoral Roll, the creation of biannual Elections does cause me some significant concerns. The Department would be unable to create a new Electoral Roll each time- the employment of enumerators would make this unfeasible and I believe that requesting that the public resubmit their details so frequently would be unpopular and could cause some confusion. This would therefore mean that every other election would again be conducted using an inaccurate and out of date Electoral Roll.

I would be grateful if you could consider this submission as part of your consultation process. If you require any further information, please contact the Chief Officer, Home Department.

Yours sincerely



G H Mahy
Minister
Home Department

POLITICAL RESPONSIBILITIES

Police, Customs and Excise, Immigration and Nationality, Prison Service, Probation Service, Fire and Rescue Service, Emergency Planning, Bailiwick Drug Strategy, Broadcasting

The States are asked to decide:-

VII.- Whether, after consideration of the Report dated 7th May, 2010, of the States Assembly and Constitution Committee, they are of the opinion:-

1. That the Reform (Guernsey) Law, 1948, as amended be further amended to provide that, with effect from the General Election to be held in 2012, there be 45 Deputies elected Island-wide for a four-year term.

In the event of the States rejecting proposition 1 above, whether they are of the opinion:-

2. That the Reform (Guernsey) Law, 1948, as amended be further amended to provide that, with effect from the General Election to be held in 2012, there be 45 Deputies elected Island-wide for a four-year term but with elections held every two years for half the number of seats and subject to the transitional arrangements set out in paragraph 21 of that Report;

In the event of the States rejecting propositions 1 and 2 above, whether they are of the opinion:-

3. That the Reform (Guernsey) Law, 1948, as amended be further amended to provide that, with effect from the General Election to be held in 2012, there be 10 Parish Deputies, one elected from each parish for a four-year term with 35 Island Deputies elected Island-wide for a four-year term, provided that when elections for both offices occur on the same day candidates may seek election to one such office only.

In the event of the States accepting one of the above propositions, whether they are of the opinion:-

4. That in the Island-wide election each elector shall be entitled to vote for a maximum of 10 candidates only.
5. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE COMPANIES (RECOGNITION OF AUDITORS) REGULATIONS, 2010

In pursuance of Section 537 of the Companies (Guernsey) Law, 2008 the Companies (Recognition of Auditors) Regulations, 2010, made by the Commerce and Employment Department on 13th April, 2010, are laid before the States.

EXPLANATORY NOTE

These regulations provide for the commencement of the Companies (Recognition of Auditors) Ordinance, 2010 which amends the Companies (Guernsey) Law, 2008 by requiring the registration of auditors wishing to be eligible for appointment as auditor of a market traded company and set out rules (based upon the regulations and guidance promulgated in 2008 by the Institute of Chartered Accountants in England and Wales) for the purpose of the regulation of recognised auditors in the conduct of audit work under Part XVIA of that Law.

THE MISUSE OF DRUGS (MODIFICATION No. 2) ORDER, 2010

In pursuance of Section 30 (3) of the Misuse of Drugs (Bailiwick of Guernsey) Law 1974, as amended, the Misuse of Drugs (Modification No. 2) Order, 2010, made by the Health and Social Services Department on 13th April, 2010, is laid before the States.

EXPLANATORY NOTE

This Order inserts into the First Schedule to the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 –

- 4-methylmethcathinone, more commonly known as Mephedrone, and
- any compound structurally derived from 2-amino-1-phenyl-1-propanone by modification (with named exemptions).

This Order makes these substances "Class B" controlled drugs, and also inserts these substances into Schedule 1 to the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 ("**1997 Ordinance**"), as there is no known medicinal use for them.

In addition, this Order amends the 1997 Ordinance to generally give effect to a States Resolution made in November 2006.

This Order also amends section 3(1) of the 1997 Ordinance to clarify that there is no general exemption in relation to the importation or exportation of controlled drugs listed in Schedule 4 to that Ordinance. The only exemption (inserted by the Misuse of Drugs (Modification) Order, 2003) relates to the importation or exportation, by any person for administration to himself, of drugs listed in **Part II** of Schedule 4.

**THE STATES HOUSING (TRIBUNAL AND APPEALS)
(GUERNSEY) (AMENDMENT) REGULATIONS, 2010**

In pursuance of section 5 of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004, the States Housing (Tribunal and Appeals) (Guernsey) (Amendment) Regulations, 2010, made by the Housing Department on 23rd April, 2010, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the States Housing (Tribunal and Appeals) (Guernsey) Regulations, 2005 so as to substitute a new form of Notice of Appeal to the Housing Appeals Tribunal.

**THE EXPORT CONTROL (COMMENCEMENT)
(BAILIWICK OF GUERNSEY) ORDER, 2010**

In pursuance of Section 12 of the Export Control (Bailiwick of Guernsey) Law, 2006, the Export Control (Commencement) (Bailiwick of Guernsey) Order, 2010, made by the Home on 26th April 2010, is laid before the States.

EXPLANATORY NOTE

This Order brings into force the Export Control (Bailiwick of Guernsey) Law, 2006 on the 1st of May, 2010.

**THE EXPORT CONTROL (MILITARY, SECURITY, AND RELATED
MATTERS) (BAILIWICK OF GUERNSEY) ORDER, 2010**

In pursuance of Section 12 of the Export Control (Bailiwick of Guernsey) Law, 2006, the Export Control (Military, Security, and Related Matters) (Bailiwick of Guernsey) Order, 2010, made by the Home Department on 26th April 2010, is laid before the States.

EXPLANATORY NOTE

This Order puts in place controls on the export of goods, software, and technology that can be used for both civil and military purposes and goods that can be used for capital punishment, torture, or other cruel, inhuman or degrading treatment or punishment.

It mirrors provisions in the UK's Export Control Order 2008.

This Order applies Council Regulation (EC) No 428/2009 (the dual-use Regulation) throughout the Bailiwick (article 40) and repeals Guernsey, Sark, and Alderney Ordinances that applied that Regulation (article 45). This Order also applies Council Regulation (EC) No 1236/2005 (the torture Regulation) throughout the Bailiwick (article 41).

Part I supplements the applicable provisions of these two Regulations by extending their controls to cover additional goods (article 2), intra-Community transfers and goods in transit (articles 3, 4, 5, and 6), and different types of technology transfers (articles 8, 9, and 10).

Article 1 controls the export of military goods, software, and technology (which is not covered by either of the two Regulations). The list of military goods, software, and technology controlled is based on the Wassenaar Arrangement military list (the Wassenaar Arrangement is an international regime for controlling conventional arms).

The remaining provisions of Part I are exceptions from the controls, notably covering scheduled flights and other low-risk movements of aircraft and vessels, firearms, transit and transshipment, and transfers of software and technology that are of little concern. The extent of the transit and transshipment exception varies according to the type of goods and their destination.

Part II prohibits the provision of technical assistance in relation to chemical, biological, or nuclear weapons programmes.

Part III controls movement of goods between the Bailiwick and the UK and other countries. Goods are organised into 3 categories, A, B and C, A being goods with the highest level of sensitivity (such as torture equipment). Different controls are applied and different exemptions apply to each category of goods.

Part IV contains provisions about licences. There are provisions about record keeping by licence holders (articles 26 and 27) and inspection of the relevant records (article 28) and appeals from licensing decisions (article 30).

Part V contains provisions about offences and the powers of Customs and Excise officers who will enforce the Order. In addition to provisions in this Order, offences relating to exportation out of the Bailiwick without a licence are also dealt with in sections 30 and 77 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972.

Part VI applies the dual-use Regulation and the torture Regulation to the Bailiwick. It also sets out the purposes for which information held by the Department or the Chief Officer in connection with controls can be disclosed. Finally it deals with service of notices, interpretation, the extent of application of this Order, and its commencement.

THE EXPORT CONTROL (MISCELLANEOUS GOODS) (BAILIWICK OF GUERNSEY) ORDER, 2010

In pursuance of Section 12 of the Export Control (Bailiwick of Guernsey) Law, 2006, the Export Control (Miscellaneous Goods) (Bailiwick of Guernsey) Order, 2010, made by the Home Department on 26th April 2010, is laid before the States.

EXPLANATORY NOTE

This Order controls the export of miscellaneous goods from the Bailiwick.

Article 1 prohibits the exportation of goods listed in Schedules 1 to 4 to any destination, and the exportation of goods listed in Schedule 5 to specified countries or areas, subject to specified exceptions.

Article 2 prohibits goods being shipped for exportation from anywhere other than a port or customs airport appointed under the 1972 Law.

Article 3 provides that the prohibition in article 1 does not apply to the exportation of goods authorised under a licence granted, in the case of exports from Alderney, by the States of Alderney Policy and Finance Committee, and in any other case, by the Home Department.

Article 4 excludes from the prohibition in article 1 Schedule 1 goods in transit under certain conditions.

Articles 5 to 10 provide for the granting of licences, registration, record keeping, and appeals against the refusal of a licence application.

Article 11, and section 30 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, set out offences for breach of the export controls in articles 1 and 2.

Articles 12 and 13 make provision in respect of misleading applications for licences or other written permissions and failure to comply with conditions of a licence or other written permission.

Article 14 gives to the Chief Officer of Customs and Excise the power to require evidence of the destination to which goods controlled under this Order are delivered.

Article 15 provides that nothing in this Order limits the offences and penalties in the 1972 Law, and conversely, nothing in the 1972 Law limits the offences and penalties in this Order.

Article 16 deals with other written permissions granted or issued under this Order.

Article 17 sets out the purposes for which information held by a Department, a Committee, or any other person in connection with these export controls can be disclosed.

Articles 18 to 21 deal with service of notices, interpretation, the extent of application of this Order, and its commencement.

Schedules 1 to 4 list controlled radioactive sources, counterfeit currency, restricted veterinary medicines and miscellaneous other goods, the exportation of which is prohibited without a licence.

Schedule 5 lists goods which cannot be exported to specified countries or areas without a licence.

THE WASTE CONTROL AND DISPOSAL (EXEMPTIONS) REGULATIONS, 2010

In pursuance of section 72 (3) of the Environmental Pollution (Guernsey) Law, 2004, the Waste Control and Disposal (Exemptions) Regulations, 2010, made by the Director of Environmental Health and Pollution Regulation on 11th May, 2010, are laid before the States.

EXPLANATORY NOTE

These Regulations provide for exemptions from the requirement to hold a licence under the Environmental Pollution (Guernsey) Law, 2004 (regulations 2 and 3 and the Schedule) for certain operations relating to waste. The exemptions in regulation 3, for the operations described in the Schedule, are subject to the conditions set out in regulation 3 and the Schedule.

Any person carrying on an exempt operation described in the Schedule which involves the recovery or disposal of waste must, as a condition of the exemption, register specified information with the Director of Environmental Health and Pollution Regulation (see regulation 4). Such registration must be made within 3 months of the date the operation is first carried on or, where an operation is being carried on at the date these regulations come into force, within 3 months of that coming into force date.

THE WASTE CONTROL AND DISPOSAL (DUTY OF CARE) REGULATIONS, 2010

In pursuance of section 72 (3) of the Environmental Pollution (Guernsey) Law, 2004, the Waste Control and Disposal (Duty of Care) Regulations, 2010, made by the Director of Environmental Health and Pollution Regulation on 11th May, 2010, are laid before the States.

EXPLANATORY NOTE

Persons who produce, keep, handle, sort, process, transport or dispose of waste ("relevant persons") must comply with the duties in section 36 of the Environmental Pollution (Guernsey) Law, 2004 (known as "the duty of care").

The duty of care does not apply to an occupier of a dwelling in respect of household waste (as defined in the 2004 Law) produced at that dwelling.

Regulations 2 and 4 set out measures and procedures that a relevant person must implement, adopt and follow to facilitate observance of part of the duty of care, that is, a relevant person's duty to take all such measures as are reasonable in the circumstances to transfer waste only -

- (a) to a person who may lawfully handle the waste under the 2004 Law, and
- (b) with sufficient information about it to enable other persons to avoid a contravention of the Law.

Regulation 2 provides that a person who transfers waste ("the transferor") may only transfer it to another person ("the transferee") if he is satisfied that the following steps have been taken in relation to a transfer of waste -

- (a) specified written information, including a written description of the waste, has been transferred to the transferee, and
- (b) the transferor and the transferee have signed a transfer note containing the information required by the Regulations.

Regulation 2(6) contains provisions allowing for the same written information and transfer note to accompany multiple consignments of the same waste for a period of 12 months where the required information in relation to such transfers is the same.

Regulation 3 provides for an exemption from the requirements of regulations 2 and 4 for transfers of specially controlled waste, as defined in the Regulations, where the Director of Environmental Health and Pollution Regulation has issued an approved consignment note under the Environmental Pollution (Waste Control and Disposal) Ordinance, 2010 in relation to a collection or transport to effect such transfer.

Regulation 4 provides for record keeping requirements in relation to the written information required to be transferred under regulation 2 and transfer notes.

THE ENVIRONMENTAL POLLUTION (WASTE CONTROL AND DISPOSAL) (FEES) REGULATIONS, 2010

In pursuance of section 72 (3) of the Environmental Pollution (Guernsey) Law, 2004, the Environmental Pollution (Waste Control and Disposal) (Fees) Regulations, 2010, made by the Director of Environmental Health and Pollution Regulation on 11th May, 2010, are laid before the States.

EXPLANATORY NOTE

These Regulations provide for the fees payable in relation to licences in respect of waste operations for the carrying on of which a licence is required under the Environmental Pollution (Guernsey) Law, 2004 ("the Law") and the Environmental Pollution (Waste Control and Disposal) Ordinance, 2010.

Regulation 1 and Schedule 1 set out the fees to accompany an application in relation to a waste transport licence.

Regulation 2 and Schedule 2 set out the fees to accompany an application in relation to a licence for waste operations other than waste transport operations (e.g. the storage, sorting, processing, treatment or disposal of waste).

Regulation 3 clarifies that where a person carries on both a waste transport operation and another waste operation, a separate fee is payable in respect of an application in relation to the waste transport operation and an application in relation to the other waste operation.

Regulation 4 and Schedule 3 provide for the annual licence fee payable by holders of licences for operations other than waste transport operations. No annual licence fee is payable in respect of licences for waste transport operations.

Regulation 5 makes provision for payment of a penalty on the late payment of an annual licence fee.

THE WASTE CONTROL AND DISPOSAL (SPECIALLY CONTROLLED WASTE) REGULATIONS, 2010

In pursuance of section 72 (3) of the Environmental Pollution (Guernsey) Law, 2004, the Waste Control and Disposal (Specially Controlled Waste) Regulations, 2010, made by the Director of Environmental Health and Pollution Regulation on 11th May, 2010, are laid before the States.

EXPLANATORY NOTE

Regulation 2(1) and Schedule 1 to these Regulations prescribe substances, marked with an asterisk in Schedule 1, which are specially controlled waste for the purposes of section 37 of the Environmental Pollution (Guernsey) Law, 2004. This is in addition to any description of waste listed in section 26 of the Environmental Pollution (Waste Control and Disposal) Ordinance, 2010 ("the Ordinance") i.e. prescription only medicines.

Regulation 2(2) and Schedules 2 and 3 set out the matters that a holder of waste must consider in determining whether or not waste marked with a letter "M" in column 2 of Schedule 1 is specially controlled waste.

Regulation 3 provides for exemptions from requirements in Part V of the Ordinance relating to -

- (a) notification of the presence on premises of specially controlled waste on premises, and
- (b) the collection and transport of specially controlled waste (i.e. the requirements in relation to consignment notes).

THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL BENEFIT) (AMENDMENT NO. 3) REGULATIONS, 2010

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No. 3) Regulations, 2010, made by the Social Security Department on 12th May, 2010, are laid before the States.

EXPLANATORY NOTE

These Regulations add to the limited list of drugs and medicines available as pharmaceutical benefit which may be ordered to be supplied by medical prescriptions issued by medical practitioners.

**THE ENVIRONMENTAL POLLUTION
(PUBLIC REGISTER) REGULATIONS, 2010**

In pursuance of section 72 (3) of the Environmental Pollution (Guernsey) Law, 2004, the Environmental Pollution (Public Register) Regulations, 2010, made by the Policy Council on 17th May, 2010, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the particulars which the Director of Environmental Health and Pollution Regulation must keep on the public register required to be maintained under section 10 of the Environmental Pollution (Guernsey) Law, 2004 (see regulation 1). Regulation 2 prescribes the fee payable for the taking or obtaining of copies of information held on that register.

APPENDIX

COMMERCE AND EMPLOYMENT DEPARTMENT

ANNUAL REPORT OF THE PUBLIC TRUSTEE AND AUDITED ACCOUNTS

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

28th April 2010

Dear Sir

The Public Trustee (Bailiwick of Guernsey) Law, 2002 provides, in section 6(1) that the Commerce and Employment Department is required to submit the report and accounts to the States of Guernsey on the exercise of the Public Trustee's functions for the preceding year.

I am pleased to enclose a copy of his report and audited accounts for the period 1 January to 31 December 2009.

Section 6 of the Law also provides that the Department may, at the same time, submit its own report commenting on the activities of the Public Trustee during this period.

The Department does not wish to add further comments on the activities of the Public Trustee.

I would be grateful if you would arrange to publish this submission as an Appendix to the June Billet.

Yours faithfully

Carla McNulty Bauer
Minister

David P. Trestain B.Com., F.C.A.
Public Trustee



The Minister
Commerce and Employment Department
Raymond Falla House
PO Box 459, Longue Rue
St Martin's
Guernsey
GY1 6AF

16 April 2010

Dear Minister

ANNUAL REPORT OF THE PUBLIC TRUSTEE AND AUDITED ACCOUNTS

Under Section 6 of the Public Trustee (Bailiwick of Guernsey) Law, 2002, I am required to submit to your Department the audited accounts of the Office of the Public Trustee and an annual report on the exercise of my functions as Public Trustee. Under the same Section, the Department must then submit the report and accounts to the States, accompanied, if it so wishes, by its own report containing any comments on the documents.

Accordingly, I enclose three signed copies (two bound, one unbound) of the audited accounts for the year to 31 December 2009 together with my report for the same period.

I should also like to take this opportunity to express my appreciation of the continuing prompt and efficient administrative services provided to me by the Department's staff.

If you require further information or have any queries on the annual report or the accounts, please do not hesitate to contact me.

Yours sincerely

D P Trestain
Public Trustee

**REPORT OF THE PUBLIC TRUSTEE TO THE DEPARTMENT OF COMMERCE
AND EMPLOYMENT
FOR THE YEAR TO 31 DECEMBER 2009**

Introduction

1. Under Section 6(1) of The Public Trustee (Bailiwick of Guernsey) Law, 2002, the Public Trustee is required in each calendar year to submit to the Department of Commerce and Employment ("the Department") a report on the exercise of his functions in the preceding year together with the audited accounts of the Office of the Public Trustee.

Appointments and Assets held in Trust

2. During the period covered by this report, no new appointments of the Public Trustee to act as trustee were made. However, discussions were commenced during the year concerning a situation which is likely to result in one or more appointments being made in 2010.
3. The Public Trustee remained as trustee of the two trusts to which he was appointed in 2004, as stated in the report for that period.
4. The assets of the trusts were cash deposits in sterling and US dollars amounting in total at the end of 2009 to the equivalent of about £243,000 (2008: £256,000). The decrease compared with the balances at the end of 2008 is due to the change in the US dollar/sterling exchange rate.
5. The fees recoverable from the trusts for 2009 for the services of the Public Trustee amounted to £225.

Accounts and Auditors' Report

6. The accounts of the Office of the Public Trustee for the year to 31 December 2009, together with the auditors' report thereon, accompany this report.
7. They show that the cost of operations of the Office for the year amounted to £8,787 (2008: £7,738). Against this, £225 (2008: £200) was recoverable in fees.
8. The rise in the cost of operations is mainly due to time spent by the Public Trustee on a non-recurrent administrative matter.
9. The increase in the grant from the States reflects the increase in the cost of operations referred to in the previous paragraph.

10. The overall deficit for the year of £1,670 (2008: £1,328) has, as in the previous year, been funded from the Public Trustee Fund, thus minimising the increase in the grant from the States. The balance on the Public Trustee Fund at 31 December 2009 was £1,687 (2008: £3,357).

Conclusion

11. The primary function of the Public Trustee is to act as a trustee of last resort. The need for the services of the Public Trustee remains at a low level and can be considered a reflection of the continuing health and well regulated conduct of trust business in the Bailiwick.
12. Nevertheless, should further appointments be made, arrangements remain in place to deal with an increased workload, in particular the power of the Public Trustee to delegate trustee functions to competent professional trust administrators.

D P Trestain B.Com., F.C.A.
Public Trustee
Bailiwick of Guernsey

16 April 2010

OFFICE OF THE PUBLIC TRUSTEE

STATEMENT OF ACCOUNT

31st DECEMBER, 2009

LINCE SALISBURY

Chartered Accountants

Avenue House,

St. Julian's Avenue,

St. Peter Port,

GUERNSEY

OFFICE OF THE PUBLIC TRUSTEE

Statement of responsibilities for the preparation of financial statements

In accordance with The Public Trustee (Bailiwick of Guernsey) Law, 2002 the Public Trustee is responsible for the preparation of a statement of account for each financial year which gives a true and fair view of the state of affairs of The Office of the Public Trustee. He is responsible for selecting suitable accounting policies and, in preparing the statement of account the Public Trustee is expected to:

- * apply suitable accounting policies on a consistent basis;
- * make judgements and estimates that are reasonable and prudent;
- * state whether applicable accounting standards have been followed subject to any material departures disclosed and explained in the accounts; and
- * prepare the statement of account on a going concern basis, unless it is inappropriate to do so.

The Public Trustee acknowledges responsibility for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of The Office of the Public Trustee.

It is the responsibility of The Office of the Public Trustee to identify and install a system of internal controls, including financial controls, which is adequate for its own purposes. Thus The Office of the Public Trustee is responsible for safeguarding the assets in its care and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

INDEPENDENT AUDITORS' REPORT TO THE OFFICE OF THE PUBLIC TRUSTEE

We have audited the financial statements of The Office of the Public Trustee for the year ended 31st December, 2009 which comprise the Income and Expenditure Account, the Balance Sheet and the related notes. These financial statements have been prepared under the accounting policies set out therein.

Respective responsibilities of The Office and Auditors

The Office is responsible for the preparation of the financial statements in accordance with applicable Guernsey law and United Kingdom Generally Accepted Accounting Practice.

Our responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

We report to you our opinion as to whether the financial statements give a true and fair view and are properly prepared. We also report to you if, in our opinion, The Office has not kept proper accounting records or if we have not received all the information and explanations we require for our audit.

Basis of audit opinion

We conducted our audit in accordance with International Standards on Auditing (UK and Ireland), issued by the Auditing Practices Board. An audit includes examination on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgements made by The Office in the preparation of the financial statements and of whether the accounting policies are appropriate to The Office's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming our opinion we also evaluated the overall adequacy of the presentation of the information in the financial statements.

Opinion

In our opinion the financial statements give a true and fair view, in accordance with United Kingdom Generally Accepted Accounting Practice of the state of the affairs of The Office at 31st December, 2009 and of its deficit for the year then ended.

Lince Salisbury Limited

9th April 2010
Avenue House,
St. Julian's Avenue,
St. Peter Port,
GUERNSEY

LINCE SALISBURY LIMITED
CHARTERED ACCOUNTANTS

OFFICE OF THE PUBLIC TRUSTEE**INCOME AND EXPENDITURE ACCOUNT****FOR THE YEAR ENDED 31st DECEMBER, 2009**

	Note	2009 £	2008 £
Income	1		
Grant from States General Revenue Account		6,892	6,210
Trustee fees		225	200
		<u>7,117</u>	<u>6,410</u>
Expenditure	1		
Audit fees		1,150	945
Bank charges		63	67
Public Trustee remuneration		7,241	6,498
Office administration		333	228
		<u>8,787</u>	<u>7,738</u>
Deficit of income over expenditure for the year		<u>£(1,670)</u>	<u>£(1,328)</u>

OFFICE OF THE PUBLIC TRUSTEEBALANCE SHEET AT 31st DECEMBER, 2009

	Note	2009 £	2008 £
Current assets			
Debtors		225	200
Bank		2,601	4,117
		<u>2,826</u>	<u>4,317</u>
Current liabilities			
Creditors	3	59	30
Accruals	3	1,080	930
		<u>1,139</u>	<u>960</u>
Net assets		<u>£1,687</u>	<u>£3,357</u>
The Public Trustee Fund			
Retained surplus of income over expenditure	4	<u>£1,687</u>	<u>£3,357</u>

The balance sheet was approved on *9 April* 2010


 D Trestain
 Public Trustee

NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED 31ST DECEMBER, 2009

1. ACCOUNTING POLICIES

Historical Cost Convention

The statement of account is prepared under the historical cost convention and in accordance with UK applicable accounting standards.

Grants

Grants from the States of Guernsey Commerce and Employment Department are included on a received basis. Grants have been recognised as revenue items.

Other income and expenditure

Other income and expenditure is included on an accruals basis.

2. TAXATION

The Office of the Public Trustee is not subject to States of Guernsey Income Tax.

3. CREDITORS AND ACCRUALS

	2009 £	2008 £
<u>Creditors</u>		
Administration and Deputy Trustee charges from Commerce & Employment Department	£ 59	£ 30
<u>Accruals</u>		
Audit fee	1,075	925
Bank charges	5	5
	<u>£ 1,080</u>	<u>£ 930</u>

4. THE PUBLIC TRUSTEE FUND

Balance brought forward	3,357	4,685
Deficit for year	(1,670)	(1,328)
Carried forward	<u>£ 1,687</u>	<u>£ 3,357</u>