

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 26TH DAY OF SEPTEMBER, 2001

The States resolved as follows concerning Billet d'Etat No. XVIII
dated 7th September, 2001

PROJET DE LOI
entitled
THE INCOME TAX (PENSION AMENDMENTS) (GUERNSEY)
LAW, 2001

- I.
 1. To approve the Projet de Loi entitled "The Income Tax (Pension Amendments) (Guernsey) Law, 2001", and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.
 2. Considering it expedient in the public interest so to do, to declare, pursuant to section 1 of the Taxes and Duties (Provisional Effect) (Guernsey) Law, 1992, that the said Projet de Loi shall have effect on and after the 1st January, 2002 as if it were a Law sanctioned by Her Majesty in Council and registered on the records of the Island of Guernsey.

THE INCOME TAX (EXEMPTION OF BENEFITS)
(AMENDMENT) ORDINANCE, 2001

- II. To approve the draft Ordinance entitled "The Income Tax (Exemption of Benefits) (Amendment) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.

PROJET DE LOI
entitled
THE RUE MARGUERITE (CLOSURE) (GUERNSEY) LAW, 2001

- III. To approve the Projet de Loi entitled "The Rue Marguerite (Closure) (Guernsey) Law, 2001", and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

PROJET DE LOI
entitled
THE TAXES, DUTIES AND IMPÔTS (DOMESTICALLY-PRODUCED
GOODS) (GUERNSEY) LAW, 2001

- IV. To approve the Projet de Loi entitled "The Taxes, Duties and Impôts (Domestically-produced Goods) (Guernsey) Law, 2001", and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE MARKETS (MISCELLANEOUS PROVISIONS)
(REPEAL) ORDINANCE, 2001**

- V. To approve the draft Ordinance entitled "The Markets (Miscellaneous Provisions) (Repeal) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.

**THE SUPPLEMENTARY BENEFIT (IMPLEMENTATION)
(AMENDMENT) ORDINANCE, 2001**

- VI. To approve the draft Ordinance entitled "The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.

**THE BOVINE SEMEN, ARTIFICIAL INSEMINATION AND EMBRYO
TRANSPLANTATION (AMENDMENT) ORDINANCE 2001**

- VII. To approve the draft Ordinance entitled "The Bovine Semen, Artificial Insemination and Embryo Transplantation (Amendment) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.

THE AGRICULTURAL CENSUS (AMENDMENT) ORDINANCE, 2001

- VIII. To approve the draft Ordinance entitled "The Agricultural Census (Amendment) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.

**THE STATES AGRICULTURAL AND MILK MARKETING BOARD
(TRANSFER OF FUNCTIONS) ORDINANCE, 2001**

- IX. To approve the draft Ordinance entitled "The States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.

**PROJET DE LOI
entitled**

**THE STATES COMMITTEE FOR AGRICULTURE AND
STATES DAIRY COMMITTEE
(TRANSFER OF FUNCTIONS) (REPEAL) (GUERNSEY) LAW, 2001**

- X. To approve the Projet de Loi entitled "The States Committee for Agriculture and States Dairy Committee (Transfer of Functions) (Repeal) (Guernsey) Law, 2001", and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE PUBLIC TRANSPORT (AMENDMENT) (NO. 2)
ORDINANCE, 2001**

- XI. To approve the draft Ordinance entitled "The Public Transport (Amendment) (No. 2) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.

STATES ADVISORY AND FINANCE COMMITTEE

THE FUTURE PROVISION OF TELECOMS AND POSTAL SERVICES

XII. After consideration of the Report dated the 24th August, 2001, of the States Advisory and Finance Committee:-

1. To approve the draft Ordinance entitled "The States Trading Companies (Bailiwick of Guernsey) Law, 2001 (Commencement) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.
2. To approve, subject to the following Amendments, the draft Ordinance entitled "The States Trading Companies (Bailiwick of Guernsey) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.

Amendments

- "1. In section 10(1) of the draft Ordinance, appearing on page 42 of the Brochure to the Billet d'État, after the words "column 2 of Schedule 2 are," insert "on the appointed day,".
2. In section 16(1) of the draft Ordinance, appearing on page 54 of the Brochure to the Billet d'État, for the definition of "appointed day" substitute the following definition-

""**appointed day**", in Part IV of this Ordinance, means -

- (a) in relation to Guernsey Post Limited and Guernsey Telecoms Limited, the date of commencement of this Ordinance;
 - (b) in relation to Guernsey Electricity Limited, the date appointed by resolution of the States;
 - (c) in relation to a States trading company in respect of which an entry is added to column 1 of Schedule 2 after the date of commencement of this Ordinance, the date on which that entry comes into force;".
3. For section 20 of the draft Ordinance, appearing on page 59 of the Brochure to the Billet d'État, substitute the following section -

"Commencement.

20. (1) This Ordinance shall, subject to the provisions of subsection come into force on the 1st October, 2001.

(2) Section 3 of this Ordinance shall, in relation to Guernsey Electricity Limited, come into force on the date appointed by resolution of the States.""

3. That in respect of those properties which are to be transferred to the States Trading Companies on a leasehold basis, leases shall be granted on the terms set out in the Heads of Agreement shown in Annex 3(A and B) to that Report provided that the leases shall be completed in terms approved by the States Board of Administration, the States Advisory and Finance Committee and the Law Officers.
4. To approve the transfer of assets, as set out in that Report into:
 - (a) Guernsey Post Limited; and
 - (b) Guernsey Telecoms Limited.
5. That, under the provisions of section 17 of the States Trading Companies (Bailiwick of Guernsey) Ordinance, 2001, the States Advisory and Finance Committee shall be delegated with authority to transfer or otherwise dispose of shares in Guernsey Telecoms Limited.
6. To appoint the following persons as non-executive directors of the Boards of:
 - (a) Guernsey Post Limited
 - Advocate R. A. Perrot
 - Mr. D. T. Roberts
 - Mr. E. Smith
 - Mr. C. P. Spencer
 - Mr. D. Warr;
 - (b) Guernsey Telecoms Limited
 - Mr. P. J. Bachmann
 - Advocate M. G. Ferbrache
 - Mr. D. R. Jehan
 - Mr. R. G. Knight.
7. To approve the draft Ordinance entitled "The Transfer of States Undertakings (Protection of Employment) (Guernsey) Law, 2001 (Commencement) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.
8. To approve the draft Ordinance entitled "The Transfer of States Undertakings (Protection of Employment) (Post Office Board) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.
9. To approve the draft Ordinance entitled "The Transfer of States Undertakings (Protection of Employment) (Electricity Board) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.
10. That the States of Guernsey (Public Servants) (Pension and Other Benefits) (Amendment) Rules 2001 shall come into force on the 1st October, 2001, in respect of Guernsey Post Limited.

11. To provide an unlimited guarantee to underwrite any unforeseen detrimental effects on the Superannuation Fund of implementing the pension arrangements in respect of employees of GT Limited as described in that Report.
12. To approve the draft Ordinance entitled "The Transfer of States Undertakings (Protection of Employment) (Amendment) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.
13. To defer the obligations of Guernsey Telecoms Limited arising under, and the rights of any person exercisable by virtue of, section 5 of the Transfer of States Undertakings (Protection of Employment) (Guernsey) Law, 2001 until the 1st October, 2002.
14. To approve the draft Ordinance entitled "The Income Tax (States Trading Companies and Public Servants Pension Scheme) (Guernsey) Law, 2001 (Commencement) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.
15. To approve for inclusion in the Strategic and Corporate Plan the States Guidance to the States Advisory and Finance Committee on exercising, on behalf of the States, the role of shareholder as set out in Annex 5 to that Report in respect of:
 - (a) Guernsey Post Limited; and
 - (b) Guernsey Telecoms Limited.
16. That, with effect from 23.59 hours on the 30th September, 2001, to dissolve:
 - (a) the States Post Office Board; and
 - (b) the States Telecommunications Board.
17. To add to clause a. of the mandate of the States Board of Industry the words:

"the provision of regulated postal, telecommunications and electricity services".

STATES BOARD OF INDUSTRY

REGULATORY FRAMEWORK FOR UTILITY SERVICES IN GUERNSEY

XIII. After consideration of the Report dated the 24th August, 2001, of the States Board of Industry:-

1. To approve the draft Ordinance entitled "The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 (Commencement) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.

2. To approve the draft Ordinance entitled "The Telecommunications (Bailiwick of Guernsey) Law, 2001 (Commencement) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.
3. To approve the draft Ordinance entitled "The Post Office (Bailiwick of Guernsey) Law, 2001 (Commencement) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.
4. To approve the draft Ordinance entitled "The Regulation of Utilities (Exclusion of Liability) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.
5. To approve the draft Ordinance entitled "The Regulation of Utilities (Utility Appeals Tribunal) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.
6. To approve the draft Ordinance entitled "The Post Office (Bailiwick of Guernsey) (Amendment) Ordinance, 2001", and to direct that the same shall have effect as an Ordinance of the States.
7. To appoint Ms. Regina Finn as the Director General of Utility Regulation in accordance with section 1(2) of The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001.
8. To give the following direction to the Director General in accordance with section 3(1)(a) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001:

"Identity of the First USO Telecommunications Licensee *The Director General of Utility Regulation shall issue the first licence to contain a telecommunications Universal Service Obligation to Guernsey Telecoms Limited, the company established to take over the functions of the States Telecommunications Board pursuant to the States agreement to the recommendations of the Advisory and Finance Policy letter published in this Billet."*

9. To give the following direction to the Director General in accordance with section 3(1)(a) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001:

"Identity of the First USO Electricity Licensee *The Director General of Utility Regulation shall issue the first licence to contain an electricity Universal Service Obligation to Guernsey Electricity Limited, once that company is established to take over the functions of the States Electricity Board."*

10. To give the following direction to the Director General in accordance with section 3(1)(a) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001:

"Identity of the First USO Postal Licensee *The Director General of Utility Regulation shall issue the first licence to contain a postal Universal Service Obligation to*

Guernsey Post Limited, the company established to take over the functions of the States Post Office Board pursuant to the States agreement to the recommendations of the Advisory and Finance Policy letter published in this Billet."

11. To give a direction to the Director General in accordance with section 3(1)(b) of The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 to award to Guernsey Electricity Limited an exclusive electricity conveyance licence in respect of the conveyance of electricity in Guernsey for a period of 10 years once that company has been formed.
12. To give a direction to the Director General in accordance with section 3(1)(b) of The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 to award to Guernsey Electricity Limited (once that company has been formed) an exclusive electricity supply licence in respect of the supply of electricity in Guernsey for a period of one year.
13. To request the Director General to investigate the impact of the introduction of competition into the electricity supply market further and to provide a recommendation and advice to the States Board of Industry on the introduction of such competition.
14. To give the following direction to the Director General in accordance with section 3(1)(c) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001:

"Universal Service in Post

The following universal postal service shall be provided by at least one licensee throughout the Bailiwick of Guernsey at uniform and affordable prices, except in circumstances or geographical conditions that the Director General of Utility Regulation agrees are exceptional:

- * *One collection from access points on six days each week;*
- * *One delivery of letter mail to the home or premises of every natural or legal person in the Bailiwick (or other appropriate installations if agreed by the Director General of Utility Regulation) on six days each week including all working days; except in any week where there are one or more public holidays (including Christmas Day and Good Friday), in which case the number of days on which delivery must be made shall be reduced by the number of public holidays in that week."*
- * *Collections shall be for all postal items up to a weight of 20Kg;*
- * *Deliveries on a minimum of five working days shall be for all postal items up to a weight of 20Kg;*
- * *Services for registered and insured mail.*

In providing these services, the licensee shall ensure that the density of access points and contact points shall take account of the needs of users.

"access point" shall include any post boxes or other facility provided by the Licensee for the purpose of receiving postal items for onward transmission in connection with the provision of this universal postal service.

15. To give a direction to the Director General in accordance with section 3(1)(b) of The Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 to award to Guernsey Post Limited the exclusive right to provide postal services in the Bailiwick to the extent that such exclusive right is necessary to ensure maintenance of the universal postal service specified by States' directions under section 3(1)(c) of that Law.
16. To request the Director General to review and revise the award of exclusive rights from time to time with a view to opening up the Bailiwick postal service market to competition, provided that any such opening up does not prejudice the continued provision of the universal postal service.
17. To approve an increase in the States Board of Industry budget for the year 2001 by £10,000 and to increase the cash limits for the year 2002 by £250,000 to meet the cost of specialist consultancy projects and advice and assistance to the States as described in section 3 of that Report.

K.H. TOUGH,
HER MAJESTY'S GREFFIER.