



BILLET D'ÉTAT

WEDNESDAY, 26th FEBRUARY, 2014

III
2014

LEGISLATIVE BUSINESS

1. The European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Guernsey) Ordinance, 2014, p. 315
2. The European Communities (Implementation of Food Supplements Directive) (Guernsey) Ordinance, 2014, p. 315

Ordinance laid before the States

The Al-Qaida (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2013, p. 317

Statutory Instruments laid before the States

The Taxation of Real Property (Guernsey and Alderney) (Amendment) Regulations, 2013, p. 317

The Health Service (Pharmaceutical Benefit) (Amendment) Regulations, 2013, p. 317

The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No.6) Regulations, 2013, p. 318

The Aviation Registry (Eligibility) Regulations, 2013, p. 318

The Aviation Registry (Fees) Regulations, 2013, p. 319

The Financial Services Commission (Fees) Regulations, 2013, p. 319

The Protected Cell Companies and Incorporated Cell Companies (Fees for Insurers) Regulations, 2013, p. 320

The Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) (Fees) Regulations, 2013, p. 320

The Amalgamation and Migration of Companies (Fees payable to the Guernsey Financial Services Commission) Regulations, 2013, p. 321

The Criminal Justice (Proceeds of Crime) (Legal Professionals, Accountants and Estate Agents) (Bailiwick of Guernsey) (Amendment) (No.3) Regulations, 2013, p. 321

APPOINTMENTS LAID BEFORE THE STATES

Re-Appointment of the Guernsey Deposit Compensation Board, p. 322

ALL OTHER PARLIAMENTARY BUSINESS

3. Policy Council – Financial Transformation Programme, p. 323
4. Health and Social Services Department – Amendments to the Loi Relative à la Santé Publique, 1934 and Public Health Ordinance, 1936 and Drafting of a Public Health (Enabling Provisions) Law; p. 339
5. Commerce and Employment Department – Trade in Endangered Species, p. 354

APPENDIX

Policy Council – States of Guernsey Public Servants' Pension Scheme: 2014 Pensions Increase, p. 361

BILLET D'ÉTAT

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I hereby give notice that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **26th FEBRUARY, 2014** at **9.30 a.m.**, to consider the items contained in this Billet d'État which have been submitted for debate.

R. J. COLLAS
Bailiff and Presiding Officer

The Royal Court House
Guernsey

17th January 2014

**THE EUROPEAN COMMUNITIES (IMPLEMENTATION OF COUNCIL
REGULATION ON NUTRITION AND HEALTH CLAIMS) (GUERNSEY)
ORDINANCE, 2014**

The States are asked to decide:-

I.- Whether they are of the opinion to approve the draft Ordinance entitled “The European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Guernsey) Ordinance, 2014”, and to direct that the same shall have effect as an Ordinance of the States.

EXPLANATORY MEMORANDUM

This Ordinance, made under the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994, implements (in Guernsey) Regulation (EC) No. 1924/2006 of the European Parliament and of the Council of 20th December, 2006 on nutrition and health claims made on foods ("the Council Regulation").

The Ordinance creates offences for breaching any of several articles of the Council Regulation and sets out penalties for these offences.

Several provisions of the Food and Drugs (Guernsey) Law, 1970 ("the 1970 Law") are given effect, subject to modifications, for the purposes of enforcing the provisions of the Ordinance. The 1970 Law is also consequentially amended to exempt nutrition or health claims made in accordance with the Council Regulation from the relevant prohibitions and restrictions under the 1970 Law.

Various transitional provisions are made in relation to the application of the Council Regulation to food sold to persons in the Bailiwick of Guernsey or Bailiwick of Jersey, where the final destination of the food is in either Bailiwick.

**THE EUROPEAN COMMUNITIES (IMPLEMENTATION OF FOOD
SUPPLEMENTS DIRECTIVE) (GUERNSEY) ORDINANCE, 2014**

The States are asked to decide:-

II.- Whether they are of the opinion to approve the draft Ordinance entitled “The European Communities (Implementation of Food Supplements Directive) (Guernsey) Ordinance, 2014”, and to direct that the same shall have effect as an Ordinance of the States.

EXPLANATORY MEMORANDUM

This Ordinance, made under the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994, implements (in Guernsey) certain provisions of Directive

2002/46/EC of the European Parliament and of the Council of 10th June, 2002 on the approximation of the laws of the Member States relating to food supplements.

The Ordinance imposes several requirements and restrictions relating to food supplements sold and presented as foodstuffs. These include requirements for pre-packaging, restrictions on vitamins and minerals that may be used in the manufacture of such food supplements, restrictions relating to the name under which such food supplements may be sold, restrictions relating to the mention of a balanced and varied diet and requirements to mark or label food supplements. Breach of any of these requirements or restrictions will be an offence.

Several provisions of the Food and Drugs (Guernsey) Law, 1970 ("the 1970 Law") are given effect, subject to modifications, for the purposes of enforcing the provisions of the Ordinance. The 1970 Law is also consequentially amended to exempt food supplements to which the Ordinance applies from provisions in that Law regulating the composition, manufacturing specifications, presentation and labelling of food supplements.

A two-year transitional period is provided in respect of food supplements sold to persons in the Bailiwick of Guernsey or Bailiwick of Jersey, where the final destination is in either Bailiwick.

ORDINANCE LAID BEFORE THE STATES

**THE AL-QAIDA (RESTRICTIVE MEASURES) (GUERNSEY) (AMENDMENT)
ORDINANCE, 2013**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Al-Qaida (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2013, made by the Legislation Select Committee on the 16th December, 2013, is laid before the States.

EXPLANATORY MEMORANDUM

This Ordinance is made under the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994 and amends an omission and two incorrect cross-references in the Al-Qaida (Restrictive Measures) (Guernsey) Ordinance, 2013.

The Ordinance was made by the Legislation Select Committee in exercise of its powers under Article 66(3) of the Reform (Guernsey) Law, 1948, and came into force on the 16th December, 2013. Under the proviso to Article 66(3) of the Reform (Guernsey) Law, 1948, the States of Deliberation have the power to annul the Ordinance.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**THE TAXATION OF REAL PROPERTY (GUERNSEY AND ALDERNEY)
(AMENDMENT) REGULATIONS, 2013**

In pursuance of section 49 (4) of the Taxation of Real Property (Guernsey and Alderney) Ordinance, 2007, The Taxation of Real Property (Guernsey and Alderney) (Amendment) Regulations, 2013, made by the Treasury and Resources Department on 2nd October, 2013 are laid before the States.

EXPLANATORY NOTE

These Regulations amend the Taxation of Real Property (Guernsey and Alderney) Ordinance, 2007, by deleting the now-redundant definition of “Chief Officer” in section 54(1) and by amending the definition of “utilities provider” in paragraph 1 of Part III of Schedule 1 to incorporate Guernsey Water’s activities for the collection and disposal of waste water following the integration with Guernsey Wastewater. These regulations came into force on 1st January 2014.

**THE HEALTH SERVICE (PHARMACEUTICAL BENEFIT) (AMENDMENT)
REGULATIONS, 2013**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Pharmaceutical Benefit) (Amendment) Regulations, 2013 made by the Social Security Department on 10th December 2013, are laid before the States.

EXPLANATORY NOTE

Nurse prescribers are authorised by the Health Service (Benefits) (Nurse Prescribers) Ordinance, 2013 to issue medical prescriptions for pharmaceutical benefits.

These Regulations amend the Health Service (Pharmaceutical Benefit) Regulations, 1990 ("1990 Regulations") to insert the form required to be used by nurse prescribers issuing such medical prescriptions. This form is set out in the Schedule to these Regulations.

These Regulations also extend provisions relating to medical prescriptions in the 1990 Regulations to medical prescriptions issued by nurse prescribers.

These Regulations came into force on the 1st January, 2014.

THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL BENEFIT) (AMENDMENT) (No.6) REGULATIONS, 2013

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No.6) Regulations, 2013 made by the Social Security Department on 10th December 2013, are laid before the States.

EXPLANATORY NOTE

Nurse prescribers are authorised by the Health Service (Benefits) (Nurse Prescribers) Ordinance, 2013 to issue medical prescriptions for pharmaceutical benefits.

These Regulations amend the Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) Regulations, 2004, to restrict the description, nature and quantity of drugs and medicines which may be supplied as pharmaceutical benefits under medical prescriptions issued by nurse prescribers.

The drugs and medicines which may be so supplied are restricted to those set out in section 13.13 of the table in the Schedule to the Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) Regulations, 2004.

These Regulations came into force on the 1st January, 2014.

THE AVIATION REGISTRY (ELIGIBILITY) REGULATIONS, 2013

In pursuance of section 52(4) of the Aviation Registry (Guernsey) Law, 2013, the Aviation Registry (Eligibility) Regulations, 2013, made by the Commerce and Employment Department on 19th November 2013, are laid before the States.

EXPLANATORY NOTE

These Regulations specify the persons who are “qualified persons” for the purpose of section 12 of the Aviation Registry (Guernsey) Law, 2013. These Regulations came into force on 19th November 2013.

THE AVIATION REGISTRY (FEES) REGULATIONS, 2013

In pursuance of section 52(4) of the Aviation Registry (Guernsey) Law, 2013, the Aviation Registry (Fees) Regulations, 2013, made by the Commerce and Employment Department on 19th November 2013, are laid before the States.

EXPLANATORY NOTE

These Regulations specify fees, and the person to whom and time when they are payable, for applications to and the exercise of the functions of the Aircraft Registrar under the Aviation Registry (Guernsey) Law, 2013. These Regulations came into force on 19th November 2013.

THE FINANCIAL SERVICES COMMISSION (FEES) REGULATIONS, 2013

In pursuance of Section 25(3) of the Financial Services Commission (Bailiwick of Guernsey) Law, 1987 as amended, the Financial Services Commission (Fees) Regulations, 2013, made by the Guernsey Financial Services Commission on 29th November 2013, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe for the purposes of the Protection of Investors (Bailiwick of Guernsey) Law, 1987, the Banking Supervision (Bailiwick of Guernsey) Law, 1994, the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2000, the Insurance Business (Bailiwick of Guernsey) Law, 2002 and the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002 the fees payable in respect of the licensing of controlled investment business and the authorisation and registration of collective investment schemes, a designated territory investment business notification, a non-Guernsey open-ended collective investment scheme notification, the licensing of a bank, the licensing of fiduciaries, the licensing of an insurer, the service of notice of an application to the Royal Court for an order sanctioning a transfer of long term insurance business, the licensing of an insurance manager, the licensing of an insurance intermediary, and the fees payable annually thereafter. These Regulations came into force on the 1st January, 2014.

**THE PROTECTED CELL COMPANIES AND INCORPORATED CELL
COMPANIES (FEES FOR INSURERS) REGULATIONS, 2013**

In pursuance of Section 25(3) of the Financial Services Commission (Bailiwick of Guernsey) Law, 1987 as amended, Section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002 and Section 537 of the Companies (Guernsey) Law, 2008, the Protected Cell Companies and Incorporated Cell Companies (Fees for Insurers) Regulations, 2013, made by the Guernsey Financial Services Commission on the 29th day of November 2013, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the fees payable to the Guernsey Financial Services Commission by any company which is a protected cell company or an incorporated cell company, and by an incorporated cell, and which applies to be licensed to conduct insurance business under the Insurance Business (Bailiwick of Guernsey) Law, 2002, and the fees payable periodically thereafter by such a company or cell when licensed and also for the creation of a new cell or the reactivation of a dormant cell by a licensed protected cell company. Furthermore, the Regulations prescribe the fee payable to the Guernsey Financial Services Commission by any company for consent for the conversion of a licensed company into a protected cell company or an incorporated cell company, for the conversion of an existing licensed protected cell company into an incorporated cell company, or for the conversion of a licensed protected cell company or incorporated cell company into a non-cellular company. The Regulations also specify a fee for the conversion (when the Companies (Guernsey) Law, 2008 so permits) of an existing cell of a protected cell company into a non-cellular company. These Regulations came into force on the 1st January, 2014.

**THE REGISTRATION OF NON-REGULATED FINANCIAL SERVICES
BUSINESSES (BAILIWICK OF GUERNSEY) (FEES) REGULATIONS, 2013**

In pursuance of Section 25(3) of the Financial Services Commission (Bailiwick of Guernsey) Law, 1987 as amended, and Section 31(c) of the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008, the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) (Fees) Regulations, 2013, made by the Guernsey Financial Services Commission on the 29th day of November 2013, are laid before the States.

EXPLANATORY NOTE

These Regulations make provision in respect of the payment of an application fee and an annual fee for the purposes of the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008.

These Regulations came into force on the 1st January 2014.

**THE AMALGAMATION AND MIGRATION OF COMPANIES (FEES
PAYABLE TO THE GUERNSEY FINANCIAL SERVICES COMMISSION)
REGULATIONS, 2013**

In pursuance of Section 25(3) of the Financial Services Commission (Bailiwick of Guernsey) Law, 1987 as amended, and Section 537 of the Companies (Guernsey) Law, 2008, the Amalgamation and Migration of Companies (Fees payable to the Guernsey Financial Services Commission) Regulations, 2013, made by the Guernsey Financial Services Commission on 29th November 2013, are laid before the States.

EXPLANATORY NOTE

These regulations amend the Amalgamation and Migration of Companies (Fees payable to the Guernsey Financial Services Commission) Regulations, 2012 by increasing the fee payable to the Guernsey Financial Services Commission which must accompany an application for its consent for the amalgamation of companies pursuant to the provisions of Part VI of the Companies (Guernsey) Law, 2008 and for the removal of a supervised company from the Register of Companies for the purposes of becoming registered as a company under the law of a district, territory or place outside Guernsey in accordance with the provisions of Part VII of that Law.

There continues to be no fee payable to the Guernsey Financial Services Commission when a non-Guernsey company migrates "inwardly" to become registered as a Guernsey company.

These Regulations came into force on the 1st January 2014.

**THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (LEGAL
PROFESSIONALS, ACCOUNTANTS AND ESTATE AGENTS) (BAILIWICK
OF GUERNSEY) (AMENDMENT) (NO. 3) REGULATIONS, 2013**

In pursuance of Section 54 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, the Criminal Justice (Proceeds of Crime) (Legal Professionals, Accountants and Estate Agents) (Bailiwick of Guernsey) (Amendment) (No.3) Regulations, 2013, made by the Policy Council on 25th November 2013, are laid before the States.

EXPLANATORY NOTE

These Regulations increase the fees payable in respect of registration as a prescribed business under regulation 16 of the Criminal Justice (Proceeds of Crime) (Legal Professionals, Accountants and Estate Agents) (Bailiwick of Guernsey) Regulations, 2008.

These Regulations came into force on the 1st January 2014.

COMMERCE AND EMPLOYMENT DEPARTMENT**RE-APPOINTMENT OF THE GUERNSEY DEPOSIT COMPENSATION BOARD**

In pursuance of section 3(4) of the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008, the re-appointments by the Commerce and Employment Department of Mr Charles Tracy as Chairman and Mr John Lee, Mr Steven Butterworth and Advocate Nigel Carey as ordinary Members of the Guernsey Banking Deposit Compensation Board on 26th November 2013 are laid before the States. The States of Deliberation have the power to annul the appointments.

POLICY COUNCIL

FINANCIAL TRANSFORMATION PROGRAMME

1. Executive Summary

- 1.1. This report constitutes the Annual Report from the Policy Council on progress with the delivery of the States Financial Transformation Programme and covers the period 1st November 2012 to 31st October 2013.
- 1.2. The Programme was initiated in 2009 and aims to reduce the baseline net expenditure of the States by at least £31m per annum by the end of 2014. This is a key contributor to enabling the States to achieve a balanced and sustainable budget position.
- 1.3. The Report covers:
 - A reminder of the circumstances that gave rise to the original proposals;
 - An update on the progress to date in delivering the benefits;
 - The forecasts for 2014 and the challenges and opportunities that meeting them will present; and
- 1.4. The need to ensure that the process of transforming the public sector, started through the Programme, continues beyond the end of 2014 and remains aligned with and supportive of the States' aims and objectives as set out in the States Strategic Plan.

2. Background

- 2.1. The Tribal Fundamental Spending Review Phase 2 report (July 2009) made three wide ranging recommendations;
 - Establish a States Transformation Programme;
 - Articulate and communicate a vision for the States, and;
 - Embed a sustainable way of working.
- 2.2. The Policy Council recognises that a conscious decision was made at the time that these three recommendations should not be progressed in the short term and that a financial change programme should be established immediately to take forward the opportunities identified as part of the Fundamental Spending Review process, and specifically to deliver sustainable savings in line with the original brief.
- 2.3. Therefore, in October 2009, the States of Deliberation debated a States Report from the Treasury and Resources Department (Billet D'Etat XXV 2009) which reported back on the findings of the Fundamental Spending Review and proposed the establishment of a Financial Transformation Programme as a

means of delivering recurring revenue savings of at least £31m per annum by the end of 2014.

2.4. The States approved the Report and resolved as follows:

- To endorse and support the principal findings and recommendations proposed by Tribal Consulting Limited in its Fundamental Spending Review: Phase 2 report.
- That the States' principles for the Financial Transformation Programme, on a long-term and sustainable basis, will be as articulated in section 6 of that Report.
- To direct the Policy Council to establish a States Financial Transformation Programme and adopt the proposed governance structure as set out in section 8 of that Report.
- To direct the Policy Council to submit annual Reports to the States on the progress being made together with other relevant information in connection with the delivery of efficiency savings identified by Tribal Consulting Limited.
- To note that those efficiency opportunities involving major costs or policy considerations will be referred to the States, by the appropriate Department or the Policy Council, for a decision.
- To direct the Treasury and Resources Department to rename the *Restructuring and Reorganisation Fund* as the *Fundamental Spending Review Fund* with a sum of £10million to be transferred from the General Revenue cash pool to be used solely in connection with the delivery of opportunities in connection with Phase 3 of the Fundamental Spending Review, as set out in section 11 of that Report.
- To endorse the decision of the Treasury and Resources Department to retain the services of Tribal Consulting Ltd, on a risk and reward basis, to assist with the delivery of the outputs from the Fundamental Spending Review, as set out in section 8 of that Report.

2.5. The Treasury and Resources Department emphasised to States Members at the time that ***'unless they are prepared to embrace and support the implementation of Tribal's findings and recommendations, and accept that this will, without doubt, involve very difficult political decisions in the months and years ahead, then the anticipated benefits and financial savings that have been identified, will not be realised.'***

2.6. Further, the Department went on to outline a set of principles which it believed the States should endorse in accepting the proposals:

- *'Reinforce their commitment to the delivery of savings through the FSR in order to ensure that public sector expenditure is controlled and waste and inefficiency reduced;*
- *Accept that difficult political decisions lie ahead in advance of the realisation of the benefits;*

- *Acknowledge the need for a fundamental shift towards more corporate working which will facilitate the delivery of the majority of the potential savings identified by the FSR;*
- *Accept that investment is vital in key areas to unlock the savings potential and provide a platform for sustainable delivery of savings;*
- *Accept the necessary diversion of staff resources away from routine work in order to deliver change;*
- *Acknowledge the risk that not all of the proposals will deliver the anticipated change or savings;*
- *Recognise the need to prioritise and resource long term corporate initiatives over short term Departmental issues'; and*
- *Agree to commit to delivering this vision and underpinning decisions through the ratification of this Report.*

2.7. In the 2013 Policy Council Annual Report (Billet d'Etat I 2013) the Assembly re-committed to these original principles and added the new principles detailed below:

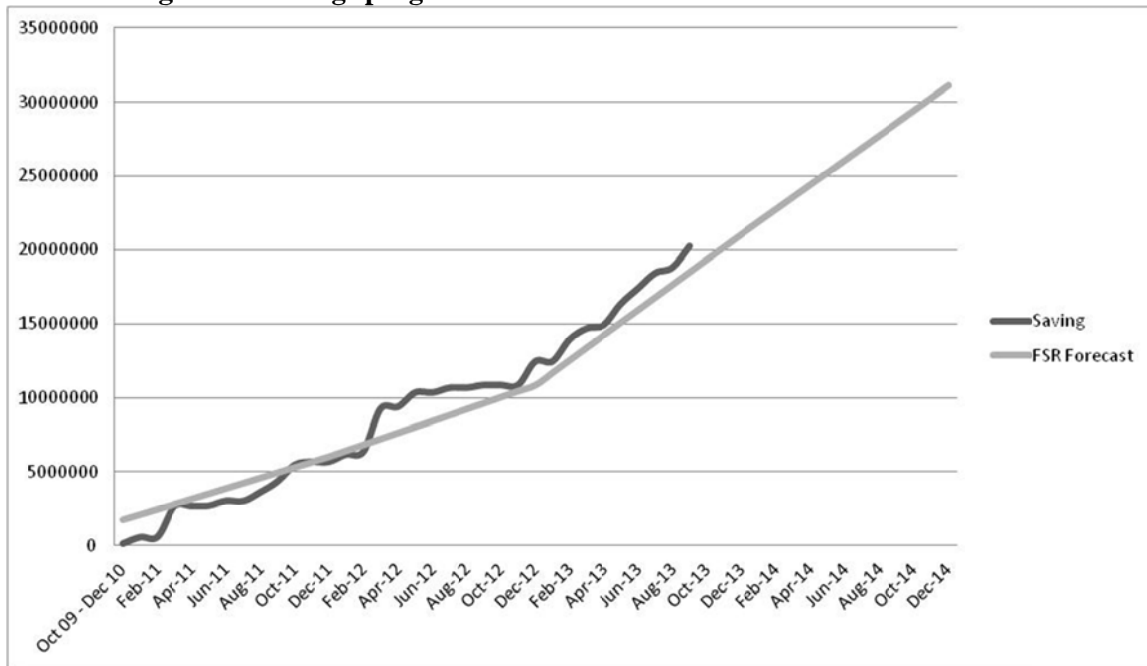
- *Acknowledge that a large and complex programme such as the Financial Transformation Programme is constantly evolving such that opportunities originally identified may no longer be feasible while new opportunities may arise;*
- *Recognise that the Financial Transformation Programme is part of a transformational journey for the States and plans for delivery should be incorporated into Departmental transformation programmes; and*
- *Recognise that changing the way the States thinks and acts is a continuous process that will not end with the completion of the Financial Transformation Programme.*

2.8. The Policy Council remains of the opinion that these principles need to be upheld in order to ensure a successful conclusion to the Programme by the end of 2014.

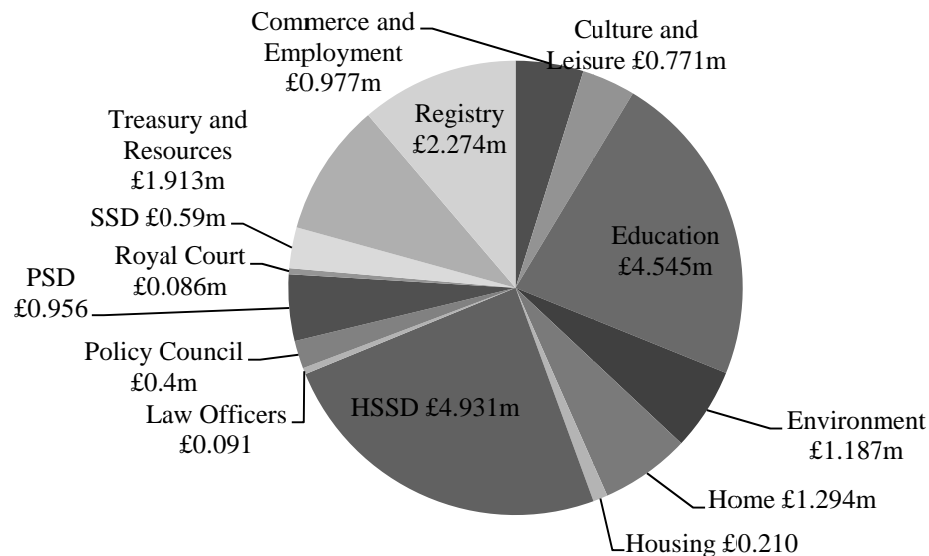
3. Performance to Date

3.1. The organisation has secured significant levels of recurring savings throughout the first four years of the programme. By the end of December 2012, the first 39 months had secured a total of £10.8m of savings. By the end of October 2013 this total had increased to £20.1m, which is 65% of the overall £31m target.

3.2. Figure 1 overleaf follows the progress made from the programme's inception through to the end of October 2013 against the original forecasts contained in the Fundamental Spending Review report:

Figure 1 - Savings progress to date

- 3.3. This demonstrates that although progress was slow in the first two years of operation, since early 2012, benefits have caught up with original projections, and are now ahead of those forecasts.
- 3.4. Figure 2 that follows shows the distribution of the programme savings made to date across States Departments and functions. It shows that, as expected and in line with the size of its budget, the Health and Social Services Department has made the largest contribution to the total savings delivered. However, the Education Department has also delivered over £4.5m in annually recurring benefits.

Figure 2 - Programme savings to date by Department (which for this purpose includes the Royal Court and Law Officers)

4. Performance Since Last Report (November 2012 – October 2013)

- 4.1 In the 12 month period from November 2012 to October 2013, a total of £9.3m of additional annually recurring savings have been secured. These savings were derived from some 150 initiatives in total. The table below has highlighted the significant individual projects which have delivered benefits (either reduced expenditure or increased fees and charges) in excess of £100,000 which total £6.8m.
- 4.2 The remainder of the year's savings are made up of 130 smaller projects totalling £2.5m and initiatives identified by Departments as part of their proposals to meet their 2013 efficiency targets. As in 2012, many of these smaller initiatives were effectively budget adjustments which have continued the trend of shaving inefficiencies out of budgets and continue to ensure a more robust baseline budget moving forward.

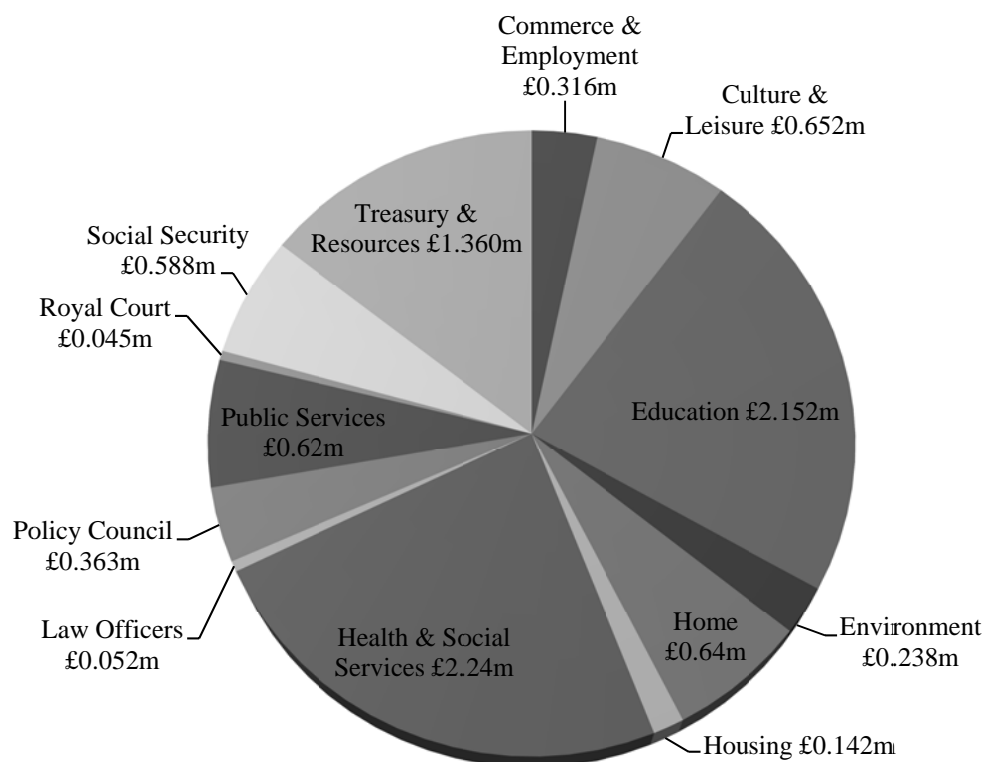
Table 1 –Programme savings (November 2012 – October 2013)

Department	Description	Value (£'000)
Cross Cutting	Vacancy Factor	1,600
Cross Cutting	SAP	1,200
Education	Reduction in Higher Education Grants	652
T&R	Increased Rental Income	542
SSD	Claims Management	565
HSSD	KE VII Hospital (Phases 1 & 2)	455
C&L	Increased revenue from Scratch Card Sales	225
HSSD	Procurement Savings on Hip and Knee Joints	185
PSD	Increase Tipping Charges	168
T&R	Wide Area Network	161
PSD	Alderney Breakwater Maintenance Contract	150
PSD	Bulk Refuse Contracts	140
HSSD	Review of GP Cover at Corbinerie/KE VII	133
Education	Secondary Schools Teaching Staff reviews	119
Home	Restructure of Law Enforcement	116
HSSD	Housekeeping Assistant restructuring	106
Education	Additional savings from the review of College Grants	105
Home	Training Teams review	102
Environment	Increased Fees and Charges	100
Various	23 Projects (Value £50,001 - £99,999)	1,600
Various	106 Projects (Value £1 - £50,000)	876
TOTAL		9,300

- 4.3 The table shows that the cross cutting projects have enabled some substantial savings in the year with a total of £2.8m identified through the creation of the Hub and the application of a vacancy factor to staff budgets. In addition, a variety of procurement initiatives totalling some £0.5m have been delivered.

These cross cutting benefits have then been allocated to Departments and contribute towards the delivery of their FTP targets. These Departmental savings are illustrated in the chart below:

Figure 3 - Programme savings by Department: November 2012 - October 2013 (which for this purpose includes the Royal Court and Law Officers)

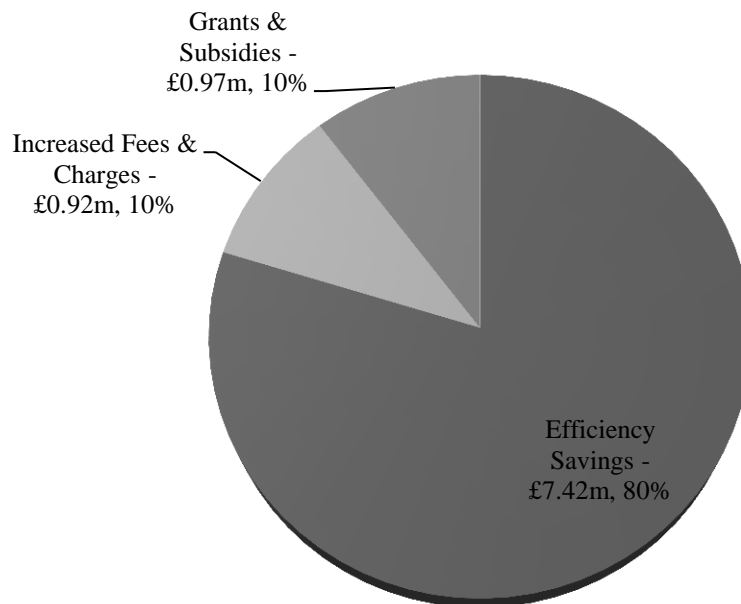


- 4.4. In accordance with Resolution 2A(a) from item 8 of Billet d'Etat I of 2013, for the purpose of this annual report, savings have been categorised as either:
- efficiency savings;
 - service cuts;
 - increased fees and charges;
 - transferring costs to non-government bodies through the reduction in grants or subsidies;
 - internal financial transfers.
- 4.5. The chart that follows shows the distribution of the savings secured in the review period across these categories. It should be noted that no benefits have been recorded in two of these categories – service cuts and internal financial transfers.
- 4.6. The Policy Council has not allowed any projects identified as service cuts to be admitted into the programme at this stage. This is due to the fact that the programme was designed to sustainably remove £31m through service efficiencies and was never intended to result in service cuts. Ministers believe

that this target is achievable without the need to resort to cuts in levels of service. However, the Policy Council also acknowledges that the categorisation of projects is, to some degree, subjective. Projects which have delivered sustainable efficiency benefits may be considered by some to be service cuts. A good example of this would be the Education Department's Primary Rationalisation project. This is categorised as an efficiency saving since, at the overall primary level across the island, it is intended to deliver improved educational outcomes to the same number of children for less cost. Notwithstanding that, there are those who believe that this is a service cut due to the closure or merger of two schools.

- 4.7. Internal financial transfers would apply where cost has simply been moved between Departments. Such transfers would not result in an overall reduction in general revenue net expenditure and would therefore not qualify as benefits.

Figure 4 - Savings by category (November 2012 – October 2013)



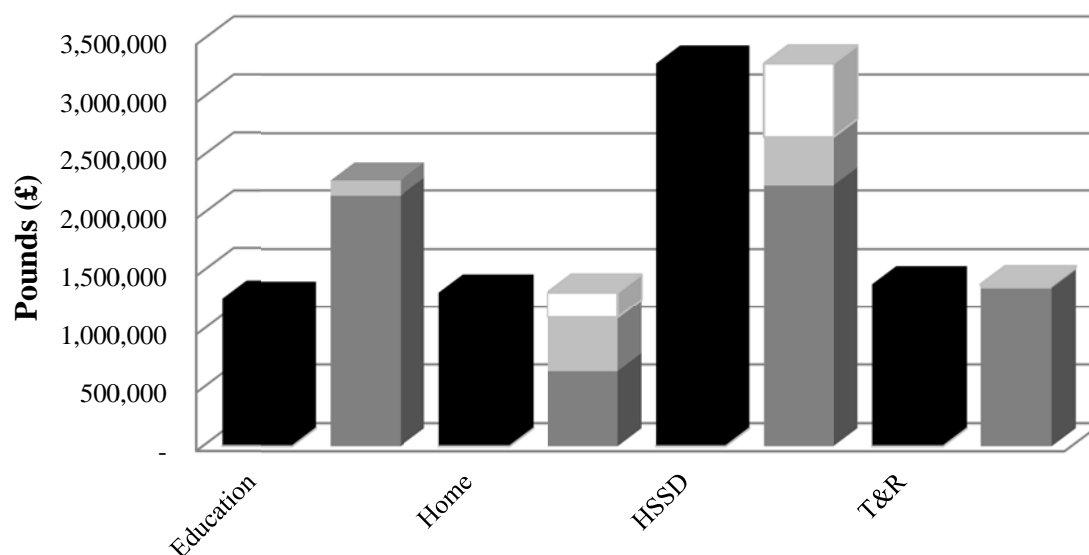
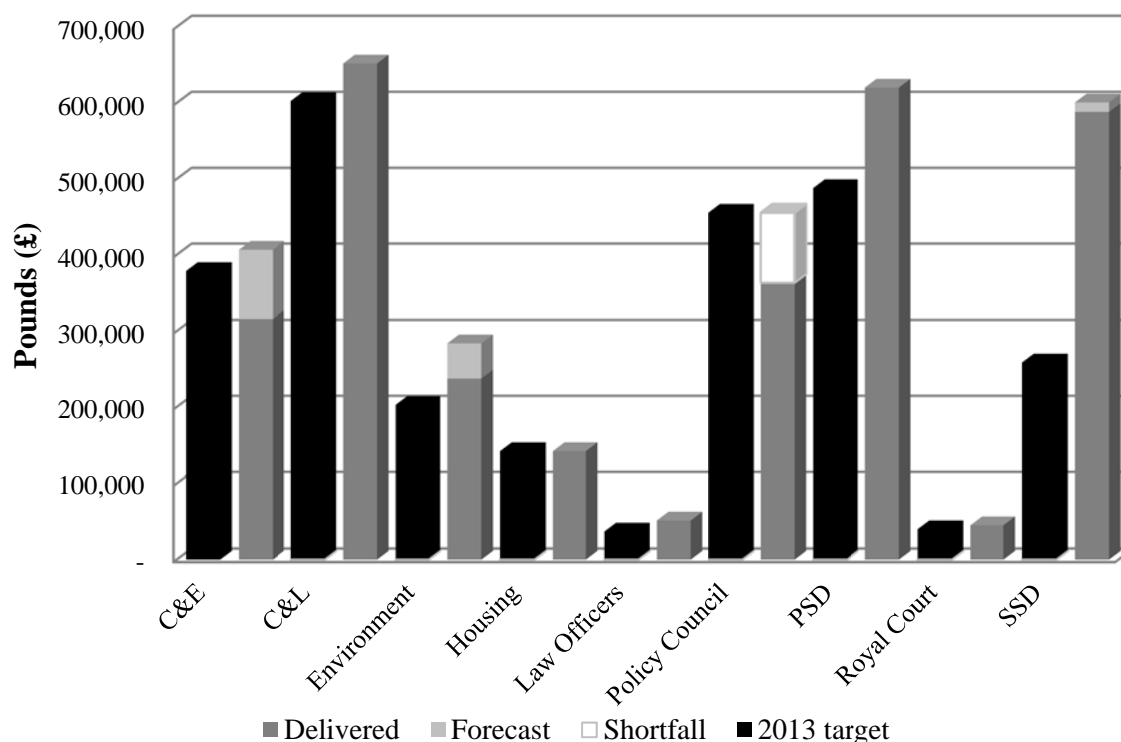
- 4.8. As illustrated by the above, the Policy Council is pleased to confirm that as in the previous 12 month period, the majority of savings, some £7.4m or 80% have been delivered through improvements in efficiency.

5. Programme Forecasts and Challenges

- 5.1. By the end of 2013, it is expected that the programme will have secured a further £3m of recurring savings which will take the total banked benefits to over £23m. This includes a significant amount that Departments are expected to be able to bring forward as a result of the Voluntary Severance exercise which closed in October 2013 and which is being finalised at the time of writing. The expected year end position compares favourably with the end of year four position forecast in the original Tribal Fundamental Spending Review Phase 2 Report of £21.1m.

5.2. The chart below illustrates the forecast end of year performance by Departments against their 2013 savings targets:

Figures 5 & 6- Departmental Performance against 2013 Savings Target



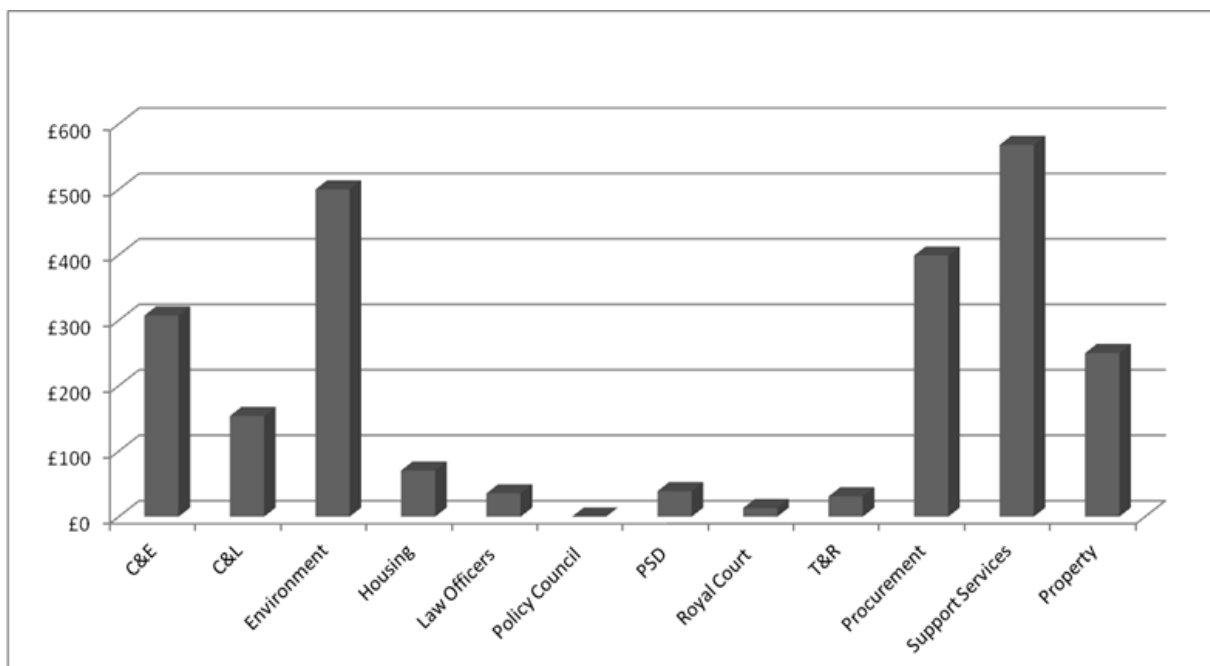
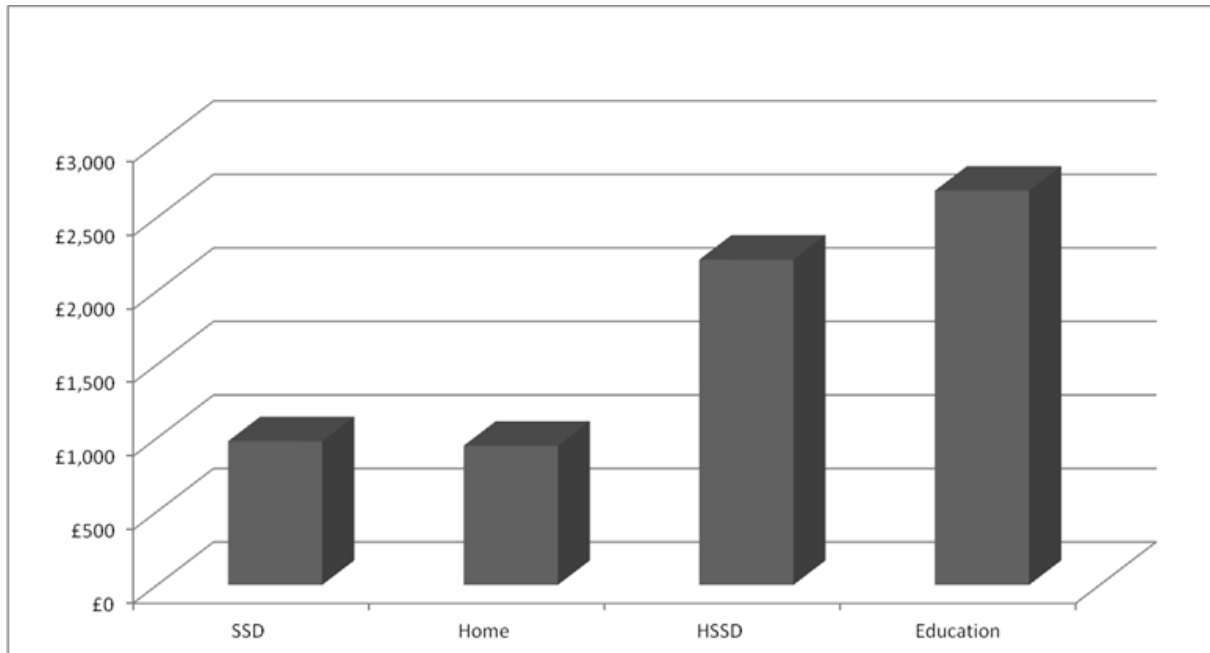
5.3. The table above illustrates the full year effect of the savings released during 2013. However, in many cases the actual in year cash value of the savings is less than the ongoing full year effect recognised and signed off. As a result, as with previous years, in order to meet their annual efficiency target and stay within cash limit, Departments may have also made one off, non-recurring savings. Whilst these one off savings do not count towards the sustainable

benefits delivered through the Programme, in accordance with resolution 2A(b) from item 8 of Billet d'Etat I of 2013 the chart below illustrates the in-year cash benefit each Departments recurring savings and the extent to which “one-off” savings are likely to be required to stay within their 2013 cash limit. However, it should be understood that these are estimates only at this stage until the overall year end position is known and it is emphasised that any one off savings do not contribute to the delivery of programme benefits.

Table 2 – 2013 Forecast Recurring and One-Off Savings

Department	2013 Target (£000s)	Forecast Outturn 2013 (£000s)	One Off (£000s)
C&E	379	323	55
C&L	603	312	291
Environment	203	246	-
Housing	142	142	-
Law Officers	37	52	-
Policy Council	455	363	92
PSD	488	620	-
Royal Court	40	45	-
SSD	259	589	-
Education	1,263	1,070	193
Home	1,325	459	866
HSSD	3,294	1,561	232
T & R	1,397	1,296	101
Total	9,884	7,078	1,831

- 5.4 The Policy Council is currently expecting the release of an additional £9m of savings during 2014. These benefits are expected to come from circa 90 initiatives. The distribution of these projects and initiatives between Departments and the cross cutting programmes is illustrated in the charts overleaf:

Figures 6 & 7 - 2014 Forecast Savings (£'000)

5.5 Although this shows that a further £1.2m of cross cutting savings are forecast from property, procurement and support services initiatives over the final year, these will ultimately be allocated to Departments and contribute to delivery of their overall targets.

5.6 Whilst the overall progress towards the financial targets has been strong throughout the year, progress with the cross cutting themes of Property, Procurement and Support Services has continued to prove challenging. This is

not because savings in these areas are not available, as work by the project teams has consistently demonstrated the potential for significant benefits, both financial and non-financial from these areas. The difficulty is in our ability as an organisation to enable and release these savings within the timescales allocated for the programme.

- 5.7. In its 2012 annual report, the Policy Council emphasised the significant challenges faced by the organisation as it needed to deliver over £20m of savings over the last two years of the programme compared to the £10.8m delivered in its first three years. By delivering £9.3m of savings in the last year the organisation has met the first part of that challenge and will start 2014 with a portfolio with a forecast value of in excess of £32m.
- 5.8. Whilst this exceeds the minimum target, there is no room for complacency and releasing these savings remains a significant challenge for the organisation. It is hoped that the incentivisation arrangements put in place by the Treasury and Resources Department will help to encourage Departments to deliver beyond their allocated targets.
- 5.9. The Policy Council considers it is essential that Departments and their staff remain focused on the delivery of the remaining Departmental projects and committed to ensuring cross cutting savings can be maximised.

6. Fundamental Spending Review Fund

- 6.1. The Fundamental Spending Review Fund was established in 2009 with a balance of £10m to meet the revenue costs of the programme and any necessary capital costs for the delivery of projects.
- 6.2. The Fund has been used to cover all costs associated with programme delivery from the running of the Programme Management Office to the individual project costs. It has also funded the payments to the States' delivery partner, Capita Consulting Ltd.
- 6.3. The detailed income and expenditure and balance on the Fund will be published in the States of Guernsey Accounts 2013 accompanied by an explanatory narrative.

7. Post Financial Transformation Programme

- 7.1. Whilst the Policy Council is pleased that the programme is on track to meet or exceed the overall financial target for the Financial Transformation Programme, it has become clear over the last year that not all of the specific benefits originally envisaged will be delivered within its five-year timescale. This is not because these benefits are not there, but because the current organisational environment has not allowed for their successful delivery in the timeframes of the programme. Examples of these include the property savings from the

delivery of a Strategic Asset Management Plan and the second phase of Transforming Support Services, which was intended to deliver savings through the further consolidation of services such as IT, property and procurement. Indeed, it is also likely that further savings enabled through the delivery of the upgraded SAP system and the introduction of the Hub will also be delivered beyond 2014.

- 7.2. In addition to this, the longer-term transformation of services already underway in HSSD, Education and Home all have the potential to release further efficiency savings beyond the Programme's timescale.
- 7.3. The local economy has suffered in recent years through the effects of the global economic downturn and whilst there have been some signs of recovery, the forecast for the short to medium term continues to recognise an environment of much lower growth. The pressure on the public purse will not be lifted by the conclusion of the Financial Transformation Programme and the need for restraint will continue.
- 7.4. Reducing spend through our Financial Transformation Programme is an important and necessary short term objective but, as highlighted in the Treasury and Resources Department's 2014 Budget Report, on its own it is insufficient to bring spend back to sustainable levels in the long term. Analysis of potential future demand shows we will need to continue these efficiencies if the States are to provide services to the level that the community expects and has become accustomed to.
- 7.5. Guernsey has an ageing population, which will increase demand for services over the coming decades. At the same time there is every likelihood that there will be an increase in expectations amongst the Island's population. Technological change is rapidly expanding the ways that people want to interact with the Public Service, and the island's long history of economic prosperity has driven up the standards that are expected of the States' services. This combination will increase demand still further, and will put pressure on both the quantity and quality of services delivered.
- 7.6. In the future, the Policy Council believes that it will only be possible to develop and deliver new services if transformational opportunities continue to be sought and delivered. It therefore intends to continue to work with Departments to drive financial transformation and efficiency.
- 7.7. The Policy Council is of the opinion that an integrated transformation programme will enable the organisation to be properly structured and balanced to enable efficiency to be maintained, ensure that changes are embedded and create:
 - A culture of cost consciousness and shared responsibility for delivery;
 - A change in behaviours towards a mentality of putting the best interests of the States and the Island first, as opposed to departmental interests, and the concept of always implementing best practice where appropriate. Inherent

in delivering this is an acceptance of personal accountability and responsibility;

- Developing the performance of the public sector through rewarding good performance and managing poor performance;
- Competence through facilitating the right skills to do the job that needs to be done;
- Clear lines and boundaries of accountability and an acceptance of accountability;
- Effective management systems i.e. those that provide the required level of business control, ensure outputs are optimised and lessons learnt for future improvements; and
- Continual improvements of processes or efficiency which involves focussing on output (ie the services delivered) rather than input (the cost or resources required to deliver the service) and embedding a continual drive.

7.8. The Policy Council recognises that the Financial Transformation Programme has begun the process of addressing some of these issues and has delivered significant non-financial benefits. However, it supports the view, set out by Treasury & Resources Department in the 2014 Budget Report, that part of the reason some of the original Fundamental Spending Review opportunities have not been converted into successful projects, releasing timely savings is a lack of organisational readiness for the change.

7.9. Whilst some progress has been made on this agenda, without clear objectives, robust governance and appropriate investment, there is little chance of significant progress in the short to medium term and the key underlying issues still remain.

7.10. The demographic, financial and organisational problems detailed here can be addressed, but first there must be clarity about the need to change. The following five points encapsulate those key drivers for change:

- The need to respond to changing customer demand, so that the States continues to provide the services islanders need and deserve;
- The need to create a vision that is shared and understood at all levels of the organisation, so that there is a clear mandate to work together towards a common goal;
- The need to work efficiently in order to make best use of limited resources and manage costs;
- The need to encourage a culture of continuous improvement across all Departments, so that value for money can be improved and clearly demonstrated; and
- The need to create clear lines of accountability and responsibility to ensure that decision making is effective.

7.11. Any future programme needs to be well thought through, put together collaboratively, take account of the lessons learned through delivery of the Financial Transformation Programme and should not be primarily financially driven. Critically it must also align to the States' objectives as expressed

through the States Strategic Plan and be compatible with any recommendations from the States Review Committee. It must also be founded in the belief that treating the Public Service as a single, highly complex entity can bring significant benefits to the organisation and the Island community.

- 7.12. Therefore, in collaboration with the Treasury and Resources Department, the Policy Council intends to investigate the options for transformation beyond 2014. This work will be about scoping any future change programme, defining the outcomes it must achieve and assessing the options available for its design and delivery. In doing so, the States Review Committee and all Departments will be engaged before returning to the States during the third quarter of 2014 with detailed proposals.
- 7.13. The Policy Council believes that investing time up front will ensure a smoother initiation for any follow on Transformation Programme. It will establish a shared and documented understanding of the way forward, capable of providing a strong foundation for an integrated Transformation Programme that can deliver the changes necessary to equip the Public Sector to meet the challenges it faces now and in the future.

8. Conclusions

- 8.1. The Financial Transformation Programme has delivered in excess of £20m in ongoing cash releasing benefits to date which represents a significant achievement. In addition, the current forecasts indicate that the overall minimum target for the five year programme will be exceeded by the end of 2014.
- 8.2. However, there remains a significant volume of work to be completed over the next year and Departments and the cross cutting programmes still have some major challenges to overcome in order to deliver a successful outcome.
- 8.3. It is vital that all Ministers, other States Members and Departments continue to support the programme's aims throughout 2014 if the targets are to be met and/or exceeded. Furthermore, the Policy Council intends to put in place a framework during the year for transformation beyond 2014 in order to ensure that the benefits already delivered can be sustained.
- 8.4. The next Annual Report will be the final one for the Financial Transformation Programme and the Policy Council expects to report not only on the financial benefits delivered but also wider financial and non-financial benefits to the organisation. In order to be able to have sufficient opportunity to consider these wider benefits and gather lessons learned, it is the Policy Council's intention to report to the States in the second quarter of 2015 with a comprehensive end of Programme report.

9. Recommendations

The Policy Council recommends the States to:

- Note the progress towards delivering the Financial Transformation Programme targets and objectives.
- Direct the Policy Council to present a report to the States by September 2014 detailing proposals for Transformation beyond 2014.
- Note the Policy Council's intention to lay the next annual report before the States during the second quarter of 2015.

P A Harwood
Chief Minister

2nd December 2013

J P Le Tocq
Deputy Chief Minister

G A St Pier
R Domaille
D B Jones
R W Sillars
P A Luxon

A H Langlois
K A Stewart
M H Dorey
M G O'Hara

(NB The Treasury and Resources Department supports the Policy Council's commitment to the delivery of at least £31m annually recurring revenue savings by the end of 2014 which is a key plank in the overall strategy for eliminating the structural deficit. The Department is pleased to note the progress in this Programme over the past year and the forecast to achieve this minimum target.

The Treasury and Resources Department anticipates that a combination of the projects and programmes already established within Departments, the cross cutting programmes, corporate initiatives such as voluntary severance and its incentivisation proposals will all contribute to a successful outcome.

The Department would wish to reiterate that, should the Financial Transformation Programme savings not be delivered then the States will still need to identify other measures to achieve the same effect in order to contribute to the deficit reduction strategy and preserve the Contingency Reserve balances.

As outlined in its 2014 Budget Report, the Department is committed to the transformation journey continuing beyond the end of 2014 and looks forward to working with the Policy Council in investigating the options.)

The States are asked to decide:-

III. Whether, after consideration of the Report dated 2nd December, 2013, of the Policy Council, they are of the opinion:-

1. To note the progress towards delivering the Financial Transformation Programme targets and objectives.
2. To direct the Policy Council to present a report to the States by September 2014 detailing proposals for Transformation beyond 2014.
3. To note the Policy Council's intention to lay the next annual report before the States during the second quarter of 2015.

HEALTH AND SOCIAL SERVICES DEPARTMENT

AMENDMENTS TO THE LOI RELATIVE À LA SANTÉ PUBLIQUE, 1934 AND PUBLIC HEALTH ORDINANCE, 1936 AND DRAFTING OF A PUBLIC HEALTH (ENABLING PROVISIONS) LAW

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

2nd December 2013

Dear Sir

Executive Summary

1. Notifiable diseases are ‘infectious or contagious diseases’ that must be notified by a medical practitioner to the Medical Officer of Health ("**MoH**") to ensure that appropriate measures can be taken to prevent spread of infection and protect public health.
2. Under the Public Health Ordinance, 1936 ("**1936 Ordinance**") this list can be changed by order of the Board of HSSD.
3. It is now proposed to amend the list but also change the approach to an all hazards approach to health protection, whereby the need for action/notification is determined by the potential for a case of human infection or contamination to present a significant public health hazard, rather than by a list of infectious diseases, as currently provided for under the 1936 Ordinance.
4. Currently the only practitioners required to report the notifiable diseases listed in the 1936 Ordinance to the MoH are medical practitioners. It is proposed to widen this to include other registered health professionals, laboratories and the States Analyst.
5. It is proposed that a new list of notifiable diseases is created which can be updated, by order, by the Health and Social Services Department ("**the Department**"). This new list should be as set out in Schedule 1 of Appendix 1.
6. The Department also proposes to create another list, which can be amended again by order, of notifiable causative agents which have the potential to present serious public health risks. This is a new approach but is in line with the approach adopted in the UK. This list is set out in Schedule 2 of Appendix 1. This change in approach and the evolution of health care practice means that health and

laboratory professionals will need to be added to medical practitioners who have a duty to advise the Medical Officer of Health if they discover a notifiable disease or notifiable causative agent. The presence of such causative agents in any place should be treated as a potential nuisance as they may endanger the health of occupants, users, neighbours and passers-by creating a wider public health risk. Occupiers and owners of premises should also be required to notify the presence of these causative agents on their premises.

7. The Department also proposes a review of the Public Health legislation, including the Loi Relative à la Santé Publique, 1934 ("**1934 Law**"). This is prompted by changes in the UK approach adopted by the former Health Protection Agency. Reviewing their approach the officers became aware that whilst nearly all the powers the States of Guernsey would reasonably need to manage infectious public health risks exist, they are scattered across a number of different ordinances and laws. It was felt that it would be prudent in the longer term to consolidate these powers under one 'enabling' law which would be simpler for officers, public health and health professionals along with the public to consult and follow. Also the public health powers, which are wide-ranging, far-reaching and, in some instances archaic, often lack an in-built mechanism of appeal or review and in some cases, might be considered to be incompatible with current human rights practice and legislation. A revamped and consolidated public health statutory regime will enable the development of an up-to-date Public Health response to the challenge posed by infectious diseases and other risks to public health.

Background

8. Health Protection legislation in England was updated in April 2010 to give public health authorities modernised powers and duties to prevent and control risks to human health from infection. Therefore as a matter of best practice it is important the Department amends its legislative provisions in line with England.
9. Infectious diseases can threaten health in circumstances that range from small scale incidents to national emergencies. The proposed update of the 1936 Ordinance will provide the Department with wider and more flexible powers so that they can respond to public health hazards of this type more effectively. In using these powers, this will enable those within the Department to work closely with other external agencies.
10. The updated legislation will adopt an all hazards approach, encompassing infections of any kind. This is consistent with the International Health Regulations 2005 through which the World Health Organization (WHO) and its member states aim to prevent the international spread of infectious diseases and contamination.
11. The revised measures means that appropriate steps can be taken in response to previously unknown threats such as severe acute respiratory syndrome (SARS), as well as known infections that could result in significant harm to human health.

12. The addition of these new threats is one of the reasons the Department is recommending the creation of a new public health law to replace the 1934 Law, in the medium term.
13. In the short term, the Department proposes to amend the 1936 Ordinance and 1934 Law to achieve the following objectives –
 - a) Creation of an updated list of notifiable diseases (see Schedule 1 of Appendix 1), which the Department can continue to update by Order.
 - b) Creation of a list of notifiable causative agents (see Schedule 2 of Appendix 1), which the Department is authorised to update by Order.
 - c) A duty to notify the MoH is to be imposed not only on medical practitioners, but also laboratories, the States Analyst and any other person(s) prescribed by Order of the Department when a causative agent and/or a notifiable disease in either of these lists is discovered or identified (see Appendix 2 for an indicative list of health and medical professionals who will be subject to the duty). A duty to notify the MoH is also to be imposed on occupiers and owners of premises when a causative agent is discovered or identified on their premises.
 - d) The notification must also be made to any other person prescribed by Order of the Department.
 - e) These additional persons will be exempt from the duty to notify if they have reasonable grounds to believe that a medical practitioner has already made the necessary notification.
 - f) The Medical Officer of Health and other officers authorised by the Department are to be given the necessary powers to enter and inspect premises where causative agents or notifiable diseases have been identified and take the necessary actions to prevent any hazard to public health.(these powers would not affect the powers of the Director of Environmental Health and Pollution Regulation or any other person under the Environmental Pollution (Guernsey) Law, 2004 or any other enactment).
 - g) A duty to keep confidential and not to disclose information is to be imposed on all officers performing functions under the Law and the Ordinance, subject to specified exceptions (e.g. where required by law or Court order, or where necessary to perform their duties).
14. This is an important public health measure to prevent the spread of serious and life threatening diseases and infection in our community.
15. The States Analyst is supportive of this proposal. Guernsey Dairy already supplies some microbiological information to the Department as a food law requirement and this proposal will reinforce that provision.
16. This will allow a proportionate response to be initiated to protect public health. In the majority of cases this will be advisory and supportive.

Existing Service Arrangements

17. Currently, medical practitioners are required to report incidents of notifiable diseases to the MoH.
18. An electronic reporting form has been developed (see Appendix 3) to formally replace the existing paper-based system so that incidents can be reported by email and investigations implemented quickly.
19. GPs have been consulted about the proposals and have indicated their support.

Consolidation of Public Health Provisions under an Enabling Law

20. Guernsey's public health powers and controls are dispersed throughout a number of Ordinances and Laws such as:
 - The Loi Relative à la Santé Publique, 1934;
 - Ordinances made under the 1934 Law including the Public Health Ordinance, 1936, as amended;
 - The Loi Relative aux Maladies Secrètes (registered 15th January, 1897);
 - The Ordonnance supplémentaire ayant rapport aux Maladies Secrètes (1936) and related Ordinances;
 - The Education (Guernsey) Law 1970;
 - The Public Health (Vermin) (Guernsey) Law, 1948; and
 - The Public Health (Vessels and Aircraft) (Guernsey) Law, 1950.
21. Many of these public health provisions give wide and far-reaching powers to the health authorities, without the possibility of review or appeal, which could be in contravention of the European Convention on Human Rights. Furthermore, they are outdated in light of modern methods and knowledge of public health controls. A comparison of the 1934 Law and 1936 Ordinance with the powers and controls of the former Health Protection Agency (England and Wales) has prompted the Department's officers and the Law Officers to recommend that the law is consolidated under a new single Public Health (Enabling Provisions) Law.
22. The Department believe a new Public Health Law and consolidated public health provisions under the Law will give the Department, other persons given statutory functions, health professionals and the public greater clarity and understanding of their statutory powers and duties. It would also be an opportunity to review and revise these powers and duties as appropriate. Very importantly, it would also afford protection to the public in that proper review and appeal mechanisms (compatible with modern human rights obligations) would be established in relation to decisions made under the Law. This new consolidated law will enable the development of a revamped and modern approach to meeting infectious disease challenges to public health.

23. In short, the Department's long term strategic objective is a comprehensive review, update and consolidation of public health provisions, which would take the form of a set of Ordinances under the new Public Health (Enabling Provisions) Law. These consolidated and updated provisions would enable the Department to continue to deliver a key strategic objective of protecting the public from infectious diseases and causative agents which have high morbidity and mortality associated with them. These proposals would need to take into account and accommodate, as appropriate, other related statutory regimes in force in Guernsey, such as the Environmental Pollution (Guernsey) Law, 2004, the Prevention of Pollution Guernsey) Law, 1989, the Food and Drugs (Guernsey) Law, 1970, the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 and the Education (Guernsey) Law 1970.
24. The Department proposes that a Public Health (Enabling Provisions) Law be drafted and enacted, which would authorise Ordinances to be made relating to the wide range of public health issues such as hygiene, health, nuisance and disease control.
25. In time, the Department proposes to report back to the States of Deliberation with detailed proposals for a consolidation of public health provisions under the proposed new Public Health (Enabling Provisions) Law.

Consultation with the Law Officers and Estimated Drafting Time

26. The Law Officers have been consulted and have helped the Department prepare the proposals set out in this Report.
27. After consulting the Law Officers, it is estimated that the amendments to the 1934 Law and the 1936 Ordinance would take 2 to 3 months, assuming no unforeseen difficulties emerge during the drafting process.
28. A new Public Health (Enabling Provisions) Law would require longer (at least 6 months), as it would need a preliminary review or scoping exercise to be conducted by the Department in relation to the existing provisions on public health matters.
29. The Department has no reason to believe that these proposals will have any impact on Legal Aid expenditure.

Alderney and Sark

30. The 1936 Ordinance is applicable to Guernsey and Alderney. Subject to agreement by the States of Alderney, it is proposed by the Department that the amendments to the 1934 Law and 1936 Ordinance recommended by this Report be applied to Alderney.

31. The Sark Medical Committee has been advised of the proposed changes to Guernsey's legislation and have been asked to co-operate with Guernsey's system of reporting diseases / organisms.

Human Rights Compliance

32. The Department does not believe the immediate proposed changes to the legislation have any significant human rights implications. The Department does believe that the review, updating and consolidation of public health provisions under the new Enabling Law would enable the Department to ensure that the relevant public health legislation is compatible with human rights under the European Convention for the Protection of Human Rights and Fundamental Freedoms (as given effect by the Human Rights (Bailiwick of Guernsey) Law, 2000).

Financial and Resource Management

33. The Department is of the view the proposed legislative changes, coupled with the introduction of electronic reporting, will have minimal financial impact on the Department, or health professionals or occupiers and owners required to provide the information.

Compliance with the Principles of Good Governance

34. In preparing this Report, the Department has been mindful of the States Resolution to adopt the six core principles of good governance as defined by the UK Independent Commission on Good Governance in Public Services (Billet d'État IV of 2011). The Department believes that all of the proposals in this Report comply with those principles.

Recommendations

35. The Health and Social Services Department recommends that the States agree:
 - (a) That the list of notifiable diseases in the 1936 Ordinance (as amended) be replaced by a list to be prescribed by Order of the Department;
 - (b) That the Department be authorised to prescribe by Order a list of notifiable causative agents;
 - (c) That the following persons be required to notify the MoH and any other person prescribed by Order of the Department if they are aware or have reasonable grounds to believe that a notifiable disease or notifiable causative agent is present or has occurred in the Islands; the notification should include the premises or person in which the disease or causative agent is believed to be present or to have occurred, together with any other

information, and should be made in the form and manner prescribed by Order of the Department –

- (i) the States Analyst and any other person in charge of, or acting as an agent for, a laboratory;
 - (ii) occupiers and owners of premises, in relation to the presence or occurrence of a notifiable disease or notifiable causative agent in those premises;
 - (iii) medical practitioners; and
 - (iv) any other person prescribed by Order of the Department;
- (d) That the Department be authorised to exempt any of the persons in paragraph (c) from the duty to provide the notification and information, by Order;
- (e) That the presence or occurrence of a notifiable causative agent in any premises be specifically taken into account in defining a "**nuisance**" for the purposes of the 1934 Law and the 1936 Ordinance;
- (f) That officers performing functions under the 1934 Law or 1936 Ordinance be required to keep confidential information received in the course of performing those functions, subject to specified exceptions (e.g. where required by law or Court order, or where necessary to perform those functions);
- (g) That a new Public Health (Enabling Provisions) Law be drafted;
- (h) That the Department consults on and then proposes reforms to the current legislation under this new Law in order to legislate on provisions relating to hygiene, health, nuisance, disease control and other public health issues and the powers and duties of its statutory officers; the new Ordinances and subordinate legislation should include the necessary human rights protection and appeals mechanisms;
- (i) To direct the preparation of such legislation as may be necessary to give effect to the recommendations in paragraphs (a) to (g) above.

Yours faithfully

M H Dorey
Minister, Health and Social Services Department

M J Storey
Deputy Minister

E G Bebb
Member

B L Brehaut
Member

S A James
Member

APPENDIX 1

SCHEDULE 1

Indicative list of notifiable diseases

Acute encephalitis
Acute meningitis
Acute poliomyelitis
Acute infectious hepatitis
Acute Rheumatic Fever
Anthrax
Botulism
Brucellosis
Cholera
Diphtheria
Enteric fever (typhoid or paratyphoid fever)
Food poisoning
Haemolytic uraemic syndrome (HUS)
Infectious bloody diarrhoea
Invasive group A streptococcal disease and scarlet fever
Legionellosis
Leprosy
Malaria
Measles
Meningococcal septicaemia
Mumps
Plague
Rabies
Rubella
SARS
Smallpox
Tetanus
Tuberculosis
Typhus
Viral haemorrhagic fever (VHF)
Whooping cough
Yellow fever

SCHEDULE 2

Indicative list of notifiable causative agents

<i>Bacillus anthracis</i>
<i>Bacillus cereus</i> (only if associated with food poisoning)
<i>Bordetella pertussis</i>
<i>Borrelia spp</i>
<i>Brucella spp</i>
<i>Burkholderia mallei</i>
<i>Burkholderia pseudomallei</i>
<i>Campylobacter spp</i>
Chikungunya virus
<i>Chlamydomyphila psittaci</i>
<i>Clostridium botulinum</i>
<i>Clostridium perfringens</i> (only if associated with food poisoning)
<i>Clostridium tetani</i>
<i>Corynebacterium diphtheriae</i>
<i>Corynebacterium ulcerans</i>
<i>Coxiella burnetii</i>
Crimean-Congo haemorrhagic fever virus
<i>Cryptosporidium spp</i>
Dengue virus
Ebola virus
<i>Entamoeba histolytica</i>
<i>Francisella tularensis</i>
<i>Giardia lamblia</i>
Guanarito virus
<i>Haemophilus influenzae</i> (invasive)
Hanta virus
Hepatitis A, B, C, delta, and E viruses
Influenza virus
Junin virus
Kyasanur Forest disease virus
Lassa virus
<i>Legionella spp</i>

<i>Leptospira interrogans</i>
<i>Listeria monocytogenes</i>
Machupo virus
Marburg virus
Measles virus
Mumps virus
<i>Mycobacterium tuberculosis</i> complex
<i>Neisseria meningitidis</i>
Omsk haemorrhagic fever virus
<i>Plasmodium falciparum, vivax, ovale, malariae, knowlesi</i>
Polio virus (wild or vaccine types)
Rabies virus (classical rabies and rabies-related lyssaviruses)
<i>Rickettsia spp</i>
Rift Valley fever virus
Rubella virus
Sabia virus
<i>Salmonella spp</i>
SARS coronavirus
<i>Shigella spp</i>
<i>Streptococcus pneumoniae</i> (invasive)
<i>Streptococcus pyogenes</i> (invasive)
Varicella zoster virus
Variola virus
Verocytotoxigenic <i>Escherichia coli</i> (including <i>E.coli</i> O157)
<i>Vibrio cholerae</i>
West Nile Virus
Yellow fever virus
<i>Yersinia pestis</i>

APPENDIX 2

Indicative list of health and medical professionals who will be required to report notifiable diseases or causative agents.

1. Biomedical scientists (including medical laboratory technicians).
2. Radiographers (including diagnostic radiographers and therapeutic radiographers).
3. Physiotherapists (including physical therapists).
4. Practising midwives (need to be authorised, although not registered, cf. Nurses, Midwives and Health Visitors Ordinance, 1987)
5. Clinical scientists.
6. Dentists and pharmacists (cf. Doctors, Dentists, and Pharmacists Ordinance, 1987).
7. Nurses and health visitors.

APPENDIX 3



HEALTH AND SOCIAL SERVICES

A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

Indicative Registered Medical Practitioner Notifiable Disease Form

Notification to the Director of Public Health and Medical Officer of Health via email at: <u>notifiablediseases@hssd.gov.gg</u>	
Registered Medical Practitioner reporting the disease	
Name	
Address	
Post code	
Contact number	
Date of notification	
Notifiable disease	
Disease, infection or contamination	
Date of onset of symptoms	
Date of diagnosis	
Date of death (if patient died)	
Index case details	
First name	
Surname	
Gender (M/F)	
DOB	
Ethnicity	
Hospital Number	
Home address	
Post code	
Current residence if not home address	

Post code	
Contact number	
Occupation (if relevant)	
Work/education address (if relevant)	
Post code	
Contact number	
Overseas travel, if relevant (Destinations & dates)	

(NB As there are no resource implications in this Report, the Treasury and Resources Department has no comments to make.)

(NB The Policy Council supports the Report.)

The States are asked to decide:-

IV.- Whether, after consideration of the Report dated 2nd December, 2013, of the Health and Social Services Department, they are of the opinion:-

1. That the list of notifiable diseases in the Public Health Ordinance, 1936, as amended, be replaced by a list to be prescribed by Order of the Department.
2. That the Department be authorised to prescribe by Order a list of notifiable causative agents.
3. That the following persons be required to notify the Medical Officer of Health and any other person prescribed by Order of the Department if they are aware or have reasonable grounds to believe that a notifiable disease or notifiable causative agent is present or has occurred in the Islands; the notification should include the premises or person in which the disease or causative agent is believed to be present or to have occurred, together with any other information, and should be made in the form and manner prescribed by Order of the Department –
 - (i) the States Analyst and any other person in charge of, or acting as an agent for, a laboratory;
 - (ii) occupiers and owners of premises, in relation to the presence or occurrence of a notifiable disease or notifiable causative agent in those premises;
 - (iii) medical practitioners; and
 - (iv) any other person prescribed by Order of the Department.
4. That the Department be authorised to exempt any of the persons in proposition 3 from the duty to provide the notification and information, by Order.
5. That the presence or occurrence of a notifiable causative agent in any premises be specifically taken into account in defining a "**nuisance**" for the purposes of the 1934 Law and the 1936 Ordinance.
6. That officers performing functions under the Loi Relative à la Santé Publique, 1934, or the Public Health Ordinance, 1936, as amended, be required to keep confidential information received in the course of performing those functions, subject to specified exceptions (e.g. where required by law or Court order, or where necessary to perform those functions).

7. That a new Public Health (Enabling Provisions) Law be drafted.
8. That the Department consults on and then proposes reforms to the current legislation under this new Law in order to legislate on provisions relating to hygiene, health, nuisance, disease control and other public health issues and the powers and duties of its statutory officers; the new Ordinances and subordinate legislation should include the necessary human rights protection and appeals mechanisms.
9. To direct the preparation of such legislation as may be necessary to give effect to the decisions in relation to propositions 1 to 7 above.

COMMERCE AND EMPLOYMENT DEPARTMENT

TRADE IN ENDANGERED SPECIES

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

5th November 2013

Dear Sir

1. Executive Summary

- 1.1 In 2006 the States approved proposals for new legislation regulating trade in endangered species. This legislation was required so that the Bailiwick could meet its current obligations under the Convention on Trade in Endangered Species (usually shortened to CITES).
- 1.2 In 2011 the Control of Trade in Endangered Species (Enabling Provisions) (Bailiwick of Guernsey) Law, 2010 was registered in Guernsey and this Law allows the States to make detailed provisions for controls on trade in such species by Ordinance.
- 1.3 Work is in progress on drafting such an Ordinance and this work has revealed that various amendments of, and additions to, the original proposals approved by the States would be desirable or are necessary because of changes in circumstances and practice since 2006.
- 1.4 Proposals for these additions and amendments are set out in this Report. They will enable the drafting of the relevant Ordinance to be finalised and the Department believes that they will enhance the overall package of measures that control trade in endangered species as well as enabling the Bailiwick to meet its Convention obligations.

2. Background

- 2.1 The UK's ratification of the Convention on Trade in Endangered Species has been extended to the Bailiwick of Guernsey and historically the Bailiwick has regulated trade in such species under the provisions of customs law in order to meet its Convention obligations. Various administrative arrangements were also put in place to deal with applications for import and export permits.
- 2.2 Since the Convention came into force in the mid 1970s it has been regularly modified in the light of practical experience gained from its implementation and

in order to clarify some of its original provisions. It has also been adapted to meet changes in patterns of trade in endangered species and to address challenges arising from new and different methods of exploiting such species.

- 2.3 Given that there had been a number of changes to the Convention over the years the CITES Secretariat carried out an examination of the means by which the Convention was implemented in various countries and territories. It concluded that the arrangements in about 30 territories (including the Bailiwick and the other Crown Dependencies) were inadequate and a Conference of Parties passed a resolution requiring those territories to enact new legislation to ensure adequate implementation of the Convention.
- 2.4 As a result, in April 2006, the States approved proposals for new legislation to regulate trade in endangered species and in January 2010 it also approved a *Projet de Loi* entitled "The Control of Trade in Endangered Species (Enabling Provisions) (Bailiwick of Guernsey) Law, 2010".
- 2.5 An Order approving the Control of Trade in Endangered Species (Enabling Provisions) (Bailiwick of Guernsey) Law, 2010 was made at the Privy Council on 9th February 2011 and the Law was registered in Guernsey on 28th February 2011.
- 2.6 The enabling provisions Law allows the States to make detailed provision for the regulation of trade in endangered species by Ordinance. Work is in progress on drafting such an Ordinance and the drafting process has revealed that various amendments of, and additions to, the proposals approved in 2006 would be desirable or are necessary. As these amendments and additions were not covered in the original policy report they need the further approval of the States.
- 2.7 The reasons for the proposed amendments and additions are set out below.

3. Proposed Amendments and Additions

3.1 Power to make Regulations

- 3.1.1 Much of the administrative side of regulating trade in endangered species involves some fairly specific, detailed requirements and these requirements are subject to change from time to time. They may, for example, relate to the form and manner of applications for permits or documents issued etc, allowing exemptions from some of the Ordinance requirements in particular circumstances, the marking of specimens and the maintaining of registers of specific activities involving endangered species.
- 3.1.2 Rather than include a host of detailed provisions in an Ordinance and have to amend the Ordinance each time a provision has to be changed, it is proposed that the Department should have the power to implement any such changes by means of regulations.

3.2 Enforcement

- 3.2.1 The proposals in 2006 included provisions for the seizure of specimens that were, for example, illegally imported.
- 3.2.2 In the UK, there is provision for customs officers to require a person to provide proof that a specimen has been lawfully imported (or exported) and for such specimens to be liable to forfeiture until such proof is forthcoming. This power may be used when there is reasonable doubt as to the correct identification of a particular species which is a practical difficulty that does arise with some endangered species.
- 3.2.3 The Department proposes that similar powers should be available to Bailiwick customs officers.

3.3 Authorised Persons

- 3.3.1 The 2006 proposals did not include provision for the appointment of authorised persons. Customs officers will continue to have powers in respect of the importation and exportation of specimens under Customs legislation, however, the Ordinance will regulate other activities not relating to import and export, such as the possession of certain of the most endangered species and various activities that involve endangered species (such as scientific research). These other regulations will have to be enforced by other personnel as relevant powers are not available under Customs legislation.
- 3.3.2 The Department therefore proposes that it should be able to appoint authorised persons who would have powers to enforce the provisions of the Ordinance, and that such persons should have standard powers of entry, to inspect premises and vehicles (including ships and aircraft) and to take samples, stop and detain vehicles, to ask questions and to require a person to provide information etc. subject to standard safeguards to ensure human rights compliance.

3.4 Exclusion of Liability

- 3.4.1 It is proposed that the Department, as the main regulator under the provisions ("the Management Authority") should be excluded from liability for damages when exercising its functions other than for anything done in bad faith.
- 3.4.2 The Department is required to appoint a person or organisation to provide scientific advice on trade in endangered species (a "Scientific Authority"). It proposes that the exclusion of liability for damages and of personal liability if an individual should also extend to such an individual or organisation.
- 3.4.3 The Department believes that the proposal to appoint authorised persons should also be complemented by the addition of standard provisions relating to the exclusion of personal liability for such persons for anything done in the exercise of their functions, other than anything done in bad faith.

3.5 Offences and Forfeiture of Specimens

3.5.1 In the course of drafting an Ordinance to regulate trade in endangered species, a number of offences are proposed to enforce the Convention requirements, these would include offences relating to:

- a) the importation, exportation and re-exportation of specimens,
- b) certain commercial activities, such as trade in certain specimens that were acquired unlawfully,
- c) the possession or control of specimens that were acquired unlawfully,
- d) a failure to comply with regulations on registered activities (such as trading in the most endangered species)
- e) making false, deceptive or misleading statements or producing false information with regard to compliance with, and the requirements of, the Ordinance or a permit or other documents issued in accordance with the Ordinance,
- f) the obstruction of a person exercising functions under the Ordinance,
- g) a failure to comply with any requirements specified by an authorised person in relation to a suspected offence, and
- h) a failure to comply with a person executing a warrant to enter premises.

3.5.2 It is also proposed that the court should have powers and duties in relation to the forfeiture of specimens of endangered species and vehicles, ships etc. used to commit an offence where a person has been convicted of an offence under the legislation. This is necessary to implement requirements under the Convention.

3.6 Possession or control of Specimens

3.6.1 To protect the most endangered species, the Convention makes provision for strict controls on trade in, and the ownership and possession of, certain species (this is usually limited to scientific institutions) and the collection of relevant examples from the wild.

3.6.2 The 2006 proposals included provision for such things as conditions on the ownership of such species and licences to take specimens from the wild, but they did not provide for the prohibition of the possession or control of specimens that were acquired unlawfully. The Department therefore proposes that such possession or control should be prohibited and breach of the same be an offence.

3.7 Fees and Charges

3.7.1 The 2006 proposals did not include provisions for levying fees for an application for a permit or other document or a registration issued by the Department or for the recovery of any costs that the Department might incur in the exercise of any of its functions or providing any services in connection with such functions.

- 3.7.2 The Department therefore proposes that it should have the power to specify fees and charges by regulations.

3.8 Appeals against decisions of the Department

- 3.8.1 In 2006 the States agreed that appeals against decisions of the Department in relation to permits and registrations would be made to an independent tribunal.
- 3.8.2 Such appeals would be against decisions under the Ordinance including in relation to permits, certificates or registrations, decisions on applications for such documents, the imposition of conditions or the variation of such conditions and the suspension or revocation of such a document.
- 3.8.3 The Department currently processes about 75 applications for import or export permits each year. A decision on whether or not to grant a permit is based on whether or not a particular species is listed as endangered. If any conditions are attached to a permit they are intended to protect the welfare of the relevant species or to protect the health of animals or plants in the Bailiwick.
- 3.8.4 It is the experience of the Department that the administration of measures to control trade in endangered species has not been controversial and there have been no challenge against any of its decisions during the last 10 years.
- 3.8.5 The Department therefore anticipates that the number of appeals against any of its decisions in relation to trade in endangered species are likely to be low and certainly considerably lower than for areas of wide applicability such as appeals against planning decisions or under employment or tax legislation.
- 3.8.6 In view of this, the Department is not convinced that the number of likely appeals would justify the cost of setting up, maintaining and administering a new appeals panel and tribunal. It therefore proposes that appeals should be made to the Royal Court.

4. **Resource Implications**

- 4.1 Most of the administrative arrangements for the implementation of the requirements of the Convention have been in place for some time and the proposed legislation will have no significant effect on the volume of and nature of the work that is carried out by the Department. It therefore expects to administer the proposed legislation with existing staff.
- 4.2 Any significant future increase in the number of appeals to the Royal Court may have resource implications for the Court. The Department acknowledges that additional appeals may also result in applications for legal aid. However, the number of applications for permits that the Department currently receives each year is not great and it does not expect this level of activity to change greatly in the foreseeable future. The potential for a significant number of appeals should therefore be small.

5. Principles of Good Governance

- 5.1 In preparing this Report, the Department has been mindful of the States Resolution to adopt the six core principles of good governance as defined by the UK Independent Commission on Good Governance in Public Services (Billet d'État IV of 2011). The Department believes that all of the proposals in this Report comply with those principles.

6. Consultation

- 6.1 The Law Officers have been consulted regarding these proposals and their comments have been taken account of in this report. The authorities in Alderney and Sark have been consulted and have raised no objection to the proposals.
- 6.2 The Bailiff has been consulted regarding the potential impact that appeals might have on the workload of the Royal Court. Whilst he has no objection to the proposals contained in this Report, he has asked the Department to draw attention to possible resource implications. These are highlighted in paragraph 4.2.

7. Recommendations

- 7.1 The Department recommends the States to:
- a) approve the proposals as set out in section 3 of this Report; and
 - b) direct the preparation of legislation necessary to give effect to the proposals.

Yours faithfully

K A Stewart
Minister

A H Brouard
Deputy Minister

D de G De Lisle
L B Queripel
H J R Soulsby

Advocate T Carey
Non States Member

(NB The Treasury and Resources Board is conscious that the proposed arrangements for appeals against decisions of the Commerce and Employment Department in respect of permits and registrations to be made to the Royal Court could result not just in an increase in cases coming before the Court, but also an increase in applications for legal aid, which is formula led. Nevertheless, the Board acknowledges that the risks around these areas are low, given the relatively small number of applications that the Department currently receives each year.)

(NB The Policy Council supports the Report and acknowledges that the Commerce and Employment Department is mindful of the possible impact of these proposals on the Legal Aid Budget.)

The States are asked to decide:-

V.- Whether, after consideration of the Report dated 5th November, 2013, of the Commerce and Employment Department, they are of the opinion:-

1. To approve the proposals as set out in section 3 of that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

APPENDIX

POLICY COUNCIL

STATES OF GUERNSEY PUBLIC SERVANTS' PENSION SCHEME:
2014 PENSIONS INCREASE

In accordance with the States of Guernsey (Public Servants) (Pensions and Other Benefits) (Amendment No 2) Rules, 1997, approved by the States on 29 October 1997 (Article X of Billet d'Etat No XIX of 1997), the Policy Council, after consultation within the Pensions Consultative Committee, has resolved that pensions in payment and preserved pensions and other benefits not yet in payment be increased with effect from 1 January 2014 as follows:

- | | | |
|-----|--|---|
| (a) | awarded prior to 1 January 2013 | by 2.7% |
| (b) | awarded in the period from 1 January 2013
to 31 December 2013 | by $\frac{1}{365}^{\text{th}}$ of 2.7% for each
day of entitlement |

(i.e. in line with the change in the Retail Price Index for the twelve months ending on 30 June 2013).

P A Harwood
Chief Minister

3rd December 2013

J P Le Tocq
Deputy Chief Minister

G A St Pier
D B Jones
R W Sillars
P A Luxon
A H Langlois

K A Stewart
M H Dorey
M G O'Hara
R Domaille (abstained due to a declared interest)