

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 29<sup>TH</sup> DAY OF JULY, 2015**

**The States resolved as follows concerning Billet d'État No XIV  
dated 19th June, 2015**

**THE INCOME TAX (ZERO 10) (COMPANY INTERMEDIATE RATE)  
(AMENDMENT) (GUERNSEY) ORDINANCE, 2015**

I.- To approve the draft Ordinance entitled “The Income Tax (Zero 10) (Company Intermediate Rate) (Amendment) (Guernsey) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE COMPANIES (GUERNSEY) LAW, 2008 (AMENDMENT)  
ORDINANCE, 2015**

II.- To approve the draft Ordinance entitled “The Companies (Guernsey) Law, 2008 (Amendment) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE PRISON (GUERNSEY) (AMENDMENT) ORDINANCE, 2015**

III.- To approve the draft Ordinance entitled “The Prison (Guernsey) (Amendment) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE PAROCHIAL ADMINISTRATION (MISCELLANEOUS AMENDMENTS)  
LAW, 2014 (COMMENCEMENT) ORDINANCE, 2015**

IV.- To approve the draft Ordinance entitled “The Parochial Administration (Miscellaneous Amendments) Law, 2014 (Commencement) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE LOI RELATIVE AUX DOUITS (AMENDMENT) LAW, 2013  
(COMMENCEMENT) ORDINANCE, 2015**

V.- To approve the draft Ordinance entitled “The Loi Relative aux Douits (Amendment) Law, 2013 (Commencement) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

***ORDINANCE LAID BEFORE THE STATES***

**THE SOUTH SUDAN (RESTRICTIVE MEASURES) (GUERNSEY)  
ORDINANCE, 2015**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, “The South Sudan (Restrictive Measures) (Guernsey) Ordinance, 2015” made by the Legislation Select Committee on the 18<sup>th</sup> May, 2015, was laid before the States.

***STATUTORY INSTRUMENTS LAID BEFORE THE STATES***

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL  
BENEFIT) (AMENDMENT) (NO.2) REGULATIONS, 2015**

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, “The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No.2) Regulations, 2015” made by the Social Security Department on 7<sup>th</sup> April 2015, were laid before the States.

**THE INSURANCE BUSINESS (BAILIWICK OF GUERNSEY) (AMENDMENT)  
ORDINANCE, 2014 (COMMENCEMENT) REGULATIONS, 2015,**

In pursuance of section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002, the Insurance Business (Bailiwick of Guernsey) (Amendment) Ordinance, 2014 (Commencement) Regulations, 2015, made by the States of Guernsey Policy Council on 27<sup>th</sup> April 2015, were laid before the States.

**THE COMPANIES (TRANSITIONAL PROVISIONS) (AMENDMENT)  
REGULATIONS, 2015**

In pursuance of section 537 of the Companies (Guernsey) Law, 2008, “The Companies (Transitional Provisions) (Amendment) Regulations, 2015” made by the Commerce and Employment Department on 7<sup>th</sup> May, 2015, were laid before the States.

**POLICY COUNCIL**

**POPULATION MANAGEMENT REGIME: TRANSITION ARRANGEMENTS AND  
OTHER MATTERS**

VI.- After consideration of the Policy Letter dated 1<sup>st</sup> June , 2015, of the Policy Council:-

1. To agree that:
  - (a) properties inscribed in Part A of the Open Market Housing Register should in future be defined by reference to the occupiers permitted in such properties;
  - (b) only people with a familial connection through blood or marriage, or a relationship akin to a marriage, and for the avoidance of doubt including step- and adoptive relationships, together with full-time live-in staff and their immediate family members, house guests as set out in paragraph 2.16 and lodgers as set out in paragraphs 2.22 to 2.26; will be able to occupy Part A dwellings without express permission and without jeopardising the inscription of the property in question;
  - (c) all documents issued under the Housing Control/Right to Work Law will remain valid until their expiry dates so long as all the conditions attached to the validity of such documents continue to be met;
  - (d) any person who is ordinarily resident in the Island at the commencement of the new Law and who has completed, or who completes thereafter, 8 consecutive years' lawful residence in Local Market accommodation, should be granted Established Resident status;
  - (e) any person who is ordinarily resident in the Island at commencement of the new Law and who has completed, or who completes thereafter, 14 consecutive years' lawful residence in Local Market accommodation, should be granted Permanent Resident status;
  - (f) any person who is a Qualified Resident at commencement of the new Law will be granted Permanent Resident status;
  - (g) holders of Status Declarations need not apply for Permanent Resident Permits on commencement of the new Law;
  - (h) Temporary Resident Permits should be renamed Family Member Permits;
  - (i) on commencement of the new Law a person who is ordinarily resident as the spouse/partner of a person who is or becomes a Qualified or Permanent Resident, should be granted Permanent Resident status after a period of 10 consecutive years' residence with that person in Guernsey;
  - (j) any period of residence under a Short-Term Housing Licence already started at commencement of the new Law should be permitted to continue until the expiry of that licence so long as all the conditions attached to the validity of that document continue to be met;
  - (k) any period of residence under a Short-Term Housing Licence already started at commencement of the new Law cannot exceed an aggregate period of 5 years;

- (l) anyone resident under a Short-Term Housing Licence on commencement of the new Law, who has already completed 5 years' residence in Guernsey will not be granted a Short-Term Employment Permit in future for any period longer than 12 months, and that a recognised break in residence must precede the grant of any subsequent Short-Term Employment Permit;
- (m) the concession described in proposition (l) above will cease to apply to anyone benefitting from it if that person is absent from the Island for a period of 3 years or more;
- (n) any residents in States-owned accommodation on commencement of the new Law should be permitted to remain in their current accommodation until their circumstances change;
- (o) the provisions in the new Law that enable those born in Guernsey with Guernsey ancestry (a parent and grandparent in the same ancestral line) to become Permanent Residents at birth will be applied to children who are under 8 years of age at commencement and who have been lawfully resident since birth, and to children born after commencement;
- (p) any period of ordinary residence in Guernsey prior to commencement of the new Law will not be counted towards qualifying residence under the new Law unless the person in question is ordinarily resident in Guernsey at commencement of the new Law;
- (q) a person's periods of ordinary residence in Guernsey prior to commencement of the new Law can continue to count towards qualifying residence under the Housing Control Law, regardless of whether that person is ordinarily resident in Guernsey at commencement of the new Law, only where immediately prior to commencement of the new Law he had the right under the Housing Control Law to aggregate previous periods of ordinary residence with future ordinary residence for the purpose of obtaining residential qualifications;
- (r) lodgers in Part A Open Market accommodation on commencement of the new Law who have not yet lived in Guernsey for 5 years will be permitted to stay in their current accommodation until the 5-year threshold is reached, at which point they will need to take a recognised break in residence;
- (s) lodgers in Part A Open Market accommodation on the 19<sup>th</sup> June, 2015, who have lived in Guernsey for more than 5 years will be permitted to stay indefinitely provided that there is no change to the status of the property and it remains on Part A of the Open Market Housing Register;
- (t) [deleted]
- (u) [deleted]
- (v) persons living and working in a hotel inscribed on Part B of the Open Market Housing Register upon commencement of the new law, who have been resident

in Guernsey for a minimum of 5 consecutive years, will not be subject to a cap on the length of their residence for so long as their employment and residential circumstances do not change in any material way;

- (w) persons living and working in a nursing or residential home inscribed on Part C of the Open Market Housing Register upon commencement of the new Law, who have been resident in Guernsey for a minimum of 5 consecutive years, will not be subject to a cap on the length of their residence for so long as their employment and residential circumstances do not change in any material way;
- (x) any person who is resident in a Part C property on commencement of the new Law and who is not a Qualified or Permanent Resident will not be required to obtain a Part C Residence Permit;
- (y) any person resident in a property inscribed in Part D of the Open Market Housing Register upon commencement of the new Law will, regardless of residence history, be permitted to remain in that accommodation, or in principle to move to other accommodation so inscribed, until such time as the document held by such a person expires;
- (z) any person resident in a property inscribed Part D of the Open Market Housing Register upon commencement of the new Law that was inscribed in Part A of the Register immediately prior to Commencement will, if his period of residence exceeds 5 years, be permitted to remain in that accommodation, or in principle to move to other accommodation so inscribed, indefinitely;
- (aa) any person resident in a property inscribed in Part D of the Open Market Housing Register upon commencement of the new Law that was inscribed in Part A of the Register immediately prior to commencement of the new Law will, if his period of residence is less than 5 years, be permitted to remain in that accommodation until such time as he has completed 5 years' residence, at which time he will have to take a recognised break in residence;
- (ab) persons living aboard a vessel will, provided they have lived in Guernsey in such circumstances for at least 6 months upon commencement of the new Law, be issued with Permits for as long as their circumstances do not change in any material way;
- (ac) a Population Advisory Panel should be established with the following constitution:

A Chairman and six ordinary members, none of whom shall be sitting States Members, who shall be elected by the States of Deliberation on the recommendation of the Policy Council, with power to elect a vice-Chairman from its membership and to co-opt other members on a non-voting, short-term basis.

The Chairman and members shall serve a four year term of office, but this will be staggered so that three are replaced every two years, which

means that, of the original Members, two will have to be appointed for only two years.

The quorum at any meeting of the Panel will be four.

The Chairman will have an original vote, but not a casting vote;  
and

(ad) the mandate of the Population Advisory Panel shall be:

To provide the Policy Council with regular information on those sectors of the economy in which:

- there are persistent shortages of labour with skills required by the relevant sectors,
- some labour with appropriate skills exist, but not in sufficient numbers to meet the demand for such skills in the relevant sectors, and
- there are shortages of labour that do not require particular skills.

To provide independent advice and evidence-based recommendations to the Policy Council on matters that are relevant to employment-related population management policies.

To provide a monitoring report to the Policy Council every six months.

At the request of the Policy Council, to review and comment on any existing employment-related population management policies or any such policies that are under development paragraphs.

- 1.A To note that, in accordance with the Resolutions of the States made on Billet d'Etat XII of 2015 with regard to responsibility for the population management regime, the relationship between the Population Advisory Panel and the States, notwithstanding the references in 1(ac) and (ad) above, will not be through the Policy Council but through the Committee for Home Affairs.
2. To direct the preparation of such legislation that may be necessary so as to give effect to the above decisions, and of any necessary consequential, supplementary and transitional provisions not specified above, including, but not limited to, amendments to other legislation.

## **POLICY COUNCIL**

### **OPEN MARKET HOUSING REGISTER**

VII.- After consideration of the Policy Letter dated 1<sup>st</sup> June , 2015, of the Policy Council:-

1. To agree that that Part IV (the Housing Register) of the Housing (Control of Occupation) (Guernsey) Law, 1994, be repealed and that similar provisions be enacted in separate legislation, subject to the following modification:
  - (a) the States of Deliberation should have the power to amend the cap on the number of properties inscribed in Part D of the Housing Register and any conditions for the inscription of a property in that Part of the Housing Register by Ordinance;
  - (b) the department responsible for the administration of the Housing Register should be empowered to issue a Compliance Notice if a property is used contrary to the purpose required by its inscription in the relevant Part of the Housing Register, and that the department should have the power to suspend or delete an inscription from the Housing Register if the owner does not comply with such a Notice;
  - (c) it should only be possible to transfer an inscription to Part D from another Part of the Housing Register if the number of properties inscribed in Part D is less than the cap approved by the States of Deliberation;
  - (d) it should be possible for a Part A property in multiple occupation and inscribed in Part D of the Housing Register to be transferred to Part A at the owner's request, provided that it has ceased to be used for such occupation and reverts to use as a family home;
  - (e) the department responsible for the administration of the Housing Register should have the power to inscribe a property on the Housing Register provided that such an inscription is in accordance with any relevant States policies;
  - (f) there should be provision for an inscription to be maintained in defined circumstances, provided that the responsible department is satisfied that the circumstances which would otherwise lead to the deletion of such an inscription are temporary; and
  - (g) the expression "houses in multiple occupation" should be used instead of the expression "lodging houses" to describe properties inscribed in Part D of the Housing Register.
2. To endorse the proposal that a census of all Open Market properties is carried out to ensure that inscriptions are accurate.
3. To agree that:
  - (a) eligible Part A Open Market properties in multiple occupation (i.e. those that were in multiple occupation on 10th May 2013) at the commencement of the new legislation should be transferred to Part D of the Housing Register;

- (b) owners of properties referred to in paragraph 4.5 of that Policy Letter should be given six months from the commencement of the new legislation to exercise the option referred to in that paragraph; and
  - (c) if, six months after the commencement of the new legislation, any Part A property remains in use for the multiple occupation of people who do not have a familial connection to each other through blood or marriage, or a relationship akin to a marriage, and for the avoidance of doubt including step- and adoptive relationships, the owner should be required to return the property to use as a Part A family home.
4. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

## **POLICY COUNCIL**

### **MATERNITY LEAVE, MATERNITY SUPPORT LEAVE AND ADOPTION LEAVE**

VIII.- After consideration of the Policy Letter dated 1<sup>st</sup> June , 2015, of the Policy Council:-

1. To approve the introduction of previously agreed statutory maternity leave, maternity support leave and adoption leave, referred to in Appendix 1 of that Policy Letter, and other consequential matters, before the introduction of the previously agreed changes to parental benefits.
2. To approve the inclusion in legislation of consequential and supplementary provisions including, but not limited to, appropriate and proportionate mechanisms for enforcing the new rights consistent with those in existing employment legislation and which may necessitate some minor amendments to that legislation.
3. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.
4. To direct the Commerce and Employment Department to return to the States by the end of 2016 with a policy letter proposing the introduction of shared parental leave on the same terms as laid out for maternity leave in resolutions 2, 3, 5, 6 and 7 of Appendix 1.

**S M D ROSS**  
**HER MAJESTY'S DEPUTY GREFFIER**



**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 30<sup>TH</sup> DAY OF JULY, 2015**

Adjourned from 29<sup>th</sup> July, 2015

**The States resolved as follows concerning Billet d'État No XIV  
dated 19th June, 2015**

**POLICY COUNCIL**

**THE GUERNSEY FINANCIAL SERVICES COMMISSION:  
2014 ANNUAL REPORT**

IX.- After consideration of the Policy Letter dated 1<sup>st</sup> June, 2015, of the Policy Council, to note the annual report and accounts of the Guernsey Financial Services Commission for the year ended 31<sup>st</sup> December 2014.

**HEALTH AND SOCIAL SERVICES DEPARTMENT**

**MATERNITY SERVICES AND OTHER KEY REVIEWS**

X.- After consideration of the Policy Letter dated 19<sup>th</sup> May, 2015, of the Health and Social Services Department:-

1. To direct the Treasury and Resources Department to increase the 2015 revenue expenditure budget of the Health and Social Services Department by a maximum of £3.0 million, in recognition of the in-year cost pressures from the implementation of the recommendations arising from the Nursing and Midwifery Council's Extraordinary Review, the Children's Services Diagnostic and the Recruitment and Retention Taskforce, to be funded by a transfer from the Budget Reserve.
2. To direct -
  - a. the Health and Social Services Department to develop and present to the Treasury and Resources Department by 31<sup>st</sup> August 2015 an evidence based budget for 2016 – 2018 taking into account, inter alia, the additional cost pressures identified in this report; the transformational efficiency opportunities being developed within the Health and Social Services Department; and the outputs of the Costing, Benchmarking and Prioritisation exercise due to be complete in July 2015.
  - b. the Treasury and Resources Department to take the Health and Social Services Department's budget for 2016 – 2018 into account when setting the recommended 2016 cash limit and indicative cash limits for 2017 and 2018 for the Health and Social Services Department in the 2016 Budget Report.

## HEALTH AND SOCIAL SERVICES DEPARTMENT

### AMENDMENT OF THE REGULATION OF HEALTH PROFESSIONALS (MEDICAL PRACTITIONERS) (GUERNSEY AND ALDERNEY) ORDINANCE, 2015

XI.- After consideration of the Policy Letter dated 6<sup>th</sup> May, 2015, of the Health and Social Services Department:-

1. To agree that The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015 should be amended, and consequential amendments to other legislation made for the following purposes:
  - (a) to clarify the meaning of "**practising as a medical practitioner**" to ensure that the prohibition against practising without local registration is proportionate to the objective of ensuring public safety;
  - (b) to allow General Medical Council registered and licensed doctors to work in Guernsey and Alderney for a very short and limited period of time, without being registered locally;
  - (c) to provide for temporary registration pending registration under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015;
  - (d) to provide for the Register kept under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015 to be used for the purposes of allocation of benefits under The Health Service (Benefit) (Guernsey) Law, 1990, and for the purpose of determining eligibility for provision of services or facilities provided by or controlled by Health and Social Services Department;
  - (e) to establish a Registration Panel (by the Policy Council, on behalf of the States of Deliberation) and empower the Registration Panel to refuse applications for registration in appropriate cases based on mandatory and discretionary grounds;
  - (f) to require registered practitioners to comply with conditions relating to conduct, appraisals and assessments;
  - (g) to empower the Responsible Officer to impose conditions on the registration of a practitioner (which could include conditions or undertakings imposed by the General Medical Council);
  - (h) to require all concerns, allegations and complaints regarding a registered practitioner to be referred to, assessed by, and where appropriate, investigated by the Responsible Officer or persons authorised by the Responsible Officer (whether or not these have been referred to or are being dealt with by the practitioner's designated body);

- (i) to empower the Responsible Officer to require designated bodies and other parties to report on actions taken to address any concerns about the conduct or performance of a registered practitioner;
- (j) to extend the power to share information to authorise information-sharing between the Responsible Officer (or Registration Panel), and designated bodies, Social Security Department, the Health Service Advisory Committee, any other Department or Committee of the States of Guernsey, and any regulator of medical practitioners abroad;
- (k) to empower the Responsible Officer to serve notice on a registered practitioner, after due process is followed, to require the practitioner to take action or make changes;
- (l) to empower the Responsible Officer to vary a practitioner's registration conditions or suspend a practitioner's registration (including immediate suspension) in appropriate cases;
- (m) to empower the Registration Panel to remove a registered practitioner from the Register in appropriate cases based on mandatory and discretionary grounds, and to provide for reinstatement of the practitioner to the Register in certain cases, e.g. where a conviction is overturned;
- (n) to provide a process for decisions of the Responsible Officer in relation to registration under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015 (e.g. registration conditions, notice to take action or make changes, or suspension) to be reviewed by the Registration Panel;
- (o) to provide a process for decisions made by the Registration Panel (including the Registration Panel's determination of a review of the Responsible Officer's decision), to be appealed to the Royal Court or Court of Alderney;
- (p) to provide for members of the Registration Panel to be excluded from personal liability, in the absence of bad faith;
- (q) to provide for the new regulatory system to be funded by an increase in the annual charge required to be paid by all registered medical practitioners under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015;
- (r) to make appropriate transitional provisions to continue the registration of those already registered under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015, and so that pending applications for registration can continue to be processed under the existing provisions of The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015; and
- (s) to create new offences of:
  - wilfully and falsely representing or describing oneself or others as a medical practitioner of a particular kind;

- failing to comply with a requirement made by the Responsible Officer or the Registration Panel, or of obstructing the Responsible Officer or the Registration Panel (including anyone authorised by the Responsible Officer or the Registration Panel);
  - providing false or misleading information, e.g. where required to provide information under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

## **HEALTH AND SOCIAL SERVICES DEPARTMENT**

### **REVISION OF CRITERIA FOR GENERAL PRACTITIONERS TO BE GIVEN ACCESS TO PATHOLOGY AND RADIOLOGY SERVICES PROVIDED BY HSSD**

XII.- After consideration of the Policy Letter dated 6<sup>th</sup> May, 2015, of the Health and Social Services Department:-

1. To agree that the Health and Social Services Department continues to maintain a record of the general practitioners who are approved for the purposes of being given the privileges set out in Billet d'État No II of 1990 (access to free pathology and radiology diagnostic services and eligibility to the health benefit grant and the pharmaceutical benefit grant), but by way of annotations to be made to the register of medical practitioners kept under the Regulation of Health Professionals (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, instead of separate lists or registers.
2. To agree that the existing 'manpower cap' (limiting the number of practitioners approved for those privileges by Health and Social Services Department) is rescinded with immediate effect.
3. To agree that the Health and Social Services Department approves any general practitioner who meets the criteria set out in paragraphs 21(c) to 24 of that Policy Letter, for the purposes of those privileges, and annotates the register of medical practitioners kept under the Regulation of Health Professionals (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, accordingly.
4. To agree that existing holders of those privileges will continue to be approved for those privileges as long as they meet the criteria in paragraph 21(c)(i) of that Policy Letter (until they retire from practise), but will be required to meet the criteria in paragraphs 22 to 24 of that Policy Letter within 3 years or else have their approval revoked.
5. To agree that legislation be prepared to amend the Health Service (Benefit) (Guernsey) Law, 1990 or any Ordinance made under it, as necessary to ensure that only general practitioners approved by the Health and Social Services Department, with the appropriate annotation in the register of medical practitioners kept under the

Regulation of Health Professionals (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, will be eligible for the relevant benefits under that Law.

6. To agree that the Health and Social Services Department reviews the criteria for approval of general practitioners for the access privileges at least every ten years.

## **ENVIRONMENT DEPARTMENT**

### **INTEGRATED TRANSPORT STRATEGY – FUNDING**

XIII.- After consideration of the Policy Letter dated 6<sup>th</sup> May, 2015, of the Environment Department:-

1. TO NEGATIVE THE PROPOSITION that the Integrated Transport Strategy and Action Plan will be funded by a combination of:
  - a) an increase of 5.5p per litre in the duty on petrol other than fuel used for air or marine navigation and an increase of 7.5p per litre gas oil (diesel) as set out in Element C of this Report;
  - b) bus fares as set out in Element D of that Policy Letter;
  - c) a banded First Registration Duty based on CO<sub>2</sub> emissions as set out in Element G of that Policy Letter.

1.A If the funding package comprising Proposition 1(a) to (c) is not approved by the Sates then to agree that the Integrated Transport Strategy and Action Plan will be funded by a combination of:

- (i) Bus fares as set out in Element D of that Policy Letter;
- (ii) An increase in the recommended cash limit for the Environment Department for 2016 and subsequent years to fund the additional costs of the bus service contract subsidy over the 2014 figure, which was renewed for a period of 5.5 years from April 2015, amounting to approximately £1.1m;
- (iii) A banded First Registration Duty based on CO<sub>2</sub> emissions to raise a total of £1.15m per year; and

To agree that income from 1A (iii) up to a maximum figure of £2.35m may be utilised by the Department to implement the Strategy, and to delete proposition 7.

2. To rescind:
  - a) Resolution VI.12 of Billet d'État No IX of 2014 concerning the implementation of free bus travel;

- b) Resolution VI.4 of Billet d'État No IX of 2014 concerning the introduction of a banded First Registration Duty based on carbon dioxide emissions and vehicle width;
  - c) Resolution VI.24 (a) of Billet d'État No IX of 2014 concerning the means of funding the strategy by First Registration Duty based on carbon dioxide emissions and vehicle width.
3. To agree that the Environment Department shall have the power to amend, by regulation, the rates and bands of motor tax, including the First Registration Duty based on CO<sub>2</sub> emissions as set out in Element G of that Policy Letter, well understood that such regulations would be laid before a meeting of the States of Deliberation as soon as possible after having being made, where the States would have the opportunity to annul the regulations.
  4. To rescind Resolution VI.11 of Billet d'État No IX of 2014 concerning the direction to the Treasury and Resources Department to classify the bus depot as a pipeline project for Capital Reserve funding.
  5. To note that the Environment Department will present proposals for the construction of a bus depot as part of the next phase of capital bids under the States Capital Investment Programme.
  6. To rescind Resolution VI.25 of Billet d'État No IX of 2014 directing the Treasury and Resources Department to take account of the strategy funding requirements as set out in Appendix 6 of the Minority Report referred to in resolution VI.1 of Billet d'État No IX of 2014 when recommending cash limits and routine capital allocations for the Environment Department for 2015 and subsequent years.
  7. [Deleted by Proposition 1A]
  8. To rescind resolution VI.27 of Billet d'État No IX of 2014 concerning the date (December 2017) on which the Environment Department would report back on the Strategy.
  9. To direct the Environment Department to conduct a review of the Transport Strategy and report back to the States by December 2018 with an analysis of the effectiveness of the measures implemented, and recommendations in relation to changes that may be required in order to continue to deliver the Vision.
  10. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

S M D ROSS  
HER MAJESTY'S DEPUTY GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 31<sup>ST</sup> DAY OF JULY, 2015**

**Adjourned from 30<sup>th</sup> July, 2015**

**The States resolved as follows concerning Billet d'État No XIV  
dated 19th June, 2015**

**COMMERCE AND EMPLOYMENT DEPARTMENT**

**AMENDMENTS TO STATUTORY MINIMUM WAGE ARRANGEMENTS  
TO COME INTO FORCE ON 1 OCTOBER 2015**

XIV.- After consideration of the Policy Letter dated 23<sup>rd</sup> April, 2015, of the Commerce and Employment Department:-

1. To approve The Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) Regulations, 2014 (as set out in Appendix III to that Policy Letter) which increases the Minimum Wages Rates, as set out below:-

Adult Minimum Wage Rate to be set at **£6.85** per hour (For workers aged 18 and over).

Young Person's Minimum Wage Rate to be set at **£6.10** per hour (For workers aged 16 and 17).

2. To approve that the new rates be effective from 1<sup>st</sup> October 2015.

**COMMERCE AND EMPLOYMENT DEPARTMENT  
PUBLIC SERVICES DEPARTMENT**

**STRATEGIC ROLL ON/ROLL OFF FERRY SERVICES**

XV.- After consideration of the Policy Letter dated 11<sup>th</sup> May, 2015, of the Commerce and Employment Department and the Public Services Department:-

1. To approve the preparation of legislation to create a simple licensing regime that will take into account the Commerce and Employment and Public Services Departments' joint policies on Roll On/Roll Off services in force from time to time, pursuant to which the Roll On/Roll Off ramps at St Peter Port Harbour could not be used by an operator offering Roll On/Roll Off car, passenger and freight ferry services to and from the United Kingdom, Jersey or St Malo, except pursuant to a licence granted by the Commerce and Employment Department; which Department would be under a

statutory duty to consult both the Public Services Department and the Harbourmaster before granting such a licence.

2. To approve the preparation of all necessary supplementary provisions within that legislation required to give effect to the above proposition, including (but not limited to) provision for licences to be suspended and revoked in appropriate circumstances, appeals against decisions, the publication of applications, and any required amendments to other legislation.

## **ENVIRONMENT DEPARTMENT**

### **EXTENSION OF PERIOD OF VALIDITY OF THE URBAN AREA PLAN (REVIEW NO.1) AND THE RURAL AREA PLAN (REVIEW NO.1)**

XVI.- After consideration of the Policy Letter dated 28<sup>th</sup> April, 2015, of the Environment Department, they are of the opinion to extend the effective period of the Urban Area Plan (Review No.1) and the Rural Area Plan (Review No.1) until the 2<sup>nd</sup> December, 2016 or such earlier date when the States formally adopt a revised Development Plan replacing the Plans in question.

## **HOME DEPARTMENT**

### **REVIEW OF GAMBLING LEGISLATION - SUPPLEMENTAL STATES REPORT**

XVII.- After consideration of the Policy Letter dated 27<sup>th</sup> April, 2015, of the Home Department:-

1. To implement the recommendations set out in the States Report dated 29<sup>th</sup> August, 2007, entitled "Review of Gambling Legislation" included within Billet d'Etat XXII of 2007 ("the 2007 Report"), and that Policy Letter by amending the existing legislation, rather than repealing and replacing the existing legislative framework.
2. To note that the Home Department will continue to review whether an entire new gambling legislative framework is necessary as originally proposed in recommendation 23 of the 2007 Report, and will report back to the States with its findings.
3. To rescind the part of resolution X.1 of Billet d'Etat XXII of 2007 which adopted recommendation 23 of the 2007 Report, which suggested that responsibility for the granting of bookmaker and Crown and Anchor licences should be transferred to the Royal Court.
4. To agree that the powers referred to in recommendation 23 of the 2007 Report, should be granted to the Department rather than the Royal Court and that the suspension or revocation powers may also be used in the event of the breach of a licence condition or requirement.



5. To approve the introduction of certain types of gaming machines in licensed premises which allow patrons to participate in tournament based competitions (and any licence conditions, controls or limitations in relation to any such machines, or games available on any such machines) as determined by the Department by way of Order under the Liquor Licensing Ordinance, 2006 and the Gambling (Betting) Ordinance, 1973, and to rescind the part of resolution X.1 of Billet d'Etat XXII of 2007 which adopted recommendation 4 of the 2007 Report.
6. To agree that a registration scheme for promoters of football pools is not established at this time but is kept under review for the future, and to therefore rescind the part of resolution X.1 of Billet d'Etat XXII of 2007 which adopted recommendation 6 of 2007 Report.
7. To remove the restriction that requires Crown and Anchor to be held principally out of doors.
8. To agree to the amendments to the Gambling (Betting) Ordinance, 1973, in relation to bookmakers' agents as described in paragraphs 3.24 and 3.25 of that Policy Letter.
9. To remove the restriction on Sunday opening for bookmakers and their authorised agents (albeit that the current restrictions should remain when Christmas Day falls on a Sunday), and therefore to rescind the part of resolution X.I of Billet d'Etat XXII of 2007 which adopted recommendation 14 of the 2007 Report.
10. To remove the restriction on licensed betting offices being located on the ground floor of shops.
11. To remove the restriction on the size of screens and the current requirement that coverage must relate to sporting events and instead allow coverage to relate to any betting event as detailed in paragraphs 3.39 to 3.41 inclusive of that Policy Letter.
12. To agree that the Home Department divert a proportion of gambling fees received by the Home Department to fund relevant initiatives to support problem gamblers as detailed in paragraphs 3.42 to 3.45 inclusive of that Policy Letter.
13. To rescind the part of resolution X.1 of Billet d'Etat XXII of 2007 which adopted recommendations 1, 2 and 3 of the 2007 Report.
14. To clarify that a lottery or cinema racing event to raise money for charitable purposes may raise money for more than one charitable / not for profit organisation, and that the money raised may be for a charitable organisation that is different to the organisation promoting the lottery or cinema racing event.
15. To agree to the amendments to the Gambling (Gaming and Lotteries) Ordinance, 1991, as amended, as described in paragraph 3.54(b) of that Policy Letter.
16. To agree to the amendments to the Gambling (Cinema Racing) Ordinance, 1988 as described in paragraph 3.54(c) of that Policy Letter.

17. To agree that the sale and issue of lottery tickets online to persons present in the Bailiwick of Guernsey for both small scale and high value charitable lotteries be made lawful, as described in paragraph 3.55 and 3.56 of that Policy Letter.
- 17.A To rescind resolution X.1 on Billet d'État XXII of 2007 to the extent that it approved recommendation 10 of the 2007 Report.
18. To note the Home Department's update in respect to Fixed Odds Betting Terminals and to reaffirm paragraphs 21 and 22 of the 2007 Report, which agreed the introduction of Fixed Odds Betting Terminals locally in licensed bookmakers' offices and the introduction of separate codes of practice and other regulatory practices as may be necessary to ensure that the terminals are not misused.
19. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

## **SOCIAL SECURITY DEPARTMENT**

### **EXTENSION OF NON-MEDICAL PRESCRIBING**

XVIII.- After consideration of the Policy Letter dated 8<sup>th</sup> May, 2015, of the Social Security Department:-

1. To amend the Health Service (Benefit) (Guernsey) Law, 1990 and related subordinate legislation to allow appropriately qualified non-medical health professionals who are employed, contracted or engaged by the Health and Social Services Department, or otherwise authorised by the Department to work as such, to be empowered to issue medical prescriptions for the supply of pharmaceutical benefit for the purposes of the said Law within their own level of professional competence.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **ENVIRONMENT DEPARTMENT**

### **RESIDENTIAL ON-STREET PARKING SCHEME**

XIX.- After consideration of the Policy Letter dated 11<sup>th</sup> May, 2015, of the Environment Department:-

1. To approve the introduction of a new residential on-street parking scheme as described in paragraphs 4, 5, 6 and 7 of that Policy Letter which will replace the existing residential on-street parking schemes described in paragraph 2.1 of that Policy Letter.

2. To approve the introduction of a new parking clock (which states the day and the time) which residents utilising a residential parking permit or persons parking in a 23 hour approved parking place will be under an obligation to display, as described in paragraphs 4.2 and 4.3 of that Policy Letter.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **SOCIAL SECURITY DEPARTMENT**

### **ELIGIBILITY FOR INDUSTRIAL INJURIES BENEFITS**

XX.- After consideration of the Policy Letter dated 6<sup>th</sup> May, 2015, of the Social Security Department:-

1. To amend Section 40(1) of the Social Insurance (Guernsey) Law, 1978, to the effect that a person directed by the Administrator to participate in an employment training programme or an employment training course operated by or on behalf of the Social Security Department, or approved by the Social Security Department, shall be deemed to be gainfully occupied under a contract of service for the purposes of the Part of the Law relating to entitlement to industrial injuries benefits.
2. To amend Section 40 of the Social Insurance (Guernsey) Law, 1978, to give the Social Security Department the power to prescribe by regulation additional categories of persons to be treated for the purposes of industrial injuries benefits as employed persons.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **ENVIRONMENT DEPARTMENT**

### **HIGH HEDGES PROPOSAL**

XXI.- After consideration of the Policy Letter dated 28<sup>th</sup> April 2015, of the Environment Department:-

1. To introduce controls in respect of high hedges and trees having adverse effects on neighbouring property as set out in that Policy Letter.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **HOUSING DEPARTMENT**

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

XXII.- After consideration of the Policy Letter dated 7th May, 2015, of the Housing Department, they are of the opinion to agree that an Ordinance be prepared, in accordance with section 52 of the Housing (Control of Occupation) (Guernsey) Law, 1994, to permit the Department to inscribe individually in Part A of the Housing Register three apartments, to be known as numbers 8, 9 and 10, La Salerie Apartments, La Salerie, St Peter Port, on the former La Salerie Inn site, subject to:

- (a) application being made by the owners within 6 months from the commencement date of the Ordinance; and
- (b) three Open Market Part A dwellings located elsewhere in the Island first being deleted from Part A of the Housing Register at the request of the owner of each of those dwellings, provided each of the dwellings is either unoccupied or occupied by an unrestricted qualified resident.

## **TREASURY AND RESOURCES DEPARTMENT**

### **FORT RICHMOND – ADDITION TO PART A OF THE HOUSING REGISTER ONCE CONVERTED**

XXIII.- After consideration of the Policy Letter dated 8<sup>th</sup> May, 2015, of the Treasury and Resources Department:-

1. To note that the inscription of Fort Richmond in Part A of the Housing Register will be a deviation from the policy statement, commonly referred to as the "MURA Policy", approved by the States in Resolution VIII.2 of Billet d'État No. III of 2001.
2. To approve the inscription of Fort Richmond in Part A of the Housing Register as an exception to Resolution XI.4(b) of Billet d'État No. XXIV of 2007.
3. To instruct the Housing Department to do whatever is necessary to allow Fort Richmond to be inscribed as a unit of accommodation in Part A of the Housing Register following its conversion into a residential dwelling.
4. To agree that an Ordinance be prepared, in accordance with section 52 of the Housing (Control of Occupation) (Guernsey) Law, 1994, to permit the Housing Department to inscribe in Part A of the Housing Register the property known as Fort Richmond, subject to the Housing Department being satisfied that a usable dwelling for residential purposes has been created.
5. To approve that the net capital proceeds from the sale of Fort Richmond be transferred from the General Revenue Account to the Capital Reserve.

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

## **HOUSING DEPARTMENT**

### **MINOR CONSTITUTIONAL CHANGES TO THE HOUSING APPEALS TRIBUNAL AND APPOINTMENT OF MEMBERS TO THE HOUSING APPEALS PANEL**

XXIV.- After consideration of the Housing Department dated 7th May, 2015, of the Housing Department:-

1. To agree that the Housing Appeals Panel should comprise of a minimum number of eight members and to amend the regulations accordingly.
2. To formally acknowledge the resignations of those 12 individuals appointed to the Housing Appeals Panel by the States in 2005: the names of whom are listed in Appendix 1 of that Policy Letter.
3. To appoint Mrs Natasha Newell as Chairman of the Housing Appeals Panel for a term of office ending on 31st July 2019.
4. To appoint Reverend Mrs Linda Susan Le Vasseur as Deputy Chairman of the Housing Appeals Panel for a term of office ending on 31st July 2017;
5. To appoint Mrs Judith Mary Dyke to the Housing Appeals Panel for a term of office ending on 31st July 2019.
6. To appoint Mrs Patricia Ann Holland to the Housing Appeals Panel for a term of office ending on 31st July 2019.
7. To appoint Mrs Lesley Mary Elizabeth Le Page for a term of office ending on 31st July 2019.
8. To appoint Ms Suzanna Marie Morgan for a term of office ending on 31st July 2019.
9. To appoint Dr Elina Steinerte to the Housing Appeals Panel for a term of office ending on 31st July 2019.
10. To appoint Mr John Martyn Weir to the Housing Appeals Panel, for a term of office ending on 31st July 2019.
11. To approve the introduction into the regulations the means by which members may resign from the Housing Appeals Panel. This includes the introduction of new provisions which specify that Panel members cease to be members when/if:
  - a) they reach the end of their term of appointment as specified by the States decision which confirmed their appointment;

- b) they reach the age of 72 years or, if the Royal Court sitting as a Full Court so determines, by reason of special circumstances in any particular case, 75 years;
  - c) they resign from their duties:
    - in the case of the Chairman, submitting their resignation to the Bailiff; and
    - in the case of any other member, submitting their resignation to the Tribunal's Chairman.
  - d) they are removed from office by the Royal Court sitting as a Full Court if the Court is satisfied that they:
    - have misbehaved in their office;
    - are incapable of continuing as a member by reason of physical or mental illness;
    - have been declared insolvent; or
    - have been unavailable without reasonable cause to sit as a member of the Tribunal for a period in excess of six consecutive months.
12. To approve an amendment to Part II of the regulations to specify the maximum time period associated with the internal review process, as detailed in paragraph 7.3 of that Policy Letter.

S M D ROSS  
HER MAJESTY'S DEPUTY GREFFIER