

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 24TH DAY OF MARCH, 2015**

**The States resolved as follows concerning Billet d'État No VI
dated 13th February 2015**

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**THE HEALTH SERVICE (PAYMENT OF AUTHORISED APPLIANCE
SUPPLIERS) (AMENDMENT NO. 2) REGULATIONS, 2014**

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Payment of Authorised Appliance Suppliers) (Amendment No.2) Regulations, 2014, made by the Social Security Department on 16th December 2014, were laid before the States, were laid before the States.

**THE HEALTH SERVICE (PAYMENT OF AUTHORISED SUPPLIERS)
(AMENDMENT NO. 2) REGULATIONS, 2014**

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Payment of Authorised Suppliers) (Amendment No.2) Regulations, 2014, made by the Social Security Department on 16th December 2014, were laid before the States.

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL
BENEFIT) (AMENDMENT) (NO. 7) REGULATIONS, 2014**

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No. 7) Regulations, 2014, made by the Social Security Department on 16th December 2014, were laid before the States.

**THE SOCIAL INSURANCE (CLASSIFICATION) (AMENDMENT)
(GUERNSEY) REGULATIONS, 2014**

In pursuance of Section 117 of the Social Insurance (Guernsey) Law, 1978 the Social Insurance (Classification) (Amendment) (Guernsey) Regulations, 2014, made by the Social Security Department on 16th December 2014, were laid before the States.

**THE SOCIAL INSURANCE (CONTRIBUTIONS) (AMENDMENT)
REGULATIONS, 2014**

In pursuance of Section 117 of the Social Insurance (Guernsey) Law, 1978 the Social Insurance (Contributions) (Amendment) Regulations, 2014, made by the Social Security Department on 16th December 2014, were laid before the States.

THE RABIES ORDER, 2014

In pursuance of section 4 of the Rabies (Bailiwick of Guernsey) Law, 1975, the Rabies Order, 2014, made by the Commerce and Employment Department on 18th December, 2014, was laid before the States.

PRIAULX LIBRARY COUNCIL

NEW MEMBER

- I.- To elect Deputy Allister Langlois a member of the Priaulx Library Council to fill the vacancy which arose on 1st January, 2015, by reason of the expiration of the term of office of Jurat David Osmond Le Conte, who is not standing for re-election.

POLICY COUNCIL

**THE PLANNING PANEL – RE-ELECTION OF PANEL MEMBERS AND
AMENDMENTS TO THE TERMS OF OFFICE FOR PANEL MEMBERS**

- II.- After consideration of the Report dated 15th December, 2014, of the Policy Council:-
1. To re-elect Mr. Patrick Russell to sit as a lay member of the Planning Panel until 31st March 2021.
 2. To re-elect Mr. Stuart Fell to sit as a professional member of the Planning Panel until 31st March 2021.
 3. To re-appoint Mr. Patrick Russell as Chairman and Mr. Stuart Fell as Vice Chairman of the Planning Panel until 31st March 2021.
 4. To authorise the Policy Council, in consultation with the Planning Panel, to advertise for two reserve members to join the Planning Panel and shadow the work of the Panel.

5. To amend section 86(4) of the Land Planning and Development (Guernsey) Law, 2005 to:
- (a) reduce the term of office from six to four years subject to any prior requirement to retire as set out below;
 - (b) introduce a retirement age of seventy years for the Chairman and members of the Planning Panel, unless otherwise extended by the Policy Council, and in any case they shall retire on reaching their seventy second birthday;
 - (c) set a maximum term of office for members of 12 consecutive years, except where a person is appointed as Chairman from amongst the Planning Panel, in which case the appointment should be limited to 16 consecutive years, subject in either case to the retirement requirement above.

A J NICOLLE
HER MAJESTY'S DEPUTY GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 27TH DAY OF MARCH, 2015**

(Adjourned from 24th March, 2015)

**The States resolved as follows concerning Billet d'État No VI
dated 13th February 2015**

TREASURY AND RESOURCES DEPARTMENT

SUPERANNUATION FUND: ACTUARIAL VALUATION

IV.- After consideration of the Report dated 27th January, 2015, of the Treasury and Resources Department:-

1. To note the Actuarial Valuation of the States of Guernsey Superannuation Fund as at 31st December 2013.
2. To agree that, except for Guernsey Electricity Limited and Guernsey Post Limited, the employer and additional employer contribution rates in respect of the States of Guernsey Superannuation Fund shall remain as set out in Appendix II of that Report.
3. To agree that the employer contribution rate for Guernsey Electricity Limited be decreased from 14.6% to 11.5% with effect from 1st April 2015.
4. To agree that the employer contribution rate for Guernsey Post Limited be increased to 15.0% with effect from 1st April 2015.
5. To agree that the annual sum paid into the Superannuation Fund in respect of the States Members Pension Schemes from the revenue budget of the Treasury and Resources Department shall be increased to £149,000 with effect from 2015 and maintained in real terms.

TREASURY AND RESOURCES DEPARTMENT

**THE INCOME TAX (GUERNSEY) (EMPLOYEES TAX
INSTALMENT SCHEME) (AMENDMENT) REGULATIONS, 2014**

V.- After consideration of the Report dated 6th January, 2015, of the Treasury and Resources Department, to approve, in pursuance of Section 81A(5) of the

Income Tax (Guernsey) Law, 1975, as amended, The Income Tax (Guernsey)
(Employees Tax Instalment Scheme) (Amendment) Regulations, 2014.

S M D ROSS
HER MAJESTY'S DEPUTY GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 9TH DAY OF APRIL, 2015**

(Adjourned from 24th March 2015)

**The States resolved as follows concerning Billet d'État No VI
dated 13th February 2015**

COMMERCE AND EMPLOYMENT DEPARTMENT

**ALTERNATIVE FRAMEWORK FOR THE OVERSIGHT OF
GUERNSEY ELECTRICITY LIMITED AND GUERNSEY POST LIMITED**

III.- After consideration of the Report dated 5th January, 2015, of the Commerce and Employment Department and the Treasury and Resources Department:-

1. To direct that Guernsey Electricity Limited and Guernsey Post Limited be made exempt from the licensing and regulation provisions within the respective electricity and postal laws by no later than 1st January, 2016.
2. To direct that the existing shareholder guidance to the Treasury and Resources Department in respect of Guernsey Electricity Limited and Guernsey Post Limited be amended as described in Section 4.41 of that Report.
3.
 - a. To direct the Treasury and Resources Department to develop its role as a more active shareholder in accordance with the objectives set out in that Report and to note that the Department intends to carry out that function through a supervisory sub-committee as detailed in that Report.
 - b. To note that the mandate of the Commerce and Employment Department includes “to be responsible for the strategic approach to, and the regulation of, utilities” and “to be responsible for consumer advice and protection....”; and, therefore, to direct that the interests of the consumer with regard to the incorporated companies referred to in the propositions above and any other unregulated utilities shall be promoted by the Commerce and Employment Department.
4. To direct the Commerce and Employment Department, in liaison with the Law Officers of the Crown, to report on the detailed legislative changes necessary to give effect to the Departments’ joint proposals.
5. To direct the Commerce and Employment Department to report on the effectiveness of the replacement oversight arrangements by no later than three years from the date on which these arrangements come into effect.

COMMERCE AND EMPLOYMENT DEPARTMENT

SPECTRUM CHARGE

- V.- To withdraw the Report entitled “Spectrum Charge” dated 18th December, 2014, of the Commerce and Employment Department.

**J TORODE
HER MAJESTY’S GREFFIER**

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 29TH DAY OF APRIL, 2015**

Adjourned from 9th April, 2015

**The States resolved as follows concerning Billet d'État No VI
dated 13th February 2015**

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

AMENDMENTS TO THE RULES OF PROCEDURE OF THE STATES OF
DELIBERATION, THE RULES RELATING TO THE CONSTITUTION AND
OPERATION OF STATES' DEPARTMENTS AND COMMITTEES AND
RELATED MATTERS

- VII.- After consideration of the Report dated 27th January, 2015, of the States Assembly and Constitution Committee:-
1. That the Rules of Procedure of the States of Deliberation be amended with immediate effect as follows:
 - (a) After Rule 1 insert a new Rule 1A in the following terms:
"Communications
1A
While the States are in session Members shall not have any communication with a person in the public gallery."
 - (b) In Rule 2(1) delete the words "of any 7 or more States Members addressed" and replace with "of any seven Members (but not more than seven) addressed";
 - (c) In Rule 3(1) delete the words "for special reason" and insert "ordinarily" before "commence";
 - (d) In Rule 3(2) insert the word "ordinarily" after "concluded";
 - (e) Replace the proviso to Rule 3(2) with "PROVIDED THAT the Presiding Officer may propose at any time that the Meeting continues outside those times or is adjourned to another day.";
 - (f) In Rule 5(1) insert at the end: "provided that they do not seek information which is readily accessible in the public domain."

- (g) In Rule 5(2) delete paragraph (b); rename (c) and (d) as (b) and (c) respectively; insert after the “;” at the end of each of (a) and (b) the word “and”; and replace the “;” at the end with “.”
- (h) In Rule 5(5), immediately before the full stop insert: “, provided that any Member who asks a question which is on the same topic as one asked by a Member earlier in the order shall immediately follow the earlier Member. It shall be for the Presiding Officer to determine whether the questions are on the same topic.”
- (i) In Rule 5A(1) insert at the end: “provided that it does not seek information which is readily accessible in the public domain.”
- (j) In Rule 5A(2)(a), replace the existing text with: “shall relate to a matter of public importance and shall be of an urgent character or relate to a matter which has only become known or been announced in the preceding seven days; and”
- (k) In Rule 5A(2) delete paragraph (c); rename (d) and (e) as (c) and (d) respectively; and insert after the “;” at the end of each of (b) and (c) the word “and”
- (l) In Rule 5B(1) replace “Rule 5(2)(b) or Rule 5A(2)(c)” with “Rule 5(1) or Rule 5A(1)”
- (m) At the end of Rule 6(1) add the following sentence: “The recipient of the question shall acknowledge receipt in writing to the questioner by letter or email within three clear days (excluding Saturdays, Sundays and public holidays) of receipt”.
- (n) In Rule 6(2) delete the words “in electronic format” and all the words after “and the Greffier,” in the first paragraph and the words “either in writing or electronic format” in the first proviso;
- (o) In Rule 6(2) rename the first “(b)” in the second proviso as “(a)” and replace the words “in the interests of good government so directs” in it with “determines that it would be unreasonable to expect the question to be answered within 15 clear days”
- (p) At the end of Rule 8 add the following words: “Each individual question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration.”
- (q) Immediately after Rule 11(1) insert a new Rule 11(1A) in the following terms: “The Presiding Officer may issue directives relating to the presentation and conduct of Members during meetings.”

- (r) Replace Rule 13(1) with the following: “Any Member who intends to lay before the States an amendment, sursis or motion to withdraw shall cause it to be delivered to the Greffier who shall circulate it to all Members. If the amendment, sursis or motion to withdraw was delivered to the Greffier by 15.00 on the day preceding the seventh clear day before the meeting excluding Saturdays, Sundays and Public Holidays, the Greffier shall circulate it in the way the Member has requested as soon as practicable. Between that time and the day of the meeting the Greffier shall circulate by electronic means any amendment, sursis or motion to withdraw which has been delivered to him. The Greffier shall provide a paper copy of each amendment, sursis and motion to withdraw, whenever it may have been delivered to him, at the start of each Meeting, or as soon as practicable if he receives it during the Meeting.”
- (s) In Rule 13(2) insert the following immediately after “original proposal”: “or one proposed by a lead requérant (or a representative from among the requérants) in respect of the requête of which he or she is a signatory”
- (t) Reinstate a paragraph numbered 13(3) in the following terms: “A Member who wishes to lay an amendment, sursis or motion to withdraw shall state the name of the proposed seconder and the Proposition to which it relates. The Member may then read out the text of the amendment, sursis or motion to withdraw; or that Member or any other Member may ask that the text be read out by the Greffier. After it has been read out, if that right has been exercised, the proposer will formally propose it and make any speech supporting it.”
- (u) In Rule 13(7) insert after “Chairman” the words: “(or a representative instead)” and delete the words after “right to speak on the amendment or sursis” and replace them with the following: “immediately after its proposer has proposed the amendment or sursis or immediately before its proposer replies to the debate under Rule 12(1) or at any other time during the debate.”
- (v) **TO NEGATIVE THE PROPOSITION** to delete the text of Rule 15(2) in its entirety.
- (w) Delete the text of Rule 15(2)(a) and replace it with the following: “Every Policy Letter, Requête, amendment or sursis laid before the States shall include or have appended to it an estimate of the financial implications to the States of carrying the proposals into effect.” and delete the words “sub-paragraphs (i), (ii) and (iii) of” in Rule 15(2)(b).
- (x) Amend Rule 1(3)(a) to read: “not less than 4 weeks in the case of a Billet d’État in which the only business is the Annual Budget of the States and not less than 3 weeks in the case of a Billet d’État in which the only business is the Annual Accounts of the States.”

- (y) After Rule 3, insert a new Rule 3A in the following terms:
“Annual Budget Meeting
3A The meeting held to consider the Annual Budget of the States shall be held on the Tuesday immediately preceding the last Wednesday in October.”
- (z) After the proviso to Rule 2(1)(a) insert an additional proviso in the following terms: “PROVIDED FURTHER THAT the Policy Council shall, on the application of the Treasury & Resources Department, defer the inclusion of a policy letter or requête in a Billet d’État until the next meeting of the States when, in the opinion of the Department, the proposals have financial implications which have not been addressed in the policy letter or requête as the case may be.”
- (aa) In Rule 13(2) insert at the end after the word “Holidays” the following: “or, in respect of an amendment to propositions which have financial implications and which is proposed to be moved by the Minister or another representative of the Treasury & Resources Department, not later than 15.00 on the day preceding the second clear day before the meeting excluding Saturdays, Sundays and Public Holidays.”
- (bb) In Rule 15(1) delete the words “the Minister of”
- (cc) in Rule 14(1) delete the words “two-thirds or more” and replace them with “the majority”
- (dd) Immediately after Rule 18(2) insert a new Rule 18(2A) in the following terms: “Before submitting the request to the Policy Council the seven Members shall invite in writing all the Members of the Department or Committee, including the Minister or Chairman thereof, to tender their resignations of such membership, which invitation shall have attached to it the full text of the proposed request.”
- (ee) Immediately after Rule 19(2) insert a new Rule 19(2A) in the following terms: “Before submitting the request to the Presiding Officer the seven Members shall invite in writing the Chief Minister or Deputy Chief Minister, as the case may be, to tender his resignation of such office, which invitation shall have attached to it the full text of the proposed request.”
- (ff) In Rule 20(2)(a) delete all the words after “secret ballot” and replace the comma with a full stop.
- (gg) TO NEGATIVE THE PROPOSITION, in Rule 20(2)(a)(ii) to insert the following text after “held,”: “unless the particular Department or Committee still has a vacancy”

- (hh) In each of Rules 20(3)(d)(i) and 20(4)(a)(ii) and 20(5)(a)(ii) delete “each candidate (or the candidate if there is only one) to speak for not more than 5 minutes” and substitute “, in respect of each candidate in turn (or the candidate if there is only one), first the proposer to speak for not more than 5 minutes and then the candidate to speak for not more than 10 minutes; ”; and in each of Rules 20(3)(d)(ii)(6) and 20(4)(b)(6) and 20(5)(b)(6) replace the numeral “30” with the numeral “15”
- (ii) In Rule 24(1) in the definition of “requête” delete the words “any 7 or more Members” and replace with “any seven Members (but not more than seven)”;
- (jj) On page 1 of Schedule 1 to the Rules of Procedure of the States of Deliberation insert after the words “States of Deliberation” where first appearing the following: “or Rule 12 of The Rules concerning The Constitution and Operation of States’ Departments and Committees” and at the end of the first paragraph insert the words “or as a person who is a non-States member of a States’ Department or Committee pursuant to Rule 12 of The Rules concerning The Constitution and Operation of States’ Departments and Committees”
- (kk) In Schedule 1 to the Rules of Procedure of the States of Deliberation insert a Part 12 in the following terms:
“Part 12
Employment by the States of close Family Members
Declare here the name, familial relationship, job title and usual place of work of any of the following who is an employee of the States, that is to say parent, spouse, cohabiting partner, child, grandchild or sibling.”
- (ll) In any place in the Rules of Procedure where there is a reference to a “report” or “reports” and it means a document or documents which will be considered by the States in a meeting (but not a document which is contained in the appendix to a Billet d’État or which is a report pursuant to paragraphs 33 and 34 of the Code of Conduct for Members of the States of Deliberation or a report appended by the Policy Council to a requête) replace that word “report” or “reports” with “policy letter” or “policy letters” as the case may be;
- (mm) Immediately after Rule 14(3) insert a new Rule 14(4) in the following terms:
Where a Proposition is rejected which had proposed that a particular action not be taken, such rejection is not a positive instruction for the action to be undertaken.
- (nn) In Rule 13(2)(e) delete paragraph (ii) and renumber paragraphs (iii) and (iv) as (ii) and (iii) respectively.

2. That the Rules relating to the Constitution and Operation of States' Departments and Committees be amended with immediate effect as follows:

(a) Delete the text of Rule 3(2) and replace it with the following: "The Chief Minister shall not sit on any States' Department or States' Committee other than in any position held ex officio."

(b) Delete the text of Rule 4(2) and replace it with the following:

4(2) "Any Department may elect up to two non-voting members, who shall not be sitting Members of the States, and whose appointments, subject to the provisions below, shall expire at the same time as the terms of office of the four sitting Members of the States. Such Members shall have the same rights and duties as ordinary Members (other than the right to vote).

4(2A) Before electing any such non-voting members the Department concerned shall be provided by each candidate with a completed Declaration of Interest as set out in Schedule 1 to the Rules of Procedure of the States of Deliberation.

4(2B) Any such non-voting member may resign from the office at a date earlier than that on which it would otherwise terminate, by a letter addressed to the Minister, and notwithstanding Rule 7(3) such resignation will take effect immediately. Notwithstanding Rule 7(2), a replacement need not be elected.

4(2C) By decision of the voting members the term of office of any such non-voting member may be terminated with immediate effect. A replacement need not be elected.

4(2D) Immediately after the election the Department shall submit a letter to the Presiding Officer for publication as an appendix to a Billet d'État setting out the full name of the person or persons so elected, the date of the election and a statement that the Department had seen a completed Declaration of Interest in respect of that person before the election and was satisfied that the appointment of the person would not lead to a conflict of interest, or if there was potentially one it could be managed. The Declaration in respect of the person appointed shall be lodged with the Greffier and published by him as if the person concerned was subject to the provisions of Rule 23 of the Rules of Procedure of the States of Deliberation.

4(2E) Immediately after a resignation or any termination of office the Department shall submit a letter to the Presiding Officer for publication as an appendix to a Billet d'État stating the name of the person who has ceased to be a non-voting member of the Department.

- (c) At the end of the existing Rule 4(3), add the following immediately before the full stop: “, and accordingly when a person is elected Minister of a Department that person ceases to be the Minister of any other Department, Chairman or an ordinary Member of those Committees and an ordinary Member of more than one other Department (at that person’s option) with immediate effect”
- (d) In the third bullet point at Rule 5(1)(c) replace “nominate” with “appoint”, delete the second sentence, and add an additional sentence in the following terms “The provisions governing these appointments are as set out in Rules 4(2) to 4(2E) inclusive as if, for these purposes only, the Committee is a Department.”
- (e) Amend Rule 7(8) to read: “If a majority of the voting members of a Department or Committee believe that the continued membership of that Department or Committee by one member is hindering the ability of the Department or Committee to fulfil its mandate then the majority may bring a recommendation to the States that the period of office of the said one member should be terminated with immediate effect, and the States may, notwithstanding the other provisions of this rule, by resolution so terminate that period of office.”
- (f) In Rule 12 insert after “candidate” the following words: “including a statement that the proposer had seen a Declaration of Interest from the candidate and was satisfied that there would be no conflict of interest if the candidate were appointed, or if there was potentially one it could be managed,” and add a new sentence at the end in the following terms: “The Declaration in respect of the successful candidate shall be lodged with the Greffier and published by him as if the person concerned was subject to the provisions of Rule 23 of the Rules of Procedure of the States of Deliberation.”
- (g) Immediately after Rule 14A insert a new Rule 14B in the following terms:
“Department and Committee correspondence

14B (1) For the avoidance of doubt, all correspondence, howsoever received, between a Department or Committee and a Member of the States shall be treated as confidential under the Code of Practice for Access to Public Information unless expressed otherwise and shall not be disclosed to any third party, whether within the States or outside, in whole or in part, by any means, without the express consent of the author of that correspondence.

14B (2) Any Member of the States while he or she continues to be a Member of the States may request from a Department or Committee of which the said Member was formerly a member a copy of any document

which he or she was given when a member of that Department or Committee, except any material which he or she was allowed to see but not retain.”

- (h) Immediately after Rule 16A insert a new Rule 16B

“Register of Appointments

Any Department or Committee of the States which appoints one of its members to a position on the board of an extra-governmental body which is not a States’ committee, or which has a member who has been appointed to such a position by the board of an extra-governmental body which is not a States’ committee, shall notify H.M. Greffier of that appointment. The cessation of any such appointment shall also be notified to H.M. Greffier. H.M. Greffier shall keep a record of that appointment in a document known as the ‘Register of Appointments’ and shall cause that document to be posted on the appropriate part of the States’ website.”

- (i) In the third bullet point of Rule 18(3) replace “nominate” with “appoint”, delete the second sentence, and add an additional sentence in the following terms “The provisions governing these appointments are as set out in Rules 4(2) to 4(2E) inclusive as if, for these purposes only, the Committee is a Department.”

3. That the Code of Conduct for Members of the States of Deliberation shall be amended with immediate effect as follows:

- (a) Immediately after section 19, insert a new section 19A in the following terms: “For the avoidance of doubt, all correspondence, howsoever received, between a Department or Committee and a Member of the States shall be treated as confidential under the Code of Practice for Access to Public Information unless expressed otherwise and shall not be disclosed to any third party, whether within the States or outside, in whole or in part, by any means, without the express consent of the author of that correspondence.”

- (b) Immediately after section 27, insert a new section 27A in the following terms: “Immediately upon receipt of a complaint the secretary to the Panel shall notify the Member concerned that a complaint has been made.”

- (c) In Section 33 delete all the words in the first sentence after “Committee” and replace them with “which, in turn, shall submit that report to the Presiding Officer for inclusion in a Billet d’État with the recommendations of the Panel”.

4. That the following Resolutions of the States be rescinded with immediate effect:

- (a) Resolution 1(u) of Article 16 of Billet d’État V of 2012 of 8th March 2012;

- (b) Resolution 1(b) of Article 16 of Billet d'État V of 2012 of 8th March 2012;
 - (c) Resolution 1(aa) of Article 16 of Billet d'État V of 2012 of 8th March 2012.
5. That the Policy Council and /or the Treasury & Resources Department, as appropriate, shall append to a policy letter or requête a statement to the effect that the proposals in it do not comply with the principles of good governance, if in their opinion that be the case, and such statements shall not be included in the body of the policy letter or requête.

A J NICOLLE
HER MAJESTY'S DEPUTY GREFFIER