

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 30TH DAY OF OCTOBER, 2013**

**The States resolved as follows concerning Billet d'État No XX
dated 20th September 2013**

HOME DEPARTMENT

**THE CRIMINAL JUSTICE (SEX OFFENDERS AND MISCELLANEOUS
PROVISIONS) (BAILIWICK OF GUERNSEY) LAW, 2013**

- I.- After consideration of the Report dated 15th July, 2013, of the Home Department:-
1. To agree the proposals set out in that Report as follows:
 - (a) the application of a minimum notification period for those convicted or cautioned for a relevant sexual offence;
 - (b) the role of a statutory office holder to determine whether a person subject to the notification requirements (a "notifier") should continue to be subject to them after the expiry of the minimum period;
 - (c) additional powers of the Police to enter premises in order to verify if the address given by a notifier is in fact the notifier's home address, to ascertain if there is a person at the notifier's home address who is at risk of harm from the notifier and to ascertain if there is an object which the notifier is not permitted to possess at an address notified by that person;
 - (d) the inclusion of notifiers in the Multi Agency Public Protection Arrangements to be established on a statutory footing;
 - (e) the ability of a court to direct that the right to anonymity of complainants would not apply in specified circumstances; and
 - (f) additional measures to protect complainants and other witnesses when giving evidence in criminal proceedings.
 2. To approve the draft Projet de Loi entitled "The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

COMMERCE AND EMPLOYMENT DEPARTMENT

MARITIME LABOUR CONVENTION LEGISLATION

- II.- After consideration of the Report dated 16th July, 2013, of the Commerce and Employment Department, they are of the opinion:-
1. To approve the proposals set out in section 3 of that Report.
 2. To approve the draft Ordinance entitled "The Seafarer Recruitment and Placement Services (Maritime Labour Convention 2006) (Guernsey and Alderney) Ordinance, 2013" and to direct that the same shall have effect as an Ordinance of the States.

THE PRISON (GUERNSEY) ORDINANCE, 2013

- III.- To approve the draft Ordinance entitled "The Prison (Guernsey) Ordinance, 2013", and to direct that the same shall have effect as an Ordinance of the States.

THE ELECTRONIC CENSUS (GUERNSEY) ORDINANCE, 2013

- IV.- To approve the draft Ordinance entitled "The Electronic Census (Guernsey) Ordinance, 2013", and to direct that the same shall have effect as an Ordinance of the States.

THE COMPANIES (GUERNSEY) LAW, 2008 (AMENDMENT) ORDINANCE, 2013

- V.- To approve the draft Ordinance entitled "The Companies (Guernsey) Law, 2008 (Amendment) Ordinance, 2013", and to direct that the same shall have effect as an Ordinance of the States.

THE HOUSING (CONTROL OF OCCUPATION) (EXTENSION) ORDINANCE, 2013

- VI.- To approve the draft Ordinance entitled "The Housing (Control of Occupation) (Extension) Ordinance, 2013", and to direct that the same shall have effect as an Ordinance of the States.

**THE COPYRIGHT AND PERFORMERS' RIGHTS (BAILIWICK OF
GUERNSEY) (AMENDMENT) ORDINANCE, 2013**

- VII.- To approve the draft Ordinance entitled "The Copyright and Performers' Rights (Bailiwick of Guernsey) (Amendment) Ordinance, 2013", and to direct that the same shall have effect as an Ordinance of the States.

ORDINANCE LAID BEFORE THE STATES

**THE AL-QAIDA (RESTRICTIVE MEASURES) (GUERNSEY) 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) Ordinance, 2013, made by the Legislation Select Committee on the 27th August, 2013, was laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**THE FINANCIAL SERVICES COMMISSION (ADMINISTRATIVE
FINANCIAL PENALTIES) (BAILIWICK OF GUERNSEY) (AMENDMENT)
REGULATIONS, 2013**

In pursuance of Section 25(3) of The Financial Services Commission (Bailiwick of Guernsey) Law, 1987, as amended, The Financial Services Commission (Administrative Financial Penalties) (Bailiwick of Guernsey) Regulations, 2013, made by the Guernsey Financial Services Commission on 26th July, 2013, were laid before the States.

**THE COMPANIES (NOTICE OF CHANGE OF DIRECTOR) (AMENDMENT)
REGULATIONS, 2013**

In pursuance of Section 537 of the Companies (Guernsey) Law, 2008, The Companies (Notice of Change of Director) (Amendment) Regulations, 2013 made by the Commerce and Employment Department on 31st July 2013, are laid before the States.

J TORODE
HER MAJESTY'S GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 31ST DAY OF OCTOBER, 2013**

(Adjourned from 30th October, 2013)

**The States resolved as follows concerning Billet d'État No XX
dated 20th September 2013**

EDUCATION DEPARTMENT

TRANSFORMING PRIMARY EDUCATION

- X.- After consideration of the Report dated 12th August, 2013, of the Education Department, they are of the opinion:-
1. To agree to move towards a policy of two and three-form entry States primary schools as far as possible in order to improve educational outcomes, increase efficiency and ensure greater consistency in performance.
 2. To agree that St Sampson's Infant School should merge with Vale Primary in September 2014 and St Sampson's Infant School shall close.
 3. To agree that St Andrew's Primary shall close in August 2015.
 4. To agree that discussions shall take place with the Diocesan Authorities to consider how Catholic primary provision is provided in future, with a view to determining whether it would be possible to move towards two or three-form entry in line with the Department's other primary schools, for example through federation or merger of Notre Dame du Rosaire and St Mary and St Michael Primary Schools.
 5. To agree that over the next 5-10 years efficient and effective primary provision in the area served by Forest Primary School and La Houquette Primary School shall be revisited by a future Education Department.
 6. To agree to give delegated authority to the Treasury and Resources Department to agree a capital vote to fund the associated modifications at Vale Primary School from the Fundamental Spending Review Fund

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

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 14TH DAY OF NOVEMBER, 2013**

(Adjourned from 1st November, 2013)

**The States resolved as follows concerning Billet d'État No XX
dated 20th September 2013**

POLICY COUNCIL

**STATES SUPPORT FOR THE CONCEPT OF A GUERNSEY BASED UNIVERSITY
OF THE CHANNEL ISLANDS**

VIII.- After consideration of the Report dated 5th August, 2013, of the Policy Council, they are of the opinion:-

1. To agree in principle to support and encourage the development of a University of the Channel Islands based in Guernsey along the lines of the concept set out in that Report.
2. To direct the Policy Council and any Departments that may be affected by the concept set out in that Report to report back to the States should they have reason to consider that any significant policy changes are required in order for a Guernsey based University of the Channel Islands to develop along the lines described in that Report.
3. To direct the Treasury & Resources Department to report to the States on the financial cost implications to the States of Guernsey arising from the establishment of a Guernsey based University of the Channel Islands and how it proposes to mitigate such financial cost implications.
4. To direct the Policy council to report to the States on the necessity for any future Guernsey based University of the Channel Islands to be regulated.

SOCIAL SECURITY DEPARTMENT

**BENEFIT AND CONTRIBUTION RATES FOR 2014 AND
MODERNISATION OF THE SUPPLEMENTARY BENEFIT SCHEME**

XI.- After consideration of the Report dated 12th August, 2013, of the Social Security Department, they are of the opinion:-

1. That, for employed persons and employers, the upper weekly earnings limit, the

upper monthly earnings limit and the annual upper earnings limit, from 1 January 2014, shall be £2,547, £11,037 and £132,444 respectively.

2. That, for employed persons and employers, the lower weekly earnings limit and the lower monthly earnings limit, from 1 January 2014, shall be £128.00 and £554.67 respectively.
3. That, for self-employed persons, the upper and lower annual income limits, from 1 January 2014, shall be £132,444 per year and £6,656 per year, respectively.
4. That, for non-employed persons, the upper and lower annual income limits, from 1 January 2014, shall be £132,444 per year and £16,640 per year, respectively.
5. That the allowance on income for non-employed people from 1 January 2014, shall be £7,059 per year.
6. That the voluntary contribution from 1 January 2014, shall be £18.24 per week for non-employed people.
7. That the overseas voluntary contribution from 1 January 2014, shall be £87.11 per week for non-employed people and £96.30 for self-employed people.
8. That the Department be directed to report to the States of Deliberation after the conclusion of the Personal Tax, Pensions and Benefits Review with proposals to achieve long-term sustainability of the Guernsey Insurance Fund.
9. That, from 6 January 2014, the standard rates of pension and contributory social insurance benefits shall be increased to the rates set out in table 10 in that Report.
10. That, from 1 January 2014, the prescription charge per item of pharmaceutical benefit shall be £3.30.
11. That, from 6 January 2014, the contribution (co-payment) required to be made by the claimant of care benefit, under the long-term care insurance scheme, shall be £186.83 per week.
12. That, from 6 January 2014, nursing care benefit shall be a maximum of £772.87 per week for persons resident in a nursing home or the Guernsey Cheshire Home and residential care benefit shall be a maximum of £413.98 per week for persons resident in a residential home.
13. That, from 6 January 2014, elderly mentally infirm (EMI) care benefit shall be a maximum of £545.44 per week for qualifying persons resident in a residential home.
14. That, from 6 January 2014, respite care benefit shall be a maximum of £959.70

per week for persons receiving respite care in a nursing home or the Guernsey Cheshire Home, an elderly mental infirm rate of £732.27 for persons receiving respite care in a residential home and a maximum of £600.81 per week for persons receiving respite care in a residential home.

15. That, from 10 January 2014, the supplementary benefit requirement rates shall be as set out in tables 17 and 18 of that Report.
16. That, from 10 January 2014, the weekly benefit limitations for supplementary benefit shall be:
 - (a) £512.00 for a person who is residing in a residential home; and
 - (b) £735.00 for a person who is residing as a patient in a hospital, nursing home, the Guernsey Cheshire Home or as an elderly mental infirm resident of a residential home.
17. That, from 10 January 2014, the amount of the personal allowance payable to persons in Guernsey and Alderney residential or nursing homes who are in receipt of supplementary benefit shall be £29.30 per week.
18. That, from 10 January 2014, the amount of the personal allowance payable to persons in UK hospitals or care homes who are in receipt of supplementary benefit shall be £49.36 per week.
19. That a supplementary fuel allowance of £30.00 per week be paid to supplementary beneficiaries who are householders from 25 October 2013 to 24 April 2014.
20. That the Department be authorised to make the first payment of the supplementary fuel allowance at the proposed new rate in 2013 and in future years, on the last Friday in October, noting that this may be prior to approval of the new rate of the allowance by the States.
21. That, from 6 January 2014, the rates of attendance allowance and invalid care allowance and the annual income limits shall be as set out in table 25 of that Report.
22. That an Ordinance is made under the Health Service (Benefit) (Guernsey) Law, 1990 to amend the conditions under which entitlement to specialist medical benefit arises, in order to allow the Department to fund the costs associated with visiting medical specialists from the Guernsey Health Service Fund.
23. That the Supplementary Benefit (Implementation) Ordinance, 1971 be amended to allow compensation payments from the Skipton Fund and the back to work bonus to be wholly disregarded for the purposes of a claim to supplementary benefit.

24. That the Supplementary Benefit (Implementation) Ordinance, 1971 be amended so that a deprivation of resources that has the effect of securing a supplementary benefit or increasing the amount thereof may be taken into account when assessing a person's entitlement to supplementary benefit.
25. That the Supplementary Benefit (Implementation) Ordinance, 1971 be amended to make persons residing in a dwelling listed on Part A of the Open Market Housing Register ineligible for a rent allowance.
26. That during the 2012-16 States Term there shall be developed a single, comprehensive social welfare benefits model to replace the Supplementary Benefit (Guernsey) Law, 1971, as amended, and relevant aspects of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004, which single, comprehensive model shall be capable of fulfilling and balancing the social and fiscal objectives of the States.
27. That in advance of the States establishing a single, comprehensive social welfare benefits model to replace the Supplementary Benefit (Guernsey) Law, 1971, as amended, and relevant aspects of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004:
 - a) the rent rebate scheme shall not be closed;
 - b) supplementary benefit requirement rates shall be determined by the States upon recommendations laid before them by the Social Security Department as part of the annual uprating report;
 - c) the weekly supplementary benefit limitation for a person living in the community be increased to £515 with effect from 1st January, 2014, in accordance with the policy of the Social Security Department which has been in place since at least 1978 to increase the benefit limitation on each and every occasion that it has applied an annual or bi-annual increase to the requirement rates;
 - d) the weekly supplementary benefit limitation for a person living in the community be increased to £600 with effect from 1st January, 2015, unless it can be demonstrated that it would be impossible to introduce such an increase without contravening the States policy of a real terms freeze in aggregate revenue expenditure, in which case the limitation shall be increased to as close to £600 as is possible without contravening that policy;
28. That at their January, 2014 meeting and in accordance with Rule 18 of the Rules relating to the Constitution and Operation of States Departments and Committees the States shall form the Social Welfare Benefits Investigation Committee as a Special States Committee.

29. That the membership of the Social Welfare Benefits Investigation Committee shall comprise seven members of the States as follows:
- a) A Chairman elected by the States who shall not be a member of the Housing, Social Security or Treasury and Resources Departments;
 - b) 2 members of the Social Security Department determined by that Department;
 - c) 2 members of the Housing Department determined by that Department;
 - d) 1 member of the Treasury and Resources Department determined by that Department;
 - e) 1 other member elected by the States who shall not be a member of the Housing, Social Security or Treasury and Resources Departments.
30. That the mandate of the Social Welfare Benefits Investigation Committee shall be:
- a) To examine all aspects of the Supplementary Benefit (Guernsey) Law, 1971, as amended, and relevant aspects of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004 in order to assess the appropriateness or otherwise of the legislation and associated policies in view of the economic and social changes since their inception;
 - b) To develop a single, comprehensive social welfare benefits model to replace the Supplementary Benefit (Guernsey) Law, 1971, as amended, and relevant aspects of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004, which single, comprehensive model shall be capable of fulfilling and balancing the social and fiscal objectives of the States;
 - c) To ensure that during the formulation of a single, comprehensive social welfare benefits model, and in order to develop an objective rationale for the determination of assistance that is both socially just and financially sustainable, detailed consideration is afforded to the circumstances of, inter alia, the aged, the sick, the disabled, families on low incomes, families with three or more dependent children and persons with no further reasonable expectation of employment due to age or ill health;
 - d) To ensure that during the formulation of a single, comprehensive social welfare benefits model consideration is afforded to the policy letters of the Social Security Department laid before the States in Billet d'État V of 2012 and Billet d'État XX of 2013 and the letters of comment attached to those policy letters by other committees of the States.
31. That during the course of its deliberations the Social Welfare Benefits Investigation Committee shall consult with the full membership of the Housing Department, Social Security Department and Treasury and Resources Department.

32. That the Social Welfare Benefits Investigation Committee shall have regard to the findings and emerging recommendations of the Personal Tax, Pension and Benefit Review.
33. That by March, 2015 the Social Welfare Benefits Investigation Committee shall lay before the States a policy letter proposing the introduction as expeditiously as possible of a single, comprehensive social welfare benefits model to replace the Supplementary Benefit (Guernsey) Law, 1971, as amended, and relevant aspects of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004 together with, after full consultation with the Treasury and Resources Department, recommendations which identify possible sources of funding for any additional expenditure likely to be incurred by the new single, comprehensive social welfare benefits model.
34. That the entitlement to remuneration which would normally attach to the chairmanship and membership of a Special States Committee shall not apply in the case of the Social Welfare Benefits Investigation Committee.
35. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

J. TORODE
HER MAJESTY'S GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 27TH DAY OF NOVEMBER, 2013**

(Adjourned from 14th November, 2013)

**The States resolved as follows concerning Billet d'État No XX
dated 20th September 2013**

POLICY COUNCIL

EUROPEAN COMMUNITIES LAW – DEFINITION OF COMMUNITY TREATIES

- IX.- After consideration of the Report dated 5th August, 2013, of the Policy Council, to direct the preparation of such legislation as may be necessary to amend the European Communities (Bailiwick of Guernsey) Law, 1973 to take into account the Treaty of Lisbon, Treaty of Accession of the Republic of Croatia and any other consequential or technical changes.

COMMERCE AND EMPLOYMENT DEPARTMENT

FINANCIAL SERVICES OMBUDSMAN

- XII.- After consideration of the Report dated 2nd July, 2013, of the Commerce and Employment Department:-
1. To approve the establishment of a Bailiwick of Guernsey Financial Services Ombudsman on the basis set out in that Report.
 2. To direct the Department to work with the Law Officers to identify the necessary legislative requirements for the establishment of a Financial Services Ombudsman scheme.
 3. To direct the drafting of such legislation as may be necessary to give effect to the above decisions.

HOME DEPARTMENT

POLICE COMPLAINTS COMMISSION: REAPPOINTMENT OF MEMBERS

- XIII.- After consideration of the Report dated 12th August, 2013, of the Home Department:-

1. To approve the reappointment of Mr Kevin Francis McGoldrick as an ordinary member of the Police Complaints Commission for four years, retrospectively with effect from 1st July 2013.
2. To approve the reappointment of Mrs Bonita Louise Hamilton as an ordinary member of the Police Complaints Commission for four years, retrospectively with effect from 1st July 2013.
3. To approve the reappointment of Mrs Ann Patricia Nippers as an ordinary member of the Police Complaints Commission for four years, retrospectively with effect from 1st July 2013.

A J NICOLLE
HER MAJESTY'S DEPUTY GREFFIER