

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

**The States resolved as follows concerning Billet d'État No XV
dated 21st June 2013**

**THE SUPPLEMENTARY BENEFIT (CLASSES OF PERSONS TO WHOM THE
LAW APPLIES) (AMENDMENT) ORDINANCE, 2013**

- I.- To approve the draft Ordinance entitled “The Supplementary Benefit (Classes of persons to whom the Law applies) (Amendment) Ordinance, 2013”, and to direct that the same shall have effect as an Ordinance of the States.

**THE EMPLOYMENT AGENCIES (ENABLING PROVISIONS)
(BAILIWICK OF GUERNSEY) LAW, 2012 (COMMENCEMENT)
(GUERNSEY AND ALDERNEY) ORDINANCE, 2013**

- II.- To approve the draft Ordinance entitled “The Employment Agencies (Enabling Provisions) (Bailiwick of Guernsey) Law, 2012 (Commencement) (Guernsey and Alderney) Ordinance, 2013”, and to direct that the same shall have effect as an Ordinance of the States.

TREASURY AND RESOURCES DEPARTMENT

ELECTION OF NON-VOTING MEMBER

- III.- To elect as a non-voting member of the Treasury and Resources Department, Mr John Charles Hollis who had been nominated in that behalf by that Department, to serve until May 2016 in accordance with Rule 4 (2) of the Constitution and Operation of States Departments and Committees.

POLICY COUNCIL

DEVELOPING A GOVERNMENT SERVICE PLAN

- IV.- After consideration of the Report dated 3rd June, 2013, of the Policy Council:-
1. To approve the development of a Government Service Plan as the corporate mechanism for allocating the resources available to the States in accordance with States strategic aims and objectives and agreed priorities.
 2. To note the Policy Council’s intention to bring a Report to the States in October

2013 recommending political objectives for the period to 2017 that will guide the prioritisation of States revenue spending through the Government Service Plan process.

3. To direct the Policy Council to report to the States setting out proposals for how the ‘in-house governance and support structure...[and] centre of excellence...[and] team of project and programme managers...’ referred to in paragraph 11.2.3 of that Report will operate in practice with reference in particular to how such resources will be allocated across the States and how they may be accessed, including by departments and committees of the States; and further to agree that additional expenditure in connection with the development of a Government Service Plan, such as that indicated at paragraph 11.1.4 of that Report, shall await the States resolving upon the arrangements for an ‘in-house governance and support structure...[and] centre of excellence...[and] team of project and programme managers’.
4. To affirm that when the States Review Committee reports to the States with regard to reform of the organisation of States affairs their report shall include proposals to establish methods for the planning of policy and the allocation of resources which are consistent with the organisation of States affairs which they recommend to be adopted with effect from 2016.
5. To endorse the principle that in future a direct link, or golden thread, will be established ensuring that Departmental Business Plans deliver the corporate priorities and services agreed as part of the Government Service Plan.

POLICY COUNCIL

THE GUERNSEY FINANCIAL SERVICES COMMISSION: 2012 ANNUAL REPORT

- VI.- After consideration of the Report dated 3rd June, 2013, of the Policy Council:-
1. To note that Report.
 2. To approve the accounts of the Guernsey Financial Services Commission for the year ended 31st December 2012.
 3. To direct the Policy Council in conjunction with the Commerce & Employment Department (and having particular regard to the latter’s on-going work following its consultation entitled “A Regulatory Framework for the 21st Century”) to review the funding mechanism for the Guernsey Financial Services Commission (“the Commission”) and in particular whether the Commission could in future be funded by way of direct grant from the Treasury & Resources Department and to report back to the States accordingly by no later than 30th September 2014.

ORDINANCES LAID BEFORE THE STATES

THE FOREIGN TAX (RETENTION ARRANGEMENTS) (GUERNSEY AND ALDERNEY) (AMENDMENT) ORDINANCE, 2013

In pursuance to the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Foreign Tax (Retention Arrangements) (Guernsey and Alderney) (Amendment) Ordinance, 2013, made by the Legislation Select Committee on the 20th May, 2013, was laid before the States.

THE MYANMAR / BURMA (RESTRICTIVE MEASURES) (GUERNSEY) ORDINANCE, 2013

In pursuance to the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Myanmar / Burma (Restrictive Measures) (Guernsey) Ordinance, 2013, made by the Legislation Select Committee on the 20th May, 2013, was laid before the States.

STATUTORY INSTRUMENT LAID BEFORE THE STATES

THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL BENEFIT) (AMENDMENT) (No.2) REGULATIONS, 2013

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No.2) Regulations, 2013 made by the Social Security Department on 7 May 2013, were laid before the States.

J TORODE
HER MAJESTY'S GREFFIER

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

(Adjourned from 30th July, 2013)

**The States resolved as follows concerning Billet d'État No XV
dated 21st June 2013**

POLICY COUNCIL

STATES OF GUERNSEY POLICY FOR ACCESS TO PUBLIC INFORMATION

V.- After consideration of the Report dated 20th May, 2013, of the Policy Council:-

1. To agree the guiding principles outlined in that States of Guernsey Policy for Access to Public Information States Report, as follows:
 - A presumption of disclosure;
 - A corporate approach;
 - A culture of openness;
 - Proactive publication; and
 - Effective record management.
2. To agree that the presumption of disclosure will need to be subject to certain stated exceptions in order to protect legal, financial, commercial, competitive and public interests which will be agreed by the States from time to time.
3. To agree the Code of Practice on Access to Public Information in Appendix Three of that Report which will apply to all States Departments and Committees and which incorporates the guiding principles and describes the exceptions but to direct that, in relation to Part 1, paragraph 1.11 of the Code, by no later than July, 2014 the Policy Council shall report to the States of Deliberation setting out their assessment of the feasibility, desirability and potential cost of providing a right of appeal to an independent person or persons in respect of a request made for access to information which is refused by a States Department or Committee, and further subject to removing the sentence "There is no commitment that pre-existing documents, as distinct from information, will be made available in response to reasonable requests." from section 1.6 of that Code.
4. To endorse the Policy on the Use of Confidentiality in Contracts and agreements contained in Appendix Four of that Report.

5. To direct the Policy Council to implement, no later than 31 March 2014, a consistent mechanism which Departments and Committees can use to record and collate data on the number and category of requests made under the Code of Practice, including when exemptions are applied and to direct Departments and Committees to implement the policy so that data collection can commence from 31 March 2014.
6. To direct the Policy Council to report back to the States during quarter 1 of 2015 with a report evaluating the effectiveness of the Code of Practice and recommending any changes it considers appropriate; that report to include details of all information requests which have been refused, providing the reason for the refusal, and under which part of the Code the refusal was made.
7. To direct the Policy Council to report back to the States during quarter 1 of 2015 with a report evaluating the feasibility and implications of expanding the Code of Practice to include automatic disclosure rules similar to the UK “30 year Rule”.
8. To direct every Department and Committee to publish details (namely the title of the report, who it is commissioned by and from and date of commission) of all reports commissioned by the Department or Committee within six months of that report being commissioned, unless the publication of such detail would fall within one of the exemptions from disclosure set out in the Code of Practice on Access to Public Information set out in Appendix Three of the Report.

J TORODE
HER MAJESTY’S GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 1ST DAY OF AUGUST, 2013**

(Adjourned from 31st July, 2013)

**The States resolved as follows concerning Billet d'État No XV
dated 21st June 2013**

COMMERCE AND EMPLOYMENT DEPARTMENT

**AMENDMENT TO THE COPYRIGHT (BAILIWICK OF GUERNSEY
ORDINANCE, 2005 AND THE PERFORMERS' RIGHTS (BAILIWICK OF
GUERNSEY) ORDINANCE, 2005**

**REMOVAL OF EXEMPTION FOR CHARITIES AND NON PROFIT
ORGANISATIONS IN RELATION TO SOUND RECORDINGS**

XIII.- After consideration of the Report dated 7th May, 2013, of the Commerce and
Employment Department:-

1. To approve the repeal of sections 88 and 93(3) of The Copyright (Bailiwick of Guernsey) Ordinance, 2005 and paragraphs 19 and 24(2) of Schedule 1 to the Performers' Rights (Bailiwick of Guernsey) Ordinance, 2005, and direct the drafting of such legislation as may be necessary to give effect to the aforementioned decisions.
2. To approve the establishment of a Subsidy Scheme set at £3,000 per annum to be reviewed annually, which will be financed from within the Commerce and Employment Department's existing budgetary provision for the reimbursement in whole or in part of music licence fees for charities and NPOs in accordance with section 10 of that Report.

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

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 2ND DAY OF AUGUST, 2013**

(Adjourned from 1st August, 2013)

**The States resolved as follows concerning Billet d'État No XV
dated 21st June 2013**

COMMERCE AND EMPLOYMENT DEPARTMENT

**AMENDMENTS TO STATUTORY MINIMUM WAGE ARRANGEMENTS
TO COME INTO FORCE ON 1 OCTOBER 2013**

VIII.- After consideration of the Report dated 7th May, 2013, of the Commerce and Employment Department:-

1. To approve The Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) Regulations, 2013, as set out in Appendix 2 to that Report, which increases the Minimum Wages Rates, as set out below:-
 - Adult Minimum Wage Rate to be set at £6.50 per hour (For workers aged 18 and over).
 - Young Person's Minimum Wage Rate to be set at £5.25 per hour (For workers aged of 16 and 17).
2. To approve that 1st October 2013 shall be the date for implementation of the Commencement Order and the Regulations to give effect to the Law.
3. To direct the Policy Council, with the assistance of the Social Security Department and Commerce and Employment Department, to investigate the implications for, and impact upon, Guernsey of the establishment of a "living wage" measurement and to report back to the States with the conclusions of its investigation by no later than the 30th April 2015.

EDUCATION DEPARTMENT

**TODAY'S LEARNERS TOMORROW'S WORLD – THE EDUCATION BOARD'S
VISION**

IX.- After consideration of the Report dated 13th May, 2013, of the Education Department:-

1. To direct the Education Department to pursue the strategic direction for the education service as outlined in that Report.
2. To direct the Education Department to report back to the States of Deliberation annually on:
 - the progress it has achieved in developing the vision and progressing the actions identified in the vision;
 - any new actions which have been identified as part of the vision; and
 - demonstrate how the community has been engaged in the process.

S M D ROSS
HER MAJESTY'S DEPUTY GREFFIER

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 24TH DAY OF SEPTEMBER, 2013

(Adjourned from 2nd August, 2013)

**The States resolved as follows concerning Billet d'État No XV
dated 21st June 2013**

POLICY COUNCIL AND TREASURY AND RESOURCES DEPARTMENT

STRATEGIC ASSET MANAGEMENT PLAN

- VII.- After consideration of the Report dated 3rd and 4th June, 2013, of the Policy Council and the Treasury and Resources Department:-
1. To adopt the vision statement and the principles underpinning the Strategic Asset Management Plan as described in Paragraphs 9.1 and 9.2 of that Report.
 2. To direct the Policy Council and the Treasury and Resources Department, after having undertaken in conjunction with departments the further feasibility studies referred to in paragraph 16.5 of that Report, jointly to lay before the States detailed proposals for any programme of works they consider necessary to contribute towards fulfilling, in part or in whole, the vision statement and principles outlined in paragraphs 9.1 and 9.2 of that Report.
 - 2.A To note that paragraph 11.3 of that Report acknowledges that no determination has yet been made about the extent of the practicality and benefits of separating strategic and operational functions and, as referred to in paragraph 10.12 of that Report, locating in one building all chief officers and their immediate strategy/support teams; and therefore to direct that in advance of any such separation, and after having undertaken in conjunction with departments further feasibility studies, the Policy Council and the Treasury and Resources Department shall lay before the States, either in the report referred to in proposition 2 above or in another report, their considered opinion of the likely advantages and disadvantages of implementing such a separation.
 3. To note that all capital projects to be undertaken by States' Departments in fulfilment of the Strategic Asset Management Plan, including those identified in Phase 1, shall be subject to capital prioritisation.
 4. To note that the Treasury and Resources Department shall be responsible for making decisions on all disposals of property in fulfilment of the Strategic Asset Management Plan, including all disposals associated with the provision of 'affordable housing'.

5. To direct Policy Council and Treasury and Resources Department to work in conjunction with the States Assembly and Constitution Committee to ensure that the Strategic Asset Management Plan is consistent with Resolution (z) of the Report of the Public Accounts Committee, Scrutiny Committee and States Assembly and Constitution Committee report on Improving Governance in the States of Guernsey dated January 2012 (Article XVI Billet d'État No. V dated 8th March 2012).

HOME DEPARTMENT

TERRORIST FINANCING, MONEY LAUNDERING AND WEAPONS PROLIFERATION FINANCING

- X.- After consideration of the Report dated 15th April, 2013, of the Home Department:-
1. To approve the drafting of Bailiwick legislation equivalent to the provisions contained within Schedule 7 of the Counter Terrorism Act 2008 to put in place a framework for giving directions as outlined in that Report.
 2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

ENVIRONMENT DEPARTMENT

COASTAL DEFENCE FLOOD STUDIES

- XI.- After consideration of the Report dated 17th May, 2013, of the Environment Department:-
1. To approve the strategy of:
 - the use of the 1:100 year return period as the risk assessment base;
 - the adoption of epoch 1 (20 years to 2031) for climate change forecasts;
 - the use of the 1:50 year return period parameter for sea defence construction projects;
 - using the weighting and analysis methodology for assessing priorities as set out in this Report;
 - the intention to progress projects 1 and 2 in the priority listings (respectively, St Sampson Harbour and Belle Greve Bay) subject to Capital funding being made available.
 2. To endorse, subject to capital funding being made available, the proposal for the introduction of a data collection/monitoring system to enable improved source Information to guide future coastal defence works.

3. To agree that, in addition to the seven areas identified as vulnerable to coastal inundation in this Report, consideration be given to adding Perelle Bay, using the same weightings and analysis methodology set out in this Report, in order that it may be considered on the same basis as the other areas when future priorities are selected after St Sampson's and Belle Greve Bay.
4. To agree that, in addition to the seven areas identified as vulnerable to coastal inundation in this Report, consideration be given to adding St Peter Port Town Waterfront, using the same weightings and analysis methodology set out in this Report, in order that it may be considered on the same basis as the other areas when future priorities are selected after St Sampson's and Belle Greve Bay.

HOME DEPARTMENT

CRIMINAL JUSTICE LEGISLATION INTERNATIONAL CRIMINAL COURT

XII.- After consideration of the Report dated 15th April, 2013, of the Home Department:-

1. To approve the drafting of legislation to implement the Rome Statute, as described in paragraph 2 of that Report, in the Bailiwick.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

STATES HOUSING DEPARTMENT

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

XIV.- After consideration of the Report dated 10th May, 2013, of the Housing Department:-

1. 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 on the former Hotel Les Carterets 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.

2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

STATES ASSEMBLY AND 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 THE CODE OF CONDUCT FOR MEMBERS OF THE STATES OF DELIBERATION

XV.- After consideration of the Report dated 13th May, 2013, of the States Assembly and Constitution Committee:-

1. That the Rules of Procedure of the States of Deliberation shall be amended with immediate effect as follows:
 - (a) in Rule 1(3)(a) delete the words “meeting for the consideration of” and substitute therefor: “Billet d’État in which the only business is”;
 - (b) in Rule 1(3)(b) delete the words “Meeting at” and substitute therefor: “Billet d’État in”;
 - (c) in Rule 2 after paragraph (1) insert:

“(1A) Every proposition for the approval of a Projet de Loi or an Ordinance, and every Ordinance or Statutory Instrument laid before the States, shall be accompanied by a brief explanatory memorandum approved by Her Majesty’s Procureur.”;
 - (d) In Rule 2 after paragraph (2) insert:

“(2A) A proposition which contains the words “the States” shall be construed (unless defined to the contrary) as meaning the States of Deliberation.”;
 - (e) in Rule 2 after paragraph (3) insert:

“(4) Any States member of a Department or Committee who dissents from all or some of the recommendations contained in a States report may deliver to the Department or Committee a minority report which shall be published as an annexe to the States report.”;
 - (f) in Rule 5,
delete “not less than 5 clear days” and substitute “not later than 15.00 on the day preceding the fifth clear day”;
 - (g) in Rule 5,
insert a new paragraph as follows at the end of the Rule numbered “(7)”:-

A Member asking *or replying to* a question or a supplementary question who

- (a) has a direct or special interest in the subject matter or the question, or
- (b) is aware that the Member's spouse, co-habiting partner, infant child or any company in which the Member has a controlling interest on the Member's or their behalf has such an interest

shall, without prejudice to the requirements of Rule 23, before they ask *or reply to* the question declare the said interest by disclosing it to the Meeting.”;

- (h) in Rule 5,
if proposition 2 of Article 10 of Billet d'État VIII was carried, in Rule 5A insert a new paragraph as follows at the end of the Rule –
“(7) Paragraph (7) of Rule 5 shall apply to questions asked pursuant to this Rule.”;

- (h)(a)
in Rule 5(2)(d), delete the words up to but excluding the words ‘PROVIDED THAT’ and substitute therefor:

“5(2)(d) shall be furnished either in writing or electronic format to the person to whom it is addressed, the Presiding Officer, Her Majesty's Procureur and to the official postal or email address of the relevant Department or Committee not later than 15:00 on the day preceding the fifth clear day before the day of the Meeting, excluding Saturdays, Sundays and Public Holidays;”

- (h)(b)
in Rule 6(1), delete the words “and Her Majesty's Procureur.” and substitute therefor: “, Her Majesty's Procureur and to the official postal or email address of the relevant Department or Committee.”

- (i) in Rule 9, delete lines (d) to (j) and substitute therefor:

“Legislative Business

(d) Motions to approve Projets de Loi

(e) Motions to approve draft Ordinances

(f) Laying of Ordinances

(g) Laying of Statutory Instruments

(h) Motions to annul a Statutory Instrument or Ordinance

All other Parliamentary Business

(i) Elections and Appointments

(j) Motions to debate an appendix report (1st stage)”;

- (j) in Rule 13(1) after the full stop add “The Greffier shall circulate to Members all amendments and sursis delivered to him by 15.00 on the day preceding the seventh clear day before the meeting excluding Saturdays, Sundays and Public Holidays.”;
- (k) in Rule 13(2) delete all the words from “the time specified in paragraph (3)” to the end of the paragraph and substitute therefor “15.00 on the day preceding the seventh clear day before the meeting excluding Saturdays, Sundays and Public Holidays”;
- (l) in Rule 13 delete paragraph (3);
- (m) in Rule 13(6) delete the words “not less than one third” and substitute therefor “a majority”;
- (n) in Rule 13,
 - (a) delete the heading and substitute therefor “Amendments, sursis and motions to withdraw”;
 - (b) after paragraph (10) insert:
 - “(11) (i) Where a Department or Committee (or in the case of a requête, the requérants) has resolved to request that an article or proposition be withdrawn, a motion to withdraw the said article or proposition shall be in writing, and must state the names of its proposer and seconder.
 - (ii) Debate on such a motion shall be limited Strictly thereto and no other issues relating to the article or proposition shall be debated until the motion to withdraw has been voted upon.”;
- (o) (a) in Rule 17(1) delete the words “If any 7 or more Members” and substitute therefor “If any 7 Members (but not more than 7)”;
- (b) in Rule 18(1) delete the words “If any 7 or more Members” and substitute therefor “If any 7 Members (but not more than 7)”;
- (c) in Rule 19(1) delete the words “If any 7 or more Members” and substitute therefor “If any 7 Members (but not more than 7)”;
- (p) in Rule 20(2) delete sub-paragraph (a) and substitute therefor:
 - “(a) voting shall be carried out by secret ballot, except that
 - (i) As soon as possible after the conclusion of the series of meetings for the election of a Chief Minister, Deputy Chief Minister, Ministers, Chairmen and Members of Departments and Committees held in May 2016 and quadrennially thereafter,
 - (ii) in all other elections, as soon as possible after the conclusion of the meeting at which the elections are held, the Greffier shall publish a list detailing the vote cast by each Member of the States in respect of each election.”;

(q) in Rule 20

A. delete sub-paragraph (3)(d) and substitute:

“(d) at the election meeting, before voting takes place the Presiding Officer shall –

(i) invite each candidate (or the candidate if there is only one) to speak for not more than 5 minutes and thereafter, if there are two or more candidates:

(ii) allow Members to question the candidates, provided that

(1) the question shall relate to areas of policy included in the mandate of the Policy Council;

(2) no Member may ask more than one question, save that if before the expiration of the period prescribed in sub-paragraph 6 there are no further questions, Members who have already asked a question may be permitted to ask further questions;

(3) the questioner may not speak for more than 30 seconds;

(4) each candidate shall be entitled to respond to each question, but no response shall exceed 1 minute;

(5) candidates shall answer the first question in the order in which they are nominated and thereafter the order of answering the questions shall, after each question has been answered by the candidates, be rotated by moving the name of the candidate at the top of the list to the bottom of that list;

(6) the session shall conclude at the expiration of the period calculated by multiplying 30 minutes by the number of candidates; and

(7) no Member shall be entitled to speak other than in accordance with the provisions of this sub-paragraph.”.

B. delete paragraph (4) and substitute:

“On a proposition to elect a Minister or a Deputy Chief Minister:

(a) the Presiding Officer

(i) shall first invite the Chief Minister, and thereafter other Members, to propose eligible candidates. Nobody shall speak about a candidate at that stage;

(ii) shall then invite each candidate (or the candidate if there is only one) to speak for not more than 5 minutes and thereafter, if there are two or more candidates:

(b) allow Members to question the candidates, provided that

(1)(a) in elections for the office of Minister, the question shall relate to areas of policy included in the mandates of the Policy Council or the department concerned;

(b) in elections for the office of Deputy Chief Minister, the question shall relate to areas of policy included in the mandate of the Policy Council;

(2) no Member may ask more than one question, save that if before the expiration of the period prescribed in sub-paragraph (6) there are no further questions, Members who have already asked a question may be permitted to ask further questions;

- (3) the questioner may not speak for more than 30 seconds;
- (4) each candidate shall be entitled to respond to each question, but no response shall exceed 1 minute;
- (5) candidates shall answer the first question in the order in which they are nominated and thereafter the order of answering the questions shall, after each question has been answered by the candidates, be rotated by moving the name of the candidate at the top of the list to the bottom of that list;
- (6) the session shall conclude at the expiration of the period calculated by multiplying 30 minutes by the number of candidates; and
- (7) no Member shall be entitled to speak other than in accordance with the provisions of this sub-paragraph.”.

C. Delete paragraph (5) and substitute:

“On a proposition to elect a Chairman of a Committee:

(a) the Presiding Officer

(i) shall first invite Members to propose eligible candidates.

Nobody shall speak about a candidate at that stage;

(ii) shall then invite each candidate (or the candidate if there is only one) to speak for not more than 5 minutes and thereafter, if there are two or more candidates:

(b) allow Members to question the candidates, provided that

(1) the question shall relate to areas of policy included in the mandate of the committee concerned;

(2) no Member may ask more than one question, save that if before the expiration of the period prescribed in sub-paragraph 6 there are no further questions, Members who have already asked a question may be permitted to ask further questions;

(3) the questioner may not speak for more than 30 seconds;

(4) each candidate shall be entitled to respond to each question, but no response shall exceed 1 minute;

(5) candidates shall answer the first question in the order in which they are nominated and thereafter the order of answering the questions shall be rotated by moving the name of the candidate at the top of the list to the bottom of that list;

(6) the session shall conclude at the expiration of the period calculated by multiplying 30 minutes by the number of candidates; and

(7) no Member shall be entitled to speak other than in accordance with the provisions of this sub-paragraph.”.

(s) in Rule 20(7) delete the first sentence and substitute therefor:

“On a proposition to elect a Chairman or members of a Non-Governmental Body, the Presiding Officer shall invite Members to propose eligible candidates.”;

(t) delete Rule 23(3) and substitute therefor:

“All persons elected shall

(a) within seven days of being elected or re-elected;
and
(c) subsequently during the month of May annually; make and lodge with the Greffier a Declaration of Interest.”;

(u) in Rule 24
immediately after the definition of “requête” insert:
“**“sursis”** means a motion the effect of which is to defer debate on an article or proposition and includes a “sursis motivé” which has the same effect but which also directs a course of action during the period of deferral.”;

(v) in Rule 12, delete Rule 12(6) and substitute therefor:
“(6) A Member may interrupt another Member who is addressing a Meeting:-
(a) on a point of order;
(b) on a point of correction, in respect of an inaccurate or misleading statement made by that other Member;
and shall do so by standing and calling “Point of Order” or “Point of Correction”, as the case may be, and waiting to be invited to speak further by the Presiding Officer;

(6A) A Member who wishes to make an interjection relevant to the point being made by the Member speaking may do so if the Member speaking agrees to give way. The Member speaking may, in his or her discretion, refuse to give way. A Member wishing to make the interjection shall so signify by standing and remaining silent until the Member speaking either gives way or refuses to give way. When a request to give way has been refused the Member standing shall resume his or her seat immediately.”;

and delete all the words occurring before the proviso in Rule 12(3) and substitute therefor:

“(3) Other than in the specific circumstances prescribed elsewhere in these Rules, no Member may speak more than once on the same motion without the leave of the Presiding Officer.”;

and in Rule 12(2) before “Debate” insert:
“When a Member wishes to be called to speak in the course of ordinary debate the Member shall stand in his or her place and wait to be called to speak by the Presiding Officer.”

(w) in Rule 8 re-designate paragraph (b) as (c) and insert the following after paragraph (a):
“(b) Any Member holding the office of Chief Minister, Deputy Chief Minister, Minister or Member of a Department, or Chairman or Member of a Committee who has tendered a resignation from that office who wishes to make a statement regarding that resignation

may do so during the meeting at which a successor to the vacated office is to be elected

- (i) at the time prescribed in Rule 9, or
- (ii) at such time as the Presiding Officer may direct.”;

(x) after Rule 19 add two new Rules:

“Motions of Censure of a Department or Committee.

“19A.(1) If any 7 Members (but not more than 7) address a request in writing to the Policy Council that a Motion of Censure of a Department or Committee be laid before the States, the Policy Council shall, notwithstanding Rule 2 (1) include that request in a Billet d’État as soon as reasonably practicable.

(2) A Motion of Censure shall include within its petition a statement that it is a Motion of Censure for the purposes of this Rule, and shall set out full details of the basis on which the petitioners propose the Motion of Censure.

(3) A Motion of Censure which does not comply with paragraph (2) shall fall to be dealt with as a requête in accordance with Rule 17.”;

“Motions of Censure of Chief Minister or Deputy Chief Minister.

“19B. (1) If any 7 Members (but not more than 7) address a request in writing to the Presiding Officer that a Motion of Censure of the Chief Minister or Deputy Chief Minister be laid before the States, the Presiding Officer shall, notwithstanding Rule 2 (1) include that request in a Billet d’État as soon as reasonably practicable.

(2) A Motion of Censure shall include within its petition a statement that it is a Motion of Censure for the purposes of this Rule, and shall set out full details of the basis on which the petitioners propose the Motion of Censure.

(3) A Motion of censure which does not comply with paragraph (2) shall fall to be dealt with as a requête in accordance with Rule 17.”;

(y) in Rule 13(6) insert after sub-paragraph (b) the words “may be laid only immediately after the amendment has been proposed and formally seconded (i.e. before any speech by its seconder or further debate) and”

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

(a) delete Rule 7(3) and substitute therefor:

“(3) If the Chief Minister, the Deputy Chief Minister, the Minister or a Member of a Department, the Chairman or a Member of a Committee resigns from that office in a letter to the Presiding Officer, the resignation shall take effect automatically on the election by the States of a successor to

the office vacated. No debate shall be held on the matter of the resignation.”;

(b) delete Rule 7(7);

(bA)

Delete rule 12 and substitute therefor:

“12. Save in respect of the office of Chief Minister, persons shall be eligible for nomination from the floor of the Assembly on the day of election, but where a person nominated is not a sitting member of the States the proposer shall provide to Members of the States, no later than the start of the meeting at which the election is to be held, a full report in writing containing background information about the candidate, the candidate’s willingness to seek election and the reasons for his name having been put forward.”

(c) delete Rule 15(1) and substitute therefor:

“(1) A Member of a Department or Committee or Sub-Committee who (or whose spouse, or any of whose infant children or any company in which the Member has a controlling interest on the Member’s own or their behalf) has a direct or special interest in the business under consideration by the Department, Committee or Sub-Committee must not participate in either discussion or voting thereon and must immediately declare the interest and withdraw from the meeting during the discussion and voting on the matter concerned.”

(d) at the end of Rule 15, insert the following

“(5) For the purpose of clarification but without prejudice to the generality of the definition in Rule 2, this Rule applies in like manner to the Policy Council as to Departments and Committees.”;

2A. To direct the States Assembly and Constitution Committee to make such rule changes as necessary by the end of December 2013 so that Members of Department Boards and States Committees shall be able to participate in any Department or Committee meeting and enable it to be quorate whilst not present in person, using accepted technological methods such as, but not limited to, conference calls, video conferencing or Skype; provided that other participants can clearly hear and be heard by, all other members and other participants at the meeting, and only by prior agreement from each Board or Committee Chair Person.”

3. That paragraph 51 of the Code of Conduct for Members of the States of Deliberation shall be amended by inserting the following after the last bullet point:

- the disciplines and standards of behaviour prescribed are also applicable in the context of electronic communications.”;

4. That the titles of Ordinances laid before the States and Statutory Instruments laid before the States and the explanatory memoranda relating thereto shall be printed in Billets d’État immediately following Projets de Loi and Ordinances, and that the

headings “Legislative Business” and “All other Parliamentary Business” be included in the index printed on the cover of each Billet d’État.

S M D ROSS
HER MAJESTY’S DEPUTY GREFFIER

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 25TH DAY OF SEPTEMBER, 2013

(Adjourned from 24th September, 2013)

**The States resolved as follows concerning Billet d'État No XV
dated 21st June 2013**

REQUÊTE

CLARIFICATION OF THE RESPONSIBILITY AND ACCOUNTABILITY OF THE CIVIL SERVICE TO THE POLITICAL BOARDS AND COMMITTEES

XVI:- After consideration of the Requête dated 14th May, 2013 signed by Deputy E G Bebb and eight other Members of the States:-

1. To confirm that chief officers are, *inter alia*, responsible for implementing policy formulated by the committees which they are appointed to serve, but that, when making policy decisions, committees of the States are subject always to the primacy of direction by the States acting by Resolution.
2. To confirm that the Chief Executive is responsible for the line management of chief officers.
3. To approve of the Chief Executive, when appraising a chief officer, continuing to afford an opportunity to the chairman of the committee concerned to advise as to its members' views.
4. To confirm that the Chief Executive is, *inter alia*, responsible for structuring and organising the civil service and this should be discharged in accordance with all relevant Resolutions of the States.
5. To direct the Policy Council to take into account the prevailing view of the States is that the 'Executive Leadership Team' should be renamed the 'Chief Executive's Management Team'.
6. To direct that, where appropriate, there should be internal service level agreements within the States of Guernsey, including in respect of services provided by the Shared Transaction Service Centre ("the Hub"), in order to provide for clear definition of responsibilities and clear lines of accountability.
7. To direct that when the States Review Committee reports to the States it shall make proposals designed to ensure that the structure of the civil service and titles of officers (such as "Chief Executive" or "States Supervisor") are consistent with the organisation of States affairs which the Committee will recommend by adopted with effect from 2016.

REQUÊTE

SCRUTINY URGENT BUSINESS REVIEW INTO THE NON-DISCLOSURE OF INFORMATION RELATING TO THE NEGOTIATED SETTLEMENT WITH AFR ADVOCATES

XVII.- After consideration of the Requête dated 14th May, 2013 signed by Deputy J A B Gollop and nine other Members of the States, to note the contents of the Summary Report of the Scrutiny Committee's Review Panel and transcription of the public hearing held on Thursday 21 March 2013 into the non-disclosure of information relating to the negotiated settlement with AFR Advocates, which was published on 27 March, 2013, as appended to that Requête.

**J TORODE
HER MAJESTY'S GREFFIER**