



**RESOLUTIONS**  
*on the*  
**BILLETS D'ÉTAT**  
*for*  
**2015**

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 28TH DAY OF JANUARY, 2015**

Adjourned from 10th December, 2014

**The States resolved as follows concerning Billet d'État No XXVI  
dated 31<sup>st</sup> October 2014**

**THE MOTOR TAXATION (FIRST REGISTRATION DUTY) (GUERNSEY)  
ORDINANCE, 2014**

- I.- To withdraw the draft Ordinance entitled “The Motor Taxation (First Registration Duty) (Guernsey) Ordinance, 2014”.

**J TORODE  
HER MAJESTY’S GREFFIER**

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 28TH DAY OF JANUARY, 2015**

**The States resolved as follows concerning Billet d'État No I  
dated 19<sup>th</sup> December 2014**

**PROJET DE LOI**

entitled

**THE INCOME TAX (GUERNSEY) (AMENDMENT) LAW, 2015**

- I.- To approve the draft Projet de Loi entitled “The Income Tax (Guernsey) (Amendment) Law, 2015”, and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

Considering it expedient in the public interest so to do, to declare that the said Projet de Loi had effect from the 26<sup>th</sup> September, 2013, under and subject to the provisions of the Taxes and Duties (Provisional Effect) (Guernsey) Law, 1992, and in accordance with the provisions of clause 3 of the said Projet de Loi, as if it were a Law sanctioned by Her Majesty in Council and registered on the records of the Island of Guernsey.

**THE INCOME TAX (GUERNSEY) (APPROVAL OF AGREEMENT WITH  
MACAO) ORDINANCE, 2015**

- II.- To approve the draft Ordinance entitled “The Income Tax (Guernsey) (Approval of Agreement with Macao) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE AIR NAVIGATION (BAILIWICK OF GUERNSEY)  
(ENVIRONMENTAL STANDARDS) ORDINANCE, 2015**

- III.- To approve the draft Ordinance entitled “The Air Navigation (Bailiwick of Guernsey) (Environmental Standards) Ordinance, 2015”, and direct that the same shall have effect as an Ordinance of the States.

***ORDINANCES LAID BEFORE THE STATES***

**THE INCOME TAX (GUERNSEY) (MISCELLANEOUS AMENDMENTS)  
ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Income Tax (Guernsey) (Miscellaneous Amendments)

Ordinance, 2014 made by the Legislation Select Committee on the 24<sup>th</sup> November, 2014, were laid before the States.

**THE COMPANIES (GUERNSEY) LAW, 2008 (AMENDMENT)  
ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Companies (Guernsey) Law, 2008 (Amendment) Ordinance, 2014 made by the Legislation Select Committee on the 24<sup>th</sup> November, 2014, were laid before the States.

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

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL  
BENEFIT) (AMENDMENT) (NO. 6) 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. 6) Regulations, 2014, made by the Social Security Department on 28<sup>th</sup> October 2014, were laid before the States.

**THE MILK (RETAIL PRICES) (GUERNSEY) ORDER, 2014**

In pursuance of Section 8 (1) of the Milk (Control) (Guernsey) Ordinance, 1958, The Milk (Retail Prices) (Guernsey) Order, 2014, made by the Commerce and Employment Department on 2<sup>nd</sup> September, 2014, were laid before the States.

**THE WASTEWATER CHARGES (GUERNSEY) (AMENDMENT)  
REGULATIONS, 2014**

In pursuance of Section 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, The Wastewater Charges (Guernsey) (Amendment) Regulations, 2014, made by the Public Services Department on 21<sup>st</sup> November 2014, were laid before the States.

**THE WATER CHARGES (AMENDMENT) (No 2.) REGULATIONS, 2014**

In pursuance of Section 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, The Water Charges (Amendment) (No. 2) Regulations, 2014, made by the Public Services Department on 21<sup>st</sup> November 2014, were laid before the States.

**THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT)  
REGULATIONS, 2014**

In pursuance of Section 35 of the Health Service Insurance (Guernsey) Law, 1990, The Health Service (Medical Appliances) (Amendment) Regulations, 2014 made by the Social Security Department on 25<sup>th</sup> November 2014, were laid before the States.

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

In pursuance of Section 117 of the Social Insurance (Guernsey) Law, 1978, The Social Insurance (Benefits) (Amendment) Regulations, 2014 made by the Social Security Department on 25<sup>th</sup> November 2014, were laid before the States.

**THE COMPANIES (AUDIT EXEMPTION) (AMENDMENT)  
REGULATIONS, 2014**

In pursuance of Section 537 of the Companies (Guernsey) Law, 2008, The Companies (Audit Exemption) (Amendment) Regulations, 2014, made by the Commerce and Employment Department on 4<sup>th</sup> November 2014, were laid before the States.

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

In pursuance of Section 86 of The Insurance Business (Bailiwick of Guernsey) Law, 2002, The Insurance Business (Bailiwick of Guernsey) (Amendment) Regulations, 2014, made by the Guernsey Financial Service Commission on 7<sup>th</sup> November 2014, were laid before the States.

**SCRUTINY COMMITTEE**

**NEW MEMBER**

- IV.- To elect Deputy G. M. Collins as a member of the Scrutiny Committee to complete the unexpired portion of the term of office of Deputy S. J. Ogier, who has been elected to the office of Minister of the Public Services Department, namely to serve until May 2016 in accordance with Rule 7 of the Constitution and Operation of States Departments and Committees.

**POLICY COUNCIL**

**APPOINTMENT OF ORDINARY MEMBERS OF  
THE GUERNSEY FINANCIAL SERVICES COMMISSION**

- V.- After consideration of the Report dated 1<sup>st</sup> December, 2014, of the Policy Council:-

1. To reappoint Howard Emerson Flight (Lord Flight, of Worcester) as an ordinary member of the Guernsey Financial Services Commission for a three year term with effect from 2<sup>nd</sup> February, 2015.
2. To reappoint Mr. Robert Stead Moore as an ordinary member of the Guernsey Financial Services Commission for a three year term with effect from 2<sup>nd</sup> February, 2015.
3. To reappoint Advocate Simon William Francis Howitt as an ordinary member of the Guernsey Financial Services Commission for a three year term with effect from 2<sup>nd</sup> February, 2015.

## **COMMERCE AND EMPLOYMENT DEPARTMENT**

### **MARITIME LABOUR CONVENTION LEGISLATION EXTENSION TO SARK**

- VII.- After consideration of the Report dated 4<sup>th</sup> November, 2014, of the Commerce and Employment Department:-
1. To approve the proposal set out in paragraph 2.5 of that Report, that an Ordinance under the Employment Agencies (Enabling Provisions) (Bailiwick of Guernsey) Law, 2012 be made having effect in Sark, to give domestic effect to the requirements of Regulation 1.4 of the Maritime Labour Convention 2006 in that island.
  2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **SOCIAL SECURITY DEPARTMENT**

### **RESIGNATION OF NON-VOTING MEMBER OF THE SOCIAL SECURITY DEPARTMENT**

- VIII.- After consideration of the Report dated 22<sup>nd</sup> September, 2014, of the Social Security Department:-
1. To note that the Social Security Department does not intend to nominate a successor non-voting member at the current time.
  2. To accept Mrs. Suzanne Marie Crowder's resignation as a non-voting member of the Social Security Department.

**HOME DEPARTMENT****INDEPENDENT MONITORING PANEL:  
APPOINTMENT OF MEMBERS**

- IX.- After consideration of the Report dated 20<sup>th</sup> October, 2014, of the Home Department:-
1. To reappoint Mrs. Wendy Sandra Meade as a member of the Independent Monitoring Panel for a period of four years with effect from February 2015 and to appoint Mrs Meade to the position of Chairman of the Independent Monitoring Panel.
  2. To reappoint Mr. John Francis Ashby as a member of the Independent Monitoring Panel for a period of four years with effect from February 2015.
  3. To reappoint Mr. Stephen Hill as a member of the Independent Monitoring Panel for a period of four years with effect from February 2015.
  4. To reappoint Mrs. Annette Sara Henry as a member of the Independent Monitoring Panel for a period of four years with effect from February 2015;
  5. To appoint Mr. Peter Arthur Champion as a member of the Independent Monitoring Panel for a period of four years with effect from February 2015.
  6. To appoint Mr. Anthony Talmage as a member of the Independent Monitoring Panel for a period of four years with effect from February 2015.
  7. To amend the Prison (Guernsey) Ordinance, 2013 to remove the upper limit (eight) on the number of Independent Panel Members, leaving the Department to determine the appropriate number of members (not being fewer than four) at any given time.

**J TORODE  
HER MAJESTY'S GREFFIER**

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

Adjourned from 28<sup>th</sup> January, 2015

**The States resolved as follows concerning Billet d'État No I  
dated 19<sup>th</sup> December 2014**

**HOME DEPARTMENT**

**BAILIWICK DRUG AND ALCOHOL STRATEGY 2015-2020**

- VI.- After consideration of the Report dated 27<sup>th</sup> October, 2014, of the Home Department, to approve the Bailiwick Drug and Alcohol Strategy 2015-2020 and affirm the States' commitment to minimising the harm caused by drug and alcohol misuse to Bailiwick residents of all ages.

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



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

**The States resolved as follows concerning Billet d'État No II  
dated 9<sup>th</sup> January, 2015**

**PUBLIC SERVICES DEPARTMENT**

**BELLE GREVE PHASE IV – PROPOSED OUTFALLS REPLACEMENT**

- I.- After consideration of the Report dated 29<sup>th</sup> December, 2014, of the Public Services Department, to approve the award of a contract for the replacement of both the Long Sea Outfall and the Short Sea Outfall to discharge at the agreed locations (designated as Points A and B respectively in the diagram attached to the report as Appendix G) to be funded from a capital vote of £19.9 million (including risk and contingency allowance) charged to the Capital Reserve.

**REQUÊTE**

**LIBERATION DAY, 2015 (AND FUTURE YEARS) – PROPOSAL FOR A  
PUBLIC HOLIDAY ON A WEEKDAY**

- II.- After consideration of the Requête dated 5<sup>th</sup> December, 2014, signed by Deputy M. Fallaize and six other Members of the States:-
1. TO NEGATIVE THE PROPOSITION to approve that Friday the 8<sup>th</sup> of May, 2015 shall be a public holiday.
  2. TO NEGATIVE THE PROPOSITION to approve that Monday the 4<sup>th</sup> of May, 2015 shall not be a public holiday.
  3. TO NEGATIVE THE PROPOSITION to direct the preparation of such legislation as may be necessary to give effect to the above decisions.
  4. TO NEGATIVE THE PROPOSITION that when in any year after 2015 the 9<sup>th</sup> of May falls on a Saturday or Sunday there shall be a public holiday on the nearest practicable weekday; and to direct the Culture & Leisure Department, in accordance with that part of its mandate which makes it responsible for the “planning and implementing of appropriate arrangements to mark the Island’s celebrations of Liberation Day”, to lay before the States the necessary recommendations for this policy to be carried into effect in 2020, 2021, 2026, 2027 and in all subsequent relevant years.

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

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 25TH DAY OF FEBRUARY, 2015**

**The States resolved as follows concerning Billet d'État No III  
dated 16<sup>th</sup> January 2015**

**PROJET DE LOI**

entitled

**THE PAROCHIAL CHURCH PROPERTY (GUERNSEY) LAW, 2015**

- I.- To approve, subject to the following amendments, the draft Projet de Loi entitled "The Parochial Church Property (Guernsey) Law, 2015", and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

Amendment

To delete clause 3 and re-number the following clauses accordingly and, in consequence thereof –

- (a) in clause 4(1) and 4(2)(a), delete "or 3"; and
- (b) in clause 17, delete the definitions of "the Church Hall", "the Community Centre" and "St Martin Community Centre".

Amendment

- 1. In the arrangement of sections:
  - (a) for the heading "Glebe land and other buildings", substitute "Glebe land",
  - (b) delete "3. Ownership of other buildings.", and
  - (c) re-number the current clauses 4 to 19 as clauses 3 to 18;
- 2. Re-number the current clauses 4 to 19 as clauses 3 to 18;
- 3. For the heading "Glebe land and other buildings", substitute "Glebe land";
- 4. In clause 2(5), for "5" substitute "4";
- 5. Delete the heading "General provisions";
- 6. In clause 7, for "6" substitute "5";
- 7. In clause 8, for "10 and 11" substitute "9 and 10";
- 8. In clause 16(1), in the definition of:

- (a) "the Law of 1923", for "13" substitute "12", and
- (b) "a relevant property", for "4" substitute "3"; and

9. For clause 16(2), substitute the following subclause:

"(2) In determining any question as to glebe land –

- (a) regard shall be had to the provisions, and in particular Appendix 6, of the report of the Parochial Ecclesiastical Rates Review Committee dated 18th November 2011<sup>1</sup>, but
- (b) the grounds on which –
  - (i) St Martin Community Centre, and
  - (ii) Torteval Church Hall,
 is built is not glebe land for the purposes of this Law and, for the avoidance of doubt, this Law shall have no effect on the ownership of either building or the grounds on which that building is built."

## **THE DRIVING LICENCES (GUERNSEY) (AMENDMENT) ORDINANCE, 2015**

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

### ***ORDINANCES LAID BEFORE THE STATES***

#### **THE CHARITIES AND NON PROFIT ORGANISATIONS (REGISTRATION) (GUERNSEY) LAW, 2008 (AMENDMENT) ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008 (Amendment) Ordinance, 2014 made by the Legislation Select Committee on the 10<sup>th</sup> December, 2014, was laid before the States.

#### **THE INCOME TAX (GUERNSEY) (AMENDMENT) (NO. 2) ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Income Tax (Guernsey) (Amendment) (No. 2) Ordinance, 2014 made by the Legislation Select Committee on the 15<sup>th</sup> December, 2014, was laid before the States.

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<sup>1</sup>

Article XV of Billet d'État No. IV of 2012.

**THE INCOME TAX (GUERNSEY) (AMENDMENT)  
(NO. 3) ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Income Tax (Guernsey) (Amendment) (No. 3) Ordinance, 2014 made by the Legislation Select Committee on the 15<sup>th</sup> December, 2014, was laid before the States.

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

**THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (LEGAL PROFESSIONALS, ACCOUNTANTS AND ESTATE AGENTS) (BAILIWICK OF GUERNSEY) (AMENDMENT) (NO. 2) REGULATIONS, 2014**

In pursuance of section 54 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, the Criminal Justice (Proceeds of Crime) (Legal Professionals, Accountants and Estate Agents) (Bailiwick of Guernsey) (Amendment) (No. 2) Regulations, 2014, made by the Policy Council on 3<sup>rd</sup> December, 2014, were laid before the States.

**THE FINANCIAL SERVICES COMMISSION (FEES) REGULATIONS, 2014**

In pursuance of section 21 of the Protection of Investors (Bailiwick of Guernsey) Law, 1987, section 60 of the Banking Supervision (Bailiwick of Guernsey) Law, 1994, section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002 and section 63 of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002, the Financial Services Commission (Fees) Regulations, 2014, made by the Guernsey Financial Services Commission on the 5<sup>th</sup> day of December, 2014, were laid before the States.

**THE PROTECTED CELL COMPANIES AND INCORPORATED CELL COMPANIES (FEES FOR INSURERS) REGULATIONS, 2014**

In pursuance of section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002 and Section 537 of the Companies (Guernsey) Law, 2008, the Protected Cell Companies and Incorporated Cell Companies (Fees for Insurers) Regulations, 2014, made by the Guernsey Financial Services Commission on the 5<sup>th</sup> day of December, 2014, were laid before the States.

**THE REGISTRATION OF NON-REGULATED FINANCIAL SERVICES BUSINESSES (BAILIWICK OF GUERNSEY) (FEES) REGULATIONS, 2014**

In pursuance of section 31(c) of the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008, the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) (Fees) Regulations, 2014, made by the Guernsey Financial Services Commission on the 5<sup>th</sup> day of December 2014, were laid before the States.

**THE AMALGAMATION AND MIGRATION OF COMPANIES (FEES  
PAYABLE TO THE GUERNSEY FINANCIAL SERVICES COMMISSION)  
REGULATIONS, 2014**

In pursuance of section 537 of the Companies (Guernsey) Law, 2008, the Amalgamation and Migration of Companies (Fees payable to the Guernsey Financial Services Commission) Regulations, 2014, made by the Guernsey Financial Services Commission on the 5<sup>th</sup> day of December 2014, were laid before the States.

**THE SUPPLEMENTARY BENEFIT (GUERNSEY) REGULATIONS, 2014**

In pursuance of Section 15B of the Supplementary Benefit (Guernsey) Law, 1971, the Supplementary Benefit (Guernsey) Regulations, 2014, made by the Social Security Department on 28<sup>th</sup> November, 2014, were laid before the States.

**THE COPYRIGHT (APPLICATION TO BERNE CONVENTION COUNTRIES)  
(BAILIWICK OF GUERNSEY) REGULATIONS, 2014**

In pursuance of Section 221(3) of the Copyright (Bailiwick of Guernsey) Ordinance, 2005, the Copyright (Application to Berne Convention Countries) (Bailiwick of Guernsey) Regulations, 2014 made by the Commerce and Employment Department on 18<sup>th</sup> November, 2014, were laid before the States.

**THE COPYRIGHT (APPLICATION TO THE UNITED KINGDOM)  
(BAILIWICK OF GUERNSEY) (AMENDMENT) REGULATIONS, 2014**

In pursuance of Section 221(3) of the Copyright (Bailiwick of Guernsey) Ordinance, 2005, the Copyright (Application to the United Kingdom) (Bailiwick of Guernsey) (Amendment) Regulations, 2014, made by the Commerce and Employment Department on 18<sup>th</sup> November, 2014, were laid before the States.

**THE COMPANIES (RECOGNISED STOCK EXCHANGES) (AMENDMENT)  
REGULATIONS, 2014**

In pursuance of 537 of the Companies (Guernsey) Law, 2008, the Companies (Recognised Stock Exchanges) (Amendment) Regulations, 2014 made by the Registrar of Companies on 18<sup>th</sup> November, 2014, were laid before the States.

**THE COMPANIES (GUERNSEY) LAW, 2008 (AMENDMENT OF PART XVIA)  
REGULATIONS, 2014**

In pursuance of section 537 of the Companies (Guernsey) Law, 2008, the Companies (Guernsey) Law, 2008 (Amendment of Part XVIA) Regulations, 2014, made by the Commerce and Employment Department on 2<sup>nd</sup> December 2014, were laid before the States.

**THE COMPANIES (RECOGNITION OF AUDITORS) (RENEWAL OF  
REGISTRATION) REGULATIONS, 2014**

In pursuance of section 537 of the Companies (Guernsey) Law, 2008, the Companies (Recognition of Auditors) (Renewal of Registration) Regulations, 2014, made by the Registrar of Companies on 2<sup>nd</sup> December 2014, were laid before the States.

**THE COMPANIES (AUDIT EXEMPTION) (AMENDMENT) (NO. 2)  
REGULATIONS, 2014**

In pursuance of section 537 of the Companies (Guernsey) Law, 2008, the Companies (Audit Exemption) (Amendment) (No. 2) Regulations, 2014, made by the Commerce and Employment Department on 2<sup>nd</sup> December, 2014, were laid before the States.

**THE HOUSING (CONTROL OF OCCUPATION) (FEES) (GUERNSEY)  
REGULATIONS, 2013**

In pursuance of section 66A (3) of the Housing (Control of Occupation) (Guernsey) Law, 1994, as amended, the Housing (Control of Occupation) (Fees) (Guernsey) Regulations, 2013, made by the Housing Department on 16<sup>th</sup> December 2013, were laid before the States.

**THE HOUSING (CONTROL OF OCCUPATION) (FEES) (GUERNSEY)  
REGULATIONS, 2014**

In pursuance of section 66A (3) of the Housing (Control of Occupation) (Guernsey) Law, 1994, as amended, the Housing (Control of Occupation) (Fees) (Guernsey) Regulations, 2014, made by the Housing Department on 24<sup>th</sup> November 2014 were laid before the States.

**THE STATES HOUSING (RENT AND REBATE SCHEME) (GUERNSEY)  
(AMENDMENT) REGULATIONS, 2013**

In pursuance of section 5 (3) of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004, the States Housing (Rent and Rebate Scheme) (Guernsey) (Amendment) Regulations, 2013, made by the Housing Department on 17<sup>th</sup> December, 2013, were laid before the States.

**THE STATES HOUSING (RENT AND REBATE SCHEME) (GUERNSEY)  
(AMENDMENT) REGULATIONS, 2014**

In pursuance of section 5 (3) of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004, the States Housing (Rent and Rebate Scheme) (Guernsey) (Amendment) Regulations, 2014, made by the Housing Department on 28<sup>th</sup> November, 2014, were laid before the States.

**THE MILK (RETAIL PRICES) (GUERNSEY) (REVOCATION) ORDER, 2014**

In pursuance of section 8(4) of the Milk (Control) (Guernsey) Ordinance, 1958, the Milk (Retail Prices) (Guernsey) (Revocation) Order, 2014, made by the Commerce and Employment Department on 18<sup>th</sup> November, 2014, was laid before the States.

**COMMERCE AND EMPLOYMENT DEPARTMENT**

**RE-APPOINTMENT OF EMPLOYMENT AND DISCRIMINATION  
TRIBUNAL PANEL MEMBERS**

V.- After consideration of the Report dated 18<sup>th</sup> November, 2014, of the Commerce and Employment Department:-

1. To reappoint, in accordance with the requirements of Section 1 of the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005,:

Mrs Joanne Antonia de Garis  
Mrs Christine Diane Le Lièvre  
Mrs Paula Mary Brierley  
Mr Roger John Brookfield  
Ms Alison Jayne Thompson Girollet (formerly Anderson)  
Mr George Charles Sidney Jennings  
Mrs Caroline Denise Latham  
Mrs Tina Jane Le Poidevin  
Ms Helen Sheena Hubbard (formerly Martin)  
Ms Georgette Scott  
Ms Kathy Erin Tracey  
Mr Andrew Douglas Vernon  
Mr Peter Robert Woodward

as members of the Employment and Discrimination Tribunal Panel, this appointment to take immediate effect until 28th February 2018.

2. To appoint Mr Peter Robert Woodward as Convenor.
3. To re-appoint Mrs Tina Jane Le Poidevin as Deputy Convenor.

**HOME DEPARTMENT**

**PAROLE REVIEW COMMITTEE – CHAIRMAN**

VI.- After consideration of the Report dated 10<sup>th</sup> December, 2014, of the Home Department to approve the appointment of Mrs Judith Helen Haslam as Chairman of the Parole Review Committee for a further three years, with effect from 1<sup>st</sup> March 2015.

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

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 26TH DAY OF FEBRUARY, 2015**

Adjourned from 25<sup>th</sup> February, 2015

**The States resolved as follows concerning Billet d'État No III  
dated 16<sup>th</sup> January 2015**

**POLICY COUNCIL**

**INVESTIGATING A LIVING WAGE STATISTIC FOR GUERNSEY**

- III.- After consideration of the Report dated 8<sup>th</sup> December, 2014, of the Policy Council:-
1. To agree that the States of Guernsey should not at that time research, calculate or publish its own Living Wage Statistic.
  2. To direct the Policy Council to keep under review the value of a Living Wage Statistic in the context of its investigations into the measurement of poverty and income inequality, together with the proposals emanating from the Personal Tax, Benefits and Pensions Review and from the deliberations of the Social Welfare Benefits Investigation Committee.
  3. To direct the preparation of an Ordinance to amend The Social Insurance (Guernsey) Law, 1978, in order to permit the Administrator of the Social Security Department, or any person authorised by him, to disclose to any officer appointed under The Minimum Wage (Guernsey) Law, 2009, specified information obtained under The Social Insurance (Guernsey) Law, 1978, where, in the course of an inspection of an employer by the Social Security Department, a breach of The Minimum Wage (Guernsey) Law, 2009, is suspected (as set out in paragraphs 2.22-2.25 of that Report).

**TREASURY AND RESOURCES DEPARTMENT**

**INTRODUCTION OF PAID PARKING: TAXING/CHARGING IN RESPECT OF  
EMPLOYER PROVIDED PARKING SPACES**

- IV.- After consideration of the Report dated 17<sup>th</sup> December, 2014, of the Treasury and Resources Department TO NEGATIVE THE PROPOSITION to not introduce a system for taxing, as a benefit in kind, the provision of employer-provided parking to employees, or the introduction of a workplace levy.

**J TORODE  
HER MAJESTY'S GREFFIER**



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

Adjourned from 26<sup>th</sup> February, 2015

**The States resolved as follows concerning Billet d'État No III  
dated 16<sup>th</sup> January 2015**

**REQUÊTE**

**INTEGRATED TRANSPORT STRATEGY AND ACTION PLAN FOR GUERNSEY  
- PAID PARKING AND BUS SERVICES**

VII:- After consideration of the Requête dated 28<sup>th</sup> October 2014 and signed by Deputy A.H. Brouard and six other Members of the States

- (a) to rescind their Resolutions of 14<sup>th</sup> May 2014 on Article VI.5, VI.5A, and VI.24(b) of Billet d'État IX of 2014; and
- (b) to approve the introduction of a chargeable annual disc parking clock for short stay and long stay parking in all disc zones in St. Peter Port and in the rest of the Island at a charge of between £30 and £50 per annum in accordance with detailed proposals set out in a further report to be submitted to the States by the Environment Department.

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

# IN THE STATES OF ELECTION OF THE ISLAND OF GUERNSEY

## ON THE 24<sup>th</sup> DAY OF MARCH 2015

**The States resolved as follows concerning Billet d'État No V  
dated 13 March 2015**

### ELECTION OF JURAT

In accordance with the provisions of section 5 (2) of the Reform (Guernsey) Law, 1948, as amended, and section 8 (1) of the Royal Court (Reform) (Guernsey) Law, 2008, an election was held, by secret ballot, for the office of Jurat of the Royal Court to replace Jurat David Osmond Le Conte who ceased to hold office by reason of age on the 20<sup>th</sup> March 2015.

The following candidates were duly proposed and seconded, namely: -

Steven John Morris	proposed by Deputy R. W. Sillars Seconded by Deputy L. S. Trott
David James Mortimer	proposed by Deputy A. Spruce Seconded by Deputy P. A. Harwood

The following were appointed Scrutineers: -

Jurat D. P. L. Hodgetts, LVO  
Deputy S. J. Ogier  
Deputy A. H. Adam

Ninety seven members were present at the meeting

The votes cast were as follows: -

#### *First Ballot*

Steven John Morris	62 votes
David James Mortimer	34 votes

There was one blank paper and no spoiled papers.

The Deputy Bailiff declared Steven John Morris duly elected and requested Her Majesty's Sheriff to invite Mr Morris to attend the sitting of the Royal Court at 9.30 am on 30<sup>th</sup> March, 2015, to take the Oath attaching to the office of Jurat of the Royal Court.

J TORODE  
HER MAJESTY'S GREFFIER

**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 13<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> 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 18<sup>th</sup> 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 1<sup>st</sup> 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 15<sup>th</sup> December, 2014, of the Policy Council:-
1. To re-elect Mr. Patrick Russell to sit as a lay member of the Planning Panel until 31<sup>st</sup> March 2021.
  2. To re-elect Mr. Stuart Fell to sit as a professional member of the Planning Panel until 31<sup>st</sup> March 2021.
  3. To re-appoint Mr. Patrick Russell as Chairman and Mr. Stuart Fell as Vice Chairman of the Planning Panel until 31<sup>st</sup> 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 24<sup>th</sup> March, 2015)

**The States resolved as follows concerning Billet d'État No VI  
dated 13<sup>th</sup> 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 31<sup>st</sup> 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 1<sup>st</sup> April 2015.
4. To agree that the employer contribution rate for Guernsey Post Limited be increased to 15.0% with effect from 1<sup>st</sup> 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 6<sup>th</sup> 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 8<sup>TH</sup> DAY OF APRIL, 2015

(Adjourned from 24<sup>th</sup> March 2015)

**The States resolved as follows concerning Billet d'État No IV  
dated 2<sup>nd</sup> February 2015**

## **TREASURY AND RESOURCES DEPARTMENT & SOCIAL SECURITY DEPARTMENT**

### PLANNING A SUSTAINABLE FUTURE – THE PERSONAL TAX, PENSIONS AND BENEFITS REVIEW

- I.- After consideration of the Report dated 15<sup>th</sup> January, 2015, of the Treasury and Resources Department and the Social Security Department:-
  1. To agree that, in order to ensure that public services can continue to be delivered economically and sustainably in the long term, ongoing changes in the demographic make-up of the populations of Guernsey and Alderney require the adoption of a package of measures in relation to the tax and benefits systems.
  2. To agree that any changes made to the personal tax system as a result of the approval of the Propositions 4 to 41 below, including any transitional arrangements, should be completed no later than January 2025 unless otherwise agreed.
  3. To direct the Treasury and Resources Department and Social Security Department to co-ordinate their actions and report annually to the States on the transitional measures required as a result of the approval of Propositions 4 to 41 to ensure that any groups of people disadvantaged by the measures agreed are adequately protected throughout the transition period detailed in paragraphs 6.1.1 to 6.1.7 of that Report.
  4. To direct the Policy Council to review the impact of population policy on the States Strategic Plan Statement of Aims and report back to the States of Deliberation with its findings no later than July 2018.
  5. To direct the Treasury and Resources Department and Social Security Department, when making recommendations for changes in tax and benefits during the transitional period as detailed in paragraph 6.1.1 to 6.1.7 of that Report, to have regard to the numbers of people resident in Guernsey and Alderney, their demographic make-up and their level of economic activity and ability to pay.
  6. To amend the Fiscal Framework to place an upper limit on aggregate government income, incorporating General Revenue, Social Security contributions and fees and charges, such that total government income should not exceed 28% of Gross Domestic Product.

7. To direct the Social Security Department, in consultation with the Treasury and Resources Department, to present to the States of Deliberation for approval a report or reports outlining policies to ensure adequate personal or workplace pension provision in Guernsey and Alderney covering the following parameters:
  - the enhanced take up of private pension schemes;
  - the creation of a pension scheme designed to capture those not currently making personal provision (outside of the existing statutory old-age pension scheme);
  - the enhancement of incentives for contribution to a private pension scheme through the tax system;
  - the feasibility of devising a scheme whereby pensioners may, if they so wish, invest their pensions in a fund tracking the performance of the capital funds managed on behalf of the States of Guernsey.
8. To agree that any additional pension scheme adopted as a result of Proposition 7 be made available to contributors no later than January 2020.
9. To agree that long-term planning for statutory old-age pension provision be designed to maintain a buffer of at least two years of expenditure within the Guernsey Insurance Fund.
- 10–12. To direct the Social Security Department to include in the 2015 uprating report the advantages, disadvantages and financial consequences of adopting a policy of uprating pensions annually at the midway point between increases in median earnings and increases in prices.
13. To agree that the age at which an individual is entitled to claim their statutory old-age pension should be increased from 65 to 70 years, such increase to commence in 2020 at a rate of 2 months per year to reach age 70 in 2049.
14. That the States' Resolution dated 31<sup>st</sup> July 2009 (Billet d'État XXI, July 2009) stating "That pension age shall gradually be increased to 67 through increases of 2 months per year, starting in 2020" be rescinded.
15. To direct the Social Security Department, in consultation with all other relevant departments, to investigate measures aimed at supporting longer working lives and assisting older people who wish to work to remain in the workforce, and to report to the States of Deliberation with its findings no later than December 2017.
16. To direct the Social Security Department to bring into effect as soon as possible the various parental benefits as described in resolutions VI.10a to 10d of Billet d'État IV 2012, either by the levying of an additional 0.1% on employee social security contributions and an additional 0.1% on employer social security contributions, or by any other means deemed desirable and appropriate by the Department, in order to achieve the objective of implementation of the said resolutions, independent of other pension and benefit considerations, and to



report to the States on the progress that has been made towards such implementation, including timescales, in their 2015 annual uprating report.

17. To acknowledge that the present model of provision of long-term residential and nursing care for older people is financially unsustainable and to direct that the Policy Council give consideration to the suggestions outlined in paragraphs 5.2.42 to 5.2.48 of that Report, when reporting to the States of Deliberation on a Supported Living and Ageing Well Strategy.
18. To direct the Policy Council to ensure that the outputs of the Supported Living and Ageing Well Strategy can be achieved within the financial limitation set out by the Fiscal Framework and any extension of those limitations to incorporate income from Social Security contributions agreed by the States of Deliberation's approval of proposition 6.
19. To note that, in the opinion of the Treasury & Resources Department and the Social Security Department, between 2016 and 2025 the payment of a universal Family Allowance under the Family Allowances (Guernsey) Law, 1950, should be phased out through gradual reductions in the amount paid having regard to the increases in personal tax allowances as outlined in Proposition 27 below.
20. To note that in the opinion of the Treasury & Resources Department and the Social Security Department the universal exemption from prescription charges for those over the age of 64 should be phased out by 2020.
21. To note that in the opinion of the Treasury & Resources Department and the Social Security Department from 2016 a nominal fee should be introduced for prescriptions of up to £1 per item for all those currently exempt from prescription charges, but to direct the Social Security Department to reflect on the views expressed on this matter during debate of this Report before presenting to the States a firm proposal in its annual uprating report in October 2015.
22. To note that in the opinion of the Treasury & Resources Department and the Social Security Department prescription charges should increase to £4.40 per item in 2016 and thereafter be reviewed annually, but to direct the Social Security Department to reflect on the views expressed on this matter during debate of this Report before presenting to the States a firm proposal in its annual uprating report in October 2015.
23. To note that in the opinion of the Treasury & Resources Department and the Social Security Department the provision of free TV licences for those over the age of 74 and those over the age of 64 claiming Supplementary Benefit should be phased out by closing the scheme to new members in 2016 and closing the scheme to all by 2020.
24. To note that in the opinion of the Treasury & Resources Department and the Social Security Department the Health Benefit grant for primary care appointments should be phased out by 2025.
- 24A. To direct the Treasury & Resources Department and the Social Security Department to reflect on the views expressed during debate of this Report before

presenting to the States any firm proposals on the matters dealt with by Propositions 19, 20, 23 and 24, and to outline the mitigating actions to be taken in respect of any group of people disadvantaged by those proposals.

25. To direct that the Social Welfare Benefit Investigation Committee ensures that the outputs of its review of social welfare benefits complies with the Fiscal Framework and any extension of these limitations agreed by the States of Deliberation's approval of Proposition 6.
26. To acknowledge that there are risks and challenges associated with the States' considerable reliance – by international standards – on direct personal taxes and social insurance contributions; and to agree in principle that it would be advantageous to diversify sources of States' income in ways which take account of the principle of 'ability to pay'.
27. To agree between 2015 and 2025, and subject to approval and implementation of the measures set out in Propositions 28 to 39 below, to phase in increases in personal tax allowances to no more than £17,500 (at 2015 prices), the level of phasing having regard to the effect of the other measures introduced as a result of the States of Deliberation's approval of these Propositions, and direct the Treasury and Resources Department to bring forward proposals to effect this in their annual Budget Reports.
- 27A. To direct the Treasury & Resources Department, in conjunction with any decision to increase personal tax allowances along the lines set out in Proposition 27, to report to the States with detailed proposals to remove the universality of personal tax allowances and instead to introduce a scheme which provides for personal tax allowances to be withdrawn gradually as a person's income increases up to the point where a person whose income exceeds a certain amount receives no personal tax allowance.
28. To agree to phase out the relief provided on mortgage interest in respect of principal private residences by 2025, with the phased withdrawal of Mortgage Interest Relief to be achieved by reducing the cap on interest deductible and that the withdrawal should broadly follow the schedule provided in Appendix 8d, and direct the Treasury and Resources Department to bring forward proposals to effect this in its annual Budget Reports.
29. To agree to freeze the personal tax allowance provided to those over the age of 64 until such time as the personal tax allowance for those under the age of 65 reaches the same level and thereafter that the personal tax allowance for all tax payers should be the same, and direct the Treasury and Resources Department to bring forward proposals to effect this in its annual Budget Reports.
30. TO NEGATIVE THE PROPOSITION to move towards a system of independent taxation in which all tax payers are treated as individuals, by removing the ability to transfer tax allowances between married couples or couples with children, with each tax payer being assessed on an individual basis, and direct the Treasury and Resources Department to bring forward proposals to effect this in its annual Budget Reports.

AND CONSEQUENTIALLY Propositions 31 and 32 fell.

AND THE STATES RESOLVED

33. To direct the Social Security Department to review the assessment of Social Security contributions to ensure that the treatment of contributors in different contribution classes is equitable; such review to have particular regard to the upper earnings limit on contributions, the rates charged for self-employed and non-employed contributors and the definition of income used in the assessment of contributions for non-employed contributors.
- 33A. To direct the Social Security and Treasury and Resources Departments to investigate options to make the tax and social security system as a whole more progressive, through the withdrawal of personal tax allowances (such investigation to include consideration of the interaction with the upper earnings limit on Social Security contributions in order to avoid high marginal rates of taxation) and to report to the States with their findings no later than June 2017.
34. To direct that, subject to the implementation of suitable administrative systems and suitable alternative sources of revenue, the Social Security Department further investigates a restructuring of Social Security contributions to apply an allowance for employed and self-employed individuals, such investigation to have regard to the findings of the report as described in Proposition 27A in relation to high earners.
35. To direct the Treasury and Resources Department to revise the grant paid to the Social Insurance Fund to compensate for the revenue lost to the Social Security funds if an allowance is introduced for employed and self-employed individuals.
36. To direct that, as part of the annual Budget Report, the Treasury and Resources Department increases the rates of domestic Tax on Real Property by no more than 7.5% per annum in real terms between 2016 and 2025.
37. To direct the Treasury and Resources Department to review the structure of Document Duty as part of the ongoing budgetary process.
38. To agree that the States shall not introduce a broad-based consumption tax as described in that Report.
- 38A. To direct the Treasury and Resources Department, after consultation with the Environment Department, Social Security Department, Commerce and Employment Department and Policy Council as appropriate, to lay before the States no later than March 2016 proposals to diversify the tax base by introducing or increasing environmental taxes, and to agree that a comprehensive energy efficiency programme to assist in mitigating any possible regressive effects of such taxes on low income households should form an integral part of such diversification.
39. To direct the Treasury and Resources Department, having due regard for the need to provide a stable platform, maintain business confidence, support and encourage financial services and to retain an internationally acceptable and

competitive tax environment for the islands' businesses, to continue to closely monitor the appropriateness of the corporate tax regime, and to report back to the States should it consider any changes are necessary.

- 39A. To direct the Policy Council to have particular regard, as appropriate, to linking the further research and actions arising from this report to the extant review of the financial relationship between Guernsey and Alderney, and to the outcomes of that review when it is considered by the States of Deliberation.
- 40. To direct the Treasury and Resources Department to have regard to the resource implications arising from the approval of these Propositions when recommending annual revenue allocations for the departments charged with undertaking further investigations.
- 41. To direct the preparation of such legislation that may be necessary so as to give effect to the above decisions.

J TORODE  
HER MAJESTY'S GREFFIER

# IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 9<sup>TH</sup> DAY OF APRIL, 2015

(Adjourned from 24<sup>th</sup> March 2015)

**The States resolved as follows concerning Billet d'État No VI  
dated 13<sup>th</sup> 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 5<sup>th</sup> 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 1<sup>st</sup> 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 18<sup>th</sup> 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**

**The States resolved as follows concerning Billet d'État No VII  
dated 20<sup>th</sup> March 2015**

**THE PILOTAGE (AMENDMENT) ORDINANCE, 2015**

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

**THE MACHINERY OF GOVERNMENT (TRANSFER OF FUNCTIONS)  
(GUERNSEY) (AMENDMENT) ORDINANCE, 2015**

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

**THE CRIMINAL JUSTICE (SEX OFFENDERS AND MISCELLANEOUS  
PROVISIONS) (BAILIWICK OF GUERNSEY) LAW, 2013  
(COMMENCEMENT) ORDINANCE, 2015**

- III.- To approve the draft Ordinance entitled “The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 (Commencement) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE GUERNSEY FINANCIAL SERVICES COMMISSION (TRANSFER OF  
FUNCTIONS) (FEES) (BAILIWICK OF GUERNSEY) ORDINANCE, 2015**

- IV.- To approve the draft Ordinance entitled “The Guernsey Financial Services Commission (Transfer of Functions) (Fees) (Bailiwick of Guernsey) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE INCOME TAX (GUERNSEY) (APPROVAL OF AGREEMENT WITH  
THE BRITISH VIRGIN ISLANDS) ORDINANCE, 2015**

- V.- To approve the draft Ordinance entitled “The Income Tax (Guernsey) (Approval of Agreement with the British Virgin Islands) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

***ORDINANCES LAID BEFORE THE STATES***

**THE YEMEN (RESTRICTIVE MEASURES) (GUERNSEY) ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Yemen (Restrictive Measures) (Guernsey) Ordinance, 2014 made by the Legislation Select Committee on the 22<sup>nd</sup> December, 2014, was laid before the States.

**THE CRIMEA AND SEVASTOPOL (RESTRICTIVE MEASURES)  
(GUERNSEY) (AMENDMENT) ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Crimea and Sevastopol (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2014 made by the Legislation Select Committee on the 22<sup>nd</sup> December, 2014, was laid before the States.

**THE CREMATION (LONGUE HOUGUE FACILITY) ORDINANCE, 2015**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Cremation (Longue Hougue Facility) Ordinance, 2015, made by the Legislation Select Committee on the 29<sup>th</sup> January, 2015, was laid before the States.

**THE FINANCIAL SERVICES OMBUDSMAN (BAILIWICK OF GUERNSEY)  
LAW, 2014 (COMMENCEMENT AND AMENDMENT) ORDINANCE, 2015**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014 (Commencement and Amendment) Ordinance, 2015, made by the Legislation Select Committee on the 29<sup>th</sup> January, 2015, was laid before the States.

**THE AVIATION REGISTRY (INTERESTS IN AIRCRAFT) (GUERNSEY)  
ORDINANCE, 2015**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Aviation Registry (Interests in Aircraft) (Guernsey) Ordinance, 2015”, made by the Legislation Select Committee on the 23<sup>rd</sup> February, 2015, was laid before the States.



**THE CÔTE D'IVOIRE (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 Côte d'Ivoire (Restrictive Measures) (Guernsey) Ordinance, 2015, made by the Legislation Select Committee on the 23<sup>rd</sup> February, 2015, was laid before the States.

**THE SARK GENERAL PURPOSES AND ADVISORY AND FINANCE AND  
COMMERCE COMMITTEES (TRANSFER OF FUNCTIONS) (GUERNSEY)  
ORDINANCE, 2015**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) (Guernsey) Ordinance, 2015, made by the Legislation Select Committee on the 26<sup>th</sup> February, 2015, was laid before the States.

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

**THE FEES, CHARGES AND PENALTIES (AIRPORT FEES) (GUERNSEY  
AND ALDERNEY) REGULATIONS, 2015**

In pursuance of Section 1 (1)(d) of the Fees, Charges and Penalties (Guernsey) Law, 2007, The Fees, Charges and Penalties (Airport Fees) (Guernsey and Alderney) Regulations, 2015, made by the Public Services Department on 30<sup>th</sup> January, 2015, were laid before the States.

**THE HARBOUR DUES AND FACILITIES CHARGES (GUERNSEY)  
REGULATIONS, 2014**

In pursuance of Sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, The Harbour Dues and Facilities Charges (Guernsey) Regulations, 2014, made by the Public Services Department on 18<sup>th</sup> December, 2014, were laid before the States.

**THE MOORING CHARGES (GUERNSEY) REGULATIONS, 2014**

In pursuance of Sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, "The Mooring Charges (Guernsey) Regulations, 2014", made by the Public Services Department on 18<sup>th</sup> December 2014, were laid before the States.

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL  
BENEFIT) (AMENDMENT) REGULATIONS, 2015**

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment)

Regulations, 2015, made by the Social Security Department on 27<sup>th</sup> January, 2015, were laid before the States.

**THE LAND PLANNING AND DEVELOPMENT (PLANS INQUIRY)  
(AMENDMENT) REGULATIONS, 2014**

In pursuance of Sections 12(3) and 89 of the Land Planning and Development (Guernsey) Law, 2005, The Land Planning and Development (Plans Inquiry) (Amendment) Regulations, 2014, made by the Environment Department on 7<sup>th</sup> October, 2014, were laid before the States.

**THE PUBLIC HIGHWAYS (AL FRESCO LICENCES)  
(FEES) REGULATIONS, 2014**

In pursuance of Sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, The Public Highways (Al Fresco Licences) (Fees) Regulations, 2014, made by the Environment Department on 7<sup>th</sup> October, 2014, were laid before the States.

**THE LIQUOR LICENSING (FEES) REGULATIONS, 2015**

In pursuance of Section 99(3) of the Liquor Licensing Ordinance, 2006, The Liquor Licensing (Fees) Regulations, 2015, made by the Home Department on 2<sup>nd</sup> March, 2015, were laid before the States.

**THE BOARDING PERMIT FEES ORDER, 2015**

In pursuance of Section 17 of the Tourist Law, 1948, The Boarding Permit Fees Order, 2015, made by the Commerce and Employment Department on 5<sup>th</sup> February, 2015, was laid before the States.

**THE HEALTH AND SAFETY (FEES) ORDER, 2015**

In pursuance of section 3(1)(c) of the Health and Safety (Fees) (Guernsey) Law, 1993, The Health and Safety (Fees) Order, 2015, made by the Commerce and Employment Department on 8<sup>th</sup> January, 2015, was laid before the States.

**THE OFFENCES (FIXED PENALTIES) (GUERNSEY) ORDER, 2015**

In pursuance of section 7(5) of The Offences (Fixed Penalties) (Guernsey) Law, 2009, The Offences (Fixed Penalties) (Guernsey) Order, 2015, made by the Home Department on 26<sup>th</sup> February, 2015, was laid before the States.

## POLICY COUNCIL

### REVIEW OF PUBLIC SECTOR PENSION SCHEMES

- VI.- After consideration of the Report dated 2<sup>th</sup> March, 2015, of the Policy Council:-
1. To endorse the proposed new pension arrangements detailed in Appendix 5 of that Report and, as explained in that Report, in so far as they apply to members joining from 1st May 2015.
  2. To instruct the Policy Council to offer mediation with the Association of States Employees' Organisations to seek agreement approved by scheme members whom they represent over the pension arrangements for current members; but to agree that if no such agreement can be reached on or before the 31<sup>st</sup> July 2015 then an application be made to the Royal Court of Guernsey for a declaration to determine the following issues:
    - (a) whether the States of Guernsey as employer (or former employer) of members of the public sector pension schemes has the implied right to vary the terms of the schemes in a manner which adversely affects members' rights without the members' consent;
    - (b) if the Court declares such a right to exist, what (if any) constraints apply to the exercise of that right."
  3. To endorse, subject to proposition 2 and the terms of any declaration made by the Court in respect of the issues set out at proposition 2 above, the application of the proposed new pension arrangements detailed in Appendix 5 of that Report and, as explained in that Report, in respect of current members within six months of such declaration being received.
  4. To direct the preparation of revised Rules for approval by the States to give effect to propositions 1 and 3 above.
  5. To direct that the necessary work be undertaken to implement the revised arrangements for new members with effect from 1<sup>st</sup> May 2015.
  6. To note that the Treasury and Resources Department will, following consideration of a suitably detailed business case, approve a capital vote to extend the pension administration system, to be charged to the Superannuation Fund.
  7. To note that the Superannuation Fund Administration Budget, which is submitted for approval as part of the annual Budget Report, will, if required, include provision for increasing the pensions administration team by one person.
  8. Subject to proposition 2, to authorise the Treasury and Resources Department to make transfer(s) from the Budget Reserve or General Revenue Account Reserve to the revenue expenditure budget of the Policy Council to fund the States costs

and the reasonable costs of other parties in respect of the application to the Royal Court detailed at proposition 2 above and currently estimated at £500,000.

A J NICOLLE  
HER MAJESTY'S DEPUTY GREFFIER

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

**The States resolved as follows concerning Billet d'État No VIII  
dated 14<sup>th</sup> April 2015**

**EDUCATION DEPARTMENT**

**ELECTION OF A MEMBER**

- I.- To elect Deputy M. P. J. Hadley as a member of the Education Department to complete the unexpired portion of the term of office of Deputy A. R. Le Lièvre, who has resigned as a member of that Department, namely to serve until May 2016 in accordance with Rule 7 of the Constitution and Operation of States Departments and Committees.

**ENVIRONMENT DEPARTMENT**

**ELECTION OF A MEMBER**

- II.- To elect Deputy E. G. Bebb as a member of the Environment Department to complete the unexpired portion of the term of office of Deputy A. R. Le Lièvre, who has resigned as a member of that Department, namely to serve until May 2016 in accordance with Rule 7 of the Constitution and Operation of States Departments and Committees.

**A J NICOLLE  
HER MAJESTY'S DEPUTY GREFFIER**

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

Adjourned from 9<sup>th</sup> April, 2015

**The States resolved as follows concerning Billet d'État No VI  
dated 13<sup>th</sup> 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 27<sup>th</sup> 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 8<sup>th</sup> March 2012;
  - (b) Resolution 1(b) of Article 16 of Billet d’État V of 2012 of 8<sup>th</sup> March 2012;
  - (c) Resolution 1(aa) of Article 16 of Billet d’État V of 2012 of 8<sup>th</sup> 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

# IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 30TH DAY OF APRIL, 2015

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

**The States resolved as follows concerning Billet d'État No VII  
dated 20<sup>th</sup> March 2015**

## HEALTH AND SOCIAL SERVICES DEPARTMENT

### GUERNSEY AND ALDERNEY TOBACCO CONTROL STRATEGY 2015-2020

VII.- After consideration of the Report dated 9<sup>th</sup> February, 2015, of the Health and Social Services Department:-

1. To agree to work towards the vision of Guernsey and Alderney becoming jurisdictions where smoke-free lifestyles are the norm (prevalence of adult smoking 5% or less).
2. To increase the rate of excise duty on cigarettes at a minimum of the Retail Price Index(X) plus 5% annually for the five years 2016 to 2020.
3. To increase the rate of excise duty on other tobacco products at a minimum of Retail Price Index (X) plus 7.5% annually for the five years 2016 – 2020, subject to the rate of excise duty on each tobacco product not exceeding the rate of excise duty on cigarettes.
4. To direct the preparation of such legislation as may be necessary to give effect to their above decisions in regard to propositions 2 and 3.
5. To instruct the Health and Social Services Department to develop a work programme to move towards the regulation and control of electronic cigarettes.
6. To instruct the Health and Social Services Department to develop a specific proposal to submit to the States to seek approval to prepare legislation to prevent smoking in vehicles carrying children, in consultation with relevant departments and agencies.
7. To instruct the Health and Social Services Department to develop specific proposals to submit to the States to seek approval to prepare legislation to prevent smoking in children's playgrounds and designated outside eating areas, in consultation with relevant departments and agencies.
8. To agree to work towards plain packaging of cigarettes; and if the Health and Social Services Department considers it appropriate, for the Health and Social Services Department to develop specific proposals to submit to the States to seek approval to prepare legislation to require plain packaging of cigarettes, in consultation with relevant departments and agencies.

9. To agree to work towards smoke-free grounds in States properties; and if the Health and Social Services Department considers it appropriate, for the Health and Social Services Department to develop specific proposals to submit to the States to seek approval to prepare legislation to achieve this objective, in consultation with relevant departments and agencies.
10. To approve the Guernsey and Alderney Tobacco Control Strategy 2015-2020 and affirm the States' commitment to minimising the harm caused by tobacco to Guernsey and Alderney residents of all ages.

## **HEALTH AND SOCIAL SERVICES DEPARTMENT**

### **115TH MEDICAL OFFICER OF HEALTH ANNUAL REPORT**

VIII:- After consideration of the Report dated 9<sup>th</sup> February, 2015, of the Health and Social Services Department to note the report.

## **HOUSING DEPARTMENT**

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

- IX.- After consideration of the Report dated 27<sup>th</sup> January, 2015, of the Housing Department:-
1. To agree that the Forest Park Hotel, Forest Road, St. Martin, should be inscribed in Part B of the Housing Register.
  2. 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 the Forest Park Hotel, Forest Road, St. Martin, in Part B of the Housing Register subject to application being made by the owners within 6 months from the commencement date of the Ordinance.

**D A KNIGHT  
HER MAJESTY'S DEPUTY GREFFIER**

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

**The States resolved as follows concerning Billet d'État No IX  
dated 17<sup>th</sup> April 2015**

**THE SOCIAL SECURITY (RECIPROCAL AGREEMENT WITH THE  
REPUBLIC OF CHILE) ORDINANCE, 2015**

- I.- To approve the draft Ordinance entitled “The Social Security (Reciprocal Agreement With The Republic Of Chile) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

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

**THE LAND PLANNING AND DEVELOPMENT (FEES)  
(AMENDMENT) REGULATIONS, 2015**

In pursuance of Section 89 of the Land Planning and Development (Guernsey) Law, 2005 and section 12 of the Land Planning and Development (Fees and Commencement) Ordinance, 2008, The Land Planning and Development (Fees) Regulations, 2015, made by the Environment Department on 10<sup>th</sup> March 2015, were laid before the States.

**THE DRIVING TESTS (FEES) REGULATIONS, 2015**

In pursuance of Sections 2A(b) and 2B of the Motor Taxation and Licensing (Guernsey) Law, 1987, as amended, The Driving Tests (Fees) Regulations, 2015, made by the Environment Department on 12<sup>th</sup> March 2015, were laid before the States.

**COMMERCE AND EMPLOYMENT DEPARTMENT**

**APPOINTMENT OF CHAIRMAN OF THE BOARD OF THE OFFICE OF THE  
FINANCIAL SERVICES OMBUDSMAN**

In pursuance of paragraph 2(2) of Schedule 1 to the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014, the appointment of Mr. David Thomas as Chairman of the Board of the Office of the Financial Services Ombudsman with effect from 31 January 2015 was laid before the States.



**ADMINISTRATIVE DECISIONS (REVIEW) (GUERNSEY) LAW, 1986**

**NEW CHAIRMAN AND DEPUTY CHAIRMAN OF PANEL OF MEMBERS**

- II.- To re-elect, in accordance with the provisions of section 4 (2) of the Administrative Decisions (Review) (Guernsey) Law, 1986:-
1. Deputy M. J. Fallaize as Chairman of the Panel of Members with effect from 1<sup>st</sup> June, 2015.
  2. Douzenier R. L. Heaume M.B.E. as Deputy Chairman of that Panel with effect from 1<sup>st</sup> June, 2015.

**THE LADIES' COLLEGE BOARD OF GOVERNORS**

**NEW MEMBERS**

- III.- To re-elect:-
1. Mr. John Marren as a member of the Ladies' College Board of Governors with effect from 1st June, 2015.
  2. Mrs. Stephanie Ann Nickolls as a member of that Board of Governors with effect from 1st June, 2015,

**TREASURY AND RESOURCES DEPARTMENT**

**TAXATION OF REAL PROPERTY APPEALS PANEL – APPOINTMENT OF A  
NEW CHAIRMAN AND A NEW DEPUTY CHAIRMAN**

- V.- After consideration of the Report dated 19<sup>th</sup> March, 2015, of the Treasury and Resources Department:-
1. To designate Mrs. Caroline Latham FRICS as Chairman of the Panel and Mr. John Weir FRICS as Deputy Chairman of the Panel.
  2. To note the resignations of Mr. Le Maitre and Advocate Dunster from the Panel with immediate effect.

A J NICOLLE  
HER MAJESTY'S DEPUTY GREFFIER

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

Adjourned from the 27<sup>th</sup> and 28<sup>th</sup> May, 2015

**The States resolved as follows concerning Billet d'État No X  
dated 21st April 2015**

### **EDUCATION DEPARTMENT**

#### **REDEVELOPING THE LA MARE DE CARTERET SCHOOLS' SITE – POST REVIEW**

- I.- After consideration of the Report dated 8<sup>th</sup> April, 2015, of the Education Department:-
1. Recognising that there is a strong case for rationalising the education estate and that there may be a requirement for a larger secondary school at the La Mare de Carteret Schools' Site and that it may be better value for money for this to be built from the outset, to approve the Education Department progressing to tender for the construction of the La Mare de Carteret Schools project comprising of:
    - (u) the replacement of the High School facilities for a five-form entry school for up to 600 students with scope for expansion for up to 960 students and for the replacement of the High School facilities for an eight-form entry school for up to 960 students;
    - (v) the replacement of two-form entry Primary School facilities for up to 420 pupils;
    - (w) a replacement co-provisioned pre-school Nursery of up to 130m<sup>2</sup> adjacent to the Primary School for approximately 32 children aged 3-4 on a part-time attendance basis, allowing for groups of up to 16 children at any one time;
    - (x) club level competition indoor Sports Hall facilities within the schools' new sports facilities, focused on completing the federated approach to the provision of shared resources for sport within the States secondary education sector, the avoidance of unnecessary duplication and optimising efficient dual-use school/community provision for netball, basketball and volleyball, as advised by the Culture and Leisure Department and the Guernsey Sports Commission;
    - (y) the relocation of a Communication and Autism Base of up to 200m<sup>2</sup> placed between the two schools to provide a designated unit for up to 18 children in the Primary School and a designated unit for up to 18 children in the

High School and to be the base for the provision of outreach services for Bailiwick school age children and for advice to pre-school providers; and

- (z) provision of community facilities for families and the older generation within the schools and sports buildings as a mix of a discrete access suite of rooms of 150m<sup>2</sup> as part of the Sports Building and through the sharing of school facilities.
2. To delegate authority to the Treasury and Resources Department to approve a capital vote, charged to the Capital Reserve, of a maximum amount of £60.2 million (excluding inflation) to fund the La Mare de Carteret Redevelopment project subject to satisfactory completion and review of the Full Business Case to ensure that the project represents value for money for the States.
  3. To agree that there is a strong case for rationalising the education estate and for reviewing the structure of secondary education, including selection at 11 and to direct the Education Department:
    - (a) to consult with all stakeholders, and
    - (b) to submit a report to the States in sufficient time to enable a debate by the States at or before the March States Meeting 2016 containing:
      - (i) recommendations regarding the merit or otherwise of selection at 11 and the optimal size, number and location of secondary schools to deliver a broad and balanced curriculum, and
      - (ii) at least one option for moving from four to three secondary age schools;

and to agree that commencing the construction of the facilities referred to in Proposition 1 shall be conditional upon the Education Department presenting this report to the States in sufficient time to enable a debate by the States at or before the March States Meeting in 2016.
  4. To direct the Treasury and Resources Department to provide the funds necessary to fulfil the necessary requirements of progressing to tender approval process for the construction of the La Mare de Carteret Schools project as detailed in Proposition 1.

D A KNIGHT  
HER MAJESTY'S DEPUTY GREFFIER

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

Adjourned from the 28<sup>th</sup> and 29<sup>th</sup> May, 2015

**The States resolved as follows concerning Billet d'État No IX  
dated 17<sup>th</sup> April 2015**

**COMMERCE AND EMPLOYMENT DEPARTMENT**

**UTILITIES – LAYING AND MAINTAINING SERVICES IN PRIVATE LAND**

VI.- After consideration of the Report dated 5<sup>th</sup> March, 2015, of the Commerce and Employment Department:-

1. To note the intention of the Department to discuss and review with the Public Services Department and the Law Officers the possibility of the creation of appropriate statutory rights over private land that may be exercised by water and sewerage services utility providers and, if necessary, to submit a further report to the States with proposals for the enactment of relevant legislation.
2. To approve the amendment of the Public Thoroughfares (Guernsey) Law, 1958 as set out in paragraph 6.6 of that Report.
3. To direct the preparation of such legislation that may be necessary so as to give effect to the above decisions.

**POLICY COUNCIL**

**FINANCIAL TRANSFORMATION PROGRAMME**

**END OF PROGRAMME REPORT**

IV.- TO POSTPONE CONSIDERATION of the Report dated 30<sup>th</sup> March, 2015, of the Policy Council regarding the Final Report on the States Financial Transformation Programme until the meeting of 24<sup>th</sup> June, 2015.

**D A KNIGHT  
HER MAJESTY'S DEPUTY GREFFIER**

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

**The States resolved as follows concerning Billet d'État No XI  
dated 15<sup>th</sup> May 2015**

**THE REGULATION OF HEALTH PROFESSIONS (MEDICAL  
PRACTITIONERS) (GUERNSEY AND ALDERNEY) ORDINANCE, 2015,**

- I.- To approve the draft Ordinance entitled “The Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE ELECTRICITY (GUERNSEY) LAW 2001 (AMENDMENT)  
ORDINANCE, 2015**

- II.- To approve the draft Ordinance entitled “The Electricity (Guernsey) Law 2001 (Amendment) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE CRIMINAL JUSTICE (SEX OFFENDERS AND MISCELLANEOUS  
PROVISIONS) (BAILIWICK OF GUERNSEY) LAW, 2013  
(COMMENCEMENT) (NO.2) ORDINANCE, 2015**

- III.- To approve the draft Ordinance entitled “The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 (Commencement) (No.2) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

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

**THE INCOME TAX (APPROVED INTERNATIONAL AGREEMENTS)  
(IMPLEMENTATION) (UNITED KINGDOM AND UNITED STATES OF  
AMERICA) (AMENDMENT) REGULATIONS, 2015**

In pursuance of Section 203 of the Income Tax (Guernsey) Law, 1975, as amended, “The Income Tax (Approved International Agreements) (Implementation) (United Kingdom and United States of America) (Amendment) Regulations, 2015”, made by the Treasury and Resources Department on 31<sup>st</sup> March 2015, were laid before the States.

### **THE BOVINE SEMEN (IMPORTATION) ORDER, 2015**

In pursuance of section 2A(2) of the Bovine Semen and Artificial Insemination Ordinance, 1957, as amended, “The Bovine Semen (Importation) Order, 2015”, made by the Commerce and Employment Department on 19<sup>th</sup> March, 2015, was laid before the States.

### **THE SHEEP AND GOATS (IDENTIFICATION AND NOTIFICATION) (AMENDMENT) ORDER, 2015**

In pursuance of section 33(1)(c) of the Animal Health Ordinance, 1996, “The Sheep and Goats (Identification and Notification) (Amendment) Order, 2015”, made by the Commerce and Employment Department on 19<sup>th</sup> March, 2015, was laid before the States.

### **THE DATA PROTECTION (TRANSFER IN THE SUBSTANTIAL PUBLIC INTEREST) (AMENDMENT) ORDER, 2015**

In pursuance of Section 66(4) of the Data Protection (Bailiwick of Guernsey) Law, 2001, “The Data Protection (Transfer in the Substantial Public Interest) (Amendment) Order, 2015”, made by the Home Department on 13<sup>th</sup> April 2015, was laid before the States.

### **THE IMMIGRATION (BAILIWICK OF GUERNSEY) (AMENDMENT) RULES, 2015**

In pursuance of Section 3(2) of the Immigration Act 1971 as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993, “The Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2015”, made by the Home Department on 30<sup>th</sup> March, 2015, were laid before the States.

### ***APPOINTMENTS LAID BEFORE THE STATES***

#### **COMMERCE AND EMPLOYMENT DEPARTMENT**

#### **APPOINTMENTS TO THE BOARD OF THE OFFICE OF THE FINANCIAL SERVICES OMBUDSMAN**

In pursuance of paragraph 1(2) of Schedule 1 to the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014, the appointments of Miss Deborah Guillou, Mr. John Curran and Mr. John Mills as ordinary Board members of the Office of the Financial Services Ombudsman with effect from 31<sup>st</sup> January, 2015, were laid before the States.

## **POLICY COUNCIL**

### **POPULATION MANAGEMENT REGIME STATUTORY OFFICIAL AND APPEALS**

- IV.- After consideration of the Report dated 13<sup>th</sup> April, 2015, of the Policy Council:-
1. To approve the proposals for the establishment of the statutory Office of the Administrator of Population Management as set out in section 3 of that Report.
  2. To approve the proposals for appeals as set out in section 4 of that Report.
  3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **POLICY COUNCIL**

### **REVIEW OF ADOPTION LAW**

- V.- After consideration of the Report dated 27<sup>th</sup> April, 2015, of the Policy Council:-
1. To direct that the Adoption (Guernsey) Law, 1960, be amended, so that in addition to single people and married couples, it provides that a child may be adopted jointly by a couple who are:
    - a) in a civil partnership; or
    - b) in another legally recognised relationship between two people; or
    - c) two people (whether of different sexes or the same sex) living as partners in an enduring family relationship

with each adoptive carer having equal rights and parental responsibility.
  2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

## **HOME DEPARTMENT**

### **FUTURE OF LAW ENFORCEMENT: PROPOSAL TO RESCIND RESOLUTIONS RELATING TO A LAW ENFORCEMENT COMMISSION AND TO ADOPT ALTERNATIVE ARRANGEMENTS**

- VI.- After consideration of the Report dated 13<sup>th</sup> April, 2015, of the Home Department:-
1. To rescind Resolution 1, Article XII, Billet d'Etat No XII of 2008, namely; *"To approve the creation of a statutory Law Enforcement Commission in accordance with section 4 of that Report"*.

2. To note that “The Law Enforcement Commission (Bailiwick of Guernsey) Law, 2011” approved by the States on 23rd February 2011, will not be brought into force.
3. To agree, in principle, that new law enforcement legislation should be taken forward as proposed in section 4 of that Report.
4. To note the Home Department’s intention to return to the States of Deliberation with a further States Report with detailed proposals to give effect to that Report’s recommendations by December 2016.

## **COMMERCE AND EMPLOYMENT DEPARTMENT**

### **SINGLE EURO PAYMENTS AREA – LEGISLATION IMPLEMENTING ASPECTS OF EU PAYMENT SERVICES LEGISLATION**

- VII.- Whether, after consideration of the Report dated 15<sup>th</sup> April, 2015, of the Commerce and Employment Department:-
1. To approve the proposals to introduce legislation to give effect to the necessary provisions of EU/EEA legislation (as outlined in paragraph 3 of that Report) to enable Guernsey to meet the requirements for third country participation in the Single Euro Payments Area.
  2. To direct the preparation of an Ordinance pursuant to the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994 to give effect to the proposals.

## **HOME DEPARTMENT**

### **THE PROBATION SERVICE AND ASSOCIATED ORDERS**

- VIII.- After consideration of the Report dated 13<sup>th</sup> April, 2015, of the Home Department:-
1. To direct the preparation of such legislation as may be necessary to give effect to the proposals within that Report, specifically to:-
    - a) define the function of the Probation Service in terms of public protection, rehabilitation and reduction of reoffending;
    - b) specify the primary duty of Probation Officers to the Court and the power of the Chief Probation Officer to designate persons to perform probation functions;
    - c) make a probation order a sentence of the court on conviction of an imprisonable offence with the purpose of public protection, rehabilitation and prevention of further offending;



- d) specify the process of making of a probation order, requirements which can be attached and the ability to make a probation order in conjunction with a community service order;
- e) bring variation and breach procedures in line with those found in the Criminal Justice (Community Service Orders) (Bailiwick of Guernsey) Law, 2006 Law;
- f) introduce Absolute and Conditional discharges;
- g) repeal the Loi relative à la Probation de Délinquants, 1929.

## **HOME DEPARTMENT**

### **POLICE COMPLAINTS COMMISSION: REAPPOINTMENT OF MEMBERS**

- IX.- After consideration of the Report dated 13<sup>th</sup> April, 2015, of the Home Department:-
1. To approve the reappointment of Mr Stewart Chisholm as Chairman of the Police Complaints Commission for four years, with effect from 1<sup>st</sup> July, 2015.
  2. To approve the reappointment of Mr Nigel Ward as an ordinary member of the Police Complaints Commission for four years, with effect from 1<sup>st</sup> July, 2015.

S M D ROSS  
HER MAJESTY'S DEPUTY GREFFIER

# IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 25TH DAY OF JUNE, 2015

Adjourned from 24<sup>th</sup> June, 2015

**The States resolved as follows concerning Billet d'État No XI  
dated 15<sup>th</sup> May 2015**

## STATES' ASSEMBLY AND CONSTITUTION COMMITTEE

### GENERAL ELECTION 2016

- X.- After consideration of the Report dated 27<sup>th</sup> April, 2015, of the States Assembly and Constitution Committee:-
1. To agree that a General Election of People's Deputies be held on Wednesday, 27<sup>th</sup> April 2016.
  2. To set the opening hours of all polling stations in the districts of St Peter Port South, St Peter Port North, the Castel, the West, the South-East and the Vale at 8 a.m. until 8 p.m. and those in the district of St Sampson at 10 a.m. until 8 p.m.
  3. To establish the polling stations for St Saviour (West district) at the new St Saviour's Community Centre, Le Neuf Chemin and at the Evangelical Church School Hall in Longue Rue.
  4. To agree that each candidate in the General Election of People's Deputies to be held in 2016 shall be entitled to claim from the Registrar-General of Electors a grant not exceeding £600 towards the costs associated with the production and distribution of manifestos in accordance with such administrative arrangements as shall be determined by the Registrar-General of Electors.
  - 4A. To direct the States Assembly and Constitution Committee to consider measures that would facilitate the electronic distribution of manifestos by candidates in the General Election and future elections and, if the Committee deems it appropriate, to implement any such measures in time for the General Election.
  5. To agree that the maximum for electoral expenditure shall be prescribed as £2,300 per candidate in elections for the office of People's Deputy.
  6. To agree to delete Article 8(b) of the Reform (Guernsey) Law, 1948, as amended and renumber sub-paragraphs (c), (d) and (e) as (a), (b) and (c) respectively; and delete Article 27(1)(b) of the Reform (Guernsey) Law, 1948, as amended and renumber sub-paragraphs (c), (d) and (e) as (b), (c) and (d) respectively; repeal Article 42 of the Reform (Guernsey) Law, 1948, as amended; and repeal the definition of "legal disability" in Article 49 of Reform (Guernsey) Law, 1948, as amended.

7. To agree that the term of office of those People's Deputies elected in April 2016 shall expire on the 30<sup>th</sup> June 2020 and that thereafter the term of office shall revert to four years.
8. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.
9. To direct the States Assembly and Constitution Committee to lay before the States of Deliberation no later than the States meeting in January 2016:
  - a) amendments to the Rules of Procedure of the States of Deliberation and the Rules relating to the Constitution and Operation of States Departments and Committees, specifically to require Declaration of Unspent Convictions, that is to say of any criminal convictions resulting in sentences of imprisonment which are not to be treated as spent pursuant to the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002. This additional declaration to be made and lodged with the Greffier and published by him, in the same manner and at the same time that existing Declarations of Interest are required to be so made, lodged and published;
  - b) proposals to extend the requirements in relation to Declaration of Unspent Convictions to candidates at elections for the office of People's Deputy; to ensure appropriate verification of such declaration, and to create a specific offence of knowingly or recklessly making false statements in them; and directing the preparation of such legislation as may be necessary to give effect to those proposals.
10. To direct the States Assembly and Constitution Committee and the Policy Council jointly to investigate and liaise with the appropriate authorities of the States of Jersey concerning the merits and implications of, and potential modalities for achieving, a closer alignment in the future between the terms of office of elected Members of the States of Deliberation and the States of Jersey; and to report the outcome of that liaison, either in a Policy Letter containing recommendations or in a Statement under the Rules of Procedure.

### **PANEL OF MEMBERS**

(Constituted by the Administrative Decisions (Review) (Guernsey) Laws, 1986-1993)

### **REPORT OF THE REVIEW BOARD FOR 2014**

- XI.- After consideration of the Report dated 16<sup>th</sup> April, 2015, of the Panel of Members (constituted by the Administrative Decisions (Review) (Guernsey) Laws, 1986-1993), to note the contents of the Report.

A. J. NICOLLE  
HER MAJESTY'S DEPUTY GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 9<sup>TH</sup> DAY OF JULY, 2015**

**Adjourned from the 7<sup>th</sup> and 8<sup>th</sup> July, 2015**

**The States resolved as follows concerning Billet d'État No XII  
dated 1<sup>st</sup> June 2015**

**STATES' REVIEW COMMITTEE**

**THE ORGANISATION OF STATES' AFFAIRS – SECOND POLICY LETTER**

- I.- After consideration of the Policy Letter dated 15<sup>th</sup> May 2015 of the States' Review Committee:-
1. To agree that, as set out in section 5.1 of that Policy Letter, the mandates of Principal Committees shall follow a consistent format and be divided into discrete sections as follows:
    - title of the Principal Committee;
    - constitution of the Principal Committee;
    - purpose for which the Principal Committee exists; and
    - policy, advisory and general responsibilities of the Principal Committee.
  2. To agree that, as set out in section 5.3 of that Policy Letter, there shall be a Principal Committee entitled the Committee for Economic Development, which, as set out in section 6.1 of that Policy Letter, shall comprise five States' members and up to two non-States' members and which, as set out in section 5.4 of the Policy Letter, shall have the following purpose and policy and advisory responsibilities:
    - a) Purpose – to secure prosperity through the generation of wealth and the creation of the greatest number and widest range of employment opportunities possible by promoting and developing business, commerce and industry in all sectors of the economy;
    - b) Policy and advisory responsibilities – the promotion and development of all sectors of business, including construction, creative industries, digital, financial services, horticulture, intellectual property, manufacturing, media, retail and tourism; the reputation of the Island as a centre for commerce and industry; the promotion of air and sea links to and from the Bailiwick; inward investment at the corporate and individual level; the labour skills necessary to sustain economic prosperity; competition, innovation, diversification and regulation in the economy; and safeguarding living marine resources and the sustainable exploitation of those resources.

- 2A. Notwithstanding paragraph 5.4.13 of that Policy Letter, to agree in respect of the financial services sector and the States' relationship with the Guernsey Financial Services Commission that the Policy & Resources Committee shall be responsible for the matters currently within the mandate of the Policy Council, and the Committee *for* Economic Development shall be responsible for the matters currently within the mandate of the Commerce and Employment Department.
  
3. To agree that, as set out in section 5.3 of that Policy Letter, there shall be a Principal Committee entitled the Committee for Education, Sport & Culture, which, as set out in section 6.1 of that Policy Letter, shall comprise five States' members and up to two non-States' members and which, as set out in section 5.5 of that Policy Letter, shall have the following purpose and policy and advisory responsibilities:
  - a) Purpose – to encourage human development by maximising opportunities for participation and excellence through education, learning, sport and culture at every stage of life;
  - b) Policy and advisory responsibilities – pre-, primary, secondary, further and higher education; apprenticeships; skills; lifelong learning; sport, leisure and recreation; youth affairs; the arts; libraries, museums, galleries and heritage; Island Archives; and civic celebrations and commemorations, including Liberation celebrations.
  
4. To agree that there shall be a Principal Committee entitled the Committee for Employment & Social Security, which, as set out in section 6.1 of that Policy Letter, shall comprise five States' members and up to two non-States' members and which, as set out in section 5.6 of that Policy Letter, shall have the following purpose and policy and advisory responsibilities:
  - a) Purpose – to foster a compassionate, cohesive and aspirational society in which responsibility is encouraged and individuals and families are supported through schemes of social protection relating to pensions, other contributory and non-contributory benefits, social housing, employment, re-employment and labour market legislation;
  - b) Policy and advisory responsibilities – financial and social hardship; social housing, including States' housing and the States' relationship with housing associations; supplementary benefit and housing benefit; social insurance; pensions; health insurance; long-term care insurance; social inclusion, including in relation to disability; the unemployed and the various initiatives to encourage employment and re-employment; labour market legislation and practices; health and safety in the workplace; industrial relations; and legal aid.
  
5. To agree that, as set out in section 5.3 of that Policy Letter, there shall be a Principal Committee entitled the Committee for the Environment & Infrastructure, which, as set out in section 6.1 of that Policy Letter, shall comprise five States' members and up to two non-States' members and which,

as set out in section 5.7 of that Policy Letter, shall have the following purpose and policy and advisory responsibilities:

- a) Purpose – to protect and enhance the natural and physical environment and develop infrastructure in ways which are balanced and sustainable in order that present and future generations can live in a community which is clean, vibrant and prosperous;
- b) Policy and advisory responsibilities – infrastructure, including but not limited to water, wastewater and the ports; spatial planning, including the Strategic Land Use Plan; climate change; protection and conservation of the natural environment; waste, water and stone reserves; energy, including renewable energy; solid waste; general (as distinct from exclusively social) housing; the coast and coastal defences; Alderney breakwater; traffic and transport; the road network; biodiversity; agriculture, animal health and welfare and the sustainability of food and farming; maritime affairs; and public parks.

- 6. To agree, that, as set out in section 5.3 of that Policy Letter, there shall be a Principal Committee entitled the Committee for Health & Social Care, which, as set out in section 6.1 of that Policy Letter, shall comprise five States' members and up to two non-States' members and which, as set out in section 5.8 of that Policy Letter, shall have the following purpose and policy and advisory responsibilities:

- a) Purpose – to protect, promote and improve the health and well-being of individuals and the community;
- b) Policy and advisory responsibilities – adult social care; the welfare and protection of children, young people and their families; the prevention, diagnosis and treatment of acute and chronic diseases, illnesses and conditions; mental health; care of the elderly; health promotion; environmental health; and public health.

- 7. To agree that, as set out in section 5.3 of that Policy Letter, there shall be a Principal Committee entitled the Committee for Home Affairs, which, as set out in section 6.1 of that Policy Letter, shall comprise five States' members and up to two non-States' members and which, as set out in section 5.9 of that Policy Letter, shall have the following purpose and policy and advisory responsibilities:

- a) Purpose – to support a high standard of living and quality of life by maintaining and promoting a safe, stable and equitable society which values public protection and justice and respects the rights, responsibilities and potential of every person;
- b) Policy and advisory responsibilities – crime prevention; law enforcement, including policing and customs; justice policy; the association between justice and social policy, for example domestic abuse and the misuse of drugs and alcohol; the new population management regime, once introduced; immigration; imprisonment, parole, probation and rehabilitation; fire, rescue and salvage; consumer protection and advice;

trading standards; data protection; emergency planning; civil defence; lotteries and gambling.

8. To agree that, as set out in section 6.2 of that Policy Letter, the arrangements which allow States' committees to delegate their functions should be made more permissive such that functions may be delegated to specific members of a committee or to other committees.
9. To agree that, as set out in section 6.4 of that Policy Letter, senior officer(s) of the States shall be accountable to any committee of the States which they serve in respect of policy direction.
10. To agree that, as set out in section 6.4 of that Policy Letter, if after the exhaustion of reasonable procedures a committee of the States makes a resolution to the effect that it has no confidence in a senior officer or senior officers serving it there shall be an expectation that the officer(s) will be transferred out of the service of that committee; and to agree that, as set out in section 6.4 of that Policy Letter, the Chief Executive and other senior officers must obtain the views of the president of a committee, and through him or her the members thereof, when appointing and appraising senior staff in the service of that committee.
11. To agree that the full mandate of the Policy & Resources Committee shall be based upon the duties and powers set out in section 7 of that Policy Letter.
12. To agree that the Policy & Resources Committee, once constituted in May, 2016, shall establish a policy and resource planning process through a Policy & Resource Plan, as set out in section 7.4 of that Policy Letter.
13. To agree that, as set out in section 7.5 of that Policy Letter, the Policy & Resources Committee may by resolution permit the adaptation of nomenclature and appellations in connection with the external relations and constitutional affairs of the States.
14. To agree that, as set out in section 7.6 of that Policy Letter, the Policy & Resources Committee, once constituted in May, 2016, shall, following examination of the issues, lay recommendations before the States to reform the political arrangements in connection with the States' role as an employer.
15. To agree that, as set out in section 7.6 of that Policy Letter, the Policy & Resources Committee, once constituted in May, 2016, shall, following examination of the issues, lay recommendations before the States to secure more visible and demonstrable impartiality in statistics and research issued by the States.
16. To agree that, as set out in section 8.2 of that Policy Letter, there shall be a Civil Contingencies Authority.
17. To agree that, as set out in section 8.3 of that Policy Letter, there shall be an Overseas Aid & Development Commission.

18. To agree that, as set out in section 8.4 of that Policy Letter, there shall be a States' Assembly & Constitution Committee.
19. To agree that, as set out in section 8.5 of that Policy Letter, Special States' Committees shall be known as States' Investigation & Advisory Committees.
20. To note the continuation, as set out in section 8.6 of that Policy Letter, of the Elizabeth College Board of Directors, Ladies' College Board of Governors, Priaulx Library Council and Guille-Allès Library Council.
21. To agree that there shall be a Passenger Transport Licensing Authority constituted as a committee of the States as set out in section 8.8 of that Policy Letter.
22. To agree that there shall be a Development & Planning Authority constituted as a committee of the States as set out in section 8.8 of that Policy Letter.
23. To agree that there shall be a States' Trading Supervisory Board constituted as a committee of the States as set out in section 8.9 of that Policy Letter, including that the States' Trading Supervisory Board shall take policy direction from the States and their relevant Principal Committees as set out in the first sentence of paragraph 8.9.23 of that Policy Letter.
24. To agree that, as set out in section 8.11 of that Policy Letter, the States should be free, if at any time they so wish, to constitute committees on which States' members are not in the majority but with the qualification that no person shall be the President of a States' committee unless he or she is an elected member of the States.
25. To agree that the full mandate of the Scrutiny Management Committee shall be based upon the duties and powers set out in section 9 of that Policy Letter.
26. To agree that, as set out in section 9.2 of that Policy Letter, the States shall elect to the Scrutiny Management Committee three States' members and two members independent of the States.
27. To agree that the arrangements in respect of precluding or not precluding members of the Scrutiny Management Committee from sitting on other States' committee shall be as set out in section 9.2 of that Policy Letter.
28. To agree, as set out in section 9.3 of that Policy Letter, that the Legislation Select Committee shall be dissolved; that the functions of the Legislation Select Committee (other than those arising under Article 66(3) of the Reform (Guernsey) Law, 1948) shall be transferred to the Scrutiny Management Committee with the intent that the functions arising under Articles 66(1) and (2) of the Reform (Guernsey) Law, 1948 shall be discharged by a standing Legislation Review Panel, as set out in paragraph 9.3.10 of that Policy Letter, for and on behalf of the Scrutiny Management Committee; and that the functions of the Legislation Select Committee arising under Article 66(3) of the Reform (Guernsey) Law, 1948 shall be transferred to the Policy & Resources Committee.



29. To agree that the Scrutiny and Public Accounts Committees shall, following examination of the issues, lay recommendations before the States no later than February 2016, in relation to the matters in paragraphs 9.4.3, 9.4.4, 9.4.5 and 9.4.9 of that Policy Letter.
30. To agree that, as set out in section 9.4 of that Policy Letter, the Scrutiny Management Committee shall be provided with accommodation, facilities and support staff independently from those provided to the Policy & Resources Committee and the Principal Committees, including removing the line management links between the States' Chief Executive and officers supporting the Scrutiny Management Committee.
31. To agree that, as set out in section 10.5 of that Policy Letter, the number of People's Deputies to be elected at the 2016 general election shall be 38; and to note that later in 2015 the States' Assembly & Constitution Committee will lay recommendations before the States regarding the allocation of those 38 seats between the electoral districts.
32. To agree that, as set out in section 10.10 of that Policy Letter, the States' Assembly & Constitution Committee shall enter into discussions with the Bailiff with regard to the seating arrangements in the Royal Court Chamber, taking into account any views on the matter expressed during the States' meeting.
33. To agree that all standing committees of the States as presently constituted shall be dissolved from May, 2016.
34. To agree that, as set out in section 11.2 of that Policy Letter, the Treasury & Resources Department shall be authorised to approve the use of up to £530,000 from the Transformation & Transition Fund to provide for the implementation of the improved committee system from May, 2016.
- 34A. To agree that the accounts of the improved committee system shall be prepared under recognised Accounting Standards and that the Treasury & Resources Department shall formally commence the phased implementation of recognised Accounting Standards, as resolved by the States in March 2012, with effect from 1 January 2016.
35. To note that, as set out in various sections of that Policy Letter, later in 2015 the States' Review Committee will lay before the States further recommendations necessary to allow the improved committee system to be established.
36. To note that, as set out in various sections of that Policy Letter, later in 2015 the States' Assembly & Constitution Committee will lay before the States the recommendations necessary to amend the Rules of Procedure and the Constitution and Operation of States' Departments and Committees etc. in order that they will be consistent with the improved committee system.
37. To direct the preparation of such legislation, as set out in section 11.1 of that Policy Letter and otherwise, as may be necessary to give effect to the above decisions.

38. To direct:

- a) that starting in May 2016 the States' Assembly & Constitution Committee shall:
  - i. consider and investigate a range of workable methods of electing Peoples' Deputies, including the possibility of all or some Deputies being elected in a single electoral district; the possibility of all Deputies being elected in fewer districts than at present; and the option of single transferable votes for Guernsey elections;
  - ii. present that range of workable models to the States of Deliberation by no later than their meeting in June 2018, together with the Committee's recommendations;
  - iii. examine the merits and implications of any Resolutions made by the States after consideration of those recommendations being subject to endorsement in a public referendum; and, if thought appropriate, to include in the same policy letter further recommendations for the holding of such a referendum;
- b) that the Committee shall consult with, and take evidence from, the widest possible range of persons from among the membership of the States, of Parliaments in other jurisdictions, those with expertise and experience of electoral processes in other jurisdictions, and the general public in Guernsey.

A. J. NICOLLE  
HER MAJESTY'S DEPUTY GREFFIER

# IN THE STATES OF ELECTION OF THE ISLAND OF GUERNSEY

**ON THE 29th DAY OF JULY 2015**

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

## ELECTION OF JURAT

In accordance with the provisions of section 5 (2) of the Reform (Guernsey) Law, 1948, as amended, and section 8 (1) of the Royal Court (Reform) (Guernsey) Law, 2008, an election was held, by secret ballot, for the office of Jurat of the Royal Court to replace Jurat Stephen Edward Francis Le Poidevin, O.B.E. who ceased to hold office by reason of age on the 18th July 2015.

The following candidates were duly proposed and seconded, namely: -

Heidi Alison Lawlor	proposed by Deputy P. A. Luxon seconded by Deputy M. K. Le Clerc
David James Mortimer	proposed by Deputy A. Spruce seconded by Deputy P. A. Harwood

The following were appointed Scrutineers: -

Jurat N. D. McCathie  
Deputy A. R. Le Lièvre  
Deputy R. Domaille

Ninety four members were present at the meeting.

The votes cast were as follows: -

### *First Ballot*

Heidi Alison Lawlor	44 votes
David James Mortimer	50 votes

There was no blank papers and no spoiled papers.

The Bailiff declared Dr. David James Mortimer duly elected and requested Her Majesty's Deputy Sheriff to invite Dr. Mortimer to attend the sitting of the Royal Court at 9.30 am on Monday 3rd August, 2015, to take the Oath attaching to the office of Jurat of the Royal Court.

J TORODE

HER MAJESTY'S GREFFIER

**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'État 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 31ST 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'État 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

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

**The States resolved as follows concerning Billet d'État No XV  
dated 8th July, 2015**

**TREASURY AND RESOURCES DEPARTMENT**

**THE STATES OF GUERNSEY ACCOUNTS 2014**

To POSTPONE consideration of the States of Guernsey Accounts 2014 until the next States' meeting to take place on Tuesday 29th September, 2015.

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

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

**The States resolved as follows concerning Billet d'État No XVI  
dated 21<sup>st</sup> August 2015**

**PROJET DE LOI  
entitled  
THE PAROCHIAL COLLECTION OF WASTE (GUERNSEY) LAW, 2015**

I.- To approve the draft Projet de Loi entitled “The Parochial Collection of Waste (Guernsey) Law, 2015”, and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**PROJET DE LOI  
entitled  
THE ENVIRONMENTAL POLLUTION (GUERNSEY) (AMENDMENT) LAW,  
2015**

II.- To approve the draft Projet de Loi entitled “The Environmental Pollution (Guernsey) (Amendment) Law, 2015”, and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**PROJET DE LOI  
entitled  
THE STATES (REFORM) (GUERNSEY) LAW, 2015**

III.- To approve the draft Projet de Loi entitled “The States (Reform) (Guernsey) Law, 2015”, and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE INCOME TAX (PENSION AMENDMENTS) (GUERNSEY) ORDINANCE,  
2015**

IV.- To approve the draft Ordinance entitled “The Income Tax (Pension Amendments) (Guernsey) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE CHILDREN (CHILD MINDERS AND DAY CARE PROVIDERS)  
(GUERNSEY AND ALDERNEY) ORDINANCE, 2015**

V.- To approve the draft Ordinance entitled “The Children (Child Minders and Day Care Providers) (Guernsey and Alderney) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE NOISE ABATEMENT (AMENDMENT) ORDINANCE, 2015**

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

**THE CRIMINAL JUSTICE (SEX OFFENDERS AND MISCELLANEOUS  
PROVISIONS) (BAILIWICK OF GUERNSEY) LAW, 2013 (AMENDMENT)  
ORDINANCE, 2015**

VII.- To approve the draft Ordinance entitled “The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 (Amendment) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE FINANCIAL SERVICES OMBUDSMAN (BAILIWICK OF GUERNSEY)  
LAW, 2014 (COMMENCEMENT) (NO. 2) ORDINANCE, 2015**

VIII.- To approve the draft Ordinance entitled “The Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014 (Commencement) (No. 2) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE INCOME TAX (GUERNSEY) (APPROVAL OF AGREEMENT  
WITH GIBRALTAR) ORDINANCE, 2015**

IX.- To approve the draft Ordinance entitled “The Income Tax (Guernsey) (Approval of Agreement with Gibraltar) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE INCOME TAX (GUERNSEY) (APPROVAL OF AGREEMENT WITH  
BULGARIA) ORDINANCE, 2015**

X.- To withdraw the draft Ordinance entitled “The Income Tax (Guernsey) (Approval of Agreement with Bulgaria) Ordinance, 2015”.

***ORDINANCE LAID BEFORE THE STATES***

**THE SARK GENERAL PURPOSES AND FINANCE COMMITTEE  
(TRANSFER OF FUNCTIONS) (GUERNSEY) ORDINANCE, 2015**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, “The Sark General Purposes and Finance Committee (Transfer of Functions) (Guernsey) Ordinance, 2015”, made by the Legislation Select Committee on the 25<sup>th</sup> June 2015, was laid before the States.

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

**THE SEX OFFENDERS (PRESCRIBED INFORMATION) (BAILIWICK OF  
GUERNSEY) REGULATIONS, 2015**

In pursuance of section 55 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013, “The Sex Offenders (Prescribed Information) (Bailiwick of Guernsey) Regulations, 2015” made by the Home Department on 1<sup>st</sup> July 2015, were laid before the States.

**THE SEX OFFENDERS (PRESCRIBED JURISDICTIONS) (BAILIWICK OF  
GUERNSEY) REGULATIONS, 2015**

In pursuance of section 55 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013, “The Sex Offenders (Prescribed Jurisdictions) (Bailiwick of Guernsey) Regulations, 2015” made by the Home Department on 1<sup>st</sup> July 2015, were laid before the States.

**THE SEX OFFENDERS (TRAVEL NOTIFICATION REQUIREMENTS)  
(BAILIWICK OF GUERNSEY) REGULATIONS, 2015**

In pursuance of section 55 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013, “The Sex Offenders (Travel Notification Requirements) (Bailiwick of Guernsey) Regulations, 2015” made by the Home Department on 1<sup>st</sup> July 2015, were laid before the States.

**THE LIQUOR LICENCE (FEES) (AMENDMENT) REGULATIONS, 2015**

In pursuance of Section 99 (3) of the Liquor Licensing Ordinance, 2006, the Liquor Licence (Fees) (Amendment) Regulations, 2015, made by the Home Department on 15<sup>th</sup> June 2015, were laid before the States.

**THE PAROCHIAL ADMINISTRATION ORDINANCE, 2013  
(COMMENCEMENT) ORDER, 2015**

In pursuance of Article 2 of the Parochial Administration Ordinance, 2013, The Parochial Administration Ordinance, 2013 (Commencement) Order, 2015, made by the Policy Council on 9<sup>th</sup> July 2015, was laid before the States.

**THE FINANCIAL SERVICES OMBUDSMAN (CASE FEE AND LEVIES)  
(BAILIWICK OF GUERNSEY) ORDER, 2015**

In pursuance of section 27(3) of the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014, the Financial Services Ombudsman (Case Fee and Levies) (Bailiwick of Guernsey) Order, 2015, made by the Commerce and Employment Department on 21<sup>st</sup> May, 2015, was laid before the States.

**THE FINANCIAL SERVICES OMBUDSMAN (EXEMPT BUSINESS)  
(BAILIWICK OF GUERNSEY) ORDER, 2015**

In pursuance of section 27(3) of the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014, the Financial Services Ombudsman (Exempt Business) (Bailiwick of Guernsey) Order, 2015, made by the Commerce and Employment Department on 21<sup>st</sup> May, 2015, was laid before the States.

**THE EXPORT CONTROL (MISCELLANEOUS GOODS) (BAILIWICK OF  
GUERNSEY) (AMENDMENT) ORDER, 2015**

In pursuance of section 12 of The Export Control (Bailiwick of Guernsey) Law, 2006, “The Export Control (Miscellaneous Goods) (Bailiwick of Guernsey) (Amendment) Order, 2015” made by the Home Department on 27<sup>th</sup> July, 2015, was laid before the States.

**POLICY COUNCIL**

**PUBLIC SERVICE REFORM**

XI.- After consideration of the Report dated 27<sup>th</sup> July, 2015 of the Policy Council:-

1. To endorse the document entitled “A Framework for Public Service Reform 2015-2025”.
2. To demonstrate their commitment to public service reform by endorsing the principles set out in Section 13 of that report.

3. To note that the resource implications associated with delivery of the actions identified within the document entitled “A Framework for Public Service Reform 2015-2025” will be developed as set out in section 10 of that report and applications for funding from the £25m to be allocated from the Transformation & Transition Fund will be made at the appropriate time.
4. To note that those reform activities involving major costs or policy considerations will be referred to the States by the Policy Council or the appropriate Department for a decision.
5. To direct the Policy Council to submit annual reports to the States on the progress being made together with other relevant information in connection with the delivery of public service reform.

## **POLICY COUNCIL**

### **PUBLIC FUNCTIONS LAW**

XII.- After consideration of the Report dated 27th July, 2015 of the Policy Council:-

1. To approve the proposals set out in the letter from H.M. Procureur reproduced at paragraph 2 of that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

## **TREASURY & RESOURCES DEPARTMENT**

### **INTERNATIONAL PENSIONS BUSINESS**

XIII.- After consideration of the Policy Letter dated 30th June 2015 of the Treasury and Resources Department:-

1. To approve that Section 157A of the Law is amended to allow pension funds that consist of an inwards transfer from an overseas scheme the same flexibility of benefits as is allowed by legislation of the jurisdiction from where the funds or benefits entitlement originate, provided that those funds can be separately identified, and pension funds that include an inwards transfer from an unapproved occupational scheme established in Guernsey the same flexibility of benefits in relation to the transferred in funds, as is allowed by the originating scheme rules.
2. To approve that Section 157A of the Law is amended to clarify that any inward transferred funds from an overseas scheme would not be required to be used to provide a pension for life where the legislation of the originating overseas jurisdiction permits flexibility of benefits, which would enable the outward transfer of such funds to other overseas pension schemes that also offered such flexibility, if the member requested this.



3. To approve that Section 40 of the Law is amended to exempt from tax lump sum payments up to 30% of the accumulated fund value, or such other percentage as the Department may prescribe by regulation, where the lump sum, or part of the lump sum, arises from the commutation of any part of an interest in an overseas pension scheme, which otherwise would be taxable under section 17 of the Law.
4. To approve the draft Ordinance entitled the Income Tax (Pensions Amendments) (Guernsey) Ordinance, 2015, which gives effect to the legislative amendments in respect of 5.1-5.3, and to direct that the same shall have effect as an Ordinance of the States.
5. 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 29TH DAY OF SEPTEMBER, 2015

The States resolved as follows concerning Billet d'État No XVII  
dated 11th September, 2015

### *STATUTORY INSTRUMENT LAID BEFORE THE STATES*

#### **THE ELECTORAL ROLL (PUBLIC INSPECTION) RULES, 2015**

In pursuance of the powers conferred on it by Articles 34 (5) and 78 of the Reform (Guernsey) Law, 1948, as amended, "The Electoral Roll (Public Inspection) Rules, 2015" made by the States' Assembly & Constitution Committee on 7<sup>th</sup> September 2015 were laid before the States.

#### **HOME DEPARTMENT ST PETER PORT NORTH BY-ELECTION**

I.- After consideration of the Policy Letter dated 10<sup>th</sup> August, 2015, of the Home Department:-

1. To agree that the validity of the current Electoral Roll should cease at 23:59 hours on 14<sup>th</sup> October 2015 and to the closure of the new Electoral Roll between the 15<sup>th</sup> October 2015 and the date of the By-election.
2. To rescind Resolution 2, Article XVI, Billet d'État XXIV of 2014, namely:-
 

*To direct the drafting of legislation that shall provide for the validity of the current Electoral Roll to cease at 23:59 hours on 29th February 2016 and for the closure of the new Electoral Roll between that date and the date of the Election.*
3. To agree to the closure of the Electoral Roll between 29<sup>th</sup> February 2016 and the date of the 2016 General Election and to direct the preparation of the necessary legislation.
4. To agree that the maximum for electoral expenditure shall be prescribed as £2,300 per candidate for the purposes of the St Peter Port North By-election.
5. To agree that each candidate in the St Peter Port North By-election to be held on 2<sup>nd</sup> December 2015 shall be entitled to claim from the Registrar-General of Electors a grant not exceeding £600 towards the costs associated with the

production and distribution of manifestos in accordance with such administrative arrangements as shall be determined by the Registrar-General of Electors.

6. To establish for the purposes of the 2015 St Peter Port North By-election a polling station at:-
  - Beau Séjour Leisure Centre, Amherst
  - The Skill Centre. Waitrose, Admiral Park
7. To approve the draft Ordinance entitled "The By-election (Saint Peter Port North) Ordinance, 2015" and to direct that the same shall have effect as an Ordinance of the States.
8. To approve the draft Ordinance entitled "The Electoral Roll Ordinance, 2015" and to direct that the same shall have effect as an Ordinance of the States.

J TORODE  
HER MAJESTY'S GREFFIER

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

Adjourned from 29<sup>th</sup> September 2015

**The States resolved as follows concerning Billet d'État No XVI  
dated 21<sup>st</sup> August 2015**

**HOUSING DEPARTMENT**

**REVIEW OF THE STRATEGIC HOUSING TARGET**

XIV.- After consideration of the Policy Letter dated 13th July 2015 of the Housing Department:-

1. To note the findings of the 2011 Housing Needs Study.
2. TO NEGATIVE THE PROPOSITION that the strategic housing target remains 300 new dwellings per year.
3. TO NEGATIVE THE PROPOSITION that the strategic housing target be subdivided into affordable housing and private housing targets of 171 and 129 dwellings per year respectively.
4. To direct the Housing Department (and its successors) to undertake an objective Housing Needs Survey not later than 30<sup>th</sup> June 2016.
- 4A. To direct the Housing Department (and its successors) to develop priority based banded waiting lists that take account of applicants' needs, such waiting lists to be published quarterly.
5. To note that the next review of the strategic housing target will take place before the Environment Department carries out its five-year review of the Housing Land Supply element of the new Island Development Plan.

**TREASURY AND RESOURCES DEPARTMENT  
AND  
HOUSING DEPARTMENT**

**JOINT REPORT ON FIRST TIME BUYERS SCHEMES**

XV.- After consideration of the Policy Letter dated 22nd July 2015 of the Housing Department and the Treasury and Resources Department:-

1. To note that the Guernsey Housing Association's Partial Ownership Scheme is the preferred means by which the States assists first time buyers.

2. To note that the Housing Department and the Treasury and Resources Department will continue to work together to expand the Partial Ownership Scheme by facilitating the release of appropriate sites, either by releasing suitable States owned sites or by using the Corporate Housing Programme Fund to purchase privately-owned sites.
3. To note that, with a view to further assisting first time buyers, the Treasury and Resources Department will continue to progress work in relation to a review of document duty and will consider, with the Commerce and Employment Department, ways of encouraging new mortgage lenders to operate on the Island.
4. To direct the Housing Department and the Treasury and Resources Department (and their successors) to carry out a broad-based review of the operation of the Local Housing Market in Guernsey and to identify and assess measures that can be taken to mitigate house price inflation and influence supply and demand within the market.

Such a review to be by way of an independent report, of which the terms of reference shall include, but not be restricted to:

- a) A broad based review of the operation of the Local Housing Market in Guernsey including:
    - Identification and assessment of the factors which drive supply and demand, including the influence of population change and household size;
    - Identification and analysis of the factors influencing the prices of houses, including external influences (if any) and the first time buyer market;
    - A review of private sector rental costs and their relationship to other sectors of the housing market.
  - b) A review of current housing finance mechanisms, including:
    - An assessment of how house purchases are financed by the “average” household;
    - Mortgage lending policies;
    - An examination of ratios of house prices, in relation to borrowing capability;
    - The impact of the Guernsey Housing Association partial ownership scheme.
  - c) An assessment of the role of property prices and of the costs associated with property ownership on inflation
  - d) An appraisal of the various options available for Government intervention in the Housing Market including what effect the various measures may have on housing affordability and housing availability
5. To direct the Housing Department and Treasury and Resources Department (and their successors) to report back to the States with their findings and

recommendations in respect of Proposition 4, annexed to which is a copy of the independent report, referred to in that Proposition, no later than the end of July 2016.

J. TORODE  
HER MAJESTY'S GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 1<sup>st</sup> DAY OF OCTOBER, 2015**

Adjourned from 30<sup>th</sup> September 2015

**The States resolved as follows concerning Billet d'État No XVI  
dated 21<sup>st</sup> August 2015**

**COMMERCE AND EMPLOYMENT DEPARTMENT**

**REGULATION OF SUNDAY TRADING**

XVI.- After consideration of the Policy Letter dated 2<sup>nd</sup> July, 2015, of the Commerce and Employment Department:-

1. To approve the removal of restrictions on the opening of shops on Sundays as set out in section 9 of that Policy Letter.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decision, with an intended implementation date of 11th December 2015.

**PUBLIC SERVICES DEPARTMENT**

**RECOVERING ADDITIONAL COST CAUSED BY WORKS IN THE PUBLIC  
HIGHWAY**

XVII.- After consideration of the Policy Letter dated 8th July, 2015, of the Public Services Department:-

1. To note the contents of that Policy Letter.
2. To note the intention of the Environment Department (in close co-operation with the Public Services Department) to make one or more Orders under section 3 of the Public Highways (Co-ordination of Temporary Road Closures etc.) (Guernsey) Law, 2003 which include provision for the introduction of charges to recover maintenance, repair, administration and inspection costs associated with loss of service life of the public highway due to excavation works and as further detailed in that policy letter.

## **COMMERCE AND EMPLOYMENT DEPARTMENT**

### **PURCHASE OF A REPLACEMENT FISHERIES PATROL VESSEL**

XVIII.- To SURSIS the Article until the March 2016 meeting of the States of Deliberation, and, in the meantime, to direct Commerce and Employment:

- A. As part of the SCIP process, to commission an independent survey report of the Leopardess by a suitably qualified marine surveyor as to her present condition and as to her likely future maintenance costs, in order to establish whether she needs replacing now or whether it would be economically more sensible for her to remain in commission and be the subject of appropriate maintenance.
- B. To seek appropriate authority to release funding for the above independent survey from the Capital Reserve.
- C. If, as a result of the survey, it is concluded by the Department that the Leopardess requires replacement, to re-open the tender process so as to include any local boatbuilders who can demonstrate the ability to build commercial vessels, and to widen the specification so as not to exclude glassfibre composite for the hull, and to amend the Outline Business Case accordingly.
- D. To report back to the States by the March 2016 meeting of the States of Deliberation, such report to include the independent survey noted above.

## **HOME DEPARTMENT**

### **INDEPENDENT MONITORING PANEL**

XIX.- After consideration of the Policy Letter dated 13th July, 2015, of the Home Department:--

- 1. To approve the appointment of Mrs. Shona Sarre as a member of the Independent Monitoring Panel for a period of four years with effect from October 2015.
- 2. To approve the appointment of Mrs. Gillian Lindsey Darling as a member of the Independent Monitoring Panel for a period of four years with effect from October 2015.
- 3. To approve the appointment of Ms. Glen Ford as a member of the Independent Monitoring Panel for a period of four years with effect from October 2015.
- 4. To approve the appointment of Mrs. Heather Mauger as a member of the Independent Monitoring Panel for a period of four years with effect from October 2015.
- 5. To approve the appointment of Mr. James Edward Duncan as a member of the Independent Monitoring Panel for a period of four years with effect from October 2015.



6. To amend the Prison (Guernsey) Ordinance, 2013 to remove the restriction on States' employees serving on the Independent Monitoring Panel.
7. To amend the Prison (Guernsey) Ordinance, 2013 to enable the Home Department to make appointments to the Independent Monitoring Panel in the first instance with the requirement that such appointments would require reappointment by the States of Deliberation as soon as possible at the end of the calendar year.
8. To note the 2014 Annual Report of the Independent Monitoring Panel.
9. To note the 2014 Annual Report of the Prison Governor.

S M D ROSS  
HER MAJESTY'S DEPUTY GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 2<sup>ND</sup> DAY OF OCTOBER, 2015**

Adjourned from 1<sup>st</sup> October 2015

**The States resolved as follows concerning Billet d'État No XVI  
dated 21<sup>st</sup> August 2015**

**COMMERCE AND EMPLOYMENT DEPARTMENT**

**DAIRY INDUSTRY – OPTIMUM ARRANGEMENTS FOR THE DISTRIBUTION  
AND RETAILING OF MILK AND MILK PRODUCTS**

XX.- After consideration of the Policy Letter dated 2<sup>nd</sup> July, 2015, of the Commerce and Employment Department:-

1. To agree that the optimum distribution and retailing arrangements for the long-term sustainability and success of the island's dairy industry are as proposed by the Commerce & Employment Department in Option C of that Policy Letter, which Option is described by the Department as 'Dairy sells to any commercial customer'; and to direct the Commerce & Employment Department to report to the States at or before their meeting in March, 2016 setting out financial measures to mitigate the likely adverse consequences upon existing milk distributors of moving to Option C; and it is understood that assessing such financial measures can be undertaken only with full openness and transparency of all distributors with regard to their accounting records.
2. TO RESCIND their Resolutions of 30th October 2008 in relation to Article IV of Billet d'État No. XIII (concerning exclusive rights to the distribution of Guernsey Dairy milk and milk products).
3. TO RESCIND their Resolutions in relation to paragraphs 1(j) and 3 of 25th September 2014 in relation to Article IX of Billet d'État No. XX (Review of the Dairy Industry) to the extent to which they provide for the statutory licensing of milk distributors.
4. To agree that a new milk Ordinance should reflect the matters set out in paragraphs 8.7 (registered milk distributors) and 9.1 (collection of milk, producer prices, supply of milk and appeals, procedural matters and penalties) of that report.
5. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

## **ENVIRONMENT DEPARTMENT**

### **STATES CAPITAL INVESTMENT PORTFOLIO – BUS FLEET REPLACEMENT**

XXI.- After consideration of the Policy Letter dated 13th July, 2015, of the Environment Department:-

1. To resolve that tenders be sought for Phase One of the Bus Fleet Replacement Project and direct the subsequent preparation of the Full Business Case.
2. To delegate authority to the Treasury and Resources Department to approve the Full Business Case at a cost not exceeding £1.84 million to be funded by a capital vote charged to the Capital Reserve.

## **STATES' ASSEMBLY & CONSTITUTION COMMITTEE**

### **FACILITATING ELECTRONIC DISTRIBUTION OF CANDIDATES' ELECTION MATERIAL**

XXII.- After consideration of the Policy Letter dated 4th August, 2015, of the States' Assembly & Constitution Committee, to approve that responsibility for fulfilling the terms of Resolution 4A on Article X of Billet d'État XI of 2015 should be transferred from the States' Assembly & Constitution Committee to the Home Department.

## **STATES' ASSEMBLY & CONSTITUTION COMMITTEE**

### **DISTRIBUTION OF DEPUTIES' SEATS AMONG THE ELECTORAL DISTRICTS**

XXIII.- After consideration of the Policy Letter dated 5th August, 2015, of the States' Assembly & Constitution Committee, to approve that the present electoral districts continue with the same boundaries and that the number of seats in each district for the purpose of elections to the office of Deputy shall, with effect from the 2016 General Election, be as follows:

- |  |   |
|--|---|
| 1. St. Peter Port South (and Herm and Jethou)  | 5 |
| 2. St. Peter Port North  | 6 |
| 3. St. Sampson   | 6 |
| 4. The Vale  | 6 |
| 5. The Castel  | 5 |
| 6. West (comprising the parishes of St. Saviour,<br>St. Pierre du Bois, Torteval and The Forest)   | 5 |
| 7. South-East (comprising the parishes of St. Martin and<br>St. Andrew)  | 5 |
| 8. To direct the States Assembly and Constitution Committee to report back to the States on measures that would be effective in encouraging a more diverse range of candidates to stand for election. The report will include consideration of obstacles |   |

to standing as a candidate by under-represented sections of society and the possible means of overcoming them; and will give details of the establishment of a fund to facilitate this objective.

D A KNIGHT  
HER MAJESTY'S DEPUTY GREFFIER

# IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 29<sup>th</sup> DAY OF OCTOBER 2015

**The States resolved as follows concerning Billet d'État No XIX  
dated 29<sup>th</sup> September 2015**

## TREASURY AND RESOURCES DEPARTMENT

### ANNUAL BUDGET OF THE STATES FOR 2016

After consideration of the Report dated 29<sup>th</sup> September, 2015, of the Treasury and Resources Department:-

1. To extend the company intermediate income tax rate (10%) to income from the provision of custody services (as defined in the Protection of Investors (Bailiwick of Guernsey) Law, 1987), to unconnected third parties when arising or accruing to an institution or business described in paragraph 1 of the Fourth Schedule to the Income Tax (Guernsey) Law, 1975, as amended, and to direct the preparation of such legislation as may be necessary to give effect to this decision with effect from 1 January 2016.
2. To extend the company higher income tax rate (20%) to income from the importation and / or supply of hydrocarbon oil or gas in Guernsey, except where a company does not import hydrocarbon oil or gas and supplies hydrocarbon oil or gas in Guernsey solely by means of a retail outlet for use in motor vehicles or boats, and to direct the preparation of such legislation as may be necessary to give effect to this decision with effect from 1 January 2016.
3. To extend the company higher income tax rate (20%) to income from retail business carried on in Guernsey, in the manner outlined in paragraphs 3.7 to 3.9 of this Report, where the company has a taxable profit of more than £500,000 in a year from such business, and to direct the preparation of such legislation as may be necessary to give effect to this decision with effect from 1 January 2016.
4. With effect from 1 January 2016, to pro-rate the entitlement to personal and other allowances for a person who is solely or principally resident in the years of their arrival in, and permanent departure from, Guernsey, based on the proportion of time spent in Guernsey in the relevant year, in the same manner in which income is pro-rated by virtue of sections 5(3) and 5(4) of the Income Tax (Guernsey) Law, 1975. Where that person is in receipt of a Guernsey source pension, which is liable to be taxed at source under the Employees Tax Instalment scheme, then the pro-rating provided for under section 51(5) and s.51A(2A) of the Income Tax (Guernsey) Law, 1975 shall be deemed to apply –
  - from the commencement of the year of charge until the date of arrival (in the case of that person's permanent arrival), or
  - from the date of departure until the end of the year of charge (in the case of that individual's permanent departure),

although, such an individual would not be entitled, in total, to more allowances than an individual who was solely or principally resident would be entitled.

5. To reduce the cap on the amount of tax relief on interest paid in respect of a principal private residence in section 1(2)(b)(ii) of the Income Tax (Tax Relief on Interest Payments) (Guernsey) Ordinance, 2007 as amended, as follows:

	Amount for an individual borrower	Amount for a married couple
2016	£13,000	£26,000
2017	£11,000	£22,000
2018	£9,500	£19,000
2019	£8,000	£16,000
2020	£6,500	£13,000
2021	£5,000	£10,000
2022	£3,500	£7,000
2023	£2,000	£4,000
2024	£1,000	£2,000
2025 and subsequent years of charge	£0	£0

and to direct the preparation of such legislation as may be necessary to give effect to this decision with effect from 1 January 2016.

- 5A. To direct the Treasury and Resources Department to investigate the removal of, or introduction of a cap on the amount of, tax relief on interest payments for let properties in section 2 of the Income Tax (Tax Relief on Interest Payments) (Guernsey) Ordinance, 2007 and to report back to the States no later than the end of October 2016.
6. TO NEGATIVE THE PROPOSITION in order to ensure greater equality between all persons in the ability to claim personal and other tax allowances, to direct that legislation is drafted as may be necessary to give effect to the decisions below, with effect from 1 January 2016:
- a. to provide that two individuals of the same sex who have together entered into a marriage or a civil partnership shall be treated for the purposes of the Income Tax (Guernsey) Law, 1975 in the same way as a husband and wife, and that references to a husband, wife or widow, a spouse, a marriage or a party to a marriage, or an individual who is married or unmarried, shall be construed accordingly.
  - b. in relation to the Married Persons Allowance –
    - i. the closure of the Allowance to claimants who married or entered into a civil partnership after 31 December 2015, and
    - ii. the extension of the Allowance to those in a civil partnership as at 31 December 2015, where they otherwise meet the conditions for the Allowance; in such cases the income of the younger civil partner shall be treated as income of the older civil partner for all of the purposes of assessment and collection of tax (including the

completion of returns, unless an election is made for separate assessment), and all references to husbands and wives shall be deemed to be the older and younger partner, respectively, of the civil partnership, as defined in the new proposed section 47AA of the Income Tax (Guernsey) Law, 1975.

- c. that the income of a wife will no longer be treated as the income of the husband for those who marry after 31 December 2015.
  - d. the closure of the Charge of Child Allowance –
    - i in relation to children born after 31 December 2020, or
    - ii where the allowance was not claimed in relation to the previous year of charge.
  - e. that co-habitees with children will no longer be able to transfer personal allowances between themselves in relation to children born after 31 December 2020.
  - f. in relation to children born before 1 January 2021,
    - i in order to claim a Charge of Child Allowance, an individual must be in receipt of Family Allowance at 1 January in the relevant year of charge,
    - ii personal allowances may also be transferred between co-habitees, including same sex couples, where the couple are recipients of a Family Allowance and made a claim to transfer personal allowances between themselves in the previous year of charge (regardless of whether or not the couple subsequently marry),
    - iii as a transitional measure in the year of charge 2016, personal allowances may be transferred between same sex co-habitees, where the couple were co-habiting as at 31 December 2015 and are recipients of a Family Allowance (regardless of whether or not the couple subsequently marry in 2016).
7. To increase the standard charge specified in section 5B(2) of the Income Tax (Guernsey) Law, 1975, as amended, from £27,500 to £30,000 in respect of the Year of Charge 2016 and subsequent years, by regulation under that subsection, and to resolve that the level of the standard charge is not reviewed or increased for at least 5 years.
8. With effect from 1 January 2016 to introduce a limit of tax payable by an individual (a “tax cap”) of £50,000 for residents of Alderney, provided that they have never previously claimed the “tax cap”, such a cap being available, initially, for a period of 10 years, and that accordingly the sixth schedule to the Income Tax (Guernsey) Law, 1975 shall be replaced by the following-

## SIXTH SCHEDULE

Section 39B

### LIMIT ON TAX PAYABLE BY AN INDIVIDUAL

#### 1. Individuals resident in Guernsey (but not in Alderney)

An individual resident in Guernsey shall pay a maximum of £110,000 (£100,000 for Years of Charge 2008-2011) in tax in a year of charge, in respect of income from the following sources –

#### **Qualifying income**

- (1) Any income derived from non-Guernsey sources, including:
  - (a) income from businesses,
  - (b) income from offices and employments,
  - (c) income from the ownership of lands and buildings, and
  - (d) income from other sources.
- (2) Income derived from a body which has been granted an exemption from tax for that year of charge under an Ordinance made under section 40A, other than income arising or accruing from an office or employment held or exercised in Guernsey.
- (3) Any interest arising in Guernsey upon money deposited with a licensed institution or other person exempted from the requirement to be licensed under the provisions of the Banking Supervision (Bailiwick of Guernsey) Law, 1994.

Income tax on income from any other sources (referred to in this Law as "**non-qualifying income**") shall not be subject to this limit.

However, notwithstanding the preceding provisions of this Schedule, an individual resident in Guernsey in receipt of non-qualifying income may, within a period of two years immediately after the end of any year of charge commencing after 2008, elect to pay in respect of both qualifying and non-qualifying income (other than non-qualifying income arising or accruing from the ownership of lands and buildings situate in Guernsey, the tax on which is, for the avoidance of doubt, payable in addition to the amount of the limits on tax specified in this Schedule) in that year a maximum of £220,000 (£200,000 for Years of Charge 2008-2011) in tax, and in that case –

- (i) the maximum figure specified above of £110,000 (£100,000 for Years of Charge 2008-2011) in tax in the year of charge in respect of qualifying income does not apply, and
- (ii) the individual shall pay in respect of both qualifying and non-qualifying income (other than non-qualifying income arising or accruing from the



ownership of lands and buildings situate in Guernsey, the tax on which is, for the avoidance of doubt, payable in addition to the amount of the limits on tax specified in this Schedule) in that year a maximum of £220,000 (£200,000 for Years of Charge 2008-2011) in tax.

Income from non-Guernsey sources does not include any income arising or accruing from -

- (a) businesses carried on in Guernsey,
- (b) offices or employments held or exercised in Guernsey,
- (c) the ownership of lands and buildings situate in Guernsey, and
- (d) any other source in Guernsey.

## **2. Individuals resident in Alderney**

An individual resident in Alderney shall pay a maximum of £50,000 in tax in any year of charge from 2016 to 2025 in respect of Alderney qualifying income save where that individual has in any previous year of charge by virtue of section 39B claimed the limit on tax payable under this schedule as it had effect prior to the 1<sup>st</sup> January 2016, in which case that individual may claim limit on tax payable available under paragraph 1 of this schedule as if he were instead resident in Guernsey.

**"Alderney qualifying income" means from any sources except Alderney non-qualifying income.**

**"Alderney non-qualifying income" means income arising or accruing from the ownership of lands and buildings situate in Guernsey (including, for the avoidance of doubt, Alderney), which shall not be subject to the limit.**

## **3. Determination of where income arises**

In determining for the purposes of this Schedule whether any income does arise in, or from the ownership of lands and buildings situate in, Guernsey (including, for the avoidance of doubt, Alderney) the income may be traced through any number of companies, partnerships, trusts, agreements or other arrangements of any description and, for that purpose, section 62D(2) shall apply (subject to the necessary modifications) in determining whether a person has an interest in, or income arises from, any company, partnership, trust, agreement or arrangement through which the interest or income is traced."

9. To approve the introduction of a system of charging excise duty on beer, cider and spirits based on Alcohol by Volume, with effect from 1 January 2016, as set out in paragraph 3.59 of this Report.
10. To approve the introduction of an excise duty at the standard rate on the production and / or importation of biodiesel with conditional concessions, with effect from 1 January 2016, as set out in paragraphs 3.70 to 3.72 of this Report.
11. That the rates of excise duty in Guernsey and Alderney on the under mentioned goods shall be varied as follows:  
With immediate effect:

Cigarettes	£298.52 per kilogram
Cigars	£283.72 per kilogram
Hand rolling tobacco	£264.21 per kilogram
Other manufactured tobacco	£229.17 per kilogram
Tobacco leaf – unstemmed	£254.40 per kilogram
Tobacco leaf – stemmed	£256.96 per kilogram

Petrol other than any fuel used for the purpose of air navigation	58.5p per litre
Petrol used for the purpose of marine navigation where supplied by an approved trader	36.6p per litre
Gas oil	58.5p per litre

With effect from 1 January 2016:

Biodiesel	58.5p per litre
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Beer exceeding 1.2 per cent volume but not exceeding 2.8 per cent volume	45p per litre
Beer brewed by an independent small brewery exceeding 1.2 per cent volume but not exceeding 4.9 per cent volume	45p per litre
Beer, other than beer brewed by an independent small brewery, exceeding 2.8 per cent volume but not exceeding 4.9 per cent volume	71p per litre
Beer brewed by an independent small brewery exceeding 4.9 per cent volume but not exceeding 7.5 per cent volume	57p per litre
Beer, other than beer brewed by an independent small brewery, exceeding 4.9 per cent volume but not exceeding 7.5 per cent volume	89p per litre
Beer exceeding 7.5 per cent volume	£1.04 per litre

Spirits	£32.34 per litre of alcohol contained in the liquor.
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Cider exceeding 1.2 per cent volume but not exceeding 2.8 per cent volume	45p per litre
Cider produced by an independent small cider-maker exceeding 2.8 per cent volume but not exceeding 4.9 per cent volume	45p per litre
Cider, other than cider produced by an independent small cider-maker, exceeding 2.8 per cent volume but not exceeding 4.9 per cent volume	71p per litre
Cider produced by an independent small cider-maker exceeding 4.9 per cent volume but not exceeding 7.5 per cent volume	57p per litre
Cider, other than cider produced by an independent small cider-maker, exceeding 4.9 per cent volume but not exceeding 7.5 per cent volume	89p per litre
Cider exceeding 7.5 per cent volume	£1.04 per litre

Light wines not exceeding 5.5 per cent volume	56p per litre
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Light wines exceeding 5.5 per cent volume but not exceeding 15 per cent volume (including sparkling wines)	£2.28 per litre
Other wines	£3.64 per litre

12. To approve the draft Ordinance entitled “The Excise Duties (Budget) Ordinance, 2015” and to direct that the same shall have effect as an Ordinance of the States.
13. That the rates of Tax on Real Property in Guernsey and Alderney with effect from 1 January 2016 shall be as set out in paragraph 3.77 of this Report.
14. To approve the draft Ordinance entitled “The Taxation of Real Property (Guernsey and Alderney) (Amendment) Ordinance, 2015” and to direct that the same shall have effect as an Ordinance of the States.
15. That the objective in the Fiscal and Economic Plan which provides for a ‘real terms’ freeze on aggregate States’ revenue expenditure’ should be interpreted for 2016 to exclude the allocation of an additional £8,200,000 specifically for the Health and Social Services Department.
16. To approve the Treasury and Resources Department commissioning, funded by a transfer from the Budget Reserve, external assessments of the appropriate baseline budgets for the Education Department and Home Department for current service provision and benchmarked to comparable service models in other jurisdictions.
17. To approve the cash limits for ordinary revenue and capital expenditure for 2016 for individual Departments and Committees totalling £382,600,000 as set out in paragraph 4.31 of this Report.
18. To note the indicative Three Year Budgets set out in paragraph 4.52 of this Report.
19. To immediately transfer the sum of £1,000,000 to General Revenue from the Capital Reserve.
20. To transfer the sum of £18,300,000 from General Revenue to the Capital Reserve on 1 January 2016.
21. To approve that returns of capital from trading entities in 2016 be transferred to the Capital Reserve.
22. To agree that, with the exception of the Alderney Airport Runway Rehabilitation [and] with the exception of the College of Further Education, requests for capital votes for the projects listed in paragraph 5.25 of this Report should not be submitted until after the States have agreed the 2017 - 2020 capital priorities.
23. To note the timetable for the 2017 - 2020 capital prioritisation exercise as set out in paragraph 5.29 of this Report and that a recommended capital investment portfolio will be included as a separate item within the 2017 Budget Report.

24. To approve that the programmes set out in paragraphs 6.36 to 6.40 of this Report are prioritised for funding from the Transformation and Transition Fund and delegate authority to the Treasury and Resources Department to approve funding of up to £1,000,000 for the Transforming Health and Social Care Services programme and up to £750,000 for each of the other programmes.
25. To delegate authority to the Treasury and Resources Department to approve funding from the Transformation and Transition Fund up to a maximum of £250,000 per initiative for any transformational initiatives other than the programmes set out in paragraphs 6.36 to 6.40 of this Report.
26. To delegate authority to the Treasury and Resources Department to approve funding from the Transformation and Transition Fund up to a maximum of £500,000 for the revenue expenditure associated with the transition to the new system of population management.
27. To approve The States of Guernsey Permitted Investment (Amendment) Rules, 2015 set out in Appendix III of this Report.
28. (a) That, subject to the provisions of the Income Tax (Guernsey), Law 1975 and to the provisions of this Proposition, the allowances claimable for the Year of Charge 2016 by an individual solely or principally resident in Guernsey by way of relief from income tax at the individual standard rate, shall be the allowances specified in the First Schedule to this proposition.
- (b) That the allowances specified in the First Schedule to this Proposition shall only be granted to an individual who has made a claim in accordance with the provisions of the Income Tax (Guernsey), Law 1975, and who has proved the conditions applicable to such allowances and prescribed in the Second Schedule to this Proposition have been fulfilled.
- (c) That:
  - “Family Allowances” means Family Allowances payable under the Family Allowances (Guernsey) Law, 1950 as amended; and
  - “the Income Tax (Guernsey) Law, 1975” means that Law as amended, extended or applied by or under any other enactment.

### **FIRST SCHEDULE**

#### **Year of Charge 2016**

Allowances claimable by an individual solely or principally resident in Guernsey by way of relief from income tax at the standard rate.

<u><b>NATURE OF ALLOWANCE</b></u>	<u><b>AMOUNT OF ALLOWANCE</b></u>
<b>1. Personal Allowance</b>	
(i) for persons who are married	Tax at the standard rate on £19,350. Provided firstly that the allowance shall be reduced by the sum of £1 for every pound of wife's earned income allowance granted. Provided secondly that, should a

divorce or separation occur in the year of charge, the allowance shall be reduced accordingly, and shall be calculated on the basis of the number of days in the year of charge which precede that event. In such a case each spouse shall receive a reduced share of the appropriate allowance for single persons specified in (iv) or (v) below for the remainder of the year of charge, which shall be calculated on the basis of the number of days remaining in the year of charge (including the day of the divorce, or separation). Provided thirdly that in the case of the death of a husband, the deceased shall be entitled to the allowance for the full year of charge, reduced by the amount of the appropriate allowance for single persons specified in (iv) or (v) below granted to the widow for the remainder of the year of charge from (and including) the husband's date of death; and in the case of the death of a wife, the husband shall be entitled to the allowance for the full year of charge.

For the purposes of this paragraph and paragraphs (ii) to (v) below, "divorce" means that the Court for Matrimonial Causes has made a Final Order on a decree of divorce or of nullity of marriage in respect of the marriage in question or that the courts of another jurisdiction have made a corresponding order in respect thereof

- (ii) for persons who are married where, at the commencement of the year of charge either he, or his wife living with him, was of the age of 64 years or over. Tax at the standard rate on £21,125. Provided firstly that the allowance shall be reduced by the sum of £1 for every pound of wife's earned income allowance granted. Provided secondly that, should a divorce or separation occur in the year of charge, the allowance shall be reduced accordingly, and shall be calculated on the basis of the number of days in the year of charge which precede that event. In such a case each spouse shall receive a reduced share of the appropriate allowance for single persons specified in (iv) or (v) below for the remainder of the year of charge, which shall be calculated on the basis of the number of days remaining in the year of charge (including the day of the divorce or separation). Provided thirdly that in the case of the death of a husband, the deceased shall be entitled to the allowance for the full year of charge, reduced by the amount of the appropriate allowance for single persons specified in (iv) or (v) below granted to the widow for the remainder of the year of charge from (and including) the husband's date of death; and in the case of the death of a wife, the husband shall be entitled to the allowance for the full year of charge.
- (iii) for persons who are married where, at the commencement of the year of charge, both he, and his wife living with him, were of the age of 64 years or over. Tax at the standard rate on £22,900. Provided firstly that the allowance shall be reduced by the sum of £1 for every pound of wife's earned income allowance granted. Provided secondly that, should a divorce or separation occur in the year of charge, the allowance shall be reduced accordingly, and shall be calculated on the basis of the number of days in the year of charge which precede that event. In such a case each spouse shall receive a reduced share of the appropriate allowance for single persons specified in (iv) or (v) below for the remainder of the year of charge, which shall be calculated on the basis of the number of days remaining in the year of charge (including the day of the divorce or separation). Provided thirdly that in the case of the death of a husband, the

	deceased shall be entitled to the allowance for the full year of charge, reduced by the amount of the appropriate allowance for single persons specified in (iv) or (v) below granted to the widow for the remainder of the year of charge from (and including) the husband's date of death; and in the case of the death of a wife, the husband shall be entitled to the allowance for the full year of charge.
(iv) for single persons.	Tax at the standard rate on £9,675, but subject to the second and third provisos relating to divorce, separation or death set out in (i), (ii) or (iii) above.
(v) for single persons aged 64 years or over at the commencement of the year of charge.	Tax at the standard rate on £11,450, but subject to the second and third provisos relating to divorce, separation or death set out in (i), (ii) or (iii) above.
<b>2. Dependent Relative Allowance</b>	In respect of each dependent relative - tax at the standard rate on £3,125 or on the amount of the contributions whichever is less:  Provided that if the income of the dependent relative (exclusive of any contribution) exceeds £6,550 the allowance shall be reduced to tax at the standard rate on such sum as remains after subtracting from £3,125 the sum of £1 for every pound by which the dependent relative's income exceeds £6,550.  Provided further that if any Family Allowances are payable in respect of the dependent relative, the allowance shall be further reduced to tax at the standard rate on such sum as remains after subtracting from £3,125, or such lesser sum as remains after deducting from £3,125 the sum of £1 for every pound by which the dependent relative's income exceeds £6,550, the sum of £260 for every month in the year of charge for which such Family Allowances are payable.
<b>3. Infirm Person's Allowance</b>	Tax at the standard rate on £3,125.
<b>4. Housekeeper Allowance</b>	Tax at the standard rate on £3,125.
<b>5. Wife's Earned Income Allowance</b>	Tax at the standard rate on a sum equal

to the amount of the claimant's wife's net qualifying income but not exceeding tax at the standard rate on £9,675.

**6. Charge of Children Allowance**

Tax at the standard rate on £6,550.

**7. Retirement Annuity Allowance**

Tax at the standard rate on a sum equal to the qualifying premiums or contributions.

## **SECOND SCHEDULE**

Conditions applicable to the allowances specified in the First Schedule

**1. Personal Allowance**

- (1) The conditions to be fulfilled to entitle the claimant to the personal allowance are:
  - (a) in respect of the allowance specified in paragraph 1(i), (ii) or (iii) of the First Schedule ("married persons") –
    - (i) that at the commencement of the year of charge the claimant's wife is living with him or is wholly maintained by him; and
  - (b) in respect of the allowance specified in paragraph 1(iv) or (v) of the First Schedule ("single persons")-
    - (i) that the claimant is not entitled to an allowance specified in paragraph 1(i), (ii) or (iii) of the First Schedule ("married persons"); or
    - (ii) that the claimant is subject to the second or third proviso relating to divorce, separation or death set out in the said paragraph 1(i), (ii) or (iii).

**2. Dependent Relative Allowance**

- A. (1) The conditions to be fulfilled to entitle a claimant to a dependent relative allowance in the case of a child receiving higher education are:
  - (a) that the child in respect of whom an allowance is claimed –
    - (i) is the child of the claimant, or
    - (ii) is the illegitimate child of the claimant and in the year of charge is maintained by the claimant;
  - (b) that on the first day of August in the year of charge, the child is over the age of nineteen years and is, in that year of charge, receiving full-time instruction at any university, college, school or other educational establishment.
- (2) The expression "child" shall include a stepchild, and a child who has been lawfully adopted shall be treated as the child of the individual by whom he has been so adopted and not as the child of the natural parent.



- (3) Where a man and a woman are cohabiting as husband and wife and either has a child in respect of whom a dependent relative allowance is claimable the man or woman as the case may be, and by a notice in writing addressed to the Director, may elect that, for the purposes of the said allowance, the child shall be treated as if it were the child of the cohabitee.
  - (4) In computing the amount of a child's income in his own right, no account shall be taken of any sum to which the child is entitled as the holder of a scholarship, bursary or other similar educational endowment.
  - (5) Where two or more persons jointly maintain or contribute towards the maintenance of any such person as aforesaid, the allowance shall be apportioned between them in proportion to the amount or value of their respective contributions towards the maintenance of that person.
- B. (1) The conditions to be fulfilled to entitle a claimant to a dependent relative allowance in any other case are:
- (a) that the claimant at his own expense maintains or contributes towards the maintenance of a person being a relative of the claimant or of the claimant's spouse; and
  - (b) that the person so maintained is prevented by incapacity due to old age or infirmity from maintaining himself; and
  - (c) that the claim relates to a dependent relative in respect of whom a claim has already been made for a year of charge prior to the Year of Charge 2009.
- (2) Where two or more persons jointly maintain or contribute towards the maintenance of any such person as aforesaid, the allowance shall be apportioned between them in proportion to the amount or value of their respective contributions towards the maintenance of that person.

### 3. Infirm Person's Allowance

- (1) The conditions to be fulfilled to entitle a claimant to an infirm person's allowance are:
- (a) that the claimant is by reason of old age or infirmity or by reason of the old age or infirmity of the claimant's spouse compelled to maintain or employ an individual solely for the purpose of having care of the claimant or the claimant's spouse;

*Provided that the allowance shall not be granted by reason of infirmity unless throughout the year the claimant or the claimant's spouse was permanently incapacitated by physical or mental infirmity.*

- (b) if such an individual is a relative of the claimant or of the claimant's spouse and if the claimant is entitled to any other allowance in the First Schedule in respect of that individual, that the claim has been relinquished;
- (c) that the claim relates to an infirm person in respect of whom a claim has already been made for a year of charge prior to the Year of Charge 2009.

- (2) Not more than one allowance shall be allowed to any claimant for any year.

#### **4. Housekeeper Allowance**

- (1) The conditions to be fulfilled to entitle the claimant to a housekeeper allowance are:
  - (a) that the claimant is a widow or widower.
  - (b) that in the year of charge a person is employed or maintained by the claimant solely for the purpose of acting in the capacity of a housekeeper for the claimant;
  - (c) if such person is a relative of the claimant or of the claimant's deceased spouse and if the claimant is entitled to any other allowance in the First Schedule in respect of that person, that the claim has been relinquished;
  - (d) that the claim relates to a housekeeper in respect of whom a claim has already been made for a year of charge prior to the Year of Charge 2009.
- (2) A housekeeper allowance shall not be granted to any individual for any year in respect of more than one person.
- (3) A housekeeper allowance shall not be granted to any individual for any year if such individual is entitled for that year to a personal allowance for married persons, or to an infirm person's allowance.
- (4) "Housekeeper" means a person who is responsible by delegation for the management of the household, including arrangements for food, housekeeping expenditure and the care of linen and laundry.

#### **5. Wife's Earned Income Allowance**

- (1) The conditions to be fulfilled to entitle a claimant to a wife's earned income allowance are that the claimant is entitled to the personal allowance for married persons and that there is included in the claimant's assessable income some earned income arising or accruing to the claimant's wife.
- (2) "Earned income" has the meaning assigned to it by section 148 of the Income Tax (Guernsey) Law, 1975.

#### **6. Charge of Children Allowance**

- (1) The conditions to be fulfilled to entitle a claimant who is also entitled to the personal allowance for married persons to a charge of children allowance are:
  - (a) that at the commencement of the year of charge the claimant, or the claimant's spouse, is in receipt of Family Allowances in respect of one or more children who were born before 1 January 2021, and
  - (b) that the allowance was claimed in the previous year of charge, and
  - (c) that the claimant proves that throughout the year either he or his wife is totally incapacitated by physical or mental infirmity and that a person is maintained or employed by him for the purpose of having the charge and

care of the child, and

- (d) that neither the claimant nor any other individual is entitled to a dependent relative allowance in respect of the person so employed or maintained, or if he or any other individual is so entitled, that the claim has been relinquished.
- (2) The conditions to be fulfilled to entitle a claimant who is entitled to the personal allowance appropriate to persons other than married persons to a charge of children allowance are:
- (a) that at the commencement of the year of charge the claimant is in receipt of Family Allowances in respect of one or more children who were born before 1 January 2021, and
  - (b) that the allowance was claimed in the previous year of charge, and
  - (c) that in the year of charge the claimant is not cohabiting with another person, except where –
    - (i) the claimant proves that throughout the year either he or his cohabitee is totally incapacitated by physical or mental infirmity, and that a third person is maintained or employed by him for the purpose of having the charge and care of the child, and
    - (ii) neither the claimant nor any other individual is entitled to a dependent relative allowance in respect of the person so employed or maintained or if he or any other individual is so entitled that the claim has been relinquished.

Provided that where the recipient of a family allowance in respect of one or more children who were born before 1 January 2021 is not entitled to claim the charge of children allowance because he is cohabiting with another person, he may, in respect of the year of charge, by notice in writing addressed to the Director, elect that the whole, or any unused part of, the personal allowance to which he would otherwise be entitled shall cease to be his and shall become an additional personal allowance of the person with whom he is cohabiting, providing they made a claim to transfer personal allowances in the previous year of charge, such election, once made, to be irrevocable in respect of that year of charge.

For the purposes of this paragraph "cohabiting" means living with another person as that person's spouse throughout the year of charge.

- (3) The claimant shall have relinquished any claim to a housekeeper allowance or to an infirm person's allowance for that year.
- (4) Where an individual is entitled to claim a dependent relative allowance in the case of a child receiving higher education he shall, for the purposes of the preceding paragraphs numbered (1) to (3), be treated as if he were in receipt of a Family Allowance in respect of the said child.

Provided that if there are two such individuals the charge of children allowance shall be apportioned between them in proportion to the amount or value of their respective contributions towards the maintenance of that child.

- (5) Not more than one allowance shall be granted to any claimant for any year.

## 7. Retirement Annuity Allowance

- (1) The conditions to be fulfilled to entitle a claimant to a retirement annuity allowance are that the claimant pays a premium or makes a contribution to a retirement annuity scheme or to a retirement annuity trust scheme approved under the provisions of section 157A of the Income Tax (Guernsey) Law, 1975 and of which he is a beneficiary.
- (2) Subject to the provisions of the next succeeding paragraph the qualifying premiums or contributions, as the case may be, shall be the amount of any premium paid or contribution made by the claimant during the year of computation of the income of the claimant assessable for the year of charge.
- (3) Notwithstanding the provisions of the preceding paragraph no allowance shall be given in respect of any qualifying premiums or contributions to the extent that, in aggregate, they exceed:
  - (a) 100% of the income of the claimant during the year of computation referred to in the preceding subparagraph, or
  - (b) any retirement annuity contribution limit for the time being prescribed by Regulations made by the Department.
- (4) In the case of a married couple or couple who have entered into a civil partnership:
  - (a) for the avoidance of doubt, the allowances specified in this paragraph apply in respect of each party to the marriage, and each party to the marriage may be considered to be the claimant for the purposes of this paragraph, irrespective of whether the couple are jointly assessed or separately assessed by virtue of an application under section 46 of the Income Tax (Guernsey) Law, 1975, and
  - (b) for the purposes of this paragraph, and notwithstanding subparagraph (1), either party to the marriage may also pay (and an allowance may be granted in respect of) qualifying premiums or contributions to a retirement annuity scheme or retirement annuity trust scheme of which the other party is a beneficiary, provided that the maximum allowance granted in respect of any individual may not exceed the limit prescribed in subparagraph (3).

29. To approve the following Expenditure Budgets for the year 2016:

- (a) Policy Council
- (b) Treasury and Resources Department
- (c) Commerce and Employment Department
- (d) Culture and Leisure Department
- (e) Education Department
- (f) Environment Department
- (g) Health and Social Services Department
- (h) Home Department
- (i) Housing Department

- (j) Public Services Department
  - (k) Social Security Department
  - (l) Public Accounts Committee
  - (m) Scrutiny Committee
  - (n) Royal Court
  - (o) Law Officers
30. To approve the following Budgets for the year 2016 and Probable Outturns for 2015:
- (a) Corporate Housing Programme
  - (b) Solid Waste Trading Account
  - (c) Guernsey Registry
  - (d) Ports
  - (e) Guernsey Water
  - (f) States Works
  - (g) Guernsey Dairy
  - (h) States Capital Investment Portfolio – Operating Costs
  - (i) Superannuation Fund Administration
  - (j) Social Security Department – Contributory Funds
31. To note the Budget for the States of Alderney for 2016.
32. To delegate authority to the Treasury and Resources Department to approve funding for a broad based review of the operation of the Local Housing Market in Guernsey which the Housing Department and the Treasury and Resources Department (and their successors) were directed to undertake by resolution of the States of 30th September 2015 from the Corporate Housing Programme Fund and / or by a transfer from the Budget Reserve.
33. To agree that the Committee *for* Education, Sport and Culture must report to the States of Deliberation by no later than July 2017, setting out a comprehensive sports strategy, including the funding requirements necessary to achieve the objectives set out in the strategy.

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 OCTOBER 2015**

**The States resolved as follows concerning Billet d'État No XVIII  
dated 18<sup>th</sup> September 2015**

**PROJET DE LOI**

entitled

**THE DOG LICENCES (GUERNSEY) (AMENDMENT) LAW, 2015**

I.- To approve the draft Projet de Loi entitled “The Dog Licences (Guernsey) (Amendment) Law, 2015”, and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE RENEWABLE ENERGY (GUERNSEY) ORDINANCE, 2015**

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

**THE SEAFARER RECRUITMENT AND PLACEMENT SERVICES  
(MARITIME LABOUR CONVENTION 2006) (SARK) ORDINANCE, 2015**

III.- To approve the draft Ordinance entitled “The Seafarer Recruitment and Placement Services (Maritime Labour Convention 2006) (Sark) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE FORFEITURE OF MONEY, ETC. IN CIVIL PROCEEDINGS  
(BAILIWICK OF GUERNSEY) (AMENDMENT) LAW, 2012  
(COMMENCEMENT) ORDINANCE, 2015**

IV.- To approve the draft Ordinance entitled “The Forfeiture of Money, etc. in Civil Proceedings (Bailiwick of Guernsey) (Amendment) Law, 2012 (Commencement) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

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

**THE COMPANIES (TRANSITIONAL PROVISIONS AND COMMENCEMENT) REGULATIONS, 2015**

In pursuance of Section 537 of The Companies (Guernsey) Law, 2008, “The Companies (Transitional Provisions and Commencement) Regulations, 2015”, made by the Commerce and Employment Department on 6<sup>th</sup> August, 2015, was laid before the States.

**THE INVESTOR PROTECTION (DESIGNATED COUNTRIES AND TERRITORIES) (AMENDMENT) (AIFMD) REGULATIONS, 2015**

In pursuance of Section 21(4) of The Protection of Investors (Bailiwick of Guernsey) Law, 1987, “The Investor Protection (Designated Countries and Territories) (Amendment) (AIFMD) Regulations, 2015”, made by the Policy Council on 3<sup>rd</sup> August, 2015, was laid before the States.

**THE SEA FISH LICENSING (DOCUMENTS AND NOTICES) (BAILIWICK OF GUERNSEY) REGULATIONS, 2015**

In pursuance of Section 22 (1) (c) of The Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012, “The Sea Fish Licensing (Documents and Notices) (Bailiwick of Guernsey) Regulations, 2015”, made by the Commerce and Employment Department on 16<sup>th</sup> July, 2015, was laid before the States.

**THE AIR NAVIGATION (RESTRICTION OF FLYING) (BAILIWICK OF GUERNSEY) AIR DISPLAY REGULATIONS, 2015**

In pursuance of Section 151 (4) of The Air Navigation (Bailiwick of Guernsey) Law, 2012, “The Air Navigation (Restriction of Flying) (Bailiwick of Guernsey) Air Display Regulations, 2015”, made by the Director of Civil Aviation - Commerce and Employment Department on 20<sup>th</sup> August, 2015, was laid before the States.

**THE AIR NAVIGATION (RESTRICTION OF FLYING) (BAILIWICK OF GUERNSEY) ALDERNEY ROYAL AERO CLUB AIR RACING REGULATIONS, 2015**

In pursuance of Section 151 (4) of The Air Navigation (Bailiwick of Guernsey) Law, 2012, “The Air Navigation (Restriction of Flying) (Bailiwick of Guernsey) Alderney Royal Aero Club Air Racing Regulations, 2015”, made by the Director of Civil Aviation - Commerce and Employment Department on 20<sup>th</sup> August, 2015, was laid before the States.

## **THE BORNEMENT (FEES) REGULATIONS, 2015**

In pursuance of Sections 1 and 5 of The Fees, Charges and Penalties (Guernsey) Law, 2007, “The Bornement (Fees) Regulations, 2015”, made by the Policy Council on 24<sup>th</sup> August, 2015, was laid before the States.

## **THE ELECTIONS (PRESENCE OF CANDIDATES AT COUNT) RULES, 2015**

In pursuance of the powers conferred on it by Article 38A (4) of The Reform (Guernsey) Law, 1948, as amended, “The Elections (Presence of Candidates at Count) Rules, 2015” made by the States’ Assembly and Constitution Committee on 5<sup>th</sup> August, 2015, was laid before the States.

## **POLICY COUNCIL**

### **REVISION OF THE FINANCIAL SUPERVISORY AND REGULATORY LAWS**

V.- After consideration of the Policy Letter dated 24<sup>th</sup> August, 2015, of the Policy Council, :-

1. To agree the proposals set out in that Policy Letter, as highlighted in paragraphs 1.1.8(b) and (c) of that Policy Letter.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decisions, and of any necessary consequential, incidental, supplementary and transitional provisions not specified above, including, but not limited to, amendments to other legislation.

## **POLICY COUNCIL**

### **APPOINTMENT OF AN ORDINARY MEMBER OF THE GUERNSEY FINANCIAL SERVICES COMMISSION**

VI.- After consideration of the Policy Letter dated 24<sup>th</sup> August, 2015, of the Policy Council, to appoint Mrs. Wendy Susan Dorey as an ordinary member of the Guernsey Financial Services Commission for a three year term with effect from 1<sup>st</sup> November 2015.



## SOCIAL SECURITY DEPARTMENT

### BENEFIT AND CONTRIBUTION RATES FOR 2016

VIII.- After consideration of the Policy Letter dated 10<sup>th</sup> August, 2015, of the Social Security Department, :-

1. That a guideline for the annual uprating of statutory old-age pensions be established, set initially at one third of the real increase in median earnings, with the intention to reduce this to RPIX subject to suitable policies to enhance personal provision being in place.
2. That the Social Security Department be directed to take the above guideline in Proposition 1 into account in its recommendations for the annual uprating of statutory old-age pensions, and to provide the States of Deliberation with detailed reasoning for any recommendation to deviate from it in its annual uprating report.
3. That the Social Security Department be directed to review the guideline for the annual uprating of statutory old-age pensions no later than 2020, having regard to progress made in establishing supporting policies to enhance personal pension provision and the actuarial projections for the Guernsey Insurance Fund at that time.
4. That, from 1<sup>st</sup> January 2017, the percentage contribution rate for employers be increased by 0.1%, from 6.5% to 6.6%, to fund the additional costs of the new parental benefits.
5. That, from 1<sup>st</sup> January 2017, the percentage contribution rate for employees be increased by 0.1%, from 6.0% to 6.1%, to fund the additional costs of the new parental benefits.
6. That, subject to Proposition 4 and 5 being approved, from 1<sup>st</sup> January 2017, the grant from General Revenue to the Guernsey Insurance Fund be decreased from 15% to 14.7% of contribution income.
7. That, for employed persons and employers, the upper weekly earnings limit, the upper monthly earnings limit and the upper annual earnings limit, from 1<sup>st</sup> January 2016, shall be £2,646, £11,466 and £137,592 respectively.
8. That, for employed persons and employers, the lower weekly earnings limit and the lower monthly earnings limit, from 1<sup>st</sup> January 2016, shall be £133 and £576.33 respectively.
9. That, for self-employed persons, the upper and lower annual earnings limits, from 1<sup>st</sup> January 2016, shall be £137,592 and £6,916 per year respectively.
10. That, for non-employed persons, the upper and lower annual income limits, from 1<sup>st</sup> January 2016, shall be £137,592 per year and £17,290 per year, respectively.

11. That the allowance on income for non-employed people from 1<sup>st</sup> January 2016, shall be £7,336 per year.
12. That the voluntary contribution from 1<sup>st</sup> January 2016, shall be £18.95 per week for non-employed people.
13. That the overseas voluntary contribution from 1<sup>st</sup> January 2016, shall be £90.45 per week for non-employed people and £99.99 for self-employed people.
14. That, from 4<sup>th</sup> January 2016, the standard rates of pension and contributory social insurance benefits shall be increased to the rates set out in table 2 in that Policy Letter.
15. That the States approve in principle the entry into a reciprocal agreement on social security with Latvia.
16. That, from 1<sup>st</sup> January 2016, the prescription charge per item of pharmaceutical benefit shall be £3.70.
17. That, from 4<sup>th</sup> January 2016, the contribution (co-payment) required to be made by the claimant of care benefit, under the long-term care insurance scheme, shall be £193.97 per week.
18. That, from 4<sup>th</sup> January 2016, nursing care benefit shall be a maximum of £802.55 per week for persons resident in a nursing home or the Guernsey Cheshire Home and residential care benefit shall be a maximum of £429.87 per week for persons resident in a residential home.
19. That, from 4<sup>th</sup> January 2016, elderly mentally infirm (EMI) care benefit shall be a maximum of £566.37 per week for qualifying persons resident in a residential home.
20. That, from 4<sup>th</sup> January 2016, respite care benefit shall be a maximum of £996.52 per week for persons receiving respite care in a nursing home or the Guernsey Cheshire Home, an elderly mental infirm rate of £760.34 for persons receiving respite care in a residential home and a maximum of £623.84 per week for persons receiving respite care in a residential home.
21. That, from 8<sup>th</sup> January 2016, the supplementary benefit requirement rates shall be as set out in tables 15 and 16 of that Policy Letter.
22. That, from 8<sup>th</sup> January 2016, the weekly benefit limitations for supplementary benefit shall be:
  - (a) £609.00 for a person living in the community;
  - (b) £531.00 for a person who is residing in a residential home; and
  - (c) £761.00 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.
23. That, from 8<sup>th</sup> January 2016, 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 £30.37 per week.

24. That, from 8<sup>th</sup> January 2016, the amount of the personal allowance payable to persons in United Kingdom hospitals or care homes who are in receipt of supplementary benefit shall be £51.16 per week.
25. That a supplementary fuel allowance of £27.66 per week be paid to supplementary beneficiaries who are householders from 30<sup>th</sup> October 2015 to 29<sup>th</sup> April 2016.
26. That the First Schedule to the Supplementary Benefit (Guernsey) (Implementation) Ordinance, 1971 be amended to allow any relievable pension contributions made by a person in that period to be deducted from the net remuneration or profit derived by him from any occupation, for the purpose of calculating that person's weekly earnings in respect of a claim to supplementary benefit.
27. That, from 4<sup>th</sup> January 2016, the rates of severe disability benefit and carer's allowance and the annual income limits shall be as set out in table 20 of that Policy Letter.
28. That, from 1<sup>st</sup> January 2016, or as soon as practicable thereafter, there be no new grants of free TV licences for persons aged 75 or over, except to householders in receipt of supplementary benefit, and that householders in receipt of supplementary benefit who have attained pension age continue to receive a free TV licence without upper age limit.
29. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.
30. To agree that, after consultation with other relevant committees of the States, the Committee *for* Employment & Social Security shall report to the States by no later than October, 2017 setting out their opinion on whether the universal payment of family allowances should be altered, reduced or ceased and the costs thereof redirected to allow the States to provide additional financial support for some or all of the following children's services: medical and paramedical, including but not limited to primary care, dental, optical and physiotherapy provided either by States-employed clinicians or contracted private practitioners; and breakfast clubs, after school homework clubs, school meals and holiday clubs at States' schools.
31. To agree that the Committee *for* Employment & Social Security shall report to the States by October 2017 setting out their opinion on the feasibility of medical and para-medical services being provided either by States-employed clinicians or contracted private practitioners for adult Supplementary Benefit claimants.
32. To agree that the Committee *for* Employment & Social Security shall investigate the merits of including within the ambit of the Guernsey Health Service Fund the costs of healthcare and medical treatment incurred by Guernsey residents while travelling to the United Kingdom which would previously have been within the ambit of the States' reciprocal health agreement with Her Majesty's Government, or alternatively of the States entering into partnership with one or

more private insurance providers to ensure that such insurance cover can be made available to Guernsey residents at reasonable cost; provided that such investigation shall be undertaken on the presumption that any such insurance scheme would most probably require any claim to be subject to both maximum and minimum conditions in relation to cost coverage; and further to agree that the Committee *for* Employment & Social Security shall report to the States thereon by no later than October, 2017; and further to note that, for the purposes of Rule 15(2)(a) of the Rules of Procedure of the States of Deliberation, carrying into effect the proposals in this amendment, i.e. the carrying out of such an investigation, will not increase the expenditure of the States.

S M D ROSS  
HER MAJESTY'S DEPUTY GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 11<sup>th</sup> DAY OF NOVEMBER, 2015**

Adjourned from 28<sup>th</sup> October 2015

**The States resolved as follows concerning Billet d'État No XVIII  
dated 18<sup>th</sup> September 2015**

**POLICY COUNCIL**

**STANDARDISING THE MEASUREMENT OF GUERNSEY'S GROSS DOMESTIC  
PRODUCT**

VII.- After consideration of the Policy Letter dated 27<sup>th</sup> July, 2015, of the Policy Council:-

2. To agree that the method of calculating Gross Domestic Product be updated as set out in that Policy Letter.
3. To direct the preparation of such legislation as may be necessary to facilitate the collection of data as outlined in sections 3.3, 5.2.3 and 5.3.2 of that Policy Letter.
3. To direct the Policy Council (and its successor committee) to lay before the States proposals on what other national measurements should be published, the calculation of them and the frequency of their publication.

**PUBLIC SERVICES DEPARTMENT**

**WASTEWATER NETWORK EXTENSION PROGRAMME**

IX.- After consideration of the Policy Letter dated 28<sup>th</sup> August, 2015, of the Public Services Department, to note that future connection of Island properties to the public sewer will be achieved according to the availability of funding within a prioritised programme of investment in Guernsey's water and wastewater infrastructure and is unlikely to exceed 90%.

**J TORODE  
HER MAJESTY'S GREFFIER**

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 24<sup>th</sup> DAY OF NOVEMBER, 2015**

**The States resolved as follows concerning Billet d'État No XX  
dated 16<sup>th</sup> October 2015**

**THE SOCIAL INSURANCE (RATES OF CONTRIBUTIONS AND BENEFITS,  
ETC.) ORDINANCE, 2015**

I.- To approve the draft Ordinance entitled “The Social Insurance (Rates of Contributions and Benefits, Etc.) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE HEALTH SERVICE (BENEFIT) (AMENDMENT) ORDINANCE, 2015**

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

**THE LONG-TERM CARE INSURANCE (GUERNSEY) (RATES) ORDINANCE,  
2015**

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

**THE SUPPLEMENTARY BENEFIT (IMPLEMENTATION) (AMENDMENT)  
ORDINANCE, 2015**

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

**THE SEVERE DISABILITY BENEFIT AND CARER'S ALLOWANCE  
ORDINANCE, 2015**

V.- To approve the draft Ordinance entitled “The Severe Disability Benefit and Carer's Allowance Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE REGULATION OF HEALTH PROFESSIONS (MEDICAL  
PRACTITIONER) (GUERNSEY AND ALDERNEY) (AMENDMENT)  
ORDINANCE, 2015**

VI.- To approve, subject to the following amendment, the draft Ordinance entitled “The Regulation of Health Professions (Medical Practitioner) (Guernsey and Alderney) (Amendment) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

Amendment

To insert the following clauses –

**"8A.** In section 10 of the principal Ordinance –

- (a) in subsection (6) –
  - (i) insert "and" after the comma at the end of paragraph (b),
  - (ii) in paragraph (c), for ", and" substitute a full stop, and
  - (iii) repeal paragraph (d), and
- (b) for subsection (7), substitute the following subsection –
 

"(7) A person appointed as a responsible officer must not continue in that office if the General Medical Council has not approved the person for that role within a period of 6 months following the appointment."

**8B.** In section 11 of the principal Ordinance, for subsection (3), substitute the following subsection –

"(3) The terms and conditions of the appointment of a responsible officer under section 10 are as agreed between the Policy Council and the responsible officer, but no term or condition is to be inconsistent with any provision of Schedule 1 or any other provision of this Ordinance." "

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

**THE INCOME TAX (PENSIONS) (CONTRIBUTION LIMITS AND TAX-FREE  
LUMP SUMS) (AMENDMENT) REGULATIONS, 2015**

In pursuance of Section 203 of The Income Tax (Guernsey) Law, 1975, as amended, “The Income Tax (Pensions) (Contribution Limits and Tax-free Lump Sums) (Amendment) Regulations, 2015”, made by the Treasury and Resources Department on 18<sup>th</sup> August 2015, were laid before the States.

**THE COMPANIES (STANDARD ARTICLES OF INCORPORATION)  
REGULATIONS, 2015**

In pursuance of section 537 of the Companies (Guernsey) Law, 2008, “The Companies (Standard Articles of Incorporation) Regulations, 2015”, made by the Commerce and Employment Department on 3<sup>rd</sup> September 2015, were laid before the States.

### **THE COMPANIES (DIRECTORS' REPORT EXEMPTIONS) REGULATIONS, 2015**

In pursuance of section 537 of The Companies (Guernsey) Law, 2008, “The Companies (Directors' Report Exemptions) Regulations, 2015”, made by the Commerce and Employment Department on 3<sup>rd</sup> September 2015, were laid before the States.

### **THE COMPANIES (REGISTRAR) (FEES FOR MIGRATIONS) REGULATIONS, 2015**

In pursuance of section 537 of The Companies (Guernsey) Law, 2008, “The Companies (Registrar) (Fees for Migrations) Regulations, 2015” made by the Registrar of Companies on 3<sup>rd</sup> September 2015, were laid before the States.

### **THE INSIDER DEALING (SECURITIES AND REGULATED MARKETS) (AMENDMENT) ORDER, 2015**

In pursuance of section 19(3) of The Company Securities (Insider Dealing) (Bailiwick of Guernsey) Law, 1996, “The Insider Dealing (Securities and Regulated Markets) (Amendment) Order, 2015”, made by the Commerce and Employment Department on 3<sup>rd</sup> September 2015, was laid before the States.

## **POLICY COUNCIL**

### **UPDATE ON THE DISABILITY AND INCLUSION STRATEGY**

VII.- After consideration of the Policy Letter dated 28<sup>th</sup> September, 2015, of the Policy Council:-

1. To note the update on the implementation of the Disability and Inclusion Strategy provided in that Policy Letter, and to direct the committee with responsibility for the Disability and Inclusion Strategy to report back to the States on the implementation of the strategy no later than November 2017.
2. To rescind Resolution 8 on Article IX of 27<sup>th</sup> November 2013, and to transfer lead responsibility to the Health and Social Services Department for the development, in conjunction with other States' departments, of policies and procedures for safeguarding vulnerable adults, having regard to those already in place for children.



3. To direct the Treasury and Resources Department, subject to its approval of appropriate business cases, to transfer to the Policy Council's Revenue Budget for 2016 and/or 2017 up to £180,000 from the Budget Reserve for the purpose of progressing the Disability and Inclusion Strategy.
4. To note that further requests for resources to facilitate delivery of the Disability and Inclusion Strategy will be forthcoming.

J TORODE  
HER MAJESTY'S GREFFIER

# **IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 25<sup>th</sup> DAY OF NOVEMBER, 2015**

**The States resolved as follows concerning Billet d'État No XX  
dated 16<sup>th</sup> October 2015**

## **HEALTH AND SOCIAL SERVICES DEPARTMENT**

### **ARRANGEMENTS FOR SECONDARY HEALTHCARE FROM 1<sup>st</sup> JANUARY 2018**

X.- After consideration of the Policy Letter dated 20<sup>th</sup> September, 2015, of the Health and Social Services Department:-

1. To endorse the intention of the Health and Social Services Department and Social Security Department, on behalf of the States of Guernsey, to enter into negotiations, and subject to those negotiations leading to an acceptable form of contract based on the seven objectives set out in paragraph 15(a) of that Policy Letter, delivering the key benefits of the redesigned contract set out in Part II of that Policy Letter, including a single governance model with an additional independent complaints process beyond the existing internal complaints process, and for the MSG to report on all complaints as part of that single governance model, with the direct and indirect costs of handling and investigating complaints to be borne by the Medical Specialist Group, and subject to the flexibility of future service delivery being agreed by the parties, enter into a rolling contract from year to year subject to the right for either the HSSD or MSG to give to the other party not less than five years notice to terminate the contract, with the termination to take effect on an anniversary of the commencement date of the new contract. By way of example, with the expected contract commencement date of 1<sup>st</sup> January 2018, the first notice option would be on or before the 31<sup>st</sup> December 2018 with an expiry date of 1<sup>st</sup> January 2024.
2. To approve the transfer of £174,000 in 2015 and £335,000 in 2016 from the Budget Reserve to revenue expenditure budget of the Health and Social Services Department to fund the project.
3. That if negotiations with Medical Specialist Group do not lead to an acceptable form of contract generally in accordance with the proposals contained in that Policy Letter, to endorse the intention of the Health and Social Services Department to proceed to set up the direct internal provision of secondary healthcare and to directly provide secondary healthcare by no later than 1<sup>st</sup> January 2018.

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

# IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 26<sup>th</sup> DAY OF NOVEMBER, 2015

**The States resolved as follows concerning Billet d'État No XX  
dated 16<sup>th</sup> October 2015**

## TREASURY AND RESOURCES DEPARTMENT

### CABERNET LTD – RECAPITALISATION

XII.- After consideration of the Policy Letter dated 9<sup>th</sup> September, 2015, of the Treasury and Resources Department:-

1. To approve the establishment of a capital vote charged to the Capital Reserve to fund:
  - a) the recapitalisation of Cabernet Ltd in respect of cumulative losses of £19.9m up to 31st December, 2014;
  - b) the recapitalisation of Cabernet Ltd in respect of its forecast losses of £5.3m for the years 2015 to 2017;
  - c) the cost of the independent review undertaken by BDO set out in section 6.2 of that Policy Letter in the sum of £27,500.
2. To authorise the Treasury and Resources Department to provide short-term borrowing facilities to the Aurigny Group.
3. To direct the Treasury and Resources Department to report to the States of Deliberation with details of any short-term borrowing facilities provided to the Aurigny Group within six months of their provision, explaining the need for the facility.
4. That in order fully to realise its potential as the Bailiwick of Guernsey's airline and in accordance with two of the aims in the States' Strategic Plan agreed by the States in 2013 – namely *'to protect and improve the Island's economic future and the Island's unique cultural identity and rich heritage'* – serious consideration should be given to rebranding Aurigny Air Services to a name that clearly positions it as a Guernsey airline; and therefore to agree that by no later than February 2017 the States Trading Supervisory Board, after consultation with other relevant States' committees and the airline, shall lay before the States a Policy Letter setting out recommendations on whether or not a rebrand should take place and, if one is recommended, a timetable for its implementation that could coincide with 1 March 2018, which is the airline's 50th anniversary.
5. That in order fully to realise its potential as the Bailiwick of Guernsey's airline and in accordance with two of the aims in the States' Strategic Plan agreed by

the States in 2013 – namely ‘*to protect and improve the quality of life of islanders and the Island’s economic future*’ – the States should clearly understand and approve Aurigny Air Services’ *raison d’être*; and therefore to agree that by no later than February 2017 the Policy and Resources Committee, after consultation with other relevant States’ committees and the airline, shall lay before the States a Policy Letter setting out recommendations to enable the States to agree the long-term strategic objectives for Aurigny Air Services, including but not limited to the establishment of criteria for maintaining and selecting routes, capacity and frequency and also including the adoption by the States and the airline of a revised approach which acknowledges that its success should be measured not just on its balance sheet but also on its social and economic contribution.

J TORODE

HER MAJESTY’S GREFFIER

# IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 27<sup>th</sup> DAY OF NOVEMBER, 2015

The States resolved as follows concerning Billet d'État No XXI  
dated 20<sup>th</sup> October 2015

## STATES' REVIEW COMMITTEE

### THE ORGANISATION OF STATES' AFFAIRS – THIRD POLICY LETTER

I.- After consideration of the Policy Letter dated 19<sup>th</sup> October, 2015, of the States Review Committee:-

1. To agree the main part of Appendix A to that Policy Letter, entitled 'Mandates of Committees of the States with effect from the 1<sup>st</sup> of May, 2016', in relation to the final wording of the mandates of the following committees of the States (serial a to serial n) and non-governmental bodies (serial o to serial r):
  - a) Policy & Resources Committee, but adding the following text in the mandate of the Policy & Resources Committee, Duties & Powers (c):  
'9. Studying and reporting on Schemes for the application of certain General Synod measures.';
  - b) Committee *for* Economic Development;
  - c) Committee *for* Education, Sport & Culture;
  - d) Committee *for* Employment & Social Security; except that the words 'equality and' shall be added to the start of point 8 of the policy, advisory and general responsibilities of the Committee *for* Employment & Social Security, in order that point 8 reads in full: 8. equality and social inclusion, including in relation to disability;
  - e) Committee *for the* Environment & Infrastructure;
  - f) Committee *for* Health & Social Care;
  - g) Committee *for* Home Affairs;
  - h) Civil Contingencies Authority;
  - i) Development & Planning Authority;
  - j) Overseas Aid & Development Commission;
  - k) Scrutiny Management Committee, except to replace the first sentence under the heading 'Duties & Powers' (page 3204 of the Billet) with the following:  
"To lead and co-ordinate the scrutiny of committees of the States and those organisations which are in receipt of public funds, or which have been established by legislation, by reviewing and examining legislation, policies, services and the use of monies and other resources.";
  - l) States' Assembly & Constitution Committee;
  - m) States' Trading Supervisory Board;
  - n) Transport Licensing Authority;
  - o) Elizabeth College Board of Directors;
  - p) Guille-Allès Library Council;
  - q) Ladies' College Board of Governors;
  - r) Priaulx Library Council;

except that the constitution of the Ladies College Board of Governors (p.

3212 of the Billet) shall be

A Chairman who shall be nominated by the Board of Governors and appointed by the States.

Two governors who shall be appointed by the States.

Two governors who need not be members of the States who shall be nominated by the Committee *for* Education, Sport & Culture.

Two governors who need not be members of the States who shall be nominated by the Chairman and the four aforementioned governors for election by the States:

Provided that at least one of the seven aforementioned governors shall be a member of the States.

2. To agree Annex One to the ‘Mandates of Committees of the States with effect from the 1<sup>st</sup> of May, 2016’ Appendix, in that Policy Letter, in relation to committees’ general responsibilities.
3. To agree Annex Two to the ‘Mandates of Committees of the States with effect from the 1<sup>st</sup> of May, 2016’ Appendix , in that Policy Letter, in relation to the operational functions of the following committees of the States:
  - a) Policy & Resources Committee, but adding the following text in the Operational Functions after “Advice and support in relation to legislative functions”
    - ‘Studying and reporting on Schemes for the application of certain General Synod measures.’;
  - b) Committee *for* Economic Development;
  - c) Committee *for* Education, Sport & Culture;
  - d) Committee *for* Employment & Social Security;
  - e) Committee *for the* Environment & Infrastructure;
  - f) Committee *for* Health & Social Care;
  - g) Committee *for* Home Affairs;
  - h) Civil Contingencies Authority;
  - i) Development & Planning Authority;
  - j) Overseas Aid & Development Commission;
  - k) Scrutiny Management Committee, but adding the following text in paragraph (c) of the Operational Functions after “advice and support in relation to legislative functions”
    - ‘Studying and reporting on Schemes for the application of certain General Synod measures.’;
  - l) States’ Assembly & Constitution Committee;
  - m) States’ Trading Supervisory Board;
  - n) Transport Licensing Authority.
4. To agree that, as set out in paragraph 4.1.7 of that Policy Letter, the Policy & Resources Committee shall compile a comprehensive schedule of committees’ operational functions and services which shall be inserted as a replacement Annex Two to the ‘Mandates of Committees of the States with effect from the 1<sup>st</sup> of May, 2016’ Appendix, by no later than the end of 2016.

5. To agree that, as set out in paragraph 4.5.11 of that Policy Letter, all relevant operational functions relating to transport licensing shall be transferred to the Transport Licensing Authority by no later than the end of 2016.
6. To agree that, as set out in section 6.8 of that Policy Letter, all Rule 18 (of the Constitution and Operation of States Departments and Committees) Special States' Committees as presently constituted shall be dissolved from the 1<sup>st</sup> May, 2016; and, also as set out in section 6.8 of that Policy Letter, to direct the Constitutional Investigation Committee, the Parochial Ecclesiastical Rates Review Committee and the Social Welfare Benefits Investigation Committee to report to the States of Deliberation by no later than their March, 2016 meeting, in each case with a proposal either to constitute the committee as a States' Investigation & Advisory Committee with effect from the 1<sup>st</sup> May, 2016 or, alternatively, not to constitute the committee as a States' Investigation & Advisory Committee provided that instead the States resolve which other committee is to assume any duties of the Special States' Committee which remain outstanding.
7. To agree that the Policy & Resources Committee shall establish the policy and resource planning process set out in section 5.2 of that Policy Letter.
8. To agree that, as set out in paragraph 5.5.2 of that Policy Letter, the Policy & Resources Committee shall become the sole decision-making States' body under The Compulsory Acquisition of Land (Guernsey) Law, 1949, as amended, and that the Law should be further amended accordingly.
9. To agree, as set out in paragraph 6.2.5 of that Policy Letter, that in order for a meeting of the States' Trading Supervisory Board to be quorate there must be present at the meeting at least one of the members of the Board who is a sitting member of the States of Deliberation.
10. To agree that, as set out in paragraph 5.2.4 of that Policy Letter, when the States' Assembly & Constitution Committee carries out a comprehensive review of the electoral system, as set out in Resolution 38 on Billet d'État XII of 2015, the Committee shall include in that review a study of whether it would be advantageous for the terms of office of People's Deputies to be for five, rather than four, years provided that under no circumstances shall there be any extension of terms until after the 2020 general election.
11. To agree that, as set out in paragraph 2.6.2 of that Policy Letter, the States' Review Committee shall be responsible for overseeing preparations for the implementation of the reorganisation of States' affairs until the Committee is dissolved at midnight on the 30<sup>th</sup> April, 2016.
12. To agree that, as set out in paragraph 5.3.4 of that Policy Letter, the Policy & Resources Committee and the Committee *for* Employment & Social Security shall review the case for maintaining and the case for reforming the arrangements in relation to which committee of the States should have political responsibility for the States' insurance funds and shall jointly report to the States by May, 2017 setting out their findings and any recommendations considered necessary.

13. To note that, as set out in paragraph 2.6.5 of that Policy Letter, if further matters arise relating to the reorganisation of the States which require the resolution of the States they will be submitted in good time to be settled at or before the meeting of the States of Deliberation in March, 2016.
14. To rescind, as set out in paragraph 2.6.4 of that Policy Letter, Resolution 5 on Article XVI of Billet d'État V of 2012.
15. To direct the preparation of such legislation, as set out in section 7 of that Policy Letter, as may be necessary to give effect to the above decisions.

A. J. NICOLLE  
HER MAJESTY'S DEPUTY GREFFIER



**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 27<sup>th</sup> DAY OF NOVEMBER, 2015**

**The States resolved as follows concerning Billet d'État No XXII  
dated 20<sup>th</sup> October 2015**

**STATES' ASSEMBLY & CONSTITUTION COMMITTEE**

**RULES OF PROCEDURE OF THE STATES OF DELIBERATION  
AND THEIR COMMITTEES  
- PROPOSED NEW RULES**

I.- After consideration of the Policy Letter dated 19<sup>th</sup> October 2015, of the States' Assembly and Constitution Committee:-

1. To agree that, with effect from 1st May 2016, the Rules of Procedure of the States of Deliberation and their Committees shall be as set out in Appendix 1 to this Policy Letter, conditional upon the States approving at their January, 2016 Meeting, with or without amendment, recommendations presented by the States' Assembly & Constitution Committee in relation to the sections of the Rules of Procedure in Appendix 1 which are shown underlined in that report, and subject to the following alterations:

in the first line of the Rules, add a comma after "November";

in the index of section 1, replace "1(5)" with "1(2)" and replace "8(3)" with "8(5)";

in rule 10(2)(b), insert "other" between "such" and "time";

in rule 11(7), replace the semi-colon with a colon and replace the first comma with a semi-colon;

in rule 14(3), delete all the words from and including "inspection" and substitute therefor "public inspection whenever the Greffe is open for normal business";

in rule 19(5)(b), replace "meeting" with "Meeting";

in rule 20(3), in the penultimate line insert "a" after "such";

in rule 21(4)(a), in the second line replace "on the basis of" with "of the basis on";

in rule 24(2), replace sub-paragraph (e) with three separate sub-paragraphs designated (e), (f) and (g) and designate the words relating to a Policy & Resource Plan as sub-paragraph (e), the words relating to a Strategic Land Use Plan as sub-paragraph (f) and the words relating to a Development Plan, Subject

Plan or Local Planning Brief as sub-paragraph (g);

in rule 24(10), in the first line replace “(e)” with “(g)”; add a comma immediately after the words “(“the Authority”)”; and in sub-paragraph (c) delete the words up to and including “before” on the first occasion on which it appears and substitute therefor “the Authority has caused to be submitted to”, and also in sub-paragraph (c) delete “within paragraph (2)(e)”;

in rule 26(1), delete the pre-antepenultimate comma;

in rule 40(5), add a comma after “May” and a comma after “2016”;

in rules 51 and 52, replace “Article” with “article”;

in rules 58 and 60, replace “committee” with “Committee” and replace “committees” with “Committees”;

in rule 59, replace “Performance” with “performance”;

in rule 60, at the end of the first proviso replace “and” with a semi-colon;

re-designate rules as follows: 54 as 54(1); 55 as 54(2); 56 as 54(3); 57 as 55; 58 as 56; 59 as 57; 60 as 58; 61 as 59; and 62 as 60; and make consequential changes to the index of section 2;

and subject to the addition immediately after draft rule 24(2)(e) of:

“  
; or

(f) to the annual policy letter proposing social insurance rates of contribution and benefits”;

and subject to the replacement in draft rule 26(1) of “The Presiding Officer shall immediately put the said request to the vote” with “Members who would be entitled to speak and who would intend to speak should the debate continue shall be invited by the Presiding Officer to stand in their places, and thereafter the Presiding Officer shall ask the Member making the request to close the debate whether he or she still so requests, and if he or she does still so request the Presiding Officer shall put the said request to the vote”.

- 1A. To note that the mandates of committees of the States with effect from the 1<sup>st</sup> of May, 2016 which are set out in this Policy Letter at Appendix A to the Rules of Procedure of the States of Deliberation and their Committees replicate without exception the mandates of committees recommended to the States by the States’ Review Committee on Billet d’État XXI of 2015; and to direct that when the States’ Assembly & Constitution Committee reports to the States at their January, 2016 Meeting it shall lay before the States any alterations to Appendix A to the Rules of Procedure of the States of Deliberation and their Committees which have become necessary as a result of the States approving amended Propositions on Billet d’État XXI of 2015 with regard to the constitutions, responsibilities, operational functions etc. of committees.
2. To agree that the recommendations to be presented to the States by the States’

Assembly & Constitution Committee in January, 2016 in respect of Rules relating to the submission of policy letters and related matters shall be based on the proposals contained in the section of that policy letter headed 'Submission of items for consideration by the States'.

3. To agree that States' Meetings between the 1<sup>st</sup> May, 2016 and the 31<sup>st</sup> August, 2017 shall begin on the dates set out in Schedule 1 of that Policy Letter and subject to the addition immediately after June 29<sup>th</sup>, Schedule 1, the following:

“(the inaugural States of Guernsey Accounts Meeting (thereafter scheduled annually at the beginning of the Meeting prior to the summer recess), followed by the ordinary Meeting.)”

and subject to the addition immediately after June 28<sup>th</sup>, Schedule 1, the following:

“(States of Guernsey Accounts Meeting followed by the ordinary Meeting)”.

A. J. NICOLLE  
HER MAJESTY'S DEPUTY GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 8<sup>th</sup> DAY OF DECEMBER, 2015**

**The States resolved as follows concerning Billet d'État No XXIII  
dated 30<sup>th</sup> October 2015**

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

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

**THE INCOME TAX (TAX RELIEF ON INTEREST PAYMENTS) (GUERNSEY)  
(AMENDMENT) ORDINANCE, 2015**

II.- To approve the draft Ordinance entitled “The Income Tax (Tax Relief on Interest Payments) (Guernsey) (Amendment) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE ELECTIONS ORDINANCE, 2015**

IV.- To approve the draft Ordinance entitled “The Elections Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

**THE SUNDAY TRADING (REPEAL) ORDINANCE, 2015**

V.- To approve the draft Ordinance entitled “The Sunday Trading (Repeal) Ordinance, 2015”, and to direct that the same shall have effect as an Ordinance of the States.

***ORDINANCE LAID BEFORE THE STATES***

**THE BURUNDI (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 Burundi (Restrictive Measures) (Guernsey) Ordinance, 2015” made by the Legislation Select Committee on the 6<sup>th</sup> October, 2015, was laid before the States.

**STATUTORY INSTRUMENTS LAID BEFORE THE STATES**

**THE TRADE MARKS (CUSTOMS) (BAILIWICK OF GUERNSEY)  
REGULATIONS, 2015**

In pursuance of Sections 87 and 101 of The Trade Marks (Bailiwick of Guernsey) Ordinance, 2006, “The Trade Marks (Customs) (Bailiwick of Guernsey) Regulations, 2015”, made by the Home Department on 5<sup>th</sup> October, 2015, were laid before the States.

**THE WATER CHARGES (AMENDMENT) REGULATIONS, 2015**

In pursuance of Section 5 of The Fees, Charges and Penalties (Guernsey) Law, 2007, “The Water Charges (Amendment) Regulations, 2015”, made by the Public Services Department on 1<sup>st</sup> October, 2015, were laid before the States.

**THE INCOME TAX (PENSIONS) (CONTRIBUTION LIMITS AND TAX-FREE  
LUMP SUMS) (AMENDMENT) (NO. 2) REGULATIONS, 2015**

In pursuance of Section 203 of The Income Tax (Guernsey) Law, 1975, as amended, “The Income Tax (Pensions) (Contribution Limits and Tax-free Lump Sums) (Amendment) (No. 2) Regulations, 2015”, made by the Treasury and Resources Department on 21<sup>st</sup> September, 2015, were laid before the States.

**THE WASTEWATER CHARGES (GUERNSEY) REGULATIONS, 2015**

In pursuance of Section 5 of The Fees, Charges and Penalties (Guernsey) Law, 2007, “The Wastewater Charges (Guernsey) Regulations, 2015”, made by the Public Services Department on 1<sup>st</sup> October, 2015, were laid before the States.

**ELIZABETH COLLEGE BOARD OF DIRECTORS**

**NEW MEMBER**

VI.- To elect Mr Mark Thompson as a member of the Elizabeth College Board of Directors to fill the vacancy which will arise on 5<sup>th</sup> January, 2016, by reason of the expiration of the term of office of Deputy Allister Langlois, who is not eligible for re-election.

A. J. NICOLLE  
HER MAJESTY’S DEPUTY GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 8<sup>th</sup> DAY OF DECEMBER, 2015**

**The States resolved as follows concerning Billet d'État No XXV  
dated 3<sup>rd</sup> December 2015**

**HOME DEPARTMENT**

**PAN-ISLANDS DATA PROTECTION COMMISSIONER**

I.- After consideration of the Policy Letter dated 2<sup>nd</sup> December, 2015, of the Home Department, to approve the re-appointment of Mrs. Emma Martins as Data Protection Commissioner under section 6 of the Data Protection (Bailiwick of Guernsey) Law, 2001 until 30<sup>th</sup> September, 2016.

**A. J. NICOLLE  
HER MAJESTY'S DEPUTY GREFFIER**

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 9<sup>th</sup> DAY OF DECEMBER, 2015**

**The States resolved as follows concerning Billet d'État No XX  
dated 16<sup>th</sup> October 2015**

**EDUCATION DEPARTMENT  
AND TREASURY & RESOURCES DEPARTMENT**

**TRANSFORMING EARLY YEARS EDUCATION – FUNDING OPTIONS FOR  
THE INTRODUCTION OF A UNIVERSAL ENTITLEMENT TO PRE-SCHOOL  
EDUCATION**

IX.- After consideration of the Policy Letter dated 7<sup>th</sup> September, 2015, of the Education Department and the Treasury and Resources Department,

1. Notwithstanding their Resolutions on Article 15 of Billet d'État X of 2014, to direct that the introduction of States-funded pre-school education shall be deferred until the 1<sup>st</sup> of January, 2017 and further to direct that it shall be funded by a combination of:

- a) reprioritising the revenue expenditure of the Committee *for* Education, Sport & Culture; and
- b) reducing family allowance by £2.40 per child per week with effect from the 1<sup>st</sup> of January, 2017, in order to reduce States' expenditure by £1,264,000, and increasing the cash limit of the Committee *for* Education, Sport & Culture by £1,264,000 from 2017 onwards; and
- c) increasing the cash limit of the Committee *for* Education, Sport & Culture by not more than £192,000 in 2017 only and by not more than £187,000 in 2018 only; and
- d) restricting entitlement to States' funded pre-school education as far as is necessary in order not to exceed the revised cash limits of the Committee *for* Education, Sport & Culture provided that such restrictions should be based on the joint, rather than the individual, income of those with parental responsibility for a child;

and to direct the Committee *for* Education, Sport and Culture to publish no later than 30 September 2016 details of: the quality assurance framework to be applied to the provision of Pre-School Education; the targeted outcomes and benefits from the introduction of States-funded Pre-School Education; and the key performance indicators to be monitored demonstrating delivery of those targeted outcomes and benefits.

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

**ENVIRONMENT DEPARTMENT****BIODIVERSITY STRATEGY**

XI.- After consideration of the Policy Letter dated 17<sup>th</sup> August, 2015, of the Environment Department,

1. To endorse the Biodiversity Strategy, included in Appendix 1 of that Policy Letter.
2. To agree that the Environment Department progress the Biodiversity Strategy by taking the lead coordinating role in preparing and delivering an Agenda for Action through the formation of a Biodiversity Partnership Group, subject to availability of funding.
3. To approve the transfer of £80,000 from the Budget Reserve to the 2016 revenue expenditure of the Environment Department and direct the Treasury and Resources Department to take account of the costs of the Biodiversity Strategy when recommending Cash Limits for the Environment Department for 2017 and subsequent years.
4. To direct the Environment Department to review existing legislation which protects wildlife and habitat and report back to the States of Deliberation on the statutory mechanisms and measures the Environment Department considers necessary to ensure the long term protection of habitat and the biodiversity it supports.
5. To place a policy obligation on all government departments and committees to ensure that they take account of the Biodiversity Strategy and to ensure that departmental operations and outputs are, as far as possible, consistent with the aims of the Strategy and wherever relevant and applicable, to take practical steps to protect and enhance biodiversity.
6. To agree to extend to Guernsey the United Kingdom's ratification of the Convention on Biological Diversity and to work with the Policy Council to take the necessary steps to achieve this.



**TREASURY AND RESOURCES DEPARTMENT**

**AMENDMENTS TO THE COMPULSORY ACQUISITION OF LAND (GUERNSEY)  
LAW, 1949**

XIII.- After consideration of the Policy Letter dated 11<sup>th</sup> August, 2015, of the Treasury and Resources Department,

1. To agree to the proposals detailed in section 2 of that Policy Letter.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

J. TORODE  
HER MAJESTY'S GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 10<sup>th</sup> DAY OF DECEMBER, 2015**

**The States resolved as follows concerning Billet d'État No XX  
dated 16<sup>th</sup> October 2015**

**TREASURY AND RESOURCES DEPARTMENT**

**MISCELLANEOUS AMENDMENTS TO INCOME TAX LEGISLATION**

XIV.- After consideration of the Policy Letter dated 18<sup>th</sup> September, 2015, of the Treasury and Resources Department,

1. To agree that The Income Tax (Guernsey) Law, 1975, as amended, be revised and Regulations be made, as required and as follows, with all amendments to become effective from the date of enactment of the relevant Ordinance and Regulations:
  - a) in relation to the proposals relating to interim assessments set out in paragraph 2.1 of that Policy Letter:
    - (i) that the right of appeal in respect of a person who is aggrieved by an interim assessment to appeal is repealed;
    - (ii) to specify, subject to (v) below, that an interim assessment would be revised, to become a final assessment, once the relevant return had been filed, notwithstanding the absence of an appeal;
    - (iii) to permit a person served with an interim assessment to request a suspension of part or the whole of the tax charged in the interim assessment, if they consider it to be excessive, such a request to be made within thirty days of the date of issue of the assessment (or longer, at the discretion of the Director);
    - (iv) to make provision for disputes, in relation to a refusal by the Director to admit an application for deferral of payment, to be resolved by way of a hearing by the Guernsey Tax Tribunal;
    - (v) in order to deal with instances where a person, who is served with an interim assessment, fails to file a return for the relevant year within the time allowed, to permit the Director to issue the person concerned with a final assessment (including estimates, as required), against which there would be a right of appeal, but any request subsequently made for suspension of tax charged in that assessment would be admitted only at the discretion of the Director, with no right of appeal if such application is denied.
  - b) That, as set out in paragraph 2.2 of that Policy Letter, the Regulations

governing the operation of the ETI Scheme be amended to require that coding notices, direction notices and other correspondence relating to the operation of the ETI Scheme, that pass between the Director and employers, should be transmitted by electronic means, unless, at his discretion, the Director agrees an alternative, in the case of any particular employer or class of employer.

- c) To reinstate, as set out in paragraph 2.3 of that Policy Letter, section 62AC of The Income Tax (Guernsey) Law, 1975, as amended, which was repealed with effect from 1<sup>st</sup> January 2013.
- d) In relation to the proposals to make payments for information set out in paragraph 2.4 of that Policy Letter to allow for reward payments to be made to a person who provides information, which aids an investigation by the Director and leads directly to the recovery of taxes which have been unpaid due to evasion of tax by another person subject to conditions within which the Director will exercise his discretion to make such a reward payment (such as the maximum payment that may be made in any one instance), to be set out in a Statement of Practice, by the Director:
  - (i) to provide that payments under the reward scheme would be taxable;
  - (ii) to indemnify the Director from any claim of breach of confidentiality, under the provisions of The Income Tax (Guernsey) Law, 1975, as amended, in connection with any aspect of the administration of the reward scheme;
  - (iii) to provide that the Director can lawfully use the information for the purposes of his functions, under The Income Tax (Guernsey) Law, 1975, as amended, and that the information received is to be confidential and only disclosable in limited circumstances (eg, for the investigation of crime or pursuant to an order of the court);
  - (iv) the operation of the scheme will be without prejudice to the other powers available to the Director (including, for example, his powers to serve an information notice under section 75B of The Income Tax (Guernsey) Law, 1975, as amended).
- e) In relation to the proposals set out in paragraph 2.5 of that Policy Letter relating to assessments issued to persons who have not been required to complete an income tax return:
  - i) that the person receiving the assessment would be deemed to have made a return for that year of charge, under section 68 of The Income Tax (Guernsey) Law, 1975, as amended, containing the same sources and amounts of income, and making the same claims to personal and other allowances, reliefs and deductions as are contained in that assessment;
  - ii) that if, within thirty days of the date of the issue of the assessment, the person assessed notified the Director, in writing, of any

deficiencies, errors or other irregularities contained in the assessment (“an amending notice”), the return that he or she is deemed to have made, for that year, will be further deemed to have been made in accordance with the amending notice given to the Director and so much of the assessment as remained unamended;

- iii) that, within 30 days of receiving an amending notice, the Director would be required to issue confirmation of receipt of the amending notice;
  - iv) that the Director may then make a further assessment on the person concerned, taking into account the contents of the amending notice, if he considers it appropriate to do so.
  - v) that the confirmation of receipt of an amending notice, issued by the Director, or an amended assessment referred to in 5.5.4, will be treated as conclusive evidence, for all the purposes of The Income Tax (Guernsey) Law, 1975, as amended, that a return was made in accordance with the notice of assessment, as adjusted by the amending notice or as set out in the amended assessment (as the case may be); and
  - vi) that this provision does not in any way limit the power of the Director to make any enquiry into any aspect of a person’s income tax affairs, make any assessment, impose any penalty or make any order or direction or exercise any other relevant function that is otherwise allowed by law.
- f) As set out in paragraph 2.6 of that Policy Letter, to amend The Income Tax (Guernsey) Law, 1975, as amended, to provide that the Director may pass information, which he has received in the exercise of his official functions, to the Housing Department, for the purpose of assisting the Housing Department in fulfilling its functions under The States Housing (Rent and Rebate Scheme) (Guernsey) Regulations, 2005, The Housing (Control of Occupation) (Guernsey) Law, 1994 and The Right to Work (Limitation and Proof) (Guernsey) Law, 1990 (“the Housing Legislation”); and that the Housing Department may in turn use the information so provided for the purpose of carrying out those functions.
- g) As set out in paragraph 2.6 of that Policy Letter, amend the Housing Legislation, as defined in 1(f) above, to provide that the Housing Department may pass information, which it has received in the exercise of its official functions, to the Director, for the purpose of assisting the Director in fulfilling his functions under The Income Tax (Guernsey) Law, 1975, as amended; and that the Director may in turn use the information so provided for the purpose of carrying out those functions.
- h) As set out in paragraph 2.6 of that Policy Letter, include within the future Population Management Law such provisions as are necessary (including but not limited to amendments to other legislation) to provide that the Population Office may pass information which it has received in the

exercise of its official functions under the Population Management Law to the Director, for the purpose of assisting the Director in fulfilling his functions under The Income Tax (Guernsey) Law, 1975, as amended; that the Director may pass information which he has received in the exercise of his official functions to the Population Office, for the purpose of assisting that Office in fulfilling its functions under the future Population Management Law; and that the Population Office and the Director (as the case may be) may in turn use the information so provided for the purpose of carrying out those respective functions.

- i) As set out in paragraph 2.7 of that Policy Letter, to amend The Income Tax (Guernsey) Law, 1975, as amended, Law to the effect that, following the issue of an additional assessment, a right of appeal exists only in relation to the additional aspects of the assessment, and not to the elements that were in previous iterations of the assessment in respect of which the appeal process has already been exhausted, or the right to appeal has otherwise expired.
  - j) As set out in paragraph 2.8 of that Policy Letter, to amend section 51(5) and section 51A(2A) of The Income Tax (Guernsey) Law, 1975, as amended, to entitle a person who is non-resident, or who is resident but not solely or principally resident, for income tax purposes, to 1/52nd of the annual amount of personal allowances to which a person who is solely or principally resident would be entitled, for each 7 days that they are in receipt of a Guernsey Old Age Pension, subject to the other provisions of those sections.
- 2) To prevent claims from two individuals in respect of the same child, it is proposed that the following additional condition must be fulfilled in order for a Charge of Child Allowance to be granted to an individual -

In order to claim a Charge of Child Allowance, an individual must be in receipt of Family Allowance in the relevant year of charge –

(a) on 1 January, or

(b) on the date on which Family Allowance is first claimed in respect of that child in the year in question,

whichever date is first relevant.

- 3) To agree that the Treasury and Resources Department be authorised to prescribe any matter relating to the Charge of Child Allowance (including, without limitation, any limitations, conditions, restrictions and qualifications) by regulation, whether to ensure that further incidences of double claims may be closed off at the time they are identified or otherwise.
- 4) For the avoidance of doubt, to agree that it is not necessary

- a) for an individual to fulfil the condition that to claim a Charge of Child Allowance a claim to the allowance must have been made in the previous year of charge, or
  - b) for a member of a co-habiting couple with children, as a condition of electing that the whole or any unused part of his or her personal allowances shall be transferred to the co-habitee, to have made a claim to transfer personal allowances in the previous year of charge.
5. In order to ensure greater equality between all persons in the ability to claim personal and other tax allowances:
- (a) To provide that two individuals of the same sex who have together entered into a marriage or a civil partnership shall be treated for the purposes of the Income Tax (Guernsey) Law, 1975 and any Ordinance, Regulation or Resolution under it in the same way as a husband and wife, and that references to a husband, wife or widow, a spouse, a marriage or a party to a marriage, or an individual who is married or unmarried shall be construed accordingly.
  - (b) In such cases, to agree that the income of the younger partner to the same sex marriage or civil partnership shall be treated as the income of the older partner for all of the purposes of assessment and collection of tax (including the completion of returns, unless an election is made for separate assessment), and all references to husbands and wives shall be deemed to be the older and younger partner, respectively, of the same sex marriage or civil partnership, as defined in the new proposed section 47AA of the Income Tax (Guernsey) Law, 1975.
  - (c) To agree that personal allowances may be transferred between same sex co-habiting couples with children, where the couple are recipients of a Family Allowance, in the same manner as between co-habiting couples of the opposite sex laid down in the proviso to paragraph 6(2)(c) of the second schedule to proposition 28 of the States' resolution of the 29<sup>th</sup> October 2015 on Billet XIX of 2015, provided that all other conditions in respect of the eligibility to elect to make such transfers are (subject to any necessary modifications) satisfied.
  - (d) To agree that the above decisions shall have effect from 1 January 2017.
  - (e) To direct the preparation of such legislation as may be necessary.
6. To agree that paragraph 7(4) of the second schedule to proposition 28 of the States' resolution of the 29<sup>th</sup> October on Billet XIX of 2015 shall (without prejudice to proposition 5 above) have effect as if the words "or couple who have entered into a civil partnership" were deleted.

**REQUÊTE**

**BOWEL CANCER SCREENING**

XV:- After consideration of the Requête dated 7<sup>th</sup> September, 2015, signed by Deputy M. P. J. Hadley and six other Members of the States,

1. To offer bowel cancer screening using a flexible sigmoidoscope to all Guernsey residents as they become 60 years of age and 65 years of age.
2. To offer bowel cancer screening using a flexible sigmoidoscope to any Guernsey resident who is between the age of 60 and 65 years of age who has not been screened.
3. To offer screening for bowel cancer using a flexible sigmoidoscope to any Guernsey resident who has a familial history of bowel cancer, as defined by the British Society of Gastroenterology.

**J TORODE**

**HER MAJESTY'S GREFFIER**

# IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 10<sup>th</sup> DAY OF DECEMBER, 2015

**The States resolved as follows concerning Billet d'État No XXIII  
dated 30<sup>th</sup> October 2015**

## THE INCOME TAX (GUERNSEY) (AMENDMENT) ORDINANCE, 2015

III.- To approve, subject to the following amendment, the draft Ordinance entitled "The Income Tax (Guernsey) (Amendment) Ordinance, 2015", and to direct that the same shall have effect as an Ordinance of the States.

### Amendment

To make the following changes -

- (a) clauses 2 to 7 of the Ordinance are deleted (and the subsequent clauses are renumbered accordingly), and
- (b) in clause 8 of the Ordinance (to be renumbered as clause 2), in the new section 47AA which is to be inserted into the Income Tax (Guernsey) Law, 1975, subsection (5) (printed at page 11 of the brochure) is renumbered as subsection (6) and immediately before that subsection there is inserted the following subsection-

"(5) This section has effect from the 1<sup>st</sup> January, 2017."

## POLICY COUNCIL

### SAME-SEX MARRIAGE

VII.- After consideration of the Policy Letter dated 12<sup>th</sup> October, 2015, of the Policy Council,

1. To agree to the introduction of same-sex marriage.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.
3. To note the extensive work that has been undertaken with regards to Union Civile, and to direct the Policy Council to monitor international developments on this topic.
4. To direct the Policy Council to bring forward, in a timely manner, separate Policy Letters to address the issues raised by the work on Union Civile including the dissolution of legal partnerships, as set out in section 6 of that Policy Letter; gender recognition, and procedural formalities relating to marriage.



**POLICY COUNCIL**

**SAME-SEX MARRIAGE INHERITANCE RIGHTS**

VIII.- After consideration of the Policy Letter dated 28<sup>th</sup> September, 2015, of the Policy Council,

1. To approve the proposals set out in the letter from HM Procureur as reproduced at section 2 of that Policy Letter.
2. To direct the preparation of legislation to amend The Inheritance (Guernsey) Law, 2011 to give effect to the above recommendation.

**J TORODE**

**HER MAJESTY'S GREFFIER**

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 11<sup>th</sup> DAY OF DECEMBER, 2015**

**The States resolved as follows concerning Billet d'État No XXIII  
dated 30<sup>th</sup> October 2015**

**COMMERCE AND EMPLOYMENT DEPARTMENT**

**EXTENSION OF THE AVIATION REGISTRY TO PERMIT COMMERCIAL  
OPERATIONS BY GUERNSEY-REGISTERED AIRCRAFT**

X.- After consideration of the Policy Letter dated 3<sup>rd</sup> September, 2015, of the  
Commerce and Employment Department, they are of the opinion:-

1. To seek the extension of the Montreal Convention 1999 (the Convention for the  
Unification of Certain Rules for International Carriage by Air) to Guernsey.
2. To approve the drafting of the legislation as set out in paragraph 7 of that Policy  
Letter.

**TREASURY AND RESOURCES DEPARTMENT**

**GUERNSEY ELECTRICITY LIMITED – ANNUAL REPORT AND ACCOUNTS**

XI.- After consideration of the Policy Letter dated 26<sup>th</sup> August, 2015, of the Treasury  
and Resources Department, they are of the opinion to note the Annual Report and  
Accounts for Guernsey Electricity Limited for the year-ending 31<sup>st</sup> March, 2015.

**TREASURY AND RESOURCES DEPARTMENT**

**GUERNSEY POST LIMITED – ANNUAL REPORT AND ACCOUNTS**

XII.- After consideration of the Policy Letter dated 8<sup>th</sup> September, 2015, of the Treasury  
and Resources Department, they are of the opinion to note the Annual Report and  
Accounts for Guernsey Post Limited for the year-ending 31<sup>st</sup> March, 2015.

**S. M. D. ROSS**

**HER MAJESTY'S DEPUTY GREFFIER**

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 11<sup>th</sup> DAY OF DECEMBER, 2015**

**The States resolved as follows concerning Billet d'État No XXIV  
dated 3<sup>rd</sup> November 2015**

**POLICY COUNCIL**

**MAINTAINING GUERNSEY'S WORKING POPULATION**

I.- After consideration of the Policy Letter dated 26<sup>th</sup> October, 2015, of the Policy Council, they are of the opinion:-

1. That, instead of absolute population numbers or migration levels, States Policies should be focused on ensuring that the Island's working population is of a size and make-up consistent with achieving the States' strategic economic, social and environmental objectives.
2. To rescind Resolution I(2) on Billet d'État IV, 2007.
3. That a new Population Objective in the following terms should be incorporated into the States Strategic Plan 2013-2017: That, as far as practicable, Guernsey's population should, in the long-term, be kept to the lowest level possible to achieve "The Statement of Aims" in this plan.
4. To direct all Departments, where appropriate, to take account of Proposition 3, namely the new Population Objective, in developing Departmental Policies and business plans.
5. To direct all States Departments to consider how best to support and encourage employees to remain in the work place until retirement age is reached.
6. To agree that the future Committee for Employment and Social Security, in accordance with its responsibilities for equality and social policy, and the future Committee for Home Affairs, in accordance with its responsibilities for population management policies, shall consult with other relevant committees as may be necessary and shall jointly report to the States by no later than September 2017 setting out their opinion, together with any recommendations considered necessary, on policy initiatives, including family-friendly policies, which would be capable of encouraging an increase in Guernsey's fertility rate and would be as close as possible to the natural replacement rate as described in paragraph 3.6.

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