

*As at 13 September 2017*



# **THE RULES OF PROCEDURE OF THE STATES OF DELIBERATION AND THEIR COMMITTEES**

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As prescribed by Resolutions of the States of the 27<sup>th</sup> of November, 2015,  
the 17<sup>th</sup> of March, 2016, the 7<sup>th</sup> September, 2016 and the 7<sup>th</sup> June, 2017

Made under  
The Reform (Guernsey) Law, 1948, as amended,  
and  
The States Committees  
(Constitution and Amendment) (Guernsey) Law, 1991,  
and  
The States Reform (Guernsey) Law, 2015.

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## THE STATES OF DELIBERATION AND THEIR COMMITTEES

### RULES

**THE STATES**, in pursuance of their Resolutions of 27 November, 2015<sup>1</sup>, and in exercise of the powers conferred on them by Article 7 of the Reform (Guernsey) Law, 1948<sup>2</sup>, the States Committees (Constitution and Amendment) (Guernsey) Law, 1991 and the States Reform (Guernsey) Law, 2015<sup>3</sup>, hereby resolve that the following shall be the Rules of Procedure in and in relation to assemblies of the States of Deliberation.

#### Preamble

These States' Rules contain two sections:

Section 1 – Rules of Procedure (procedures to be followed before and during States' Meetings generally)

Section 2 – Committee Rules (which govern the operation of Committees of the States)

Appendix A – The mandates of all the Committees of the States and several non-governmental bodies.

These Rules should also be read in conjunction with the following pieces of legislation:

- The Reform (Guernsey) Law, 1948, as amended
- The States (Reform) (Guernsey) Law, 2015
- The States Committees (Constitution and Amendment) (Guernsey) Law, 1991

In particular:

The Reform (Guernsey) Law, 1948, as amended, sets out:

That there shall be 40 Members of the States – 38 People's Deputies in Guernsey and two Alderney Representatives;

The functions of the Legislation Review Panel and the Policy & Resources Committee when the latter is making urgent Ordinances.

The States (Reform) (Guernsey) Law, 2015 sets out:

The rules for a Committee delegating its functions to a member(s) of the Committee;

The rules for a Committee assigning functions to another Committee.

#### General Principles

In Guernsey, parliamentary and governing functions are fused in one body, the States of Deliberation. Guernsey is governed not just through its parliament but by its parliament.

In practice, most day-to-day functions are carried out by Committees of the States, each of which is independently responsible to the States of Deliberation. Committees of the States – individually or collectively – are in no way analogous to an executive or government. A Committee is in effect an agent of the States of Guernsey exercising functions conferred on it by resolution of, or legislation approved by, the States of Deliberation.

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<sup>1</sup> on Article 1 of Billet d'État No. XXII of 2015

<sup>2</sup> Ordres en Conseil Vol. XII, p. 288

<sup>3</sup> on Article 3 of Billet d'État No. XVI of 2015

The States of Deliberation:

- o allocate the functions of government;
- o carry out the functions of government which they have retained – for example, policy determination;
- o debate and vote upon proposals to enact, amend or repeal legislation;
- o debate and vote upon proposals for taxation and expenditure;
- o scrutinise and hold to account the policies, decisions and administration of those functions of government which they have allocated to their Committees.

It is conducive to effective and efficient governance that matters should be dealt with at their appropriate level.

The States should concern themselves with debating legislation, broad policies and priorities, items of significant expenditure and matters of major public interest, and setting the framework in which the rest of the administration should operate.

The Policy & Resources Committee is the senior Committee of the States. It should concentrate on leadership and co-ordination of the work of the States, fiscal policy and economic affairs, and representing the Island in external relations.

Most policy-making, regulatory and public service functions are delegated to one of six Principal Committees. They should focus on developing policy, advising the States on policy, reviewing performance and budgets, and delivering, or overseeing the delivery of, services with a view to securing improved outcomes for the community.

There are other Committees of the States, which may be designated Authority, Board, Commission or Committee, with responsibilities, *inter alia*, for scrutinising policy, financial affairs and legislation, for specific regulatory functions, for the procedures of the States and their Committees, and for the commercial and trading interests of the States.

The civil service should run public services in accordance with policies set down by the States and their Committees.

Generally the principle of subsidiarity should apply: as far as possible matters ought to be handled by the smallest, lowest or least centralised competent authority.

## **SECTION 1 – THE RULES OF PROCEDURE OF THE STATES OF DELIBERATION**

### **RULES OF PROCEDURE**

| <b>INDEX</b>                             |  |
|--|--|
|  | <i>Rule</i>                            |
| Accounts                                 | 1(2), 3(12), 9(3)                      |
| Adjournments                             | 6                                      |
| Amendments                               | 3, 24                                  |
| to be lodged in advance                  | 24(2)                                  |
| which go further than proposition        | 24(6)                                  |
| Annulment of Statutory                   |  |
| Instruments or Ordinances                | 19, 24                                 |
| Appendix Reports:                        |  |
| Motion to debate                         | 20, 24                                 |
| <br>                                     |  |
| Billet d'État                            | 3                                      |
| Budget Meeting                           | 1(2), 3(13), 9(3), 24(2)               |
| Business of the Meeting                  | 9                                      |
| <br>                                     |  |
| Closure of Debate                        | 26                                     |
| Committees – Membership                  | Reform Law, art.18                     |
| Conduct of Members                       | 8                                      |
| Convening of Meetings                    | 2                                      |
| Correction of Statements                 | 17(11)                                 |
| <br>                                     |  |
| Dates of States' Meetings                | 1, Schedule 1                          |
| Debate, Rules of                         | 17                                     |
| Declaration of Interest at Meetings      | 11(7), 17, Schedule 2                  |
| Declaration of Unspent Convictions       | 29, Schedule 3                         |
| Definitions                              | 30(1)                                  |
| Disorder                                 | 8                                      |
| Divisions                                | 26                                     |
| <br>                                     |  |
| Elections                                | 16                                     |
| Emergency Meeting                        | 2(4)                                   |
| Expenditure proposals                    | 4(1)                                   |
| Explanation of Statements                | 17(11)                                 |
| Explanatory memoranda                    | 3(21)                                  |
| <br>                                     |  |
| General Principles – debate on           | 17(9)                                  |
| Give Way Rule                            | 17(12)                                 |
| Greffier, H.M.                           | 2, 3, 7, 14, 19, 20, 24, 28,<br>29, 30 |
| <br>                                     |  |
| Hours of sittings                        | 6                                      |
| <br>                                     |  |
| Identification number of submitted items | 3                                      |

|  |  |
|--|--|
| Information to be included             | 4  |
| Interpretation                         | 30   |
| Interruptions                          | 17(11), (13)   |
| Letters of Comment                     | 3  |
| Lieutenant Governor, H.E. the          | 2(4), 7(1)   |
| Meetings to elect Committees           | 2(3)(b)  |
| Membership of Committees               | Reform Law, art. 18  |
| Minority reports                       | 3(22)  |
| Motions of censure                     | 22   |
| Motions of no confidence               | 21   |
| Motions to withdraw                    | 24   |
| Note the policy letter; proposition to | 3(24)  |
| Opening of Meetings                    | 7  |
| Order                                  | 8  |
| Ordinances, motions to annul           | 19, 24   |
| Ordinary Meetings                      | 1, 9   |
| Original propositions                  | 3, 4   |
| Points of Order                        | 17(10), (11)   |
| Policy & Resources Committee           | 3  |
| Policy & Resource Plan                 | 1(2), 9(3), 23   |
| Policy letters, etc. in Billets d'État | 3  |
| Prayers                                | 7(2), (3)  |
| Procureur, H.M.                        | 3(21), 4(1), 11, 12, 14, 18,<br>19, 20                             |
| Propositions <i>séance tenante</i>     | 18   |
| Questions in the States                | 11, 12, 13, 15   |
| Questions for written replies          | 14, 15   |
| Quorum                                 | Reform Law, art. 3   |
| Register of Members' Interests         | 29   |
| Requêtes                               | 28   |
| Roll Call                              | 7(3)   |
| Rulings of the Presiding Officer       | 8(5)   |
| Schedule for future States' business   | 3(8), (9), (10), (14), (15),<br>(16), (17), (18), (20) and<br>9(1) |
| Seating arrangements                   | 5  |
| Secondary propositions                 | 3(4), 24   |
| Sergeant, H.M.                         | 8, 30  |
| Sheriff, H.M.                          | 7, 8, 30   |
| Sittings in committee                  | 25   |
| Special Meetings                       | 2(3), 9(3)   |
| Speeches at Elections                  | 16   |

|   |                    |
|---|--------------------|
| Statements                              | 10                 |
| Statutory Instruments: motions to annul | 19, 24             |
| Submission of items                     | 3                  |
| Supplementary Questions                 | 11, 12             |
| Sursis                                  | 24                 |
| Suspension of the Rules                 | Reform Law, art. 7 |
| <br>Taxation                            | <br>27             |
| <br>Urgent Propositions                 | <br>18             |
| <br>Voting, order of                    | <br>26             |

### ***Dates of Meetings***

1. (1) Each year in September the States' Assembly & Constitution Committee shall submit a policy letter setting out the dates on which it proposes that States' Meetings should be convened in the period from the 1<sup>st</sup> of September of the following year to the 31<sup>st</sup> of August of the year after that, having first taken into account the dates of school terms and any other information which it considers relevant. With effect from the 1<sup>st</sup> September, 2018 the policy letter referred to above shall also include proposals setting out the Committee or Committees whose President or Presidents will be obliged to make statements, and for the States of Alderney statement to be made by one of the Alderney Representatives, under the provisions of Rules 10(4) and (5) at each ordinary Meeting during the said period.
- (2) Ordinarily the first day of a Meeting shall be a Wednesday, except for the Meetings held to consider the annual Budget of the States which shall begin on the first Tuesday in November, the States' Accounts which shall begin on a Tuesday before a Meeting in June, and a Policy & Resource Plan which shall begin on a Tuesday.
- (3) In respect of the period from the 1<sup>st</sup> of May, 2016 to the 31<sup>st</sup> of August, 2017 the dates on which States' Meetings shall be convened, subject to the other provisions of these Rules, shall be as set out in Schedule 1 to these Rules.

### ***Convening of Meetings***

2. (1) A Meeting of the States shall be convened by the Presiding Officer for each of the dates agreed by the States after consideration of a policy letter submitted under the terms of Rule 1. Each Meeting shall be convened by means of a Billet d'État containing, as determined by the provisions of Rule 3, the titles of original propositions designed to enable the States to make resolutions thereon after being debated at the Meeting.
- (2) Subject to paragraph (3) below, a Billet d'État shall be issued by the Greffier on behalf of the Presiding Officer as soon as possible after the States' Meeting at which its contents were decided.
- (3) The Billet d'État for a special Meeting shall be issued by the Greffier on behalf of the Presiding Officer as soon as possible after the original propositions which it will contain have been published.
- (4) Notwithstanding the provisions of Rule 1 and the other provisions of this Rule the Presiding Officer may, if in his or her opinion circumstances so require, instruct the Greffier to issue an additional Billet d'État in respect of a Meeting for which a Billet d'État has already been issued and any such additional Billet d'État shall contain the titles of original propositions designed to enable the States to make resolutions thereon after being debated at the Meeting.
- (5) Notwithstanding the provisions of Rule 1 and the foregoing provisions of this Rule the Presiding Officer may, if in his or her opinion circumstances so require, convene a Meeting in such manner and at such notice for such date as he or she shall decide. Before convening a Meeting under the provisions of this paragraph, the Presiding Officer shall inform His Excellency the Lieutenant Governor and Commander-in-Chief of the date proposed for the Meeting.

### ***Submission of items to the States***

3. (1) Any supporting policy letter or requête or motion must be attached to the original proposition at the time of submission.
- (2) Any proposition in respect of an election to a vacant office shall be submitted by the Presiding Officer who alone shall have the right to determine the Billet d'État in which the proposition shall appear.
- (3) A Committee of the States may submit a report for inclusion as an appendix to a Billet d'État which Committee alone shall have the right to determine the Billet d'État in which the appendix shall appear. The Greffier shall circulate and publish it as set out in paragraph (5) as if it were an original proposition.
- (4) The submission of secondary propositions shall be subject to the provisions of Rule 24(1).
- (5) On receipt of an original proposition submitted for consideration by the States the Greffier shall cause it to be published as soon as possible on the States' website and in such other form as he or she may determine. The Greffier shall also notify all Members that the item is on the website and send it to them by the method which the Member has chosen. The Greffier shall simultaneously transmit the item to the Presiding Officer and the Policy & Resources Committee and shall also cause a notice of its title to be posted on the noticeboard in the Royal Court building.
- (6) On receipt of an original proposition or set of original propositions the Greffier shall allocate it an identification number which shall be used in all official references to it. This shall be in the form "P. year / serial number of proposition" (e.g. P. 2016/1). Any matter relating to the original proposition or set of original propositions, that is to say an amendment, sursis, letter of comment or other motion on it, shall have the same identification number as the principal item with a distinguishing code (e.g. P. 2016/1 Amdt 1).
- (7) On receipt of a new matter for consideration by the States, the Policy & Resources Committee shall determine the future States' Meeting at which it proposes that the item should be debated and the order of the debate, having taken into account the nature and significance of the item, the volume of the other business already arranged for future Meetings, and any preferred date which might have been expressed by the Committee or group of Members, as the case may be, under the provisions of Rule 4(2).
- (8) The Policy & Resources Committee shall have the right to propose the Meeting and the order of debate within each Meeting in respect of the following categories of business only as listed in Rule 9: Rule 9(1)(g). Amendments under the provisions of paragraph (16) are permitted only in respect of those categories of business or items within them. Those categories of business shall be marked in the Schedule with an asterisk ("\*").
- (9) The Policy & Resources Committee shall propose at an ordinary Meeting only of the States the future Meeting at which it proposes that an item be considered, by means of the inclusion of the item (that is to say the title only of the original propositions concerned) in a Schedule for future States' business.



(10) Any original proposition which has been submitted to the Greffier before 15.00 on the working day preceding the eleventh clear day (excluding Saturdays, Sundays and public holidays) before an ordinary Meeting shall be included in the Schedule for future States' business considered at that Meeting.

(11) Any original proposition which proposes the approval of any of:

- (a) a Projet de Loi or draft Ordinance; or
- (b) a Policy & Resource Plan; or
- (c) a draft Strategic Land Use Plan, or any amendment to such a Plan, which is laid before the States pursuant to section 5(3) of the Land Planning and Development (Guernsey) Law, 2005; or
- (d) any proposals for a Development Plan, Subject Plan or Local Planning Brief or any amendment to such a Plan or Brief, which is laid before the States pursuant to section 9(4) of the Land Planning and Development (Plans) Ordinance, 2007; or
- (e) the annual policy letter proposing social insurance rates of contribution and benefits

shall be published not later than five weeks before the States' Meeting at which they are debated.

(12) Original propositions in respect of the States' Accounts shall be published not later than three weeks before the States' Meeting at which they are debated.

(13) Original propositions in respect of the annual Budget of the States shall be published not later than four weeks before the States' Meeting at which they are debated.

(14) A Schedule for future States' business shall be provided by the Policy & Resources Committee to the Greffier before 15.00 on the day before the second clear day (excluding Saturdays, Sundays and public holidays) before the ordinary Meeting at which its contents will be debated as an item under Rule 9(1)(i) and shall be issued by the Greffier as soon as it is received.

(15) Any item which was listed for consideration at the Meeting but consideration of which, either in part or in whole, was adjourned or deferred to the next Meeting under the provisions of Rule 6(3)(c) shall be treated as automatically included in the part of the Schedule for future States' business in respect of the next Meeting as an item under Rule 9(1)(f).

(16) Subject to the provisions of paragraph (8), when the proposal in paragraph (9) is considered, any Member may propose by means of an amendment an alternative Meeting or a different order of business within a Meeting at which the item will be listed for consideration.

(17) The provisions of Rule 24(2) shall not apply in respect of an amendment laid under the provisions of paragraph (16).

- (18) In respect of an amendment laid under the provisions of paragraph (16), speeches shall be permitted only by the proposer of the amendment, the President of the Committee concerned, or the lead requérant in the case of a requête or the lead Member of the seven Members who have brought a motion under the terms of Rules 21 or 22, and the President of the Policy & Resources Committee and shall be restricted to a maximum of two minutes each and no other debate shall be permitted on the amendment.
- (19) The Policy & Resources Committee shall have the right to submit letters of comment on items submitted for consideration by the States. The Scrutiny Management Committee shall also have the right to submit letters of comment on items submitted for consideration by the States. Any letter of comment shall be submitted to the Greffier for publication and he or she shall cause it to be circulated as if it was an original proposition under the terms of paragraph (5) and it shall be given the same identification number as the principal item with a distinguishing code (e.g. P. 2016/1 PRC Lett Com or P. 2016/1 SMC Lett Com).
- (20) The dates and purpose of special Meetings of the States shall be listed in Schedules for future States' business as soon as the dates on which they will be held have been determined by the States in accordance with the provisions of Rule 1(1). No amendment to their proposed place in the Schedules shall be permitted except by the President of the Policy & Resources Committee.
- (21) Every original proposition for the approval of a Projet de Loi or a draft Ordinance, and every Ordinance or Statutory Instrument laid before the States, shall be accompanied by a brief explanatory memorandum approved by H.M. Procureur.
- (22) Any States' Member of a Committee who dissents from all or some of the original propositions submitted by that Committee may deliver to the Committee a minority report which shall be published as an annex to the policy letter.
- (23) The Greffier, in consultation with the Presiding Officer, shall issue directives setting out the conditions with which the submission of a proposition and any accompanying policy letter or requête or motion must comply, including, but not restricted to, template, font, font size, margins, layout, etc.
- (24) Any proposition the effect of which is to note the contents of an accompanying policy letter shall be construed as a neutral motion, neither implying assent for, nor disapproval of, the contents of the policy letter concerned.
- (25) Any proposition which contains the words "the States" shall be construed (unless defined to the contrary) as meaning the States of Deliberation of the Island of Guernsey.

***Information to include in motions laid before the States***

4. (1) Every original proposition laid before the States shall have appended to it a statement that it has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- (2) Every original proposition laid before the States may be accompanied by a statement from the Committee or group of Members, as the case may be, expressing its or their preferred date when the item should be considered by the States.

- (3) Every proposition laid before the States which has financial implications to the States shall include or have appended to it in a policy letter or requête or otherwise an estimate of the financial implications to the States of carrying the proposal into effect;

Provided that:

the proposer(s) of such a proposition may request from any Committee any information required to enable such an estimate to be included or appended and the Committee shall thereupon provide complete and accurate information to enable the proposer(s) to set out the estimate.

- (4) A policy letter accompanying an original proposition shall include a statement clarifying whether each of the propositions is supported unanimously or by a majority of the Committee and, if the latter, which member or members are not in support of which propositions should be identified.
- (5) A policy letter accompanying an original proposition shall include a statement setting out how the propositions contained therein relate to the Committee's purpose and policy responsibilities (in the case of a Principal Committee) or to the Committee's duties and powers (in the case of any other Committee), how they contribute to the States' objectives and policy plans, and what joint working or consultation has taken place with other Committees in the preparation of the propositions.

### ***Seating arrangements***

5. The Presiding Officer shall determine the seating arrangements in the States' Chamber. Before doing so he or she shall consult the States' Assembly & Constitution Committee on the matter.

### ***Hours of sittings, extensions and adjournments***

6. (1) Unless the convening notice specifies otherwise, a Meeting shall ordinarily commence at 09.30.
- (2) Unless the business of a Meeting is previously concluded ordinarily the Meeting shall on each day thereof:
  - (a) be adjourned by the Presiding Officer as near as may be to 12.30;
  - (b) resume at 14.30;
  - (c) be adjourned by the Presiding Officer, in accordance with paragraph (3) or (4), as near as may be to 17.30;

Provided that:

the Presiding Officer may propose at any time that the Meeting continues outside those times or is adjourned to another day.

- (3) When a meeting falls to be adjourned under sub-paragraph (2) (c) (or the proviso thereto) the adjournment shall normally be:
  - (a) from the first day of the Meeting, until 09.30 on the following day;

(b) from the second day of the Meeting, until 09.30 on the next following day;

(c) from the third day of the Meeting, until 09.30 on the next scheduled date of a Meeting.

- (4) If, when an adjournment to a subsequent day is announced, a Member proposes a different date or time for the adjourned Meeting, that proposition may at the discretion of the Presiding Officer be briefly debated, and, if approved, the Meeting shall be adjourned accordingly.

#### ***Opening of Meetings, etc.***

7. (1) If His Excellency the Lieutenant Governor decides to attend a Meeting, the Sheriff shall escort him into the States' Chamber and announce him.
- (2) The Greffier shall recite the Lord's Prayer in French at the commencement of each day of a Meeting, and shall pronounce the Grace in French at its close.
- (3) The Greffier shall, immediately after the opening prayer, call the roll of Members; and Members present when their names are called shall reply: "Présent(e)".
- (4) The Greffier shall then read the convening notice contained in the Billet d'État.
- (5) A Member who is absent when his or her name is called shall not be entitled to speak or vote until he or she has been relevé(e) by the Presiding Officer and his or her presence has been recorded.

#### ***Order***

8. (1) The Presiding Officer shall be responsible for maintaining order at a Meeting and, subject to the provisions of these Rules, shall regulate the conduct of business therein.
- (2) While the States are in session Members shall not have any communication with a person in the public gallery.
- (3) The Presiding Officer may issue directives relating to the presentation and conduct of Members during meetings.
- (4) The Presiding Officer shall be assisted in the preservation of order by the Sheriff and the Sergeant.
- (5) It shall be the duty of every Member to observe due decorum in a Meeting and, in particular, to observe the rulings of the Presiding Officer.
- (6) The Presiding Officer, after having called the attention of the States to the conduct of a Member who persists in irrelevance or tedious repetition of his or her own or other Members' arguments in the debate, shall direct the said Member to discontinue his or her speech.
- (7) If on any occasion the Presiding Officer considers that the conduct of a Member is grossly disorderly or offensive he or she shall forthwith put the following proposition in relation to the said Member, namely –  
"That ..... (naming the said Member) be suspended from the service of the States", and no debate on or amendment to any such proposition shall be

permitted. If the proposition is carried, the Member suspended shall be directed forthwith by the Presiding Officer to withdraw from the Meeting and leave the precincts of the States' Chamber, and any such suspension shall continue to have effect until the close of the business of the Meeting on the day on which such suspension was imposed.

- (8) Where a case of grave disorder arises in a Meeting the Presiding Officer may, if he or she thinks it necessary, adjourn the Meeting without putting a proposition.

### ***The Business of the Meeting***

9. (1) Unless the States resolve otherwise, the business at an ordinary Meeting shall be taken in the following order:
- (a) communications by the Presiding Officer including *in memoriam* tributes;
  - (b) statements;
  - (c) questions;
  - (d) elections and appointments;
  - (e) motions to debate an appendix report (1st stage);
  - (f) items adjourned or deferred from previous Meetings of the States;
  - (g) all other types of business not otherwise named;
  - (h) motions to debate an appendix report (2nd stage);
  - (i) Schedule for future States' business.
- (2) An ordinary Meeting shall not be closed until any matters to be considered under Rule 9(1)(i) have been resolved.
- (3) The only business at a special Meeting shall be the Annual Budget of the States or the States' Accounts or the Policy & Resource Plan, as the case may be.
- (4) In the case of a proposition to which Rule 18 applies, the Presiding Officer may, in his or her discretion, permit such proposition to be submitted to the States at any convenient time.

### ***Statements***

10. (1) Any Member who has obtained permission from the Presiding Officer to make a statement on a matter of a personal nature which, in the opinion of the Presiding Officer, should be made may make that statement:
- (a) at the time prescribed in Rule 9; or
  - (b) at such other time as the Presiding Officer may direct;

Provided that the Member has supplied the Presiding Officer with the text of the statement in advance.

- (2) Any Member holding the office of President or member of a Committee who has tendered a resignation from that office who wishes to make a statement regarding that resignation may do so at the next Meeting after tendering the resignation or during the meeting at which a successor to the vacated office is to be elected:
  - a) at the time prescribed in Rule 9; or
  - b) at such other time as the Presiding Officer may direct.
- (3) Any Member who has obtained permission from the Presiding Officer to make a statement on behalf of a Committee or otherwise relating to States' business which, in the opinion of the Presiding Officer, should be made may make that statement:
  - a) at the time prescribed in Rule 9; or
  - b) at such other time as the Presiding Officer may direct.

In respect of (3) only, after the Member has made the statement, the Presiding Officer shall allow a period not exceeding 15 minutes (which period may be extended at the discretion of the Presiding Officer) for questions to be asked within the context of the statement;

- (4) In addition to the right to make a statement set out in paragraph (3) above, the President of the Policy & Resources Committee and the President of each Principal Committee shall be obliged twice every twelve months and the President of the following other Committees of the States, namely the Development & Planning Authority, Overseas Aid & Development Commission, Scrutiny Management Committee, States' Assembly & Constitution Committee, States' Trading Supervisory Board, and Transport Licensing Authority, and the nominated Alderney Representative on behalf of the States of Alderney, shall be obliged once every twelve months (or in the case of the absence of a Committee President, the Vice President of the Committee or in the case of the absence of the nominated Alderney Representative, the other Alderney Representative) to make a statement setting out his or her Committee's, or in the case of the nominated Alderney Representative the States of Alderney's, recent activities, forthcoming work and the like at an ordinary Meeting.
- (5) Any statement made under the provisions of paragraph (4) shall not exceed 10 minutes in duration. In respect of statements made under the provisions of paragraph (4) only, after the statement has been made, the Presiding Officer shall allow a period not exceeding 20 minutes (which period may be extended at the discretion of the Presiding Officer) for questions to be asked on any matter within the mandate of the Committee, or in the case of any statement made on behalf of the States of Alderney any matter for which the States of Alderney has responsibility, except any topic which is part of another item of business at the Meeting in question;

Provided that:

the Member to whom questions are addressed may decline to answer a question if, in his or her opinion, any answer given might be inaccurate or misleading. Each individual question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration.

- (6) For the purpose of paragraph (4) above the "nominated Alderney Representative" means the Alderney Representative nominated for the purpose of Rule 10 by the States of Alderney.

***Question time***

11. (1) At the time prescribed in Rule 9, unless the Presiding Officer otherwise directs, and subject to Rule 15 and the conditions set out in paragraph (2), a question may be addressed to the President of a Committee of the States.
- (2) The conditions referred to in paragraph (1) are that the question:
- (a) shall not seek information which is readily accessible in the public domain;
  - (b) shall be on a matter which falls within the mandate of that Committee;
  - (c) shall not relate to the business of the day;
  - (d) shall not relate to more than one topic and shall not exceed one minute in duration; and
  - (e) shall be furnished, either in writing or electronic format, to the person to whom it is addressed, the Presiding Officer, Her Majesty's Procureur and to the official postal or e mail address of the relevant Committee not later than 15.00 on the day preceding the fifth clear day before the day of the Meeting, excluding Saturdays, Sundays and Public Holidays;

Provided that:

the time limit prescribed in sub-paragraph (e) may be shortened with the consent of the person to whom the question is addressed.

- (3) The Member replying to the question shall furnish, either in writing or electronic format, the proposed answer to the Presiding Officer and to Her Majesty's Procureur not later than noon on the day (excluding Saturdays, Sundays and Public Holidays) preceding the Meeting of the States and by 17.00 of that same day to the Member asking the question. The answer, when given in the Assembly, shall not exceed one and a half minutes in duration.
- (4) Supplementary questions arising out of the reply to a question may be addressed to the Member answering the question, by any Member, as may be allowed by the Presiding Officer;

Provided that:

- (a) no Member may ask more than two supplementary questions in respect of each principal question;
- (b) each supplementary question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration;
- (c) such supplementary questions are put before the next question of which notice has been given, or the business of the day is proceeded with, as the case may be; and

- (d) a Member answering a supplementary question may decline to answer the question if, in his or her opinion, any answer given might be inaccurate or misleading but shall provide the answer to the said question in writing not later than five clear days (excluding Saturdays, Sundays and Public Holidays) following the date of the Meeting;

Provided also that:

the period of five clear days referred to in sub paragraph (d) may be extended to a period not exceeding ten clear days if in any particular case the Presiding Officer, on application of the President of the Committee, in the interests of good government so directs, and the President of the Committee advises the questioner of the Presiding Officer's direction as soon as reasonably practicable.

- (5) When more than one question is asked at any Meeting the order in which questions are put shall be determined in accordance with the order of voting prescribed in Rule 26(4);

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.

- (6) If, at the conclusion of one hour after the commencement of question time, all the questions have not been disposed of, the Presiding Officer may, in his or her discretion, postpone dealing with questions not then disposed of to no later than the conclusion of the meeting.

- (7) A Member asking or replying to a question or a supplementary question who:

- (a) has a direct or special interest in the subject matter of the question; or
- (b) is aware that his or her spouse, co-habiting partner, infant child or any company in which he or she has a controlling interest on his or her, or their, behalf has such an interest

shall, without prejudice to the requirements of Rule 29, before he or she asks or replies to the question declare the said interest by disclosing it to the Meeting.

### ***Urgent questions***

- 12. (1) A Member may, not less than half an hour before a meeting commences, seek the leave of the Presiding Officer, subject to Rule 15 and to the conditions set out in paragraph (2), to address a question to the President of a Committee of the States.
- (2) The conditions referred to in paragraph (1) are that no Member may ask more than one question pursuant to this Rule at any meeting and that the question:
  - (a) shall not seek information which is readily accessible in the public domain;
  - (b) shall be on a matter which falls within the mandate of that Committee;
  - (c) shall relate to a matter of public importance and shall be of an urgent character or relate to a matter which has become known or been announced only in the preceding seven days;



- (d) shall not relate to the business of the day;
  - (e) shall not relate to more than one topic and shall not exceed one minute in duration; and
  - (f) shall be supplied in writing to the Presiding Officer, Her Majesty's Procureur and the Member to whom it is addressed.
- (3) If the Presiding Officer considers that the proposed question complies with the conditions set out in paragraph (2) he or she shall determine when the question shall be put.
- (4) The Member replying to the question shall furnish in writing a copy of the proposed answer to the Presiding Officer and to Her Majesty's Procureur as soon as possible before the time determined by the Presiding Officer in accordance with paragraph (3). The answer, when given in the Assembly, shall not exceed one and a half minutes in duration.
- (5) Supplementary questions arising out of the reply to a question may be addressed to the Member answering the question, by any Member, as may be allowed by the Presiding Officer;

Provided that:

- (a) no Member may ask more than two supplementary questions in respect of each principal question;
- (b) each supplementary question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration;
- (c) such supplementary questions are put before the business of the day is resumed; and
- (d) a Member answering a supplementary question may decline to answer the question if, in his or her opinion, any answer given might be inaccurate or misleading but shall provide the answer to the said question in writing not later than five clear days (excluding Saturdays, Sundays and Public Holidays) following the date of the meeting;

Provided also that:

the period of five clear days referred to in sub paragraph (d) may be extended to a period not exceeding ten clear days if in any particular case the Presiding Officer, on application of the President of the Committee, in the interests of good government so directs, and the President of the Committee advises the questioner of the Presiding Officer's direction as soon as reasonably practicable.

- (6) If, at the conclusion of one half hour after the question is asked, any supplementary questions have not been disposed of, the Presiding Officer may, in his or her discretion, postpone dealing with questions not then disposed of to no later than the conclusion of ordinary business that day.
- (7) Paragraph (7) of Rule 11 shall apply to questions asked pursuant to this Rule.

### ***Questions where information sought is in the public domain***

13. (1) When, pursuant to Rule 11(2) or Rule 12(2), the President of the Committee is of the opinion that the answer is publicly and easily accessible he or she shall request the Presiding Officer to determine that the question is inadmissible on that ground.
- (2) If the Presiding Officer so determines he or she shall forthwith advise the Member asking the question and the President of the Committee that the question is inadmissible on that ground.
- (3) The President of the Committee shall reply to the questioner, in writing, advising where the information sought may be obtained.

### ***Questions for written reply***

14. (1) A Member may at any time place a question on any subject in accordance with this Rule for written reply by addressing the same to the President of a Committee and by furnishing a copy thereof to the Presiding Officer, Her Majesty's Procurer and to the official postal or email address of the relevant Committee. The recipient of the question shall acknowledge receipt in writing to the questioner by letter or e mail within three clear days (excluding Saturdays, Sundays and public holidays) of receipt. The subject matter of the question must relate to the mandate of the Committee to which it is addressed.
- (2) Where a question is placed in accordance with this Rule the President of the Committee shall, subject to Rule 15, furnish a written reply thereto to the Member who placed the question within 15 clear days of the receipt of the question; and the President of the Committee shall furnish a copy of the reply to the Presiding Officer and the Greffier;

Provided that:

the President of the Committee shall furnish a copy of the proposed answer to the Presiding Officer and to Her Majesty's Procurer not later than noon on the day (excluding Saturdays, Sundays and Public Holidays) preceding the day on which it is proposed to reply to the Member who placed the question;

Provided also that:

the period of 15 clear days referred to in this paragraph may be extended to a period not exceeding 30 clear days if in any particular case the Presiding Officer, on application of the President of the Committee, determines that it would be unreasonable to expect the question to be answered within 15 clear days, and the President of the Committee advises the questioner of the Presiding Officer's direction as soon as reasonably practicable.

- (3) A copy of every question and of the reply thereto deposited in accordance with this Rule shall be available at the Greffe for public inspection whenever the Greffe is open for normal business.
- (4) The Greffier shall, subject to Rule 15, cause a copy of every question placed in accordance with this Rule and of the reply thereto to be sent as soon as reasonably practicable in electronic format to every Member who has furnished the Greffier with an e-mail address or, when no such address has been furnished, by such other means as shall be determined by the Greffier.

- (5) The placing of a question in accordance with this Rule or the receipt of a reply thereto shall not preclude the Member who placed the question or any other Member from addressing a question on the same subject at any Meeting in accordance with Rules 11 and 12.

***Questions not in the public interest***

15. The Presiding Officer may, on the ground of public interest, decline to allow a question to be put, or rule that a question need not be answered.

***Elections***

16. (1) When at any time there are vacancies in two or more of the following offices, the elections to fill those vacancies shall be held in the following order:
- (a) President, Policy & Resources Committee;
  - (b) Members of the Policy & Resources Committee;
  - (c) Presidents of the Principal Committees;
  - (d) President, Scrutiny Management Committee;
  - (e) Presidents of other Committees;
  - (f) Members of the Scrutiny Management Committee;
  - (g) Members of Principal Committees;
  - (h) Members of other Committees;
  - (i) Chairmen and Members of Non-Governmental Bodies.
- (2) Where the Presidents and / or members of more than one Committee are elected at the same Meeting then the elections shall be held in the order in paragraph (1) and within each category in alphabetical order by the name of the Committee.
- (3) Where, in any election by the States, the number of candidates exceeds the number of vacancies:
- (a) voting shall be carried out by secret ballot;
  - (b) if two or more candidates secure an equal number of votes and the addition of one vote to his or her poll would have entitled any such candidate to be declared elected, a second ballot shall be held in respect of such candidates only; and where in such a second ballot the addition of one vote to his or her poll would have entitled a candidate to be declared elected, the Presiding Officer shall either rule that a further ballot, or, if necessary, further ballots, shall be held, or direct that the candidates shall draw lots to determine the matter;
  - (c) if there are more than two candidates for the office of President of a Committee and the candidate receiving the most votes does not receive a majority of the votes cast

(disregarding any abstentions or spoilt papers), a further ballot, or ballots as required, shall be held, excluding every candidate who received fewer than six votes in the previous ballot or, when there are no such candidates, the candidate who received the fewest votes in the previous ballot;

- (d) if two or more candidates having secured six votes or more are tied in polling the fewest votes, or if the process set out in sub-paragraph (c) would result in the elimination of all but one of the candidates, a further ballot shall be held in respect of such candidates only to determine which of them shall be eliminated from further ballots.

(4) On a proposition to elect a President of a Committee the Presiding Officer shall:

- (a) first invite Members to propose eligible candidates. Candidates must be proposed and seconded. Nobody shall speak about a candidate at that stage;
- (b) invite, in respect of each candidate in turn (or the candidate if there is only one), first the proposer to speak for not more than five minutes and then the candidate to speak for not more than ten minutes and thereafter, if there are two or more candidates, allow Members to question the candidates;

Provided that:

- i. the question shall relate to areas of policy included in the mandate of the Committee;
  - ii. no Member may ask more than one question, save that if before the expiration of the period prescribed in sub-paragraph vi there are no further questions, Members who have already asked a question may be permitted to ask further questions;
  - iii. the questioner may not speak for more than 30 seconds;
  - iv. each candidate shall be entitled to respond to each question, but no response shall exceed 1 minute;
  - v. candidates shall answer the first question in the order in which they are nominated and thereafter the order of answering the questions shall, after each question has been answered by the candidates, be rotated by moving the name of the candidate at the top of the list to the bottom of that list;
  - vi. the session shall conclude at the expiration of the period calculated by multiplying 15 minutes by the number of candidates; and
  - vii. no Member shall be entitled to speak other than in accordance with the provisions of this sub-paragraph.
- (5) On a proposition to elect members of the Policy & Resources Committee the Presiding Officer shall first invite the President of the Committee, and thereafter other Members, to propose eligible candidates. Candidates must be proposed and seconded. Nobody shall speak about a candidate at that stage; and if no more candidates are proposed and seconded than there are vacancies the Presiding Officer shall put the election of the candidate(s) to the

vote without speeches. If there are more candidates than vacancies the Presiding Officer shall invite each proposer to speak for not more than five minutes in respect of each candidate proposed by that person and then each candidate to speak for not more than ten minutes, before voting takes place.

- (6) On a proposition to elect members of a Committee the Presiding Officer shall first invite the President of the Committee concerned, and thereafter other Members, to propose eligible candidates. Candidates must be proposed and seconded. Nobody shall speak about a candidate at that stage; and if no more candidates are proposed and seconded than there are vacancies the Presiding Officer shall put the election of the candidate(s) to the vote without speeches. If there are more candidates than vacancies the Presiding Officer shall invite each proposer to speak, for not more than five minutes in respect of each candidate proposed by that person, before voting takes place; and neither the candidates nor any other member shall be entitled to speak.
- (7) On a proposition to elect a Chairman or members of a non-governmental body, the Presiding Officer shall invite Members to propose eligible candidates. Candidates must be proposed and seconded. Nobody shall speak about a candidate at that stage; and if no more candidates are proposed and seconded than there are vacancies the Presiding Officer shall put the election of the candidate(s) to the vote without speeches. If there are more candidates than vacancies the Presiding Officer shall invite each proposer to speak, for not more than five minutes in respect of each candidate proposed by that person, before voting takes place; and neither the candidates nor any other member shall be entitled to speak.

### ***Rules of debate***

17. (1) When speaking in the States a Member shall always address the Presiding Officer and must not address another Member.
- (2) A debate on any matter before a Meeting (including any requête, amendment or sursis) shall be opened by a representative of the Committee or of those Members from whom the matter originated and that or some other representative of the Committee or of those Members shall be entitled to reply on the debate. The Member who replies on the debate may also have spoken during the course of ordinary debate. If the same Member opens and replies to the debate, he or she shall not be permitted to speak again during the course of ordinary debate.
- (3) Immediately before opening or replying on a debate, the representative referred to in paragraph (2) may propose an adjournment of not more than 15 minutes. Such a proposal shall be put to the States by the Presiding Officer without debate.
- (4) The Member who replies on the debate shall respond to the points made during the debate only and shall not rehearse any new or further arguments.
- (5) When a Member wishes to be called to speak in the course of ordinary debate the Member shall stand in his or her place and wait to be called to speak by the Presiding Officer. A Member who is not standing shall not be called to speak, except in the circumstances described in paragraph (7).
- (6) Debate must be relevant to the matter before a Meeting.

(7) Before calling the next Member to speak the Presiding Officer may ask if any Member wishes to express a contrary view to the generality of the views expressed up to that point in the debate. If such a wish is expressed then the Presiding Officer may call the Member to speak at that point.

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

Provided that:

when a particular matter is to be or is being debated the States may suspend the operation of this paragraph as regards that matter if it appears that the matter can be more effectively dealt with by reason of such suspension.

(9) Where a Committee originating a matter for debate before the States is of the opinion that the proposals it is submitting to the States are of general policy, and where it is desirable that the principles of that policy should be considered, the Committee may have its propositions considered by the States without amendment on the understanding that if the propositions are accepted the Committee would return with detailed proposals which could be accepted or rejected with or without amendments. Where a Committee invokes the provisions of this paragraph it shall make express reference to it in its propositions.

(10) A point of order may be raised only for the purpose of drawing attention to a breach of a Rule of Procedure.

(11) A Member may interrupt another Member who is addressing a Meeting only:

(a) on a point of order; or

(b) on a point of correction, in respect of an inaccurate or misleading statement made by that other Member;

and shall do so by standing and calling "Point of Order" or "Point of Correction", as the case may be, and waiting to be invited to speak further by the Presiding Officer.

(12) A Member who wishes to make an interjection relevant to the point being made by the Member speaking may do so if the Member speaking agrees to give way. The Member speaking should at all times be aware that another Member may wish to interject. The Member speaking may, in his or her discretion, refuse to give way. A Member wishing to make the interjection shall so signify by standing and remaining silent until the Member speaking either gives way or refuses to give way. When a request to give way has been refused the Member standing shall resume his or her seat immediately.

(13) An interruption or interjection in accordance with paragraphs (11) or (12) shall be permissible notwithstanding that the Member concerned has already spoken on the matter then under debate, and shall not prejudice the right of a Member who has not exhausted his or her right to speak in that debate to speak therein.

(14) Where a Member is speaking in accordance with paragraphs (11) or (12), the Member who had been speaking until the interruption or interjection shall resume his seat and shall not stand again until the Member making the interruption or interjection has resumed his seat.

- (15) A Member who has a direct or special interest in the subject matter of a proposition submitted to a Meeting at which he or she is present, or who is aware that his or her spouse, co-habiting partner, infant child or any company in which he or she has a controlling interest on his or her, or their, behalf has such an interest, shall, without prejudice to the requirements of Rule 29:

- (a) before he or she speaks on the proposition; or
- (b) if he or she does not speak, before a vote is taken on the proposition

declare the said interest by disclosing it to the Meeting.

- (16) Where a Member declares an interest in accordance with paragraph (15), he or she may declare the extent of the interest.
- (17) A Member shall not, by reason only of declaring an interest in accordance with paragraph (15), be precluded from voting on the proposition.

### ***Urgent propositions***

18. A proposition as regards which an immediate decision is necessary or desirable may, with the permission of the Presiding Officer, be submitted to the States on behalf of a Committee or by the Presiding Officer in his or her own right at any Meeting, and may be debated and decided upon, with or without amendment, at that Meeting. Such proposition shall be in writing and shall be headed "Proposition in pursuance of Rule 18 submitted by the [President of the ... Committee / Presiding Officer]", and copies thereof shall be delivered beforehand to the Presiding Officer, Her Majesty's Procureur and the President of the Policy & Resources Committee;

Provided that:

- (a) if the postponement of the debate, or of the taking of a decision, on the proposition be moved and be supported by not less than one third of the Members voting on the motion, the debate, or the taking of a decision, on the proposition, as the case may be, shall be postponed until a date to be fixed by the Presiding Officer; and
- (b) on any such postponement, a motion for the immediate publication or circulation, in such manner as the Presiding Officer shall decide, of all relevant material shall have effect if supported by not less than one third of the Members voting on the motion.

### ***Motion to annul a Statutory Instrument or Ordinance***

19. (1) This rule applies to any Statutory Instrument laid before the States pursuant to a Law or Ordinance providing that it may be annulled and to any Ordinance laid before States pursuant to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended.
- (2) Every motion to annul a Statutory Instrument or Ordinance must be in writing and must state the names of its proposer and seconder.
- (3) A Member who proposes to move a motion of annulment must furnish the proposed motion to the Presiding Officer and copies thereof:

- (a) to the President, Policy & Resources Committee;
- (b) to the President of the Committee concerned with the Statutory Instrument or Ordinance to which the proposed motion relates;
- (c) to H. M. Procureur; and
- (d) to the Greffier

not later than five clear days (excluding Saturdays, Sundays and Public Holidays) before the Meeting of the States at which the motion is proposed to be moved. Immediately after the closing date for the receipt of such motions the Greffier shall cause a copy thereof to be delivered to every Member.

- (4) Unless the enactment governing the instrument otherwise provides, a motion to annul may be proposed either at the Meeting at which the Statutory Instrument or Ordinance is laid before the States or at the next subsequent Meeting.
- (5) When notice of a proposed motion of annulment has been given in accordance with paragraph (3), the Presiding Officer shall invite the President of the Committee which made the Statutory Instrument or proposed the enactment of the Ordinance to speak on the matter:
  - (a) if the motion is to be proposed at the Meeting when the Statutory Instrument or Ordinance is laid before the States, immediately after it has been so laid by the Greffier; or
  - (b) if the motion is to be proposed at the next subsequent Meeting of the States following the Meeting at which the Statutory Instrument or Ordinance is laid before the States, immediately before consideration of any business which would be debated in category 9(1)(g).
- 6) The motion of annulment shall then be proposed and seconded, following which general debate shall be permitted. After general debate, if any, the President of the Committee concerned shall be entitled to respond to the debate, following which the proposer of the motion shall be entitled to respond to the debate.

***Motion to debate an appendix report***

- 20. (1) This rule applies to any report of a Committee published as an appendix to a Billet d'État.
- (2) Every motion to debate an appendix report must be in writing and must state the name of its proposer and seconder.
- (3) A Member who proposes to move a motion to debate an appendix report must furnish the proposed motion to the Presiding Officer and copies thereof to:
  - (a) the President, Policy & Resources Committee;
  - (b) the President of the Committee concerned with the appendix report to which the motion relates;



(c) H. M. Procureur; and

(d) the Greffier

not later than five clear days (excluding Saturdays, Sundays and Public Holidays) before the Meeting of the States at which the motion is proposed to be moved. Immediately after the closing date for the receipt of such a motion the Greffier shall cause a copy thereof to be delivered to every Member.

(4) When notice of a motion to debate an appendix report has been given in accordance with paragraph (3), the Presiding Officer shall, at the meeting convened to consider the business listed in the Billet d'État containing the appendix report to which the motion relates and at the time prescribed in Rule 9, invite:

(a) the proposer of the motion to speak thereon;

(b) the seconder to second the motion, but not speak thereon;

(c) the President of the Committee concerned to speak on the matter

following which, without further debate, the Presiding Officer shall immediately put the said motion to the vote.

(5) If the motion to debate an appendix report is carried the matter shall stand adjourned to the time prescribed in Rule 9, at which time:

(a) the President of the Committee concerned shall open the debate on the appendix report and he or she shall reply to the debate;

(b) the proposer and seconder of the motion to debate an appendix report shall not speak more than once in the debate;

(c) the proposition shall be "To take note of the Report"; and

(d) no Member shall propose a sursis of the debate or amendment of the proposition.

### ***Motions of no confidence***

21. (1) If any seven Members (but not more than seven) address a request in writing to the Presiding Officer that a motion of no confidence in a Committee be laid before the States, the Presiding Officer shall include that request in a Billet d'État as soon as reasonably practicable.

(2) For the purposes of this Rule a "motion of no confidence" is one that, if carried, requires the immediate resignation in accordance with this Rule of all the members of a particular Committee, including the President of that Committee.

(3) Before submitting the request to the Presiding Officer the seven Members shall invite in writing all the Members of the particular Committee, including the President thereof, to

tender their resignations, which invitation shall have attached to it the full text of the proposed request.

- (4) A motion of no confidence shall include within its petition:
  - (a) a statement that it is a motion of no confidence for the purposes of this Rule, and shall set out the full details of the basis on which the petitioners propose the motion of no confidence; and
  - (b) a statement that all the members of the Committee, including the President thereof, were invited in writing to tender their resignations and that all or some of them had not done so within five days (excluding Saturdays, Sundays and Public Holidays) of that invitation.
- (5) Where a motion of no confidence in respect of a Committee is approved by the States:
  - (a) all the members of that Committee, including the President thereof, shall thereupon be deemed to have tendered their resignations and those resignations shall be deemed to have been accepted by the States; and
  - (b) the motion shall be deemed to include such propositions to the States as may be appropriate for the election at that Meeting of new members of the Committee, and a President thereof, to complete the respective unexpired portions of the terms of office of the previous members and President.

#### ***Motions of censure***

- 22. (1) If any seven Members (but not more than seven) address a request in writing to the Presiding Officer that a motion of censure of a Committee be laid before the States, the Presiding Officer shall include that request in a Billet d'État as soon as reasonably practicable.
- (2) A motion of censure shall include within its petition a statement that it is a motion of censure for the purposes of this Rule, and shall set out full details of the basis on which the petitioners propose the motion of censure.

#### ***Policy & Resource Plan***

- 23. (1) Committees of the States must contribute to the formulation and, once agreed by the States, the application of the States' Policy & Resource Plan.
- (2) The Policy & Resource Plan should be reasonably straightforward, flexible and un-bureaucratic. It should focus on significant policy matters and lay down a framework of overall policy assumptions in order to assist Principal Committees in the setting of their policies and priorities. The Policy & Resource Plan should be seen as a means of strengthening leadership, co-ordination and accountability and not as an end in itself.
- (3) The Policy & Resource Plan shall be formulated according to the following timetable from 2016 and quadrennially in every States' term thereafter:

- (a) quarter 1, 2016 – preparations are made to provide the new Policy & Resources Committee with the information and support it will need to develop the States' overall policy objectives in a timely manner;
- (b) March / April, 2016 – each of the existing Committees shall produce a handover document to apprise their successors of what are considered to be the main policy and operational challenges facing the Committee in the next term;
- (c) April / May, 2016 – General Election of People's Deputies and elections of Presidents and members of Committees of the States.

(4) Policy & Resource Plan Phase 1

- (a) May-August, 2016 – the Policy & Resources Committee develops a statement of overall policy objectives for the long term (say, 20 years) and medium term (say, three to five years) in connection with issues of strategic importance to the Island, e.g. fiscal and economic affairs, social affairs, the environment, population and external relations;
- (b) November, 2016 – the States debate and make resolutions on their overall policy objectives.

(5) Policy & Resource Plan Phase 2

- (a) quarter 4, 2016 and quarters 1 and 2, 2017 – each Principal Committee develops a policy plan setting out its policies and priorities over the short and medium term to contribute to the agreed States' objectives and to fulfil its purpose and policy responsibilities which are set out in its mandate;
- (b) quarter 4, 2016 and quarters 1 and 2, 2017 – alongside the work described in the preceding sub-paragraph, the Policy & Resources Committee works with Principal Committees to ensure that the policy plans are co-ordinated and consistent with the States' objectives and with each other, including identifying any conflicts and areas where prioritisation is necessary, and the Policy & Resources Committee facilitates cross-committee working where policy areas span more than one Principal Committee, and the policy plans are then submitted to the States by the Policy & Resources Committee, if necessary with Committees' differences of opinion highlighted in order for the States to resolve the points at issue;
- (c) June, 2017 – the States debate and make resolutions on the Principal Committees' policy plans and ultimately finalise the content of the Policy & Resource Plan Phase 1 and Phase 2;
- (d) June, 2018 and June, 2019 – every 12 months the Policy & Resources Committee re-submits the Policy & Resource Plan to the States together with commentary on overall progress from the Policy & Resources Committee, annual performance reports from the Principal Committees, commentary from the Scrutiny Management Committee and any proposals to amend the Policy & Resource Plan which are considered necessary;
- (e) the Policy & Resources Committee's duties in relation to advising the States on progress against extant States' Resolutions which remain outstanding and to laying before the States annually an order of priority for the drafting of significant items of legislation for

the year ahead should be incorporated in the annual debates on the Policy & Resource Plan;

- (f) each year the Policy & Resource Plan shall be debated at a States' meeting at which no other business shall be considered.

***Secondary propositions - amendments, sursis, etc.***

24. (1) Any Member who intends to lay before the States a secondary proposition shall submit it to the Greffier and it must state the names of the proposer and seconder. As soon as possible thereafter, the Greffier shall cause it to be published on the States' website and in such other form as he or she shall determine and shall circulate it simultaneously to the Presiding Officer and all Members of the States. If the secondary proposition was submitted 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. If the secondary proposition was submitted between that time and the day of the Meeting the Greffier shall circulate it by electronic means. The Greffier shall provide a paper copy of each secondary proposition, whenever it may have been submitted to him or her, at the start of each Meeting or as soon as practicable if he or she receives it during the Meeting.
- (2) A Member who proposes to move an amendment or sursis (other than one proposed on behalf of the Committee submitting the original proposal or one proposed on behalf of requérants in the case of a requête):
- (a) to a Projet de Loi or draft Ordinance; or
  - (b) which may have the effect of increasing expenditure; or substituting another contractor; or altering the timing of any works; or
  - (c) to the Annual Budget; or
  - (d) to a proposition relating to taxation, fees or other charges bearing on the revenues of the States; or
  - (e) to a proposition to approve a Policy & Resource Plan; or
  - (f) to a draft Strategic Land Use Plan, or any amendment to such a Plan, which is laid before the States pursuant to section 5(3) of the Land Planning and Development (Guernsey) Law, 2005; or
  - (g) to any proposals for a Development Plan, Subject Plan or Local Planning Brief or any amendment to such a Plan or Brief, which is laid before the States pursuant to section 9(4) of the Land Planning and Development (Plans) Ordinance, 2007; or
  - (h) to the annual policy letter proposing social insurance rates of contribution and benefits

must furnish the proposed amendment or sursis to the Greffier not later than 15.00 on the day preceding the seventh clear day before the meeting (excluding Saturdays, Sundays and

Public Holidays) or, in respect of an amendment to propositions which have financial implications and which is proposed to be moved by the President or another representative of the Policy & Resources Committee, not later than 15.00 on the day preceding the second clear day before the meeting (excluding Saturdays, Sundays and Public Holidays).

- (3) 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 shall formally propose it and make any speech supporting it.
- (4) Immediately after an amendment or sursis has been proposed and formally seconded (i.e. before any speech by its seconder or further debate) any Member may request the Presiding Officer to invite Members who support debate on the amendment or sursis to stand in their places; neither the Member making that request nor any other may address the Meeting about it; and if fewer than seven Members stand when so invited the amendment or sursis shall not be debated, and no vote thereon shall be taken.
- (5) Subject to paragraph (4), when a sursis of a matter has been proposed and seconded debate shall be limited strictly to the sursis, and no other issues relating to that matter (including proposed amendments) shall be debated until the sursis has been voted upon.
- (6) An amendment which goes further than the original proposition shall not, on that account, be ruled out of order, but a motion that the amendment be not debated and no vote be taken thereon may be laid only immediately after the amendment has been proposed and formally seconded (i.e. before any speech by its seconder or further debate) and shall have effect if supported by a majority of the Members voting on the motion.
- (7) Where an amendment or sursis is debated the President (or a representative) of the Committee from which, or in the case of a requête a representative of those Members from whom, the matter originated shall have the right to speak on the amendment or sursis immediately after its proposer has proposed the amendment or sursis or immediately before its proposer replies to the debate under Rule 17(2) or at any other time during the debate but at one of those points in the debate only.
- (8) If a sursis is carried, which was proposed and seconded after the commencement of general debate on a matter, the person who would otherwise have been entitled to reply on that debate under Rule 17(2) shall be so entitled notwithstanding that sursis.
- (9) If several amendments relating to the same matter are proposed the Presiding Officer shall decide the order in which they are debated and voted upon.
- (10) An amendment within sub-paragraph (2)(g) shall (unless the States, with the agreement of the Development & Planning Authority ("the Authority"), otherwise resolve) be treated as an amendment to defer adoption (but not debate) of the Plan or Brief or amendment thereto, until:
  - (a) the Authority has been given the opportunity to withdraw the proposals to consider any implications of such amendment within paragraph (2)(g) in accordance with section 10(2) of the Land Planning and Development (Plans) Ordinance, 2007;

- (b) where relevant, the inspector has reported on the amendment within paragraph (2)(g) pursuant to section 10(3) of that Ordinance; and
  - (c) the Authority has caused to be submitted to the States any alterations or additions to the documentation laid before the States pursuant to section 9(4) of that Ordinance as a result of the consideration of the implications of the amendment.
- (11) Where the procedure envisaged by paragraph (10) has been followed, and alterations or additions are accordingly laid before the States:
  - (a) that paragraph shall not then apply as respects any matter referred to in any amendment dealt with in those alterations or additions; but
  - (b) no other matter may then be the subject of any further amendment or debate.
- (12) Where a Committee (or in the case of a requête, the requérants) has resolved to request that an article or proposition be withdrawn, a motion to withdraw the said article or proposition shall be in writing and must state the names of its proposer and seconder. Debate on such a motion shall be limited strictly thereto and no other issues relating to the article or proposition shall be debated until the motion to withdraw has been voted upon.

#### ***Sittings in committee***

- 25. (1) Before a debate commences or during the debate, the Presiding Officer or any Member may propose a motion that the States sit "in committee" on the grounds that the matter being debated would be better considered subject to the specific provisions of this Rule.
- (2) For the duration of when the States are sitting in committee the following provisions will apply notwithstanding that they may be contrary to specific other provisions of these Rules.
- (3) A Member may be called to speak more than once in the same debate.
- (4) A person who is not a Member may be called to speak. That person shall have no other rights held by Members other than to speak while the States are sitting in committee.
- (5) The Presiding Officer shall determine the rules of debate.
- (6) No vote shall be taken while the States are sitting in committee.

#### ***Closure and voting***

- 26. (1) A Member who has not already spoken in the debate, otherwise than in pursuance of Rule 17(3), (11) or (12), may at any time (but without interrupting another Member who is addressing the Meeting) request the Presiding Officer to close a debate on any matter (including an amendment or a sursis). Neither the Member making that request nor any other may address the Meeting about it. 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 and if the majority of the

Members voting support it then (except that the President, Policy & Resources Committee shall be entitled to comment on any financial implications, if he or she has not already done so, and subject to Rules 17(2), 24(7) or 28(3)), the debate shall be closed, and (subject to Rule 27) the matter shall be put to the vote.

- (2) A Member may vote only from his or her seat in the States' Chamber. Immediately before announcing his or her vote in a division (appel nominal), a Member must switch on his or her microphone and switch it off again immediately after he or she has voted.
- (3) Where voting on any matter is carried out otherwise than by a division or by ballot, any Member may, before the Presiding Officer rules that the matter was carried or was lost, or immediately after such a ruling, claim a division.
- (4) The order of voting on a division at any Meeting of the States shall be the same for each division taken at that Meeting (including a Meeting adjourned in accordance with Rule 6, and including a division on a matter adjourned from a previous meeting) but shall be rotated by moving the entry for the time being at the top of the following list, to the bottom of that list, between each Meeting and the next:
  - St. Peter Port South
  - St. Peter Port North
  - St. Sampson
  - The Vale
  - The Castel
  - West
  - South East
  - Alderney Representatives.
- (5) On the announcement of the result of a division, any Member may challenge the accuracy thereof and thereupon a fresh division shall take place. Such further division cannot be challenged.
- (6) Unless otherwise stated, in order for a proposition to be carried it needs to be supported by the nearest whole number above one-half of the Members present and voting on the proposition.
- (7) 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.

#### ***Proposals relating to taxation and the financial implications of proposals***

27. Where, in relation to taxation, any alteration is moved and is opposed or is not assented to by the Policy & Resources Committee, the Presiding Officer, if he or she considers that more mature consideration should be given to the advisability of passing or rejecting the proposed alteration, shall rule that a vote thereon shall be postponed until the views of the Policy & Resources Committee have been laid before a Meeting.

#### ***Requêtes***

28. (1) If any seven Members (but not more than seven) desire that a requête be laid before a Meeting they shall submit it to the Greffier who shall treat it as an item to be put to the States for consideration in accordance with the provisions of Rule 3. The Greffier shall

also provide a copy to the Policy & Resources Committee, for that Committee's opinion on the matters referred to therein.

- (2) Upon notification of a requête the Policy & Resources Committee shall:
  - (a) consult any Committees appearing to that Committee to have a particular interest in the subject matter of the requête; and
  - (b) if considered necessary, set out its opinion in a letter of comment, appending thereto the views of all Committees so consulted.
- (3) When a requête is laid before the States, the President, Policy & Resources Committee and the President of each of the Committees referred to in the preceding paragraph shall be entitled to speak
  - (a) immediately after a representative of the requérants has opened the debate; and
  - (b) immediately before a representative of the requérants replies to the debate.

***Register of Members' Interests and Register of Members' Unspent Convictions***

29. (1) The Greffier shall maintain (whether electronically or otherwise) a Register to be known as the Register of Members' Interests in which shall be kept all Declarations of Interest lodged in accordance with paragraph (3).
- (2) The Register of Members' Interests shall be available at the Greffe for public inspection whenever the Greffe is open for normal business. Current entries in the Register of Members' Interests shall also be published on the States' website.
- (3) All persons elected shall within seven days of being elected or re-elected and subsequently during the month of May annually make and lodge with the Greffier a Declaration of Interest.
- (4) All Declarations of Interest required to be lodged with the Greffier under paragraph (3) shall be in the form set out in Schedule 2 to these Rules.
- (5) The Greffier shall maintain (in paper form only) a Register to be known as the Register of Members' Unspent Convictions in which shall be kept all Declarations of Unspent Convictions lodged in accordance with paragraph (7).
- (6) The Register of Members' Unspent Convictions shall be available at the Greffe for public inspection whenever the Greffe is open for normal business.
- (7) All persons elected shall within seven days of being elected or re-elected and subsequently during the month of May annually make and lodge with the Greffier a Declaration of Unspent Convictions.
- (8) All Declarations of Unspent Convictions required to be lodged with the Greffier under paragraph (7) shall be in the form set out in Schedule 3 to these Rules.
- (9) The unspent convictions which must be declared are any criminal convictions in a court in any jurisdiction which resulted in sentences of imprisonment which are not to be treated as



spent pursuant to the provisions of the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002, unless they were in respect of conduct which would not constitute an offence if committed in Guernsey at the time the declaration is made.

- (10) A Member in whose case a conviction becomes spent may immediately provide a revised Declaration to the Greffier. The Greffier shall remove from the Register and immediately destroy any Declaration which has been superseded by another.
- (11) The Greffier shall remove from the Register and immediately destroy any Declaration which relates to a person who is no longer a Member.

### ***Interpretation***

30. (1) In this section:

**"clear days"** means the number of consecutive whole days referred to, regardless (unless otherwise indicated) of whether or not any such day falls on a weekend or public holiday;

**"Her Majesty's Procureur"** includes Her Majesty's Comptroller;

**"Meeting"** means a meeting of the States convened in accordance with these Rules;

**"Member"** means any Member of the States other than (except in Rule 10) Her Majesty's Procureur;

**"ordinary Meeting"** means any Meeting of the States which is not a special Meeting;

**"original proposition"** means any of the following: propositions from the Presiding Officer; propositions from a Committee of the States; propositions arising from a requête; propositions proposing the approval or adoption of legislation; motions of no confidence; motions of censure; urgent propositions; and propositions in relation to the adoption of the Schedule for future States' business;

**"Presiding Officer"** means the Presiding Officer of the States, and includes the Deputy Presiding Officer of the States and any Acting Presiding Officer of the States;

**"requête"** means a request to the Presiding Officer, made in writing and signed by any seven Members (but not more than seven), that a matter other than a motion of no confidence be laid before a Meeting;

**"secondary proposition"** means any of the following: amendments; sursis; motions to withdraw; motions to annul an Ordinance or Statutory Instrument; motions to debate an appendix report;

**"special Meeting"** means any Meeting of the States convened to consider the Annual Budget of the States or the States' Accounts or the Policy & Resource Plan;

**"sursis"** means a motion the effect of which is to defer debate on an article or proposition and includes a **"sursis motivé"** which has the same effect but which also directs a course of action during the period of deferral;

**“the Greffier”** means Her Majesty’s Greffier, and includes any Deputy Greffier;

**“the Sergeant”** means Her Majesty’s Sergeant, and includes any Deputy Sergeant;

**“the Sheriff”** means Her Majesty’s Sheriff, and includes any Deputy Sheriff;

**“the States”** means the States of Deliberation.

(2) In these Rules, unless the context otherwise requires:

- (a) a reference to a provision by number or letter is to the provision of that number or letter in these Rules;
- (b) a reference within a provision to a subdivision by a number or letter is to the subdivision of that number or letter within that provision;
- (c) a reference to an enactment is to that enactment as amended, extended, applied or replaced from time to time by or under any other enactment.

***Revocations in respect of this section***

31. The States’ Resolutions relating to the Rules of Procedure in and in relation to assemblies of the States of Deliberation of the Island of Guernsey of 30th October 2003, 30th March 2005, 27th April 2006, 28th September 2006, 28th February 2008, 30th September 2009, 25th February 2010, 29th April 2010, 29th July 2010, 27th May 2011, 26th October 2011, 9th February 2012, 1st, 8th, 11th and 30th May 2012, 29th and 31st May 2013, 24th September 2013, 12th November 2014 and 29th April 2015 are revoked with effect from 1st May 2016.

## **SECTION 2 – COMMITTEES OF THE STATES AND RULES OF COMMITTEES**

### **INDEX**

|   | <i>Section</i> |
|---|----------------|
| Amendments to Mandates                      | 58             |
| Candidates, nomination of                   | 36             |
| Casting votes                               | 42             |
| Committee correspondence                    | 48             |
| Constitution of Committees                  | Appendix A     |
| Definitions                                 | 32             |
| Eligibility for membership of a Committee   | 35             |
| Eligibility for re-election                 | 38             |
| Establishment of other Committees           | 54             |
| Interest, declaration of                    | 49             |
| Interpretation                              | 33             |
| Lead Members                                | 45             |
| Mandates                                    | Appendix A     |
| Members, term of office                     | 37             |
| Membership of more than one Committee       | 39             |
| Nomination of Candidates                    | 36             |
| Non-voting Members                          | 46             |
| Officers - accountability of                | 56             |
| - presence at Committee meetings            | 55             |
| - support provided                          | 57             |
| Policy & Resources Committee                | 32             |
| Performance of Functions                    | 51, 52         |
| Presidents                                  | 37, 41         |
| Presiding at meetings                       | 41             |
| Principal Committees                        | 32             |
| Quorum                                      | 40             |
| Register of Appointments                    | 50             |
| Rules – general provisions                  | 34             |
| States' Investigation & Advisory Committees | 53             |
| Support provided to Committees              | 57             |
| Terms of Office                             | 37             |
| Third parties, meetings with                | 47             |
| Unspent convictions, declaration of         | 46             |
| Vice-Presidents                             | 43, 44         |

## ***Definitions***

32. List of Committees of the States with effect from the 1<sup>st</sup> of May, 2016 –

Senior Committee of the States –  
Policy & Resources Committee

Principal Committees of the States –  
Committee *for* Economic Development  
Committee *for* Education, Sport & Culture  
Committee *for* Employment & Social Security  
Committee *for the* Environment & Infrastructure  
Committee *for* Health & Social Care  
Committee *for* Home Affairs

Other Committees of the States –  
Civil Contingencies Authority  
Development & Planning Authority  
Overseas Aid & Development Commission  
Scrutiny Management Committee  
States' Assembly & Constitution Committee  
States' Trading Supervisory Board  
Transport Licensing Authority

From time to time the States may by Resolution establish any number of States' Investigation & Advisory Committees to enquire into particular but temporary pieces of work. At present there are no such Committees of the States.

Non-Governmental Bodies –  
Elizabeth College Board of Directors  
Guille-Allès Library Council  
Ladies' College Board of Governors  
Priaulx Library Council

## ***Interpretation***

33. In this section the expression:

"**Committee**", unless the context otherwise requires, means any Committee of the States as named in Rule 32;

"**Her Majesty's Procureur**" includes Her Majesty's Comptroller;

"**Member**", in relation to a Committee, includes its President, unless the context otherwise requires;

"**Non-Governmental Body**" means any such bodies named in Rule 32;

"**office holder**" means a person elected by the States to the office of President or member of a Committee;

**"Principal Committee"** means any of the following Committees: Committee *for* Economic Development; Committee *for* Education, Sport & Culture; Committee *for* Employment & Social Security; Committee *for the* Environment & Infrastructure; Committee *for* Health & Social Care; and Committee *for* Home Affairs;

**"Sitting Member of the States"** means any person with a seat in the States of Deliberation;

**"States' Investigation & Advisory Committee"** means any temporary States' Committee charged with the execution or investigation of a particular matter;

**"the Greffier"** means Her Majesty's Greffier, and includes any Deputy Greffier.

### ***Rules relating to committees of the States***

34. The procedure and operation of all Committees of the States shall be determined in accordance with the following provisions, except where contrary provision is made.

### ***Eligibility for membership of a Committee***

35. (1) To be eligible for appointment or election to membership of a Committee of the States as a non-sitting Member of the States a person must be a person described in article 8 of the Reform (Guernsey) Law, 1948, as amended.
- (2) Jurats shall not be eligible to serve on Committees which administer legislation which includes the provision of a right of appeal to the Royal Court against a decision of such Committees.
- (3) States' employees shall not be eligible to serve on Committees.

### ***Nomination of candidates for election by the States***

36. Subject to any specific provisions regarding nomination rights which are set out in the constitution of any particular Committee, persons shall be eligible for nomination by any Member of the States from the floor of the Assembly on the day of election, but where a person nominated is not a sitting Member of the States the proposer shall provide to Members of the States, no later than the start of the Meeting at which the election is to be held, a full report in writing containing background information about the candidate, 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, the candidate's willingness to seek election and the reasons for his or her name having been put forward. 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 29.

### ***Term of office***

37. (1) The term of office of all Presidents and all the members of all Committees shall expire at the end of a States' term. Where an office is required to be filled by a sitting Member of the States the said office shall be deemed to have been vacated upon the office holder ceasing to be a sitting Member of the States.

- (2) Elections for Presidents and Members of Committees shall be held in the first month of a new States' term.
- (3) If a member elected or appointed by the States to a Committee ceases to be a member of that Committee before the expiration of the term for which he or she was elected or appointed, a successor shall be elected or appointed by the States to complete the unexpired portion of that term of office.
- (4) If the President or a member of a Committee resigns from that office in a letter to the Presiding Officer, the resignation shall take effect automatically on the election by the States of a successor to the office vacated. No debate shall be held on the matter of the resignation.
- (5) A person elected as President or member of a Committee by reason of the fact that he or she is a sitting Member of the States shall, if that person ceases to be a sitting Member of the States, be deemed to have placed his or her resignation in the hands of the Presiding Officer on such cessation and that resignation shall be deemed to have been accepted by the States.
- (6) Persons referred to in the preceding paragraph shall remain eligible for appointment or election to fill any vacancy on that or on any other Committee which is not restricted to sitting Members of the States.
- (7) If a majority of the voting members of a Committee believe that the continued membership of that Committee by one member is unreasonably hindering the ability of the Committee to fulfil its mandate then the majority may bring a proposition 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.

#### ***Officeholders eligible for re-election***

38. No limit shall be set on the number of times that a person may be elected by the States to the same office, whether consecutively or otherwise.

#### ***Membership of more than one Committee***

39. A Member shall be deemed to have resigned with immediate effect, and his or her resignation deemed to have been accepted from his or her position, as the President or a member of a Committee, immediately upon election to the Presidency or membership of a Committee whose constitution precludes membership of the former office.

#### ***Quorum***

40.
  - (1) The quorum of any Committee (subject to paragraphs (3) and (4)) shall be the nearest whole number above one-half of the number of voting members specified in that Committee's constitution.
  - (2) When calculating a quorum the number of voting members shall include the person presiding.

- (3) The quorum of the Policy & Resources Committee when exercising its function under article 66(3) of the Reform (Guernsey) Law, 1948 as amended (immediate or early enactment of Ordinances in the public interest) shall be any two members.
- (4) The members forming the quorum of the States' Trading Supervisory Board shall include a member who is a Member of the States.
- (5) During May, 2016, when a Committee is not yet constituted or is inquorate and an urgent decision is required, the insufficiency of members shall be replaced as follows.
- (6) From 00.01 on the 1<sup>st</sup> of May, 2016 until the election of the President, Policy & Resources Committee, a number of former members of the Policy Council (as it was constituted on the 30<sup>th</sup> of April, 2016) who have been re-elected as Members of the States shall act as if they were members of the Committee in question. The number of them required is one half of those re-elected plus one. If fewer than three have been re-elected then the insufficiency of members shall be replaced by the senior Members by length of service. While the only elected post holder is the President, Policy & Resources Committee that person shall be able to make an urgent decision as if he or she is a quorate meeting of the Committee concerned. Once the other members of the Policy & Resources Committee have been elected then a quorate meeting of that Committee shall be able to make an urgent decision as if it is the Committee concerned. Once the Presidents of the Principal and other Committees have been elected then each President shall be able to make an urgent decision as if he or she is a quorate meeting of his or her Committee.
- (7) At all other times, when a Committee is inquorate and an urgent decision is required, the insufficiency of members shall be replaced by Member(s) of the States chosen in the following order: members of the Policy & Resources Committee according to their length of service in the States, Presidents of Principal Committees according to their length of service in the States, Presidents of other Committees according to their length of service in the States, other Members according to their length of service in the States.

#### ***Person who shall preside at meetings***

41. The President shall preside at all meetings of a Committee or, if he or she is absent, indisposed or otherwise unable to preside, the Vice-President shall preside. If both are absent, indisposed or otherwise unable to preside then the remaining voting members of the Committee present at the meeting shall appoint one of their number to preside.

#### ***Casting votes***

42. The person who presides at a meeting of a Committee shall have an original vote and no casting vote. In the event that the voting members of that Committee are equally divided on any issue, the person presiding shall declare the proposition lost.

#### ***Vice-Presidents***

43. (1) All Committees shall elect a Vice-President from amongst those persons on that Committee who are sitting Members of the States.

- (2) The requirement that the Vice-President of a Committee be a member who is a sitting Member of the States shall not apply to the Overseas Aid & Development Commission or the non-governmental bodies.
- (3) The Vice-President shall be elected at the first meeting of the Committee following the election of a President by the States, save that if following the election of the President there remains any vacancy in the voting membership of the Committee the election of a Vice-President shall be deferred until the first meeting following the filling of that vacancy by the States.
- (4) In any Committee, if the President ceases to hold office before the expiration of the period for which he or she was elected and a new President is elected by the States, the term of office of the Vice-President shall be deemed to have terminated and a new election of a Vice-President shall take place in accordance with paragraph (3).
- (5) In any Committee, if the Vice-President ceases to be a sitting Member of the States, or ceases to be a member of that Committee before his or her term of office as Vice-President has been completed, a new Vice-President shall be elected from amongst those persons on that Committee who are sitting Members of the States to serve the unexpired portion of the Vice-President's term of office, but such an election shall not be held until the vacancy in the membership of the Committee caused by the departure of the member who held the office of Vice-President has been filled by the States. The election of a Vice-President shall be held at the first meeting following the filling of that vacancy by the States.

#### ***Method of election of Vice-Presidents***

44. (1) Subject to the provisions of Rule 43, the person presiding shall ask eligible members to declare their candidature. No proposers or seconders will be required.
- (2) Where there is only one candidate the person presiding shall declare that candidate elected.
- (3) Where the number of candidates exceeds one, voting shall be carried out by ballot.
- (4) Where there are more than two candidates and the candidate receiving the greatest number of votes does not receive a majority of the votes cast, a second ballot shall be held to determine which of the two candidates who received the greatest number of votes in the first ballot shall be elected.
- (5) The person presiding shall have an original vote but no casting vote. In the event of an equality of votes he or she shall cause a further ballot to be held and, if, after such further ballot, there continues to be an equality of votes the two candidates shall draw lots to determine the matter.
- (6) Where a ballot is necessary the votes shall be counted by the person presiding and an officer of the Committee.
- (7) At the conclusion of the voting the person presiding shall declare the successful candidate elected and a record of that declaration shall be made in the minutes of the meeting.
- (8) The person presiding shall communicate the result of the election to the Presiding Officer within 48 hours of the declaration (excluding Saturdays, Sundays and public holidays).



### ***Lead Members***

45. (1) The Policy & Resources Committee shall designate its President or one of its members as the States' lead member for external relations and constitutional affairs.
- (2) Any committee of the States may designate its President or one of its members as the lead member for a specific responsibility of the committee.

### ***Non-voting members of Committees***

46. (1) If permitted by the terms of its constitution, any Committee may elect 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 sitting Members of the States. Such members shall have the same rights and duties as ordinary members (other than the right to vote, unless specifically provided with the right to vote in that Committee's constitution).
- (2) Before electing any such non-voting members the Committee concerned shall be provided by each candidate with a completed Declaration of Interest as set out in Schedule 2 and a completed Declaration of Unspent Convictions as set out in Schedule 3.
- (3) 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 President, and such resignation will take effect immediately. Notwithstanding Rule 37(3), a replacement need not be elected.
- (4) 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.
- (5) Immediately after the election the Committee 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 Principal Committee 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, and had also seen a Declaration of Unspent Convictions and was satisfied that any declared unspent criminal convictions of the person elected were compatible with his or her holding that office. The Declarations 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 29.
- (6) Immediately after a resignation or any termination of office the Committee 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 Committee.

### ***Meetings, etc. with third parties***

47. (1) When a Member of the States meets with a third party, and the circumstances are such that it is unclear as to the capacity in which the Member is attending the meeting, the Member shall make it clear to the third party that the Member is attending, either as the

representative of a Committee or as an individual Member of the States or in a private capacity.

- (2) When a President or member of a Committee represents that Committee at a meeting with a third party, the President or member shall make a record of the meeting stating the date and time of the meeting, the reason for the meeting, the participants therein and the key points discussed, following which he or she shall send a copy of the record for filing to the senior-most officer in the service of that Committee.
- (3) In this rule reference to "the meeting" shall include telephone conversations and meetings in person.

#### ***Committee correspondence***

48. (1) All correspondence, howsoever received, between a 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.
- (2) Any Member of the States while he or she continues to be a Member of the States may request from a 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 Committee, except any material which he or she was allowed to see but not retain.

#### ***Declaration of interest at Committee meetings***

49. (1) A Member of a Committee who (or whose spouse, or any of whose infant children or any company in which the Member has a controlling interest on the Member's own or their behalf) has a direct or special interest in the business under consideration by the Committee must not participate in either discussion or voting thereon and must immediately declare the interest and withdraw from the meeting during the discussion and voting on the matter concerned.
- (2) In the preceding paragraph 'spouse' includes any co-habiting partner.
- (3) Every declaration made in pursuance of paragraph (1) and the member's subsequent withdrawal from the meeting shall be recorded in the minutes of the meeting.
- (4) (a) when an interest has been declared pursuant to paragraph (1) of this Rule, the officer of the Committee concerned responsible for the despatch of agenda papers shall not send to the said member any paper relevant to the matter concerned;
- (b) when an interest has not been declared but the said officer has reason to believe that a member may have an interest in a matter to be discussed, he or she shall request the President to make enquiries of the person concerned, following which the President shall direct whether agenda papers relating to the matter should be withheld from the member;
- (c) when the member referred to in the preceding paragraph is the President, the officer shall refer the matter to the Vice-President;

(d) notwithstanding the foregoing, it shall be the duty of any member who receives agenda papers which should not have been sent to him or her by virtue of the provisions of this Rule to return such papers to the Committee and he or she shall not disclose the content or existence of the papers to any person nor shall he or she use the information contained therein in his or her own personal interest or that of his or her family, friends, business associates or any voluntary or charitable organisation with which he or she is involved;

(e) in this Rule the expression "agenda papers" shall include the relevant section of the minutes of the Committee relating to the matter concerned and any electronic communication relating to the matter concerned.

### ***Register of appointments***

50. Any 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 Committee of the States, 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 the Greffier of that appointment. The cessation of any such appointment shall also be notified to the Greffier. The 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.

### ***Performance of functions by members of Committees***

51. In accordance with the provisions of article 2 of the States (Reform) (Guernsey) Law, 2015, a Committee may arrange for any of its functions to be performed in its name by any one or more members of the Committee.

### ***Performance of functions by other Committees***

52. In accordance with the provisions of article 3 of the States (Reform) (Guernsey) Law, 2015, a Committee may arrange for any of its functions to be performed in its name by another Committee.

### ***States' Investigation & Advisory Committees***

53. (1) Except for those rules which refer specifically to the Policy & Resources Committee or Principal Committees, the principles set out above shall be followed in the constitution and operation of all States' Investigation & Advisory Committees.
- (2) Such States' Investigation & Advisory Committees (i.e. the members thereof) shall continue in office until they have fulfilled their mandate and any legislation designed to give effect to such propositions of the Committee as the States may have resolved to adopt has been presented to the States, approved, and where necessary registered.

### ***Establishment of other Committees***

54. (1) The States may, by resolution, at any time dissolve any Committee of the States or constitute any Committee of the States.

- (2). The constitutions and mandates of all Committees of the States as at the 1<sup>st</sup> of May, 2016 are set out in Appendix A to these Rules.
- (3). A Committee of the States may at any time it chooses convene a sub-committee or working party to consider any matter which falls within the mandate of the Committee. The constitution, mandate and working practices of the sub-committee or working party shall be at the discretion of the Committee;

Provided that:

any authority delegated to the sub-committee or working party shall be in accordance with the provisions of the States Committees (Constitution and Amendment) (Guernsey) Law, 1991 and the States Reform (Guernsey) Law, 2015 relating to delegation of a Committee's functions;

Provided also that:

the Rules relating to the declaring of interests in Committee meetings shall apply in full to the members and proceedings of sub-committees and working parties;

Provided also that:

the Committee shall at all times remain responsible for anything done by a sub-committee or working party which it has established.

#### ***Presence of officers, etc. at Committee meetings***

55. (1) A member of the established staff of the Civil Service shall be present at all Committee meetings and shall keep an independent record of the decisions made at the meetings.
- (2) (a) the notes taken pursuant to paragraph (1) of this rule shall be kept in a paper notebook or electronic data file reserved exclusively for that purpose and shall include the name of the person making the contemporaneous record and the date when the minutes are actually written;
- (b) each such paper notebook or electronic data file shall be retained for a period of six years counting from the date of the last meeting recorded therein;
- (c) an audio recording may be made in addition to, but not in place of, the written record. The medium used to store such recording shall be retained for a period of six years from the date of the meeting.
- (3) Where the President is of opinion that, in view of the nature of the business to be discussed, it would be inappropriate for any of the Committee's officers to be in attendance at a Committee meeting, he or she shall request the Chief Executive of the States to arrange for an appropriate alternative officer to attend the meeting in question.
- (4) The provisions of this rule shall not apply to the Non-Governmental Bodies.
- (5) One of the Law Officers or a Crown Advocate shall be present at all meetings of the Legislation Review Panel and, when it is exercising its function under article 66 (3) of the Reform (Guernsey) Law, 1948 as amended (immediate or early enactment of Ordinances in the public interest), the Policy & Resources Committee.

- (6) The Presiding Officer and the Greffier shall be entitled to attend meetings of the States' Assembly & Constitution Committee for the purpose of advising that Committee on matters relating to the Rules of Procedure and on matters relating to the functioning of the States.

### ***Accountability of officers***

56. (1) The States resolved on Billet d'État XII of 2015 that the President of a Principal Committee has the right to inform the Chief Executive that the Committee is losing confidence in a senior officer or in the level of support it receives. If, after the exhaustion of reasonable procedures, the Principal Committee still has no confidence in a senior officer there will be an expectation that the officer will be transferred out of the service of that Principal Committee.
- (2) The States resolved on Billet d'État XII of 2015 that the Chief Executive and other senior officers must take into account the views of the President of a Principal Committee, and through them the members thereof, when appointing and appraising senior staff in the service of that Principal Committee.
- (3) The States resolved on Billet d'État XII of 2015 that the senior officers of a Committee are accountable to that Committee in respect of policy direction.

### ***Support provided to committees***

57. The States resolved on Billet d'État XII of 2015 that the senior officers of a Committee should ensure that: performance data are freely available; Committee papers are clear and concise, showing options and making recommendations for action; members receive their papers for Committee meetings a reasonable period in advance; minutes and decisions lists are concise and circulated within a few days of meetings; and the quality of policy letters is high.

### ***Amendments to mandates***

58. The Policy & Resources Committee has the power to allocate operational functions to Committees, and to transfer them between Committees, as set out in Annex Two to the mandates of Committees of the States, without requiring the approval of the States;

Provided that:

the allocation or transfer has the agreement of all Committees concerned and also provided that neither mandates of Committees of the States nor Annex One attached thereto may be amended without resolution of the States;

Provided also that:

this power to allocate or transfer operational functions shall not have effect until such time as the Committee has approved a comprehensive schedule of Committees' operational functions.

### ***Revocations in respect of this section***

59. The States' Resolutions relating to the Constitution and Operation of States' Departments and Committees of 30th October 2003, 30th March 2005, 29th June 2005, 27th April 2006, 28th September 2006, 28th September 2007, 12th December 2007, 28th February 2008, 12th March 2008, 30th September 2009, 27th May 2011, 24th September 2013, 14th November 2013 and 29th April 2015 are revoked with effect from the 1st of May, 2016.

***Commencement***

60. These Rules shall come into operation on the 1<sup>st</sup> of May, 2016.

APPENDIX A

MANDATES OF COMMITTEES OF THE STATES  
WITH EFFECT FROM THE 1<sup>ST</sup> OF MAY, 2016

Order of Committees

Policy & Resources Committee

Committee *for* Economic Development

Committee *for* Education, Sport & Culture

Committee *for* Employment & Social Security

Committee *for the* Environment & Infrastructure

Committee *for* Health & Social Care

Committee *for* Home Affairs

Civil Contingencies Authority

Development & Planning Authority

Overseas Aid & Development Commission

Scrutiny Management Committee

States' Assembly & Constitution Committee

States' Trading Supervisory Board

Transport Licensing Authority

Elizabeth College Board of Directors (non-governmental body)

Guille – Allès Library Council (non-governmental body)

Ladies' College Board of Governors (non-governmental body)

Priaulx Library Council (non-governmental body)

Annex One to the Mandates of Committees of the States

Annex Two to the Mandates of Committees of the States – Schedule of Committees' Operational Functions

- **Title – Policy & Resources Committee**

Constituted as the Senior Committee of the States with effect from the 1<sup>st</sup> of May, 2016 by resolutions of the States of the 9<sup>th</sup> of July, 2015 and the 27<sup>th</sup> of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Policy & Resources Committee shall be the President or a member of any of the six Principal Committees or the President or a member of the Scrutiny Management Committee or the President or a member of the Development & Planning Authority or the President or a member of the Transport Licensing Authority.

The Policy & Resources Committee shall designate its President or one of its members to be the States' lead member for external relations.

- **Duties & Powers**

To advise the States and to develop and implement policies and programmes relating to:

(a) leadership and co-ordination of the work of the States, which includes:

1. developing and promoting the States' overall policy objectives;
2. leading the policy planning process as set out in the States' Rules of Procedure;
3. promoting and facilitating cross-committee policy development;
4. advising, when necessary, on the implications of other committees' proposals, policies and activities and in particular whether they accord with States' objectives and policy plans;
5. advising other committees on the implications of policies which it is itself developing;
6. examining issues which expressly do not fall within the mandates of other committees;
7. requiring any committee to examine any issue whether within or extraneous to its mandate;
8. requiring, and monitoring, the implementation of extant States' resolutions;
9. submitting to the States annually a report on progress on outstanding States' resolutions;
10. initiating reviews in areas where it appears that performance could be improved;
11. recommending to the States the agenda items for future meetings of the States;
12. prioritising the States' legislative programme and submitting to the States annually an order of priority for the drafting of significant items of legislation for the year ahead;
13. enacting urgent legislation in accordance with Article 66 of the Reform Law;
14. advising on the allocation of policy responsibilities to committees;
15. allocating operational functions to committees, or transferring them between committees, as set out in Annex Two to the mandates of committees of the States, without requiring the approval of the States provided that the allocation or transfer has the agreement of all committees concerned and also provided that neither mandates of committees of the States nor Annex One attached thereto may be amended without resolution of the States and further provided that this power to allocate or transfer operational functions shall not have



effect until such time as the Committee has approved a comprehensive schedule of committees' operational functions.

(b) fiscal policy, economic affairs and the financial and other resources of the States, which includes:

1. setting the framework for the planning, approval and control of public expenditure;
2. preparing the States' budget and submitting it to the States annually;
3. preparing the States' accounts and submitting them to the States annually;
4. monitoring financial performance against budgets;
5. advising, when necessary, on the financial implications of other committees' proposals, policies and activities;
6. raising and collecting taxes and revenues;
7. the States' Treasury functions, including authorising committees' borrowings and loans;
8. the role of the States as an employer;
9. policies on financial management, assets and corporate services, including information and communication technology, internal audit, risk management, the corporate identity and communications of the States, procurement, property, and statistics and research;
10. annually recommending the appointment of external auditors to the States.

(c) external relations and international and constitutional affairs, which includes:

1. the Island's constitutional position and the relationship with the Crown;
2. relations with the United Kingdom and other jurisdictions;
3. relations with the European Union and other supranational organisations;
4. relations with the other islands of the Bailiwick and the Island's parishes;
5. representing, or overseeing the representation of, and negotiating for, the Island;
6. executing and requesting the extension of international agreements to which the Island is invited to acquiesce;
7. the policy framework regarding overseas aid and development;
8. authorising for external relations purposes only the adaptation of titles and offices held within the States;
9. studying and reporting on schemes for the application of certain General Synod measures.

(d) other matters which have been delegated to the Committee, which include:

1. the policy framework for the regulation of financial services;
2. non-operational matters in an emergency to preserve life, wellbeing and law and order.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Policy & Resources Committee and which conferred functions on the former Policy Council and Treasury and Resources Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Committee *for* Economic Development**

Constituted as a Principal Committee of the States with effect from the 1<sup>st</sup> of May, 2016 by resolutions of the States of the 9<sup>th</sup> of July, 2015 and the 27<sup>th</sup> of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Committee *for* Economic Development shall be the President or a member of the Policy & Resources Committee or the President of the Scrutiny Management Committee or the President or a member of the Transport Licensing Authority; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **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.

- **Responsibilities – Policy, Advisory & General**

To advise the States and to develop and implement policies on matters relating to its purpose, including:

1. the promotion and development of all sectors of business, including construction, creative industries, digital, financial services, horticulture, intellectual property, manufacturing, media, retail and tourism;
2. the reputation of the Island as a centre for commerce and industry;
3. securing the provision of, and promoting, air and sea links to and from the Bailiwick;
4. inward investment at the corporate and individual level;
5. the labour skills necessary to sustain economic prosperity;
6. competition, innovation, diversification and regulation in the economy;
7. broadcasting and the media;
8. safeguarding living marine resources and the sustainable exploitation of those resources.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Committee *for* Economic Development and which conferred functions on the former Commerce and Employment Department, Culture and Leisure Department and Home Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Committee *for* Education, Sport & Culture**

Constituted as a Principal Committee of the States with effect from the 1<sup>st</sup> of May, 2016 by resolutions of the States of the 9<sup>th</sup> of July, 2015 and the 27<sup>th</sup> of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Committee *for* Education, Sport & Culture shall be the President or a member of the Policy & Resources Committee or the President of the Scrutiny Management Committee; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **Purpose**

To encourage human development by maximising opportunities for participation and excellence through education, learning, sport and culture at every stage of life.

- **Responsibilities – Policy, Advisory & General**

To advise the States and to develop and implement policies on matters relating to its purpose, including:

1. pre-school, primary, secondary, further and higher education;
2. apprenticeships;
3. skills;
4. lifelong learning;
5. sport, leisure and recreation;
6. youth affairs;
7. the arts;
8. libraries, museums, galleries and heritage;
9. Island Archives;
10. civic celebrations and commemorations, including Liberation celebrations.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Committee *for* Education, Sport & Culture and which conferred functions on the former Commerce and Employment Department, Culture and Leisure Department, Education Department, Health and Social Services Department and Policy Council.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Committee *for* Employment & Social Security**

Constituted as a Principal Committee of the States with effect from the 1<sup>st</sup> of May, 2016 by resolutions of the States of the 9<sup>th</sup> of July, 2015 and the 27<sup>th</sup> of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Committee *for* Employment & Social Security shall be the President or a member of the Policy & Resources Committee or the President of the Scrutiny Management Committee; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **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.

- **Responsibilities – Policy, Advisory & General**

To advise the States and to develop and implement policies on matters relating to its purpose, including:

1. financial and social hardship;
2. social housing, including States' housing and the States' relationship with housing associations;
3. supplementary benefit and housing benefit;
4. social insurance;
5. pensions;
6. health insurance;
7. long-term care insurance;
8. equality and social inclusion, including in relation to disability;
9. the unemployed and the various initiatives to encourage employment and re-employment;
10. labour market legislation and practices;
11. health and safety in the workplace;
12. industrial relations;
13. legal aid.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Committee *for* Employment & Social Security and which conferred functions on the former Commerce and Employment Department, Housing Department, Policy Council and Social Security Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.



- **Title – Committee *for the* Environment & Infrastructure**

Constituted as a Principal Committee of the States with effect from the 1<sup>st</sup> of May, 2016 by resolutions of the States of the 9<sup>th</sup> of July, 2015 and the 27<sup>th</sup> of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Committee *for the* Environment & Infrastructure shall be the President or a member of the Policy & Resources Committee or the President of the Scrutiny Management Committee or the President or a member of the Development & Planning Authority or the President or a member of the Transport Licensing Authority; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **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.

- **Responsibilities – Policy, Advisory & General**

To advise the States and to develop and implement policies on matters relating to its purpose, including:

1. infrastructure, including but not limited to water, wastewater, the ports and the airports;
2. spatial planning, including the Strategic Land Use Plan;
3. climate change;
4. protection and conservation of the natural environment;
5. waste, water and stone reserves;
6. energy, including renewable energy;
7. solid waste;
8. general housing policy in relation to land use, spatial planning and infrastructure;
9. the coast and coastal defences and the breakwater in Alderney;
10. traffic and transport;
11. the road network;
12. biodiversity;
13. agriculture, animal health and welfare and the sustainability of food and farming;
14. maritime affairs;
15. public parks;
16. security of supply of essential commodities.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Committee *for the* Environment & Infrastructure and which conferred functions on the

former Commerce and Employment Department, Culture and Leisure Department, Environment Department, Policy Council and Public Services Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Committee *for* Health & Social Care**

Constituted as a Principal Committee of the States with effect from the 1<sup>st</sup> of May, 2016 by resolutions of the States of the 9<sup>th</sup> of July, 2015 and the 27<sup>th</sup> of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Committee *for* Health & Social Care shall be the President or a member of the Policy & Resources Committee or the President of the Scrutiny Management Committee; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **Purpose**

To protect, promote and improve the health and well-being of individuals and the community.

- **Responsibilities – Policy, Advisory & General**

To advise the States and to develop and implement policies on matters relating to its purpose, including:

1. adult social care;
2. the welfare and protection of children, young people and their families;
3. the prevention, diagnosis and treatment of acute and chronic diseases, illnesses and conditions;
4. mental health;
5. care of the elderly;
6. health promotion;
7. environmental health;
8. public health.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Committee *for* Health & Social Care and which conferred functions on the former Health and Social Services Department and Housing Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Committee *for* Home Affairs**

Constituted as a Principal Committee of the States with effect from the 1<sup>st</sup> of May, 2016 by resolutions of the States of the 9<sup>th</sup> of July, 2015 and the 27<sup>th</sup> of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Committee *for* Home Affairs shall be the President or a member of the Policy & Resources Committee or the President of the Scrutiny Management Committee; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **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.

- **Responsibilities – Policy, Advisory & General**

To advise the States and to develop and implement policies on matters relating to its purpose, including:

1. crime prevention;
2. law enforcement, including policing and customs;
3. justice policy;
4. the association between justice and social policy, for example domestic abuse and the misuse of drugs and alcohol;
5. the new population management regime, once introduced;
6. immigration and the housing control and right to work regimes;
7. imprisonment, parole, probation and rehabilitation;
8. fire, rescue and salvage;
9. consumer protection and advice;
10. trading standards;
11. data protection;
12. emergency planning;
13. civil defence;
14. lotteries and gambling;
15. the electoral roll.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Committee *for* Home Affairs and which conferred functions on the former Commerce and Employment Department, Home Department and Housing Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Civil Contingencies Authority**

Constituted with effect from the 4<sup>th</sup> of February, 2013 by the Civil Contingencies Law, 2012 (Commencement) (Bailiwick of Guernsey) Ordinance, 2013; and constituted as a committee of the States with effect from the 1<sup>st</sup> of May, 2016 by resolutions of the States of the 9<sup>th</sup> of July, 2015 and the 27<sup>th</sup> of November, 2015.

- **Constitution**

The permanent members of the Authority are the holders of the following offices:

President of the Policy & Resources Committee, who is the Chairman of the Authority<sup>4</sup>;  
President of the Committee *for the* Environment & Infrastructure;  
President of the Committee *for* Health & Social Care;  
President of the Committee *for* Home Affairs<sup>5</sup>.

- **Duties & Powers**

To carry out the functions set out in the Civil Contingencies Law, 2012.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Authority by way of extant legislation or resolutions of the States or which may be allocated to the Authority in Annex Two to the mandates of committees of the States.

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<sup>4</sup> In the absence of the President of the Policy & Resources Committee, the Vice-President of the Policy & Resources Committee is the Chairman of the Authority; and in the absence of the President and Vice-President of the Policy & Resources Committee, a member of the Policy & Resources Committee nominated by the President is the Chairman of the Authority.

<sup>5</sup> In the absence of the President of a Principal Committee, the Vice-President of that Principal Committee is a member of the Authority; and in the absence of the President and Vice-President of a Principal Committee, a member of that Principal Committee nominated by the President is a member of the Authority.  
See paragraph 1 of Schedule 1 to the Civil Contingencies (Bailiwick of Guernsey) Law, 2012.

- **Title – Development & Planning Authority**

Constituted as a committee of the States with effect from the 1<sup>st</sup> of May, 2016 by resolutions of the States of the 9<sup>th</sup> of July, 2015 and the 27<sup>th</sup> of November, 2015.

- **Constitution**

A President and four members who shall be sitting members of the States: provided that neither the President nor any member of the Development & Planning Authority shall be the President or a member of the Policy & Resources Committee or the President or a member of the Committee *for the* Environment & Infrastructure; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **Duties & Powers**

To advise the States on land use policy and to develop and implement land use policies through development plans and any other relevant instruments.

To determine development applications of all kinds, including planning, building control, protected buildings and scheduled sites.

To maintain and keep under review schemes of delegation in order that only the most contentious or high profile or atypical development control applications are referred to the elected members of the Authority, and when they are so referred to ensure that they are heard at open planning meetings held in public.

To exercise powers and perform duties conferred on the Authority by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Development & Planning Authority and which conferred functions on the former Environment Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Authority by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Overseas Aid & Development Commission**

Constituted as a committee of the States with effect from the 1<sup>st</sup> of May, 2016 by resolutions of the States of the 9<sup>th</sup> of July, 2015 and the 27<sup>th</sup> of November, 2015.

- **Constitution**

A President who shall be a member of the States and six members who need not be members of the States, all elected on the nomination of the Policy & Resources Committee.

- **Duties & Powers**

To distribute funds voted by the States for aid and development overseas by making contributions to on-going programmes and to emergency and disaster relief.

To develop programmes relating to the collection and distribution of funds involving the private sector.

To carry out the duties and powers above in accordance with policies set out by the Policy & Resources Committee.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Commission by way of extant legislation or resolutions of the States or which may be allocated to the Commission in Annex Two to the mandates of committees of the States.



- **Title – Scrutiny Management Committee**

Constituted as a committee of the States with effect from the 1<sup>st</sup> of May, 2016 by resolutions of the States of the 9<sup>th</sup> of July, 2015 and the 27<sup>th</sup> of November, 2015.

- **Constitution**

A President who shall be a member of the States: provided that the President of the Scrutiny Management Committee shall not be the President or a member of the Policy & Resources Committee or the President or a member of any of the six Principal Committees; and two members who shall be members of the States: provided that a member of the Scrutiny Management Committee shall not be the President or a member of the Policy & Resources Committee or the President or a member of more than one of the six Principal Committees; and two voting members who shall not be members of the States and who shall be elected by the States.

- **Duties & Powers**

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.

As far as is reasonably practicable, to appoint scrutiny panels (whether task and finish or standing panels) to carry out the work of reviewing and scrutinising committees' policies and services and their management of monies and other resources entrusted to them: provided that neither the President nor the members of the Policy & Resources Committee shall serve on such scrutiny panels and also provided that the Committee retains the power, if it so wishes, to carry out any review itself rather than through an appointed panel and also provided that the Committee shall at all times be responsible, and accountable to the States, for everything done by the Committee and any panels it has appointed, including the content of any report issued under its name.

To appoint a Legislation Review Panel to carry out the functions of legislative scrutiny in Article 66 of the Reform Law and also to recommend any changes to legislation from which it believes the Island may benefit: provided that the Committee shall at all times be responsible, and accountable to the States, for everything done by the Legislation Review Panel; and to constitute the Legislation Review Panel as follows: a President who shall be a member of the Scrutiny Management Committee and also a member of the States, a minimum of four other States' members, a minimum of two non-voting members who shall not be members of the States, and any number of additional and occasional non-voting members as the Scrutiny Management Committee sees fit for the purposes of review of any item of legislation or any other matter: provided that such additional and occasional non-voting members may or may not be members of the States and also provided that neither the President nor the members of the Policy & Resources Committee shall serve on the Legislation Review Panel.

To scrutinise any matter contained in a policy letter which has been referred to the Committee by resolution of the States in accordance with any terms set out in the resolution and to submit to the States

its findings thereon within a period of time set out in the resolution, which findings, together with the original matter, shall be laid before the States.

To promote and facilitate the participation in scrutiny of the widest possible range of States' members and persons independent of the States.

When determining the subject of its reviews and examinations, to pay particular attention to the performance of committees in contributing to States' objectives and policy plans and to matters which are of substantial importance or of significant public interest.

To recognise that the carrying out of scrutiny in public where possible is likely to contribute positively to public perceptions of scrutiny.

To submit a report to the States annually which reviews the work of the Committee and its panels over the previous 12 months and which sets out the Committee's objectives and, to the extent that it is possible while retaining a flexible and responsive approach to scrutiny, an indicative programme of work over the next 12 months.

To represent the work of scrutiny in the States, and publicly to promote and champion the value of scrutiny.

To advise the States if and when in its opinion circumstances justify the establishment of a Tribunal of Inquiry in accordance with the Tribunals of Inquiry (Evidence) (Guernsey) Law, 1949, as amended.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Scrutiny Management Committee and which conferred functions on the former Legislation Select Committee, Public Accounts Committee and Scrutiny Committee.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – States’ Assembly & Constitution Committee**

Constituted as a committee of the States with effect from the 1<sup>st</sup> of May, 2016 by resolutions of the States of the 9<sup>th</sup> of July, 2015 and the 27<sup>th</sup> of November, 2015.

- **Constitution**

A President and four members who shall be members of the States.

- **Duties & Powers**

To advise the States and to develop and implement policies in relation to:

1. the constitutions of the States of Deliberation and the States of Election;
2. the procedures and practices of the States of Deliberation and committees of the States;
3. the practical functioning of the States of Deliberation and the States of Election;
4. the induction, on-going support and provision of facilities and equipment for States’ members;
5. the broadcasting of proceedings of the States of Deliberation and States of Election;
6. elections to the office of People’s Deputy;
7. matters concerning the propriety and conduct of States’ members.

To exercise powers and perform duties conferred on the Committee by extant States’ resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the States’ Assembly & Constitution Committee and which conferred functions on the former States’ Assembly & Constitution Committee which existed until the 30<sup>th</sup> of April, 2016.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – States' Trading Supervisory Board**

Constituted as a committee of the States with effect from the 1<sup>st</sup> of May, 2016 by resolutions of the States of the 9<sup>th</sup> of July, 2015 and the 27<sup>th</sup> of November, 2015.

- **Constitution**

The constitution of the Board shall be determined by the States on a recommendation made by the Policy & Resources Committee: provided that the President of the Board shall be a member of the States, at least one other member of the Board shall be a member of the States and at least two other members of the Board shall not be members of the States and also provided that neither the President nor any member of the States' Trading Supervisory Board shall be the President or a member of the Transport Licensing Authority.

- **Duties & Powers**

Within a framework of policies, guidance and instructions of the States and any of their relevant committees, to:

- (a) carry out the States' role as shareholder of any incorporated companies which are owned by the States and which the States have resolved to include in the mandate of the Board, which for the time being is the following:
  - 1. Cabernet Group;
  - 2. Guernsey Electricity;
  - 3. Guernsey Post;
  - 4. Jamesco 750.
- (b) ensure the efficient management, operation and maintenance of any States' unincorporated trading concerns and commercial interests which the States have resolved to include in the mandate of the Board, which for the time being is the following:
  - 1. Channel Islands' lottery;
  - 2. Guernsey Airport, which includes Alderney Airport;
  - 3. Guernsey Dairy;
  - 4. Guernsey Harbours;
  - 5. Guernsey Water;
  - 6. Property and real estate owned or leased by the States;
  - 7. States' Works;
  - 8. States' corporate engineering and architectural services.
- (c) be the Waste Disposal Authority.

To exercise powers and perform duties conferred on the Board by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the States' Trading Supervisory Board and which conferred functions on the former Commerce and

Employment Department, Culture and Leisure Department, Public Services Department and Treasury and Resources Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Board by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Transport Licensing Authority**

Constituted as a committee of the States with effect from the 1<sup>st</sup> of May, 2016 by resolutions of the States of the 9<sup>th</sup> of July, 2015 and the 27<sup>th</sup> of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Transport Licensing Authority shall be the President or a member of the Policy & Resources Committee or the President or a member of the Committee *for* Economic Development or the President or a member of the Committee *for the* Environment & Infrastructure or the President or a member of the States' Trading Supervisory Board; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **Duties & Powers**

To determine applications for air route licences and to carry out any other transport licensing and regulatory functions which the States may confer on it from time to time.

To exercise powers and perform duties conferred on the Authority by extant States' resolution, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Transport Licensing Authority and which conferred functions on the former Commerce and Employment Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Authority by way of extant legislation or resolutions of the States or which may be allocated to the Authority in Annex Two to the mandates of committees of the States.

- **Title – Elizabeth College Board of Directors**

Constituted by Order in Council registered on the 11<sup>th</sup> of January, 1853 and subsequently amended.

- **Constitution**

Nine Directors, including the Dean of Guernsey (*ex-officio*).

Two Directors shall be appointed by the Lieutenant-Governor to serve for six years.

Six Directors shall be appointed by the States, one every year; and each of them shall serve for six years from the 6<sup>th</sup> of January of the year of appointment.

Any person having served the office of Director shall not be qualified for re-appointment until after the expiration of twelve months from the time of going out of office.

Any new Director appointed by the States upon a casual vacancy shall serve only for the unexpired term of the Director's predecessor.

- **Duties & Powers**

General superintendence and management of the affairs of the College.

The duties and powers of the Directors are detailed in the above Order in Council.

- **Title – Guille-Allès Library Council**

Relationship with the States set out in resolutions of the States of the 25<sup>th</sup> of January, 1978, the 21<sup>st</sup> of June, 1978, and the 25<sup>th</sup> of January, 2012.

- **Constitution**

The Council shall include, *inter alia*:

One member of the States who is a member of the Committee *for* Education, Sport & Culture; and one other member of the States.

The terms of office of these members shall be coterminous with those of ordinary members of committees of the States.

- **Duties & Powers**

The administration of the Guille-Allès Library.



- **Title – Ladies' College Board of Governors**

Constituted by the Ladies' College (Guernsey) Law, 1962, as amended, and by resolutions of the States of the 28<sup>th</sup> of November, 1990.

- **Constitution**

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.

- **Duties & Powers**

The conduct of the College in accordance with the provisions of the Law.

- **Title – Priaulx Library Council**

Constituted by Article II of Billet d'État V of 1880.

- **Constitution**

Nine members, including two trustees appointed for life by the States, and two ordinary members appointed by the States.

One of the ordinary States-appointed members shall retire annually according to seniority.

Vacancies resulting from death or resignation shall be filled by the Council.

- **Duties & Powers**

The administration of the Priaulx Library.

## **Annex One to the Mandates of Committees of the States**

### **A. General Responsibilities of the Policy & Resources Committee and all Principal Committees**

1. to contribute to fulfilling the States' objectives and policy plans, including by supporting and participating in cross-committee work;
2. to monitor and report on policy outcomes in areas relating to its mandate;
3. to ensure that public funds and other resources are used to best advantage, including through co-operative and flexible working practices.

### **B. General Responsibilities of all Committees of the States**

1. to exercise powers and perform duties conferred on the committee by extant legislation and by extant States' resolutions;
2. to be accountable to the States for all policies developed, actions taken and services delivered or overseen by the committee;
3. to be accountable to the States for the management and safeguarding of public funds and other resources entrusted to the committee;
4. in any policy letter submitted to the States to set out clearly how the proposals contained therein relate to the duties and powers or the purpose and policy responsibilities of the committee, how the proposals contribute to the States' objectives and policy plans and what joint working or consultation has taken place with other committees;
5. to act in accordance with the Rules of Procedure of the States and their committees;
6. to be aware of the powers, duties and limits of the committee's mandate and to respect and not to undermine the mandates of other committees of the States;
7. to be aware that a committee of the States is in effect an agent of the States of Guernsey exercising functions conferred on it by resolution of, or legislation approved by, the States of Deliberation; and as such to respect that, save in specific circumstances where legislation provides otherwise, the States may at any time they consider it desirable issue directions to a committee and that committee shall be expected to carry into effect any such directions irrespective of whether that committee or any of its individual members agree or disagree with such directions: provided that the rejection by the States of recommendations or advice of a committee shall not *ipso facto* require the resignation of that committee.

### **C. Reference to Enactments**

1. unless otherwise provided, or the context requires otherwise, a reference to an enactment in the mandate of a committee is to be interpreted as a reference to the enactment as from time to time amended, re-enacted with or without modification, extended or applied.

## Annex Two to the Mandates of Committees of the States

### Schedule of Committees' Operational Functions

- Policy & Resources Committee – Operational Functions

The **Policy & Resources Committee** shall deliver or oversee the delivery of those operational functions which immediately before the 1<sup>st</sup> of May, 2016 were delivered by:

(a) the **Policy Council**, with the *exception* that the following operational functions will transfer:

to the **Committee *for* Education, Sport & Culture**

- Island Archives

to the **Committee *for* Employment & Social Security**

- Legal Aid

to the **Committee *for* the Environment & Infrastructure**

- Operational matters relating to the preparation of the States' Strategic Land Use Plan
- Regulatory, advisory, administrative and appeals functions relating to land planning other than those relating to certifying the States' Strategic Land Use Plan

to H M Greffier

- Administrative functions relating to the preparation and publication of the Agenda, Billets d'État and other accompanying papers for meetings of the States of Deliberation and the States of Election

(b) the **Treasury and Resources Department**, with the *exception* that the following operational functions will transfer:

to the **States' Trading Supervisory Board**

- Shareholder's functions and duties in respect of the States' trading companies
- Management of all States-owned and leased property and real estate including the provision of advice to the organisation on property matters and the provision of corporate engineering and architectural services

(c) the **Legislation Select Committee**, in relation to the following operational functions *only*:

- Advice and support in relation to legislative functions
- Studying and reporting on schemes for the application of certain General Synod measures

(d) the **Public Accounts Committee**, in relation to the following operational functions *only*:

- Advice and support in relation to the appointment of external auditors and their remuneration

- **Committee for Economic Development – Operational Functions**

The **Committee for Economic Development** shall deliver or oversee the delivery of those operational functions which immediately before the 1<sup>st</sup> of May, 2016 were delivered by:

- (a) the **Commerce and Employment Department**, with the *exception* that the following operational functions will transfer:

to the **Committee for Education, Sport and Culture**

- The Guernsey Training Agency

to the **Committee for Employment & Social Security**

- The offices of Health and Safety
- Employment Relations Service

to the **Committee for the Environment & Infrastructure**

- Agriculture, the rural environment, biodiversity and countryside management advisory services
- Farm loans scheme and farm management including dairy farm manure management plans
- Guernsey global breeding plan
- Animal communicable disease monitoring, animal health and welfare including import and export of live animals, vet licencing, the pet passport scheme and veterinary medicines
- Certification of meat imports and exports
- Provision of the slaughterhouse and incinerator
- Liaison with relevant regulatory and advisory bodies on environmental matters
- Security of supply of essential commodities including food, fuel and energy
- Energy advisory services, including in relation to renewable energy
- States' Vet

to the **Committee for Home Affairs**

- The offices of trading standards, and consumer protection advice

to the **Transport Licensing Authority**

- Issuing air route licences

to the **States' Trading Supervisory Board**

- Management of the Guernsey Dairy, including liaison with its stakeholders

- (b) the **Culture and Leisure Department**, in relation to the following operational functions *only*:

- The Information Centre

- (c) the **Home Department**, in relation to the following operational functions *only*:

- Broadcasting services

- **Committee for Education, Sport & Culture – Operational Functions**

The **Committee for Education, Sport & Culture** shall deliver or oversee the delivery of those operational functions which immediately before the 1<sup>st</sup> of May, 2016 were delivered by:

(a) the **Education Department**

(b) the **Culture and Leisure Department**, with the *exception* that the following operational functions will transfer:

to the **Committee for Economic Development**

- The Information Centre

to the **Committee for the Environment & Infrastructure**

- La Vallette Bathing Pools
- Management of public parks

to the **States' Trading Supervisory Board**

- Administration and promotion of the Channel Islands' lottery

(c) the **Commerce and Employment Department**, in relation to the following operational functions *only*:

- The Guernsey Training Agency

(d) the **Health and Social Services Department**, in relation to the following operational functions *only*:

- The Institute for Health and Social Care Studies

(e) the **Policy Council**, in relation to the following operational functions *only*:

- Island Archives

- **Committee for Employment & Social Security – Operational Functions**

The **Committee for Employment & Social Security** shall deliver or oversee the delivery of those operational functions which immediately before the 1<sup>st</sup> of May, 2016 were delivered by:

(a) the **Social Security Department**

(b) the **Housing Department**, with the exception that the following operational functions will transfer:

to the **Committee for Health & Social Care**

- Provision of domiciliary care services at Le Grand Courtil and La Nouvelle Maraitaine

to the **Committee for Home Affairs**

- Administration of the Housing Control and Right to Work Laws
- Administration of the Open Market Housing Register

(c) the **Commerce and Employment Department**, in relation to the following operational functions *only*:

- The offices of Health and Safety
- Employment Relations Service

(d) the **Policy Council**, in relation to the following operational functions *only*:

- Legal Aid



- **Committee for the Environment & Infrastructure – Operational Functions**

The **Committee for the Environment & Infrastructure** shall deliver or oversee the delivery of those operational functions which immediately before the 1<sup>st</sup> of May, 2016 were delivered by:

- (a) the **Environment Department**, with the *exception* that the following operational functions will transfer:

to the **Development & Planning Authority**

- Operational functions arising out of planning legislation (except those that relate to planning inquiry administration), including –
  - Enforcing planning legislation
  - Operational functions relating to preparing development plans, subject plans, local planning briefs, guidance notes, development briefs and frameworks
  - Administering planning applications and pre-application advice requests
  - Making building regulations and Guernsey technical standards
  - Administering building regulation applications and pre-application advice requests
  - Conservation and design advice
  - Administering statutory registers of protected buildings and protected monuments
  - Administering tree protection orders and functions in relation to sites of special significance and conservation areas
  - Immunity certificates and property searches
- *Salles Publique*, public building and public entertainment inspection and licencing
- Clearance of ruins

- (b) the **Public Services Department**, with the *exception* that the following operational functions will transfer:

to the **States' Trading Supervisory Board**

- Management of Guernsey and Alderney airports
- Management of St Peter Port and St Sampson's Harbours including:
  - Coast guard services
  - Guernsey register of British ships
  - Maritime safety including the investigation of marine accidents, provision of navigational aids, safety information and liaison with search and rescue services
  - Monitoring the compliance with international and local laws of all vessels in Bailiwick waters and control of shipping in Bailiwick waters, excluding receiver of wreck and responding to pollution at sea
  - Pilotage services
- Management of the collection, disposal and recovery of solid waste
- The Waste Disposal Authority
- Management of the public water supply and waste water disposal including:
  - Monitoring water catchment area for pollution and nutrient levels
  - Management of controlled streams
  - Collection and treatment of rainfall
  - Water pollution
- Management of a direct labour organisation and emergency works response team (States' Works)

(c) the **Commerce and Employment Department**, in relation to the following operational functions *only*:

- Agriculture, the rural environment, biodiversity and countryside management advisory services
- Farm loans scheme and farm management including the dairy farm manure management plans
- Guernsey global breeding plan
- Animal communicable disease monitoring, animal health and welfare including import and export of live animals, vet licencing, the pet passport scheme and veterinary medicines
- Certification of meat imports and exports
- Provision of the slaughterhouse and incinerator
- Liaison with relevant regulatory and advisory bodies on environmental matters
- Security of supply of essential commodities including food, fuel and energy
- Energy advisory services, including in relation to renewable energy
- States' Vet

(d) the **Culture and Leisure Department**, in relation to the following operational functions *only*:

- La Vallette Bathing Pools
- Management of public parks

(e) the **Policy Council**, in relation to the following operational functions *only*:

- Operational matters relating to the preparation of the States' Strategic Land Use Plan
- Regulatory, advisory, administrative and appeals functions relating to land planning other than those relating to certifying the States' Strategic Land Use Plan

- **Committee for Health & Social Care – Operational Functions**

The **Committee for Health & Social Care** shall deliver or oversee the delivery of those operational functions which immediately before the 1<sup>st</sup> of May, 2016 were delivered by:

- (a) the **Health and Social Services Department**, with the *exception* that the following operational functions will transfer:

to the **Committee for Education, Sport and Culture**

- The Institute for Health and Social Care Studies

- (b) the **Housing Department**, in relation to the following operational functions *only*:

- Provision of domiciliary care services at Le Grand Courtil and La Nouvelle Maritaine.

- **Committee for Home Affairs – Operational Functions**

The **Committee for Home Affairs** shall deliver or oversee the delivery of those operational functions which immediately before the 1<sup>st</sup> of May, 2016 were delivered by:

- (a) the **Home Department**, with the *exception* that the following operational functions will transfer:  
  
to the **Committee for Economic Development**
  - Broadcasting services
- (b) the **Housing Department**, in relation to the following operational functions *only*:
  - Administration of the Housing Control and Right to Work Laws
  - Administration of the Open Market Housing Register
- (c) the **Commerce and Employment Department**, in relation to the following operational functions *only*:
  - The offices of trading standards, and consumer protection advice.

- **Civil Contingencies Authority – Operational Functions**

The **Civil Contingencies Authority** shall deliver or oversee the delivery of those operational functions which immediately before the 1<sup>st</sup> of May, 2016 were delivered by the **Civil Contingencies Authority**.

- **Development & Planning Authority – Operational Functions**

The **Development & Planning Authority** shall deliver or oversee the delivery of those operational functions which immediately before the 1<sup>st</sup> of May, 2016 were delivered by the **Environment Department** in relation to the following operational functions *only*:

- Operational functions arising out of planning legislation (except those that relate to planning inquiry administration), including:
  - Enforcing planning legislation
  - Operational functions relating to preparing development plans, subject plans, local planning briefs, guidance notes development briefs and frameworks
  - Administering planning applications and pre-application advice requests
  - Making building regulations and Guernsey technical standards
  - Administering building regulation applications and pre-application advice requests
  - Conservation and design advice
  - Administering statutory registers of protected buildings and protected monuments
  - Administering tree protection orders and functions in relation to sites of special significance and conservation areas
  - Immunity certificates and property searches
- *Salles Publiques*, public building and public entertainment inspection and licensing
- Clearance of ruins

- **Overseas Aid & Development Commission – Operational Functions**

The **Overseas Aid & Development Commission** shall deliver or oversee the delivery of those operational functions which immediately before the 1<sup>st</sup> of May, 2016 were delivered by the **Overseas Aid Commission**.

- **Scrutiny Management Committee – Operational Functions**

The **Scrutiny Management Committee** shall deliver or oversee the delivery of those operational functions which immediately before the 1<sup>st</sup> of May, 2016 were delivered by:

(a) the **Public Accounts Committee**, except that the following operational functions will transfer:

to the **Policy & Resources Committee**

- Advice and support in relation to the appointment of external auditors and their remuneration

(b) the **Scrutiny Committee**,

(c) the **Legislation Select Committee**, except that the following operational functions will transfer: to the **Policy & Resources Committee**

- Advice and support in relation to legislative functions
- Studying and reporting on schemes for the application of certain General Synod measures



- **States' Assembly & Constitution Committee – Operational Functions**

The **States' Assembly & Constitution Committee** shall deliver or oversee the delivery of those operational functions which immediately before the 1<sup>st</sup> of May, 2016 were delivered by the **States' Assembly and Constitution Committee**.

- **States' Trading Supervisory Board – Operational Functions**

The **States' Trading Supervisory Board** shall deliver or oversee the delivery of those operational functions which immediately before the 1<sup>st</sup> of May, 2016 were delivered by:

- (a) the **Public Services Department**, in relation to the following operational functions *only*:
  - Management of Guernsey and Alderney airports
  - Management of St Peter Port and St Sampson's Harbours including:
    - Coast guard services
    - Guernsey register of British ships.
    - Maritime safety including the investigation of marine accidents, provision of navigational aids, safety information and liaison with search and rescue services
    - Monitoring the compliance with international and local laws of all vessels in Bailiwick waters and control of shipping in Bailiwick waters, excluding receiver of wreck and responding to pollution at sea
    - Pilotage services
  - Management of the collection, disposal and recovery of solid waste
  - The Waste Disposal Authority
  - Management of the public water supply and waste water disposal including:
    - Monitoring water catchment area for pollution & nutrient levels
    - Management of controlled streams
    - Collection and treatment of rainfall
    - Water pollution
  - Management of a direct labour organisation and emergency works response team (States' Works)
- (b) the **Commerce and Employment Department**, in relation to the following operational functions *only*:
  - Management of the Guernsey Dairy including liaison with its stakeholders
- (c) the **Culture and Leisure Department**, in relation to the following operational functions *only*:
  - Administration and promotion of the Channel Islands' lottery
- (d) the **Treasury and Resources Department**, in relation to the following operational functions *only*:
  - Shareholder's functions and duties in respect of the States' trading companies
  - Management and administration of all States-owned and leased property and real estate including the provision of advice to the organisation on property matters and the provision of corporate engineering and architectural services

- **Transport Licensing Authority – Operational Functions**

The **Transport Licensing Authority** shall deliver or oversee the delivery of those operational functions which immediately before the 1<sup>st</sup> of May, 2016 were delivered by the **Commerce & Employment Department** in relation to the regulation and licensing of transport services under the Air Transport Licensing (Guernsey) Law, 1995, including the issuing of air route licences.

## Schedule 1

Proposed dates for the first day of States' Meetings in 2016

(all Wednesdays, except where indicated)

May 4<sup>th</sup> (election of the President of the Policy & Resources Committee only)

6<sup>th</sup> (Friday) (election of the Members of the Policy & Resources Committee only)

11<sup>th</sup> (election of the Presidents of other Committees only)

18<sup>th</sup> (election of the Members of other Committees only)

June 8<sup>th</sup>

28<sup>th</sup> (Tuesday) (States' Accounts Meeting only)

29<sup>th</sup>

September 7<sup>th</sup>

21<sup>st</sup>

October 12<sup>th</sup>

November 1<sup>st</sup> (Tuesday) (Annual Budget Meeting only)

2<sup>nd</sup>

15<sup>th</sup> (Tuesday) (Policy & Resource Plan Phase 1 debate only)

30<sup>th</sup>

December 14<sup>th</sup>

Proposed dates for the first day of States' Meetings in 2017.

January 11<sup>th</sup>

February 1<sup>st</sup>

15<sup>th</sup>

March 8<sup>th</sup>

29<sup>th</sup>

April 26<sup>th</sup>

May 17<sup>th</sup>

June 7<sup>th</sup>

20<sup>th</sup> (Tuesday) (States' Accounts Meeting only)

21<sup>st</sup>

27<sup>th</sup> (Tuesday) (Policy & Resource Plan Phase 2 debate only)

N.B. The States' schools' term dates as far as July, 2017 are as follows:

Term starts on the 26<sup>th</sup> of April, 2016 (pupils)

Half term is the 30<sup>th</sup> of May to the 3<sup>rd</sup> of June

Term ends on the 21<sup>st</sup> of July

Term starts on the 6<sup>th</sup> of September (pupils)

Half term is the 24<sup>th</sup> to the 30<sup>th</sup> of October

Term ends on the 20<sup>th</sup> of December

Term starts on the 5<sup>th</sup> of January, 2017 (pupils).

Half term is the 20<sup>th</sup> to 24<sup>th</sup> of February.

Term ends on the 7<sup>th</sup> of April.

Term starts on the 25<sup>th</sup> of April (pupils)

Half term is the 29<sup>th</sup> of May to 2<sup>nd</sup> of June.

Term ends on the 21<sup>st</sup> of July.

## Schedule 1a

Rota of statements by Presidents of Committees of the States and the nominated Alderney Representative.

2017

| <b>States Meeting</b> | <b>Committee/s / States of Alderney to make Statement</b>                         |
|-----------------------|---|
| 6 September           | Policy & Resources Committee  |
| 27 September          | Committee <i>for</i> Economic Development<br>and Development & Planning Authority |
| 18 October            | Committee <i>for</i> Education, Sport & Culture                                   |
| 7 November (Budget)   | n/a   |
| 8 November            | Committee <i>for</i> Home Affairs<br>and Overseas Aid & Development Commission    |
| 29 November           | Committee <i>for the</i> Environment & Infrastructure                             |
| 13 December           | Committee <i>for</i> Health & Social Care   |

2018

| <b>States Meeting</b>     | <b>Committee/s / States of Alderney to make Statement</b>                                |
|---------------------------|--|
| 17 January                | Committee <i>for</i> Employment & Social Security  |
| 7 February                | Scrutiny Management Committee<br>and States' Assembly & Constitution Committee           |
| 28 February               | Policy & Resources Committee<br>and the States of Alderney                               |
| 21 March                  | Committee <i>for</i> Economic Development  |
| 18 April                  | Committee <i>for</i> Education, Sport & Culture<br>and States' Trading Supervisory Board |
| 16 May                    | Committee <i>for the</i> Environment & Infrastructure                                    |
| 5 June (P&R Plan Phase 2) | n/a  |
| 6 June                    | Committee <i>for</i> Employment & Social Security<br>and Transport Licensing Authority   |
| 26 June (Accounts)        | n/a  |
| 27 June                   | Committee <i>for</i> Health & Social Care  |
| 18 July                   | Committee <i>for</i> Home Affairs  |



**DECLARATION OF INTERESTS**  
**MADE PURSUANT TO RULES 29 AND 36 OF THE RULES OF PROCEDURE**  
**OF THE STATES OF DELIBERATION AND THEIR COMMITTEES**

|                 |                           |
|-----------------|---------------------------|
| <i>Surname:</i> | <i>Forenames in full:</i> |
|-----------------|---------------------------|

I hereby certify that, to the best of my knowledge and belief, this Declaration of Interests gives full and complete particulars, as at the date of this declaration, of all matters which I am required to declare, as a Member of the States of Deliberation, pursuant to Rules 29 and 36 of the Rules of Procedure of the States of Deliberation and their Committees or as a person who is a non-States member of a States' Committee pursuant to Rule 46.

I understand that I am required to declare interests or benefits of which I am aware received by my spouse, co-habiting partner or infant children.

I further understand that this form is a public document and will be published on the States' website.

|                   |              |
|-------------------|--------------|
| <i>Signature:</i> | <i>Date:</i> |
|-------------------|--------------|

**This form must be returned to Her Majesty's Greffier  
not later than the 31<sup>st</sup> May 20\*\*.**

---

*For use by H. M. Greffier:*

*Date return received:*

PART 1  
Employment

Enter 'none' in box if there  
is no interest to declare

| <i>Name and address of each Employer</i> | <i>Brief description of the business/work</i> |
|--|---|
|  |   |

PART 2  
Directorships

Enter 'none' in box if there  
is no interest to declare

| <i>Name and address of each Company</i> | <i>Brief description of the business/work</i> |
|---|---|
|   |   |

PART 3  
Partnerships

Enter 'none' in box if there  
is no interest to declare

| <i>Name and address of each Partnership</i> | <i>Brief description of the business/work</i> |
|---|---|
|   |   |



PART 4  
Offices Held

Enter 'none' in box if there  
is no interest to declare

| <i>Name and address of each Office held</i> | <i>Brief description of the business/work</i> |
|---|---|
|   |   |

PART 5  
Self-Employment and any other Consultancy, Profession, Trade, Vocation or other work not declared in  
Parts 1-4

Enter 'none' in box if there  
is no interest to declare

| <i>Brief description of the business/work</i> | <i>Name and address of any person or entity from<br/>whom you receive payment or benefit which<br/>forms a significant portion of either your income<br/>from this work or your total income</i> |
|---|--|
|   |  |

PART 6  
Real Property situated in the Bailiwick

Enter 'none' in box if there  
is no interest to declare

| <i>Address of each Property</i> | <i>State whether owned,<br/>leased, rented or held in<br/>trust</i> | <i>Purpose for which<br/>Property is held</i> |
|---------------------------------|---|---|
|                                 |   |   |

## PART 7

### Company Shareholdings

|  |  |
|--|--|
| Enter 'none' in box if there is no interest to declare |  |
|--|--|

|   |
|---|
| Name and address of each Company  |
| In respect of companies listed above where the holding is over 10% of the issued share capital, give a brief description of their business/work and state what real property, if any, they hold (either directly or indirectly) in the Bailiwick. |

PART 8  
Trusts (excluding Professional Trusteeships)

|  |  |
|--|--|
| Enter 'none' in box if there is no interest to declare |  |
|--|--|

| <i>Name and address of each Trust</i> | <i>State whether as beneficiary or trustee</i> |
|---------------------------------------|--|
|                                       |  |

**PART 9**  
Payments received for Public Speaking

Enter 'none' in box if there  
is no interest to declare

| <i>Name and address of each organisation from which a payment was received in the period from 1<sup>st</sup> May 20** to 30<sup>th</sup> April 20** §</i> | <i>Brief description of the function at which the speech was made</i> |
|---|---|
|   |   |

§ This section does not apply to Members who were not in office during the relevant period.

**PART 10**  
Other Gifts, Benefits and Hospitality Received

Enter 'none' in box if there  
is no interest to declare

| <i>Declare all gifts and material benefits received by you, a close family member or associate in the period from 1<sup>st</sup> May 20** to 30<sup>th</sup> April 20** § which are of a value greater than 1% of basic allowance payable to States Members</i> |  |
|---|--|
| <i>Nature of gift or benefit:</i>   |  |
| <i>By whom received:</i>  |  |
| <i>Name of donor or benefactor:</i>   |  |
| <i>Value of gift or benefit:</i>  |  |
| <i>If gift was money or a tangible item state date that money or item was transferred or delivered to the States</i>  |  |

§ This section does not apply to Members who were not in office during the relevant period.

PART 11  
Any Other Interests

Enter 'none' in box if there  
is no interest to declare

Declare here any other interest or benefit received which, whilst not required to be registered under Parts 1-10 might reasonably be perceived by other persons to influence actions as an elected Member of the States.

Part 12  
Employment by the States of close Family Members

Enter 'none' in box if there  
is no interest to declare

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.

CONTINUATION SHEETS

If there was insufficient space provided in any Part of this form please add a continuation sheet.

Are any continuation sheets attached?

YES / NO

If yes, specify number of sheets .....

## EXPLANATORY NOTES

### Applicability of Declaration to Interests of the Member's spouse, co-habiting partner and infant children

Throughout this form, in addition to those matters which relate directly to you, you are also required to declare any interests of which you are aware which relate to your spouse, co-habiting partner and infant children. An infant child is one who has not yet attained the age of 18 years.

### PART 1 Employment

If you are currently employed, whether or not you are in receipt of remuneration, state the name and address of every employer and give a brief description of the main business activities of each of those employers.

Do **not** include your position as a Member of the States of Deliberation.

You are **not** required to declare the amount of any remuneration or benefit received.

### PART 2 Directorships

State the name and address of every company of which you are a director, whether or not you are in receipt of remuneration, and give a brief description of the main business activities of each of those companies.

You are **not** required to declare the amount of any remuneration or benefit received.

### PART 3 Partnerships

State the name and address of every partnership or firm of which you are a partner, whether or not you are in receipt of remuneration, and give a brief description of the main business activities of each of those partnerships or firms.

You are **not** required to declare the amount of any remuneration or benefit received.

### PART 4 Offices Held

State the name and address of every organisation in which you are the holder of any office, whether or not you are in receipt of remuneration, and give a brief description of the main activities of each of those organisations.

An office-holder is someone who by virtue of that office is able to take part in the making of executive decisions on behalf of the organisation.

You are **not** required to declare the amount of any remuneration or benefit received. Similarly you are **not** required to declare any general membership or similar relationship with those organisations. The following two examples are offered as illustrations:

- X is an ordinary member of a natural history society – this is **not** declarable but if X were a member of the Society's Council it would be declarable.
- Y is member of a church congregation – this is **not** declarable but if Y were a Churchwarden it would be declarable.

#### PART 5

#### Self-Employment and any other Consultancy, Profession, Trade, Vocation or other work not declared in Parts 1-4

Give a brief description of the main business activities relating to any business in which you are self-employed, consultancies, professions, trades or vocations or other work not otherwise declared.

If you receive a payment or other benefit from any person or entity which forms either a significant portion of your total income or your income from that particular work, then you must also declare the name and address of such person or entity.

"Significant" in this regard means more than one-third.

You are **not** required to declare the amount of any payment or benefit received.

#### PART 6

#### Real Property situated in the Bailiwick

List all real property – including your principal place of residence – which you own either in your own name or jointly with others, or lease, or rent, or which is held in trust on your behalf.

A brief statement declaring the purpose for which the property is held is also required, for example – "principal residence"; investment property for letting", agricultural land let to farmer", etc.

#### PART 7

#### Company Shareholdings

List the name and registered office of every limited liability company in which you own shares which exceed 1% of the issued share capital. A declaration must also be made when the aggregate of the shareholdings of one or more of yourself, your spouse, co-habiting partner and infant children exceeds 1% of the issued share capital.

In addition, if the shareholding, or aggregate shareholding, exceeds 10% of the issued share capital you must also give a brief description of the main business activities of each of those companies and state what real property, if any, situated in the Bailiwick is held, either directly or indirectly, by the company.

## PART 8

### Trusts (excluding Professional Trusteeships)

List any trust of which you are either a trustee or a beneficiary. This includes family trusts but **excludes** any trust of which you are trustee in a professional capacity. In such cases an appropriate declaration should be made in Part 5.

You are **not** required to declare the value of the trust or the value or nature of any beneficial interest which you may have therein.

## PART 9

### Payments received for Public Speaking

Give the name and address of each organisation from which you received for your personal benefit a payment for public speaking during the year ending 30<sup>th</sup> April 20<sup>\*\*</sup>, together with a brief description of the function at which the speech was made. You are **not** required to declare public speeches where the payment received was wholly for the benefit of a charitable organisation.

You are **not** required to declare the amount of any remuneration or other benefit received.

## PART 10

### Other Gifts, Benefits and Hospitality Received

1. Any gift or material benefit received by a Member, or to the Member's knowledge by his or her spouse, co-habiting partner or infant children, must be declared if it:
  - (a) in any way relates to membership of the States; and
  - (b) is of a value greater than 1% of the basic remuneration for the time being payable to ordinary States Members (*i.e. the rate payable to Members who are not the President, Policy & Resources Committee, Committee Presidents or Vice-Presidents*) – hereafter referred to as the "qualifying value".
2. **Gifts of money or tangible items (e.g. jewellery, glassware), or other benefits (e.g. hospitality, tickets to sporting and cultural events, relief from indebtedness, loan concessions, provision of services, etc.) must be declared if they exceed the qualifying value. The Code of Conduct for States' Members requires that any such money or tangible gifts received by a Member must not be retained but must be transferred or delivered into the ownership of the States.**
3. This means that any gift, or other benefit, which in any way relates to membership of the States and which is given gratis, or at a cost below that generally available to members of the public, shall be declared whenever the value of the gift or benefit is greater than the qualifying value. Any similar gift or benefit which is received by any company or organisation in which the Member, his or her spouse, co-habiting partner or infant children have a controlling interest must also be declared.
4. Gifts and other benefits from the same or associated sources in the course of the relevant 12 months which cumulatively are of greater value than the qualifying value must be registered, even if each single gift or benefit is of lesser value.

5. Benefits, such as tickets to sporting or cultural events, received by another person together with or on behalf of a Member must be declared as if they had been received by the Member.
6. Gifts or other benefits from another Member of the States are to be declared in the same way as those received from other persons.
7. Excepted from declaration:
  - a. are gifts and benefits known to be available to all Members of the States;
  - b. is attendance at a conference or a site visit within the Bailiwick, the United Kingdom, Jersey and the Isle of Man in the context of legitimate States' business where the organiser meets reasonable travel and subsistence costs only;
  - c. is hospitality provided in the context of legitimate States' business by the States of Guernsey, States of Alderney, Chief Pleas of Sark or the governments the United Kingdom, Jersey or the Isle of Man or the devolved institutions in Scotland, Wales or Northern Ireland.
8. Gifts and material benefits are exempt from declaration if they do not relate in any way to membership of the States. Whether this exemption applies in any particular case is necessarily a matter of judgment. Both the possible motive of the giver and the use to which the gift is put have to be considered: if it is clear on both counts that the gift or benefit is entirely unrelated to membership of the States, and would not reasonably be thought by others to be so related, it need not be declared. If a Member has any doubt the gift or benefit must be declared.

#### PART 11 Any Other Interests

List any other interest or benefit received which you have not been required to declare in other parts of this form but which might reasonably be perceived by other persons to influence your actions as an elected Member of the States.

You are **not** required to declare the value of any interest or benefit received.

You may also use this section to record any interests or other matters that are not required to be registered but which, in your opinion, should be disclosed to the public.

#### WHAT HAPPENS TO THIS RETURN?

**Declarations must be made annually between the 1<sup>st</sup> and the 31<sup>st</sup> May.**

**The information required in Parts 9 and 10 is in respect of the 12 months ending on the previous 30<sup>th</sup> April.**

**The declarations are available for public inspection at the Greffe during normal opening hours and are published on the States' website.**



## Declaration of Unspent Convictions

Declare here any unspent convictions which resulted in a sentence of imprisonment imposed by a court in any jurisdiction.

Rule 29 requires disclosure 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 (“unspent convictions”). In broad terms, such a conviction is “unspent” until the end of the following periods, according to the length of prison sentence imposed in respect of it:

It is important to note that convictions recorded outside the Bailiwick are equally subject to rehabilitation, and are “unspent” for the same periods. The only exception is that these Rules do NOT require the unspent conviction to be declared if the conduct concerned would not be an offence if committed in Guernsey at the time the declaration is made. **A conviction resulting in a sentence in excess of 30 months’ imprisonment is never spent, and must be declared irrespective of its date.**