

BILLET D'ÉTAT No. XXVI, 2014

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The Motor Taxation (First Registration Duty) (Guernsey) Ordinance, 2014

THE STATES, in pursuance of their Resolution of the 14th May, 2014^a, and in exercise of the powers conferred on them by sections 2 and 28A of the Motor Taxation and Licensing (Guernsey) Law, 1987^b, hereby order:-

Taxation upon first registration of a motor vehicle.

1. Motor tax based on a motor vehicle's carbon dioxide emissions and a motor vehicle's overall width shall be charged and paid upon the first registration of a motor vehicle ("**first registration duty**") at the rates, and in accordance with the calculation, set out in the Schedule.

Transitional provision.

2. Where, in relation to a motor vehicle -

- (a) a contract to purchase is entered into, and a deposit of at least 10% of the purchase price is paid, on dates that precede the date of commencement of this Ordinance, and
- (b) the importation of the vehicle to Guernsey takes place, and the application for first registration of the vehicle is made, within one year of the date of the contract to

^a Article VI of Billet d'État No. IX of 2014.

^b Ordres en Conseil Vol. XXX, p. 341; amended by Vol. XXXI, p. 278; Vol. XXXIII, p. 127, Vol. XXXVI, p. 256; Vol. XL, p. 298; Order in Council No. XIX of 2007; Recueil d'Ordonnances Tome XXVI, p. 90; and Tome XXIX, p.406.

purchase,

the motor vehicle shall be exempt from first registration duty.

Interpretation.

3. (1) In this Ordinance -

"**carbon dioxide emissions**" means, in relation to a motor vehicle, the grams per kilometre of carbon dioxide emitted by the vehicle,

"**carbon dioxide emissions duty**" has the meaning given in paragraph 3 of the Schedule,

"**contract to purchase**" means a contract to purchase a motor vehicle which includes the vehicle's full specification (including, without limitation, the vehicle's make, model, colour, engine size and factory fitted options), delivery date and price,

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**engine size**" means, in relation to a motor vehicle, the cylinder capacity in cubic centimetres of the vehicle's engine,

"**established carbon dioxide emissions figure**" means the carbon dioxide emissions figure attributed to a motor vehicle in an official document,

"**established engine size figure**" means the engine size figure attributed to a motor vehicle in an official document,

"established overall width figure" means the overall width figure attributed to a motor vehicle in an official document,

"first registration" means -

- (a) the first registration in Guernsey of a motor vehicle that has not been registered outside of Guernsey, and
- (b) the re-registration in Guernsey of a motor vehicle that has previously been registered outside of Guernsey provided that the vehicle has not been previously registered in Guernsey,

and for the purposes of this definition -

- (i) the expression **"first registered"** shall be construed accordingly, and
- (ii) the expression **"registered outside of Guernsey"** includes registered in Alderney,

and for the avoidance of doubt, a motor vehicle registered in Alderney includes a motor vehicle registered in the Alderney part of the register of motor vehicles,

"first registration duty" has the meaning given in section 1,

"official document" means an original copy of -

- (a) a motor vehicle registration certificate or motor vehicle

log book issued by the government authority responsible for managing the central register of motor vehicles -

- (i) in Jersey, the Isle of Man, or
 - (ii) of a member state of the European Union,
- (b) the official form for registration of a new motor vehicle or new imported vehicle issued by the United Kingdom's government authority responsible for managing the central register of motor vehicles (including, without limitation, the V55 Form),
- (c) a European Community Whole Vehicle Type Approval Certificate (ECWVTA) or a Type Approval Certificate issued by a government authority responsible for managing the central register of motor vehicles of a member state of the European Union,
- (d) a Certificate of Conformity issued by a motor vehicle's manufacturer,
- (e) a vehicle measurement certificate issued by the Committee, or
- (f) any other document prescribed by the Committee,

"overall width" means, in relation to a motor vehicle, the width in millimetres of the vehicle,

"**principal Law**" means the Motor Taxation and Licensing (Guernsey) Law, 1987,

"**register of motor vehicles**" means the register of motor vehicles required under the principal Law, and maintained under the 1932 Ordinance,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect,

"**width duty**" has the meaning given in paragraph 2 of the Schedule,

"**1932 Ordinance**" means the Ordonnance supplémentaire à l'Ordonnance ayant rapport au Trafic Véhiculaire en cette Île^c,

and other expressions have the same meanings as in the principal Law.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Extent.

4. This Ordinance has effect in the islands of Guernsey, Herm and Jethou.

^c Recueil d'Ordonnances Tome VI, p. 89; as amended by Recueil d'Ordonnances Tome XXIX, p. 406; and Tome XXXII, p. 93 (there are other amendments not relevant to this Ordinance).

Citation.

5. This Ordinance may be cited as the Motor Taxation (First Registration Duty) (Guernsey) Ordinance, 2014.

Commencement.

6. This Ordinance shall come into force on the 1st January, 2015.

SCHEDULE

Sections 1 and 3

FIRST REGISTRATION DUTY RATES AND CALCULATION

First registration duty calculation.

1. First registration duty, in respect of a motor vehicle, shall be the sum of the vehicle's width duty and the vehicle's carbon dioxide emissions duty.

Width duty.

2. The width duty in respect of a motor vehicle with an established overall width figure specified in column 1 of Table 1 shall be the corresponding amount set out in column 2 of Table 1 ("**width duty**").

TABLE 1

(1) VEHICLE'S ESTABLISHED OVERALL WIDTH FIGURE (MM)	(2) WIDTH DUTY (£)
0 to 1600	0
1601 to 1650	0
1651 to 1700	0
1701 to 1750	0
1751 to 1800	600
1801 to 1850	1200
1851 to 1900	1800
1901 and over	2400

Carbon dioxide emissions duty.

3. The carbon dioxide emissions duty in respect of a motor vehicle with -

- (a) an established carbon dioxide emissions figure specified in column 1 of Table 2, or
- (b) an established engine size figure specified in column 2 of Table 2, where item (a) does not apply because the motor vehicle does not have an established carbon dioxide emissions figure,

shall be the corresponding amount set out in column 3 of Table 2 in relation to the established carbon dioxide emissions figure, or established engine size figure, as the case may be ("**carbon dioxide emissions duty**").

TABLE 2

(1) VEHICLE'S ESTABLISHED CARBON DIOXIDE EMISSIONS FIGURE (G/KM)	(2) VEHICLE'S ESTABLISHED ENGINE SIZE FIGURE (CC)	(3) CARBON DIOXIDE EMISSIONS DUTY (£)
0 to 85	0 to 700	0
86 to 120	701 to 1000	0
121 to 130	1001 to 1200	400
131 to 150	1201 to 1500	800
151 to 165	1501 to 1800	1200

166 to 185	1801 to 2100	1600
186 to 200	2101 to 2400	2000
201 to 225	2401 to 2700	2400
226 to 255	2701 to 3000	2800
256 and over	3000 and over	3200

The Insurance Business (Bailiwick of Guernsey) (Amendment) Ordinance, 2014

THE STATES, in pursuance of their Resolution of the 26th November, 2014^a, and in exercise of the powers conferred on them by section 85 of the Insurance Business (Bailiwick of Guernsey) Law, 2002, as amended^b and all other powers enabling them in that behalf, hereby order:-

Amendment of the Insurance Business (Bailiwick of Guernsey) Law, 2002.

1. The Insurance Business (Bailiwick of Guernsey) Law, 2002, as amended, is further amended as follows.

2. For section 7(2)(e) substitute the following paragraph -

"(e) the Commission is satisfied that the applicant will, upon being licensed, have capital resources which will enable it to comply with the relevant provisions of any rules of the Commission under sections 38A to 38C, unless the Commission proposes to modify the requirements of those provisions in respect of the applicant under section 30(2),".

3. In section 11(1)(b) for the words "other than those derivatives which

^a Article ** of Billet d'État No. ** of 2014.

^b Ordres en Conseil Vol. XLII(2), p. 766; Order in Council No. XIII of 2010; Recueil d'Ordonnances Tome XXIX, p. 406; Tome XXXIII, pp. 61 and 297; Ordinance No. VIII of 2010; No. XXXI of 2010; No. XXXVI of 2011; G.S.I. No. 33 of 2004; No. 4 of 2008; No. 15 of 2010; No. 83 of 2010.

are approved assets for the purposes of Schedule 2," substitute "except in accordance with the relevant provisions of any rules of the Commission under sections 38A to 38C,".

4. For section 11(5)(c) substitute the following paragraph -

"(c) the capital resources in respect of the company shall be calculated in such manner as the Commission may specify (which may differ from the relevant provisions of any rules of the Commission under sections 38A to 38C),".

5. For section 30 substitute the following section -

"Capital resources of licensed insurer."

30. (1) Subject to subsection (2), a licensed insurer shall at all times maintain capital resources in accordance with rules of the Commission under sections 38A to 38C.

(2) The Commission may by notice in writing served on an insurer, a class of insurers or insurers generally modify, subject to such conditions, if any, as may be specified in the notice, any prohibition, restriction or requirement relating to capital resources (including, without limitation, the calculation, maintenance and approval thereof) applicable in respect of that insurer, class of insurers or insurers and imposed by or under rules of the Commission under sections 38A to 38C; and for the purposes of this subsection, in deciding whether or not to modify the said prohibition, restriction or requirement, the Commission shall consider -

- (a) the nature and classes of business involved,

- (b) the spread of risk and the historic and industry based claims data,
- (c) the size, complexity of business and business risks of the insurer or insurers concerned, and
- (d) any other information which is available to the Commission and which it considers relevant.

(3) The Commission may by notice in writing served on an insurer -

- (a) vary or rescind any modification made by it under this section, or
- (b) impose, vary or rescind any condition in respect of any such modification."

6. In section 31(1) for the words "the margin of solvency or approved asset requirements applicable to it by virtue of section 30" substitute "the capital resources requirements applicable to it by virtue of rules of the Commission under sections 38A to 38C".

7. In section 32(1)(a), (1)(b), (2) and (3) for "Minimum Capital Requirement" substitute "Capital Floor".

8. For section 33(2)(b) substitute the following paragraph -

- "(b) a calculation of the licensed insurer's capital

resources required to be maintained in accordance with rules of the Commission under sections 38A to 38C,".

9. In section 33(2)(f)(i) for the words "the margin of solvency and approved asset requirements" substitute "the capital resources requirements applicable to the licensed insurer by virtue of rules of the Commission under sections 38A to 38C".

10. For section 35(7)(b) substitute the following paragraph -

"(b) in the case of a licensed insurer the assets and liabilities of which are taken for the purposes of rules of the Commission under sections 38A to 38C (with the consent of the Commission given under those rules, where applicable) to include assets and liabilities of a subsidiary of that licensed insurer, accounts dealing with the state of affairs and the profit or loss of the licensed insurer and that subsidiary.".

11. For section 38B(b) substitute the following paragraph -

"(b) prescribe the manner in which licensed insurers must conduct, govern, manage and operate their business, and this includes, without limitation, matters relating to -

(i) corporate governance,

- (ii) internal controls and reporting,
- (iii) the holding of client and policyholder assets,
- (iv) financial resources,
- (v) technical provisions,
- (vi) capital requirements,
- (vii) liquidity requirements, and
- (viii) the calculation, maintenance and approval of anything described in subparagraphs (iv) to (vii),".

12. In section 46(b)(i) for the words "margin of solvency under this Law" substitute "capital resources required to be maintained in accordance with rules of the Commission under sections 38A to 38C".

13. In section 51(1) and (3) for the words "the margin of solvency requirement applicable to it by virtue of section 30" substitute "the capital resources requirements applicable to it by virtue of rules of the Commission under sections 38A to 38C".

14. After section 63(1)(i) insert the following paragraphs -

- "(ia) to modify, under section 30(2), any prohibition, restriction or requirement relating

to capital resources imposed by or under rules of the Commission under sections 38A to 38C,

- (ib) to vary or rescind any modification made by the Commission under section 30(2),
- (ic) to impose, vary or rescind any condition in respect of any such modification,".

15. In section 94(2)(d), for subparagraphs (iii), (iv) and (v) substitute the following paragraph -

"(iii) under or for the purposes of rules of the Commission under sections 38A to 38C, being an application relating to the capital resources requirements applicable by virtue of those rules (whether as enacted or as modified by the Commission under section 30(2)) including, without limitation, the calculation, maintenance and approval thereof.".

16. Schedule 2 is repealed.

17. In Schedule 5 -

- (a) the definition of "approved assets" is repealed,
- (b) after the definition of "capital base" insert the

following definition -

""**Capital Floor**"" shall be determined in accordance with rules of the Commission under sections 38A to 38C, whether generally or in any particular case or class of case,"

- (c) after the definition of "capital redemption contract" insert the following definition -

""**capital resources**"" shall be determined in accordance with rules of the Commission under sections 38A to 38C, whether generally or in any particular case or class of case,"

- (d) the definition of "Minimum Capital Requirement" is repealed,
- (e) the definition of "net premium income" is repealed, and
- (f) the definition of "Reserve Asset Requirement" is repealed.

Repeal of regulations.

18. The Insurance Business (Asset and Liability Valuation) Regulations, 2008^c and the Insurance Business (Approved Assets) Regulations, 2008^d are repealed.

^c G.S.I. No. 13 of 2008.

^d G.S.I. No. 14 of 2008.

Extent.

19. This Ordinance has effect throughout the Bailiwick.

Citation.

20. This Ordinance may be cited as the Insurance Business (Bailiwick of Guernsey) (Amendment) Ordinance, 2014.

Commencement.

21. This Ordinance shall come into force on the day appointed by regulations of the States of Guernsey Policy Council.

**The Housing (Control of Occupation)
(Amendment of Housing Register) (No.2) Ordinance, 2014**

THE STATES, in pursuance of their Resolution of the 24th September, 2013^a and in exercise of the powers conferred upon them by sections 52 and 66 of the Housing (Control of Occupation) (Guernsey) Law, 1994^b, hereby order:-

Addition of dwellings to Part A of Housing Register.

1. The Authority may inscribe in Part A of the Housing Register three dwellings to be known as Apartment 1, Apartment 3 and Apartment 4, Les Residences, Rue De La Saline, Castel.

Applications to be made within 12 months.

2. An application to the Authority to inscribe the dwellings described in section 1 in Part A of the Housing Register must be made within a period of 12 months immediately following the date of commencement of this Ordinance.

Licences to lapse if applications not made within 12 months.

3. Should the owner of the dwelling described in section 1 fail, within a period of 12 months immediately following the date of commencement of this Ordinance, to make application to the Authority to inscribe the dwelling in Part A of the Housing Register, any housing licence held in respect of the occupation of that dwelling and valid at the expiration of that period shall thereupon cease to be valid.

^a Article XIV of Billet d'État No. XV of 2013.

^b Ordres en Conseil Vol. XXXV(1), p. 75; Vol. XXXVIII, p. 193; Vol. XLII(1), p.34; Orders in Council No. VIII of 2007; No. I of 2009; and Recueil d'Ordonnances Tome XXXIII, p. 100.

Interpretation.

4. Except where the context requires otherwise, expressions used in this Ordinance have the same meanings as in the Housing (Control of Occupation) (Guernsey) Law, 1994, as amended.

Citation.

5. This Ordinance may be cited as the Housing (Control of Occupation) (Amendment of Housing Register) (No.2) Ordinance, 2014.

Commencement.

6. This Ordinance shall come into force on the 10th December, 2014.

The Health Service (Specialist Medical Benefit) (Amendment) Ordinance, 2014

THE STATES, in pursuance of their Resolution of the 29th day of October, 2014^a, and in exercise of the powers conferred on them by sections 4 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990, as amended^b and all other powers enabling them, hereby order:-

Amendment of the Schedule to the Ordinance of 1995.

1. (1) In the Schedule to the Ordinance of 1995 -

(a) in paragraph 1, for paragraph (e), as inserted by way of exception from, adaptation of or modification to the Law of 1990 by the Ordinance of 1995, substitute -

""(e) any sums payable by the States pursuant to the provisions of -

(i) the Contract,

(ii) an approved visiting medical specialist arrangement, or

^a Article V of Billet d'État No. XXI of 2014.

^b Ordres en Conseil Vol. XXXII, p. 192; Vol. XLIII(1), p. 246; Order in Council No. II of 2011; Recueil d'Ordonnances Tome XXVI, p. 177; Ordinance No. XLII of 2013 - there are other amendments and modifications made by Ordinances not relevant to this Ordinance.

- (iii) an approved primary care mental health and wellbeing service arrangement.""
- (b) in paragraph 2, for section 5B(a), as inserted by way of exception from, adaptation of or modification to the Law of 1990 by the Ordinance of 1995, substitute -
 - "(a) unless the consultation, treatment, procedure or entitlement in question is provided by -
 - (i) an approved medical practitioner or approved nurse pursuant to the provisions of the Contract,
 - (ii) an approved visiting medical specialist pursuant to the provisions of an approved visiting medical specialist arrangement, or
 - (iii) an approved primary care mental health and wellbeing practitioner pursuant to the provisions of an approved primary care mental health and wellbeing arrangement, and", and
- (c) in paragraph 3, in subparagraph (ba), immediately before the definition of "**approved visiting medical specialist**", as inserted by way of exception from, adaptation of or modification to the Law of 1990 by the Ordinance of 1995, insert the following -

""approved primary care mental health and wellbeing practitioner" means a primary care mental health and wellbeing practitioner approved by the Authority for the purpose of this Law,

"approved primary care mental health and wellbeing service arrangement" means an arrangement for the provision of specialist medical benefit made between the Authority and the States Health and Social Services Department,".

Interpretation.

2. (1) In this Ordinance, except where the context otherwise requires -

"the Law of 1990" means the Health Service (Benefit) (Guernsey) Law, 1990, and

"the Ordinance of 1995" means the Health Service (Specialist Medical Benefit) Ordinance, 1995^c.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

^c Recueil d'Ordonnances Tome XXVI, p. 484; Tome XXIX, pp. 200 and 406 and Ordinance No. XLII of 2013.

(3) The Interpretation (Guernsey) Law, 1948^d applies to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney, Herm and Jethou.

Citation.

3. This Ordinance may be cited as the Health Service (Specialist Medical Benefit) (Amendment) Ordinance, 2014.

Commencement.

4. This Ordinance shall come into force on the 1st January, 2015.

^d Ordres en Conseil Vol. XIII, p. 355.