

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 28th DAY OF JULY 2010**

**The States resolved as follows concerning Billet d'État No XVII
dated 9th July 2010**

PROJET DE LOI

entitled

THE MENTAL HEALTH (BAILIWICK OF GUERNSEY) LAW, 2010

I.- To approve the Projet de Loi entitled "The Mental Health (Bailiwick of Guernsey) Law, 2010" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

TREASURY AND RESOURCES DEPARTMENT

**ANTI MONEY LAUNDERING/COUNTERING TERRORIST FINANCING RELATED
AMENDMENTS TO CHARITIES LEGISLATION**

II.- After consideration of the Report dated 15th June, 2010, of the Treasury and Resources Department:-

1. To approve the proposals set out in that Report.
2. To approve the draft Ordinance entitled "The Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008 (Amendment) Ordinance, 2010" and to direct that the same shall have effect as an Ordinance of the States.

COMMERCE AND EMPLOYMENT DEPARTMENT

AMENDMENTS TO SITE VISITS AND INSURANCE LEGISLATION

III.- After consideration of the Report dated 15th June, 2010, of the Commerce and Employment Department:-

1. To approve the proposals set out in that Report.
2. To approve the draft Ordinance entitled "The Financial Services Commission (Site Visits) (Bailiwick of Guernsey) (Amendment) Ordinance, 2010" and to direct that the same shall have effect as an Ordinance of the States.

3. To approve the draft Ordinance entitled “The Insurance Business (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.
4. To approve the draft Ordinance entitled “The Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

COMMERCE AND EMPLOYMENT DEPARTMENT

ANTI-MONEY LAUNDERING/COMBATING THE FINANCING OF TERRORISM RELATED AMENDMENTS TO POST OFFICE LEGISLATION

IV.- After consideration of the Report dated 15th June, 2010, of the Commerce and Employment Department:-

1. To approve the proposals set out in that Report.
2. To approve the draft Ordinance entitled “The Post Office (Bailiwick of Guernsey) (Amendment) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

HOME DEPARTMENT

AMENDMENTS TO CRIMINAL JUSTICE LEGISLATION IN RESPECT OF MONEY LAUNDERING AND TERRORIST FINANCING

V.- After consideration of the Report dated 18th June, 2010, of the Home Department:-

1. To approve the proposals set out in that Report.
2. To approve the draft Ordinance entitled “The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) (No.2) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.
3. To approve the draft Ordinance entitled “The Drug Trafficking (Bailiwick of Guernsey) (Amendment) (No.2) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.
4. To approve the draft Ordinance entitled “The Terrorism and Crime (Bailiwick of Guernsey) (Amendment) (No. 3) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.
5. To approve the draft Ordinance entitled “The Disclosure (Bailiwick of Guernsey) (Amendment) (No. 3) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

6. To approve the draft Ordinance entitled “The Criminal Justice (International Co-operation) (Bailiwick of Guernsey) (Amendment) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

LEGISLATION SELECT COMMITTEE

ELECTION OF NON-VOTING MEMBER

VI.- To elect as a non-voting member of the Legislation Select Committee, Mr Gavin Anthony St Pier, who has been nominated in that behalf by that Committee, to serve until May 2012 in accordance with Rule 5 (1) (c) of the Constitution and Operation of States Departments and Committees.

POLICY COUNCIL

THE GUERNSEY FINANCIAL SERVICES COMMISSION: 2009 ANNUAL REPORT

VII.- After consideration of the Report dated 7th June, 2010, of the Policy Council:-

1. To note the Report.
2. To approve the accounts of the Guernsey Financial Services Commission for the year ended 31 December 2009.
3. To retain the firm of KPMG Channel Islands Ltd as auditors of the Guernsey Financial Services Commission for the year ending 31 December 2010.

POLICY COUNCIL

AMENDMENT TO THE FEES, CHARGES AND PENALTIES (GUERNSEY) LAW, 2007

VIII.- After consideration of the Report dated 7th June, 2010, of the Policy Council:-

1. To amend the Fees, Charges and Penalties (Guernsey) Law, 2007
 - (a) by adding
 - i) the Bar Ordinance, 1949, as amended;
 - ii) the Public Transport Ordinance, 1986, as amended;
 - iii) the Road Traffic (Permits to Drive Public Service Vehicles) Ordinance, 1986, as amended
- to Part B of the Schedule;

- (b) by substituting the words “Commerce and Employment Department” for “Home Department” in relation to the Loi relative aux Ventes Publiques à l’Encan specified in Part A of the Schedule.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

POLICY COUNCIL

REPLACEMENT OF TRADITIONAL CENSUSES WITH A ROLLING ELECTRONIC CENSUS

IX.- After consideration of the Report dated 24th June, 2010, of the Policy Council:-

1. To rescind their Resolution III of 27 April 2005 (on Billet d’État IV of 2005) to hold a census in 2011.
2. To direct the Policy Council to progress the development of a Rolling Electronic Census as set out in that Report.
3. To delegate authority to the Treasury and Resources Department to approve a capital vote to develop a Rolling Electronic Census, subject to consideration of a full business case.
4. To note that the capital funding required for the development of a Rolling Electronic Census is subject to the States approving a capital allocation for the Policy Council as part of the 2011 Budget Report.

STATES HOUSING DEPARTMENT

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

X.- After consideration of the Report dated 25th May, 2010, of the Housing Department:-

1. That each of the three proposed apartments to be constructed on the site known as ‘Mont Havelet’, George Road, St Peter Port shall be individually inscribed in Part A of the Housing Register.
2. To direct that an Ordinance be prepared, in accordance with section 52 of the Housing (Control of Occupation) (Guernsey) Law, 1994, to permit the Department to inscribe these three Apartments in Part A of the Housing Register subject to application being made by the owners within 6 months from the commencement date of the Ordinance and subject to the owner first deleting from Part A of the Housing Register three of the five existing ‘Open Market’ dwellings on that same site.

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

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE LIQUOR LICENSING (FEES) REGULATIONS, 2010

In pursuance of section 93(3) of the Liquor Licensing Ordinance, 2006, the Liquor Licensing (Fees) Regulations, 2010, made by the Home Department on 27th May, 2010, were laid before the States.

**THE TERRORISM AND CRIME (BAILIWICK OF GUERNSEY)
(AMENDMENT) REGULATIONS, 2010**

In pursuance of section 82(1)(c) of The Terrorism and Crime (Bailiwick of Guernsey) Law, 2002, the Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Regulations, 2010, made by the Home Department on 17th May, 2010, were laid before the States.

**THE DISCLOSURE (BAILIWICK OF GUERNSEY)
(AMENDMENT) REGULATIONS, 2010**

In pursuance of section 16(3) of the Disclosure (Bailiwick of Guernsey) Law, 2007, the Disclosure (Bailiwick of Guernsey) Amendment Regulations, 2010, made by the Home Department on 17th May, 2010, were laid before the States.

**THE INSURANCE MANAGERS AND INSURANCE INTERMEDIARIES
(LICENSING) REGULATIONS, 2002**

In pursuance of Section 63 of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002, the Insurance Managers and Insurance Intermediaries (Licensing) Regulations, 2002, made by the Guernsey Financial Services Commission on 5th November, 2002, were laid before the States.

THE INSURANCE BUSINESS (ANNUAL RETURN) REGULATIONS, 2008

In pursuance of Section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002, the Insurance Business (Annual Return) Regulations, 2008, made by the Guernsey Financial Services Commission on 12th March, 2008, were laid before the States.

THE INSURANCE BUSINESS (APPROVED ASSETS) REGULATIONS, 2008

In pursuance of Section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002, the Insurance Business (Approved Assets) Regulations, 2008, made by the Guernsey Financial Services Commission on 12th March, 2008, were laid before the States.

THE INSURANCE BUSINESS (ASSET AND LIABILITY VALUATION) REGULATIONS, 2008

In pursuance of Section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002, the Insurance Business (Asset and Liability Valuation) Regulations, 2008, made by the Guernsey Financial Services Commission on 12th March, 2008, were laid before the States.

THE INSURANCE BUSINESS (DUTIES OF GENERAL REPRESENTATIVES) REGULATIONS, 2008

In pursuance of Section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002, the Insurance Business (Duties of General Representatives) Regulations, 2008, made by the Guernsey Financial Services Commission on 12th March, 2008, were laid before the States.

THE INSURANCE MANAGERS AND INSURANCE INTERMEDIARIES (ANNUAL RETURN) REGULATIONS, 2008

In pursuance of Section 63 of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002, the Insurance Managers and Insurance Intermediaries (Annual Return) Regulations, 2008, made by the Guernsey Financial Services Commission on 12 March, 2008, were laid before the States.

THE INSURANCE MANAGERS AND INSURANCE INTERMEDIARIES (APPROVED ASSETS) REGULATIONS, 2008

In pursuance of Section 63 of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002, the Insurance Managers and Insurance Intermediaries (Approved Assets) Regulations, 2008, made by the Guernsey Financial Services Commission on 12th March, 2008, were laid before the States.

THE INSURANCE MANAGERS AND INSURANCE INTERMEDIARIES (CLIENT MONIES) REGULATIONS, 2008

In pursuance of Section 63 of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002, the Insurance Managers and Insurance Intermediaries (Client Monies) Regulations, 2008, made by the Guernsey Financial Services Commission on 12th March, 2008, were laid before the States.

THE INSURANCE BUSINESS (ADAPTATION FOR MEMBERS OF THE SOCIETY OF LLOYD'S) REGULATIONS, 2008

In pursuance of Section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002, the Insurance Business (Adaptation for Members of the Society of Lloyd's) Regulations, 2008, made by the Guernsey Financial Services Commission on 8th November, 2008, were laid before the States.

THE FINANCIAL SERVICES COMMISSION (FEES) REGULATIONS, 2009

In pursuance of Section 25(3) of the Financial Services Commission (Bailiwick of Guernsey) Law, 1987 as amended, Section 21(4) of the Protection of Investors (Bailiwick of Guernsey) Law, 1987, Section 60(1) of the Banking Supervision (Bailiwick of Guernsey) Law, 1994, Section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002 and Section 63 of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002, the Financial Services Commission (Fees) Regulations, 2009, made by the Guernsey Financial Services Commission on 17th December, 2009, were laid before the States.

THE PROTECTED CELL COMPANIES AND INCORPORATED CELL COMPANIES (FEES FOR INSURERS) REGULATIONS, 2009

In pursuance of Section 25(3) of the Financial Services Commission (Bailiwick of Guernsey) Law, 1987 as amended, Section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002 and Section 537 of the Companies (Guernsey) Law, 2008, the Protected Cell Companies and Incorporated Cell Companies (Fees for Insurers) Regulations, 2009, made by the Guernsey Financial Services Commission on 17th December, 2009, were laid before the States.

THE REGISTRATION OF NON-REGULATED FINANCIAL SERVICES BUSINESSES (BAILIWICK OF GUERNSEY) (FEES) REGULATIONS, 2009

In pursuance of Section 31 of the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008, the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) (Fees) Regulations, 2009, made by the Guernsey Financial Services Commission on 17th December, 2009, were laid before the States.

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 29th DAY OF JULY 2010

(Meeting adjourned from 28th July, 2010)

**The States resolved as follows concerning Billet d'État No XVII
dated 9th July 2010**

CULTURE AND LEISURE DEPARTMENT

SAFEGUARDING GUERNSEY'S HERITAGE ASSETS

XI.- After consideration of the Report dated 25th May 2010, of the Culture and Leisure Department:-

1. To note the response to the Public Accounts Committee's report on Safeguarding Guernsey's Heritage Assets which provides as requested clear and costed proposals on the future direction and strategy for safeguarding, storage, display and accessibility of the heritage assets of the Island.
2. To note the necessary actions and expenditure required to address these deficiencies.
3. To note that the additional funding required for the various initiatives set out in this Report will be subject to prioritisation as part of the States Strategic Plan process.

PANEL OF MEMBERS

(constituted by The Administrative Decisions (Review) (Guernsey) Laws 1986-1993)

REPORT OF COMPLAINTS RECEIVED IN 2009

XII.- After consideration of the Report dated 18th May, 2010, of the Review Board constituted under the Administrative Decisions (Review) (Guernsey) Laws, 1986 – 93:-

To note that Report.

PUBLIC ACCOUNTS COMMITTEE

EDUCATION DEVELOPMENT PLAN 1 POST IMPLEMENTATION REVIEWS

XIII.- After consideration of the Report dated 7th June, 2010, of the Public Accounts Committee:-

To note the contents of that Report.

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

AMENDMENT TO THE RULES OF PROCEDURE OF THE STATES OF DELIBERATION RELATING TO THE STATES STRATEGIC PLAN

XIV.- After consideration of the Report dated 22nd June, 2010, of the States Assembly and Constitution Committee:-

To amend, with immediate effect, the Rules of Procedure of the States of Deliberation as follows:

- (1) In Rule 13 (2), paragraph (e), renumber sub-paragraphs (ii) and (iii) as (iii) and (iv), and insert after paragraph (i) –

“(ii) an amendment to which Rule 15 (2) applies; or”.

- (2) In Rule 15:

(a) change the title to read “*Proposals to alter taxation or increase expenditure*”;

(b) re-designate the present text as paragraph (1);

(c) add a further paragraph as follows:

“(2) (a) Any decision to approve a proposition which may have the effect of increasing revenue expenditure but which does not incorporate -

(i) an estimate of that increase in expenditure;

(ii) an indication of how such increase could be funded; and

(iii) an explanation of any effect on the States Fiscal and Economic Policy Plan

shall take effect only if and when a subsequent proposition which complies with (i), (ii) and (iii) above has been carried.

(b) The proposer of any proposition referred to in paragraph (a), may request information from any Department or Committee and the said Department or Committee shall thereupon provide complete and accurate information sufficient to enable the preparation of the information referred to in sub-paragraphs (i), (ii) and (iii) of paragraph (a).”