

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 29th DAY OF JULY, 2009

**The States resolved as follows concerning Billet d'État No XXI
dated 10th July 2009**

PROJET DE LOI

entitled

THE PAROLE (GUERNSEY) LAW, 2009

I.- To approve, subject to the following amendments, the Projet de Loi entitled "The Parole (Guernsey) Law, 2009" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

AMENDMENTS

1. For clause 5(3)((d) (printed at page 9 of the Brochure) substitute –
"(d) may repeal, replace, amend, extend, adapt, modify or disapply any rule of custom or law,".
2. In clause 10(1) (printed at page 15 of the Brochure) in the definition of "enactment" for "includes" substitute "means".

THE MAGISTRATE'S COURT (GUERNSEY) LAW, 2008 (COMMENCEMENT AND AMENDMENT) ORDINANCE, 2009

II.- To approve the draft Ordinance entitled "The Magistrate's Court (Guernsey) Law, 2008 (Commencement and Amendment) Ordinance, 2009" and to direct that the same shall have effect as an Ordinance of the States.

THE ROYAL COURT (REFORM) (GUERNSEY) LAW, 2008 (COMMENCEMENT) (NO. 2) ORDINANCE, 2009

III.- To approve the draft Ordinance entitled "The Royal Court (Reform) (Guernsey) Law, 2008 (Commencement) (No. 2) Ordinance, 2009" and to direct that the same shall have effect as an Ordinance of the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**THE CRIMINAL JUSTICE (PROCEEDS OF CRIME)
(FINANCIAL SERVICES BUSINESSES) (BAILIWICK OF GUERNSEY)
(AMENDMENT) REGULATIONS, 2009**

In pursuance of section 54 (1) (c) of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, the Criminal Justice (Proceeds of Crime) (Financial Services Businesses) (Bailiwick of Guernsey) (Amendment) Regulations, 2009, made by the Policy Council on 8th June, 2009, were laid before the States.

**THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (LEGAL
PROFESSIONALS, ACCOUNTANTS AND ESTATE AGENTS)
(BAILIWICK OF GUERNSEY) (AMENDMENT) REGULATIONS, 2009**

In pursuance of section 54 (1) (c) of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, the Criminal Justice (Proceeds of Crime) (Legal Professionals, Accountants and Estate Agents) (Bailiwick of Guernsey) (Amendment) Regulations, 2009, made by the Policy Council on 8th June, 2009, were laid before the States.

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 30th DAY OF JULY, 2009

(Meeting adjourned from 29th July, 2009)

**The States resolved as follows concerning Billet d'État No XXI
dated 10th July 2009**

HOME DEPARTMENT

AMENDMENTS TO THE PRISON ADMINISTRATION (ALCOHOL AND DRUG TESTING) ORDINANCE 1999

VII.- After consideration of the Report dated 28th May, 2009, of the Home Department:-

1. To approve the proposal to amend the Prison Administration (Alcohol and Drug Testing) Ordinance 1999 as set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

HOME DEPARTMENT

AMENDMENTS TO THE CASH CONTROLS (DEFINITION OF CASH) (BAILIWICK OF GUERNSEY) LAW, 2007

VIII.- After consideration of the Report dated 29th May, 2009, of the Home Department:-

1. To approve the proposal to amend the Cash Controls (Definition of Cash) (Bailiwick of Guernsey) Law, 2007 as set out in that Report
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

**K H TOUGH
HER MAJESTY'S GREFFIER**

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 29th DAY OF SEPTEMBER, 2009

(Meeting adjourned from 31st July, 2009)

The States resolved as follows concerning Billet d'État No XXI
dated 10th July 2009

POLICY COUNCIL

DOMESTIC ABUSE STRATEGY

IV.- After consideration of the Report dated 27th April, 2009, of the Policy Council:-

- 1 To affirm the commitment of the States of Guernsey to tackling the issue of domestic abuse through the promotion of a comprehensive, multi-agency approach adopting the four strands of the Strategy which promote partnership working, prevention of domestic abuse, protection and justice initiatives and provision of support, as set out in the Strategy Document.
- 2 To endorse the aims of the Domestic Abuse Strategy which are to:
 - improve services and support for all victims of domestic abuse;
 - develop and deliver a high quality co-ordinated multi-agency response to domestic abuse;
 - increase and develop awareness generally about domestic abuse and the measures in place to help victims;
 - educate children and young people and the wider general public that domestic abuse is wrong and unacceptable and to enable them to make informed choices;
 - hold perpetrators/abusers accountable and provide effective interventions for their behaviour.
3. To approve the proposals and recommendations of the Domestic Abuse Strategy for Guernsey and Alderney, but deferred until such time as sufficient funding for the Strategy has been approved by the States, and consequently replacing all years identified in the strategy from 2009 onwards with references to “year 1” and so on.
4. To request the Treasury & Resources Department to take account of the revenue requirements when recommending to the States revenue budgets for departments

for each year of the Strategy, taking inflation into account.

- 5 To direct Departments to contribute to the Strategy where their assistance is required and, in particular, to implement the actions laid out in the Action Plan.
- 6 To note that responsibility for the implementation of the Domestic Abuse Strategy for Guernsey and Alderney lies with the Policy Council and this is to be delegated to its Social Policy Group.
- 7 To agree that the funding for the Strategy be allocated on a ringfenced basis to the budget of the Policy Council.
- 8 To direct the Policy Council to report back to the States in the final year of the Strategy with a further Strategy for the following six years.

COMMERCE AND EMPLOYMENT DEPARTMENT

PROMOTING COMPETITION AND PREVENTING MARKET ABUSE – MERGERS AND ACQUISITIONS

IX.- After consideration of the Report dated 29th May, 2009, of the Commerce and Employment Department:-

1. That the definition, thresholds, criteria, and other matters related to the administration of mergers and acquisitions legislation in Guernsey shall be along the lines set out in Sections 4 and 5 of that Report.
2. That competition legislation shall be administered by a Guernsey Competition and Consumer Authority, to be based on a restructuring of the current Office of Utility Regulation, as outlined in Section 6 of that Report, and that the Commerce and Employment Department shall by Order prescribe fees for the consideration of formal mergers and acquisitions applications with effect from the commencement of the Mergers and Acquisitions legislation proposed in that Report.
3. To rescind Resolution 3 (a), Billet d'Etat XIII, 2006, Item 18, and to amend Resolution 4 of the same item by the omission of the words "in order to undertake such statutory reviews of specific market sectors as directed by the States".
4. (1) To amend Resolution 5, Billet d'Etat XIII, 2006, Item 18, to increase the separate vote by the States, currently of a maximum of £300,000 per year to meet the administration costs and all expenses, including staff and associated costs, of the Director General of Competition to a maximum of £410,000 per annum, to be allocated on a ringfenced basis to the budget of the Commerce and Employment Department,

- (2) To direct the Treasury and Resources Department to review this revised sum in line with States' budgets generally and to agree that sums remaining in the budget at the end of the year may, with the agreement of that Department, be rolled over to the following year.
5. To note that following the publication of the Report by Consultancy Solutions for the Oil Industry into the Island's energy market, the Commerce and Employment Department will continue to monitor energy prices in the Island and report further to the States as necessary.
6. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 30th DAY OF SEPTEMBER, 2009

(Meeting adjourned from 31st July, 2009)

**The States resolved as follows concerning Billet d'État No XXI
dated 10th July 2009**

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

AMENDMENTS TO THE REFORM (GUERNSEY) LAW, 1948, AS AMENDED THE RULES OF PROCEDURE OF THE STATES OF DELIBERATION THE RULES RELATING TO THE CONSTITUTION AND OPERATION OF STATES DEPARTMENTS AND COMMITTEES AND THE CODE OF CONDUCT FOR MEMBERS OF THE STATES OF DELIBERATION

XI.- After consideration of the Report dated 15th June, 2009, of the States Assembly and Constitution Committee:-

1. By a majority of more than two thirds of the Members present and voting, that the Reform (Guernsey) Law, 1948, as amended be further amended as follows:
 - (a) repeal Articles 3(1), (2) and (3) and replace with a provision setting the quorum of the States of Deliberation as the nearest whole number above one-half of the number of voting members;
 - (b) in paragraph 2 (e) of Article 20F include a caution in the list of sanctions to be available against an offending People's Deputy.
2. That the Rules of Procedure of the States of Deliberation shall be amended with immediate effect as follows:
 - (a) in Rule 2 –
 - (i) before the words "The matters" insert: "(1)";
 - (ii) after sub-paragraph (c) insert:

“(2) A proposition the effect of which is to note the report shall be construed as a neutral motion, neither implying assent for, nor disapproval of, the contents of the report

concerned.”;

(b) in Rule 5 –

- (i) in both sub-paragraphs (1)(a) and (1)(b) delete the words “a written copy thereof to the Presiding Officer,” and substitute therefor:

“a copy either in writing or electronic format to the Presiding Officer, Her Majesty’s Procureur”;

- (ii) after paragraph (1) insert:

“(2) The Chief Minister, Minister or Chairman, as the case may be, shall furnish a copy of the proposed answer either in writing or electronic format to

- (a) 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;

- (b) The Member asking the question not later than 5.00 p.m. on the day (excluding Saturdays, Sundays and Public Holidays) preceding the meeting of the States.”

and re-number paragraphs (2) and (3) as (3) and (4);

(c) in Rule 6 –

- (i) in paragraph (1) before the full stop, insert:

“and Her Majesty’s Procureur”;

- (ii) in paragraph (2) before the proviso, insert:

“PROVIDED THAT The Chief Minister, Minister or Chairman, as the case may be, shall furnish a copy of the proposed answer either in writing or electronic format 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 day on which it is proposed to reply to the Member who placed the question”;

- (iii) in paragraph (2) delete the existing words “PROVIDED THAT” and substitute therefor:

“PROVIDED FURTHER THAT”;

(d) TO NEGATIVE THE PROPOSITION to insert:

“Communication with Non-Members

11A (1) A Member shall not, while present in the States Chamber during a Meeting, communicate (whether orally or in writing or otherwise) with any person present in the Public Gallery thereof.

(2) Prior to the entrance of the Presiding Officer, Members shall ensure that all mobile telephones and other electronic devices are switched off and remain switched off whilst the States are sitting.”;

(e) in Rule 12 –

(i) delete paragraph (9) and substitute therefor:

“(9) A Member who either has a direct or special financial interest in the subject matter of a proposition submitted to a Meeting at which he is present, or who is aware that his spouse, co-habiting partner, infant child or any company in which he has a controlling interest on his or their behalf has such an interest, shall, without prejudice to the requirements of Rule 23 –

(a) before he speaks on the proposition; or
(b) if he does not speak, before a vote is taken on the proposition, declare the said interest by disclosing it to the Meeting.”.

(ii) delete paragraph (8) and re-number paragraphs (9) to (11) as (8) to (10);

(f) (i) in Rule 13(1) –

after the words “the States” insert:

“, or which is delivered to the Greffier for circulation to Members,”;

(ii) in Rule 13(2)(b), delete the words “on capital account” and substitute “ any works” for “ the works”.

(fA) in Rule 14, insert between paragraphs (2) and (3):

“(2A) The order of voting on a division (appel nominal) 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 3, 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.”

(g) in Rule 20 –

(i) in paragraph (1) delete the words “The elections held quadrennially following each General Election of People’s Deputies” and substitute therefor:

“When at any time there are vacancies in two or more of the following offices, the elections to fill those vacancies”;

(ii) in paragraph (1) delete sub-paragraph (b) and substitute therefor:

“(b) the Minister of the Treasury and Resources Department;

(c) the Ministers of the other departments”

and re-letter existing sub-paragraphs (c) to (g) as (d) to (h);

(iii) after paragraph (1) insert:

“(1A) (a) The Chief Minister shall notify the Greffier not later than 4.00p.m. on the day preceding the meeting of the States convened for the election of Ministers and Chairmen, of –

(i) the order in which the election of the Ministers and Chairmen is to be held;

(ii) the names of the candidates whom he intends to propose for the respective offices.

(b) The Greffier shall forward the information

referred to in (a) above to the Presiding Officer and, in electronic format, to every Member who has furnished him with an e-mail address.”;

- (iv) in sub-paragraph (2)(c) after the word “excluding” insert:

“every candidate who received fewer than six votes in the previous ballot or, when there is no such candidate,”;
- (v) after sub-paragraph (2)(c) insert:

“(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.”;
- (vi) in paragraph (5) after the word “Committee” insert

“or Non-Governmental Body”;
- (vii) after paragraph (6) insert:

“(7) On a proposition to elect members of a Non-Governmental Body, the Presiding Officer shall first invite the Chairman thereof, if he be a Member of the States, and thereafter other Members to propose eligible candidates. Nobody shall speak about a candidate at that stage; and if no more candidates are proposed and seconded 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 5 minutes in respect of each candidate proposed by him, before voting takes place; and neither the candidates nor any other member shall be entitled to speak.”.
- (h) in Rule 21 –
 - (i) in paragraph (4) delete the words “after the conclusion” and substitute therefor:

“before the commencement”;
 - (ii) in paragraph (5) after the words “is carried” insert:

“the matter shall stand adjourned to the conclusion of the ordinary business listed for debate in the said Billet d’État at which time”;

(i) in Schedule 1 –

delete the Note at the end of the Schedule and substitute therefor:

“Notes:

1. Members are not required to disclose the monetary value of any interest.
2. In this Declaration of Financial Interests ‘spouse’ includes any co-habiting partner.”.

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

(a) in Rule 3 –

(i) after paragraph (2) insert:

“(3) If the Deputy Chief Minister ceases to be a minister before his term of office as Deputy Chief Minister has been completed a new Deputy Chief Minister shall be elected to serve the unexpired portion of the Deputy Chief Minister’s term of office.”

and re-number paragraphs (3) to (5) as (4) to (6);

(ii) Delete re-numbered paragraph (5) and substitute therefor:

“(5) Other than in unforeseen circumstances, when a Minister is unable to attend a meeting of the Policy Council, or when there is a vacancy in that office, the Department concerned shall be represented by the Deputy Minister or, if he is unable to attend, or when there is a vacancy in that office, by one of the other voting members of the Department (the order of which shall be determined by reference to the said members’ length of service as members of the Department or, when two or more members have the same length of service, by resolution of the Department), save that the representative shall not be the Minister of another department. Such representatives shall be entitled to vote at Policy Council meetings.”;

(b) in Rule 13 –

after paragraph (3), insert:

“(4) When a department or committee is inquorate and an urgent decision is required, the insufficiency of members shall be replaced by the most senior Member(s) of the States by length of service.

(5) Notwithstanding the foregoing, when, whilst still quorate, an inquoracy has been anticipated the department or committee concerned may by resolution authorise the remaining one or two member(s) thereof to take decisions on behalf of the department or committee, but only in respect of matters of urgency which cannot be deferred until the department or committee again becomes quorate.”;

(c) in Rule 15 -

after paragraph (1) insert:

“(2) In the preceding paragraph ‘spouse’ includes any co-habiting partner.”

and re-number paragraphs (2) and (3) as (3) and (4);

(d) in Rule 17 -

(i) Before the full stop at the end of paragraph (3) insert:

“, save that when the Authority is inquorate and an urgent decision is required, the insufficiency of members shall be replaced by minister(s) who are not members of the Panel (the order of which shall be determined by reference to their length of service as Members of the States) and, if there remains an insufficiency, by the most senior Member(s) of the States by length of service”;

(ii) delete the words in parentheses at the end of paragraph (1) and substitute therefor:

“The precedence for determining the Chairman of the Authority shall be:

- (i) The Chief Minister;
- (ii) The Deputy Chief Minister;
- (iii) The senior Panel member or the minister of the Home

- Department if he is senior to any Panel member;
- (iv) The senior minister who is not a Panel member;
- (v) The senior Member of the States by length of service.”.

4. That the Code of Conduct for Members of the States of Deliberation shall be amended with immediate effect, as follows:

(a) after paragraph 18 add:

“18A. For the avoidance of doubt the ‘confidential information’ referred to in the previous paragraph includes, but is not limited to, Department and Committee minutes and other papers circulated to members thereof. The content of such minutes and other papers is not to be disclosed to any third party other than by resolution of the Department or Committee concerned.”;

(b) at the end of paragraph 33 insert:

“Notwithstanding a Member’s refusal to accept a caution, the States may resolve that the Member be cautioned.”;

(c) in paragraphs 33 and 34 delete the words “or expelled,” wherever they occur and substitute therefor:

“, removed from a particular office or expelled,”;

(d) in paragraph 34 delete the words “the Chief Minister” and substitute therefor:

“a panel comprising the five most senior Members of the States by length of service who do not have a seat on the States Assembly and Constitution Committee”

(e) after paragraph 34 insert:

“34A. For the avoidance of doubt mediation between the complainant and the accused Member is not permitted in the processing of complaints made pursuant to this Code of Conduct.”;

(f) in Schedule 1 –

(i) in paragraph 3 delete the words “and any of his close family jointly” and substitute therefor:

“and/or any of his close family”;

(ii) after paragraph 8 insert:

“9. In this Schedule ‘close family’ includes any co-habiting partner.”.

5. TO NEGATIVE THE PROPOSITION that for the titles of Chief Minister, Deputy Chief Minister, Minister and Deputy Minister wherever they occur in –

- (i) the Rules of Procedure of the States of Deliberation;
- (ii) the Rules relating to the Constitution and Operation of States Departments and Committees;
- (iii) the Code of Conduct for Members of the States of Deliberation;
- (iv) the Rules for Payments to States Members, Former States Members and Non-States Members of States Departments and Committees;
- (v) paragraph (a)(v) of the mandate of the States Assembly and Constitution Committee

there shall be substituted respectively the titles of President of the Policy Council, Vice President of the Policy Council, President and Vice President.

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

REQUÊTE

KERBSIDE COLLECTION OF RECYCLABLES

XII.- After consideration of the Requête, dated 28th May, 2009, signed by Deputy C N K Parkinson and ten other Members of the States:-

TO NEGATIVE THE PROPOSITIONS:-

1. To direct the Public Services Department to report back to the States by no later than July 2010 with a scheme of kerbside collection of dry recyclables to be introduced as soon as possible and island wide, as far as practicable, to be funded in whole by additional charges levied on the disposal of solid waste.
2. To direct that when returning to the States the details of the funding mechanism for kerbside collection of dry recyclables shall give options for levying a charge at the point of sale on bags permitted for the disposal of household waste.

K H TOUGH
HER MAJESTY’S GREFFIER