

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 8<sup>th</sup> DAY OF MARCH, 2016**

**The States resolved as follows concerning Billet d'État No IX  
dated 25<sup>th</sup> February 2016**

**PRIAULX LIBRARY COUNCIL**

**NEW MEMBER**

I.- To re-elect Deputy Roger Domaille as a member of the Priaulx Library Council to fill the vacancy which arose on 1<sup>st</sup> January, 2016, by reason of the expiration of the term of office of Deputy Roger Domaille.

**HEALTH AND SOCIAL SERVICES DEPARTMENT**

**APPOINTMENT OF A RESPONSIBLE OFFICER UNDER THE REGULATION OF  
HEALTH PROFESSIONS (MEDICAL PRACTITIONERS) (GUERNSEY AND  
ALDERNEY) ORDINANCE, 2015**

II.- After consideration of the Policy Letter dated 16<sup>th</sup> February, 2016 of the Health and Social Services Department, to appoint Dr. Peter George Rabey, Medical Director of the Health and Social Services Department, to the post of Responsible Officer for both classes of medical practitioners (United Kingdom Connected Practitioners and Local Practitioners), for Guernsey and Alderney, in accordance with Part III, section 10(1) of the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, with immediate effect.

**J. TORODE**

**HER MAJESTY'S GREFFIER**

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 17<sup>th</sup> DAY OF MARCH, 2016**

**The States resolved as follows concerning Billet d'État No IX  
dated 25<sup>th</sup> February 2016**

**(adjourned from 8<sup>th</sup> March 2016)**

**STATES' ASSEMBLY & CONSTITUTION COMMITTEE**

**DECLARATION OF UNSPENT CONVICTIONS**

III.- After consideration of the Policy Letter dated 23<sup>rd</sup> February, 2016, of the States' Assembly & Constitution Committee:-

1. To approve that the Rules of Procedure of the States of Deliberation and their Committees be amended as follows:

Replace the existing title of Rule 29 with "Register of Members' Interests and Register of Members' Unspent Convictions"

and

In Rule 29(1) replace "declarations of interests" with "Declarations of Interest"

and

Insert immediately after Rule 29(4) new paragraphs in the following terms:

- "(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.

- (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.”

and

In Rule 46(2) insert immediately before the full stop “and a completed Declaration of Unspent Convictions as set out in Schedule 3”;

and

In Rule 46(5) replace the words “or if there was potentially one it could be managed. The Declaration” with “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”;

and

Insert immediately after Schedule 2 a new Schedule 3 in the following terms:

“Schedule 3

Declaration of Unspent Convictions

Enter 'none' in the box if there are no unspent convictions to declare	
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Declare here any unspent convictions which resulted in a sentence of imprisonment imposed by a court in any jurisdiction.

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Explanatory note:

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:

Imprisonment (including a suspended sentence of imprisonment) for a term exceeding 6 months but not exceeding 30 months	10 years after the date of conviction, or 5 years if the person was under 18 when convicted
Imprisonment (including a suspended sentence of imprisonment) for a term not exceeding 6 months	7 years after the date of conviction, or 3 ½ years if the person was under 18 when convicted

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.”**

2. To approve that the Code of Conduct for Members of the States of Deliberation be amended as follows:

Insert a new Rule 15A in the following terms:

“A Member shall not knowingly or recklessly make a false statement in a Declaration of Unspent Convictions.”

3. To approve that the Reform (Guernsey) Law, 1948, as amended, be further amended to provide that candidates for the office of People’s Deputy must make a declaration of all unspent convictions which resulted in sentences of imprisonment as defined in the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 in any jurisdiction anywhere in the world unless they were in respect of an act which would not constitute an offence if committed in Guernsey; that candidates must agree that appropriate verification of the information declared could be undertaken by the Returning Officer for the election; and that the declaration form would be available for inspection by the electorate at that election; and that Declarations would be destroyed as soon as the election to which they related had concluded; and that provisions would be

included to enable the States to prescribe rules as to the publication of this information;

and

that a specific offence be created of knowingly or recklessly making false statements, the penalty for which, in addition to any fine, imprisonment or other sentence imposed in the event of a prosecution and conviction, be that the States, once any legal proceedings and appeals, if appropriate, had been concluded, could by Resolution declare any person convicted of the offence ineligible to hold office as a People's Deputy or as a member of a States' Committee who is not a Member of the States until the next General Election.

4. To agree that the States' Assembly & Constitution Committee consult with the Douzaines and, if considered necessary, report back to the States on the merits or otherwise of extending these provisions to the holders of parochial offices.
5. To direct the preparation of such legislation as may be necessary to give effect to the above decisions, including further amendments to The Reform (Guernsey) Law, 1948, as amended.

## **PAROCHIAL AND ECCLESIASTICAL RATES REVIEW COMMITTEE**

### **DISSOLUTION OF THE COMMITTEE**

IV.- After consideration of the Policy Letter dated 15<sup>th</sup> February, 2016, of the Parochial and Ecclesiastical Rates Review Committee:-

1. To dissolve the Parochial Ecclesiastical Rates Review Committee on 30<sup>th</sup> April 2016.
2. That the Policy and Resources Committee assume any duties of the Parochial Ecclesiastical Rates Review Committee as may remain outstanding.

J. TORODE

HER MAJESTY'S GREFFIER