



BILLET D'ÉTAT

WEDNESDAY, 28th FEBRUARY, 2018

VIII
2018

ELECTIONS AND APPOINTMENTS

1. Election of a Member of the Scrutiny Management Committee, P.2018/17
2. Committee *for the* Environment & Infrastructure – Planning Panel Re-election of Professional Members, P.2018/4

LEGISLATIVE BUSINESS

Legislation Laid Before the States

The Road Traffic (Compulsory Third-Party Insurance) (Recovery of Expenses) (Guernsey) Regulations, 2017

Legislation for Approval

3. Policy & Resources Committee – The Armed Forces (Offences and Jurisdiction) (Bailiwick of Guernsey) Law, 2018, P.2018/6
4. Policy & Resources Committee - The Administrative Decisions (Review) (Guernsey) (Amendment) Law, 2018, P.2018/7

OTHER BUSINESS

5. Committee *for* Employment & Social Security - The Implementation of Income Support and Transitional Provisions, P.2018/8
6. Committee *for* Home Affairs – Liquor Licensing: Permitted Hours – Category 'G' Licences, P.2018/5

CONTINUED OVERLEAF

7. Schedule for future States' business, P.2018/16

APPENDIX

1. Record of Members' Attendance at Meetings of the States of Deliberation and Committees

BILLET D'ÉTAT

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I hereby give notice that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **28th February, 2018** at **9.30 a.m.**, to consider the items listed in this Billet d'État which have been submitted for debate.

R. J. COLLAS
Bailiff and Presiding Officer

The Royal Court House
Guernsey

9th February, 2018

**ELECTION OF A MEMBER OF THE
SCRUTINY MANAGEMENT COMMITTEE**

The States are asked:

To elect a sitting Member of the States as a Member of the Scrutiny Management Committee to complete the unexpired term of office, that is to the 30th June 2020, of Deputy P. J. Roffey who has resigned from that office, and whose letter of resignation is appended hereto, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees.

(N.B. 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.)

To – The Bailiff,

From – Deputy Peter Roffey

07/02/18

Sir,

It is with great reluctance that I submit my resignation as a member of the States' Scrutiny Management Committee.

While I have very much enjoyed being part of shaping the new structure of parliamentary scrutiny in Guernsey I have concluded that the role fits uncomfortably with the new responsibility I have taken on as a member of the Committee for Education, Sport and Culture.

I am aware that there is nothing in the rules precluding me from carrying out both roles but with only three political members of the SMC and with the inevitability of significant formal scrutiny of education in future I nevertheless believe both committees would be best served from my resigning from Scrutiny.

I therefore ask you to accept this as my formal letter of resignation and I wish the SMC all the best in taking the scrutiny process forward.

SIGNED

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR THE* ENVIRONMENT & INFRASTRUCTURE

PLANNING PANEL – RE-ELECTION OF PROFESSIONAL MEMBERS

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled "Planning Panel - Re-election of Professional Members" dated 15th January 2018 they are of the opinion:-

1. To elect Mrs. Linda Wride as a professional member of the Planning Panel, in accordance with section 86 of the Land Planning and Development (Guernsey) Law, 2005, for a term of six years to take effect from 1st March, 2018.
2. To elect Mr. Jonathan King as a professional member of the Planning Panel, in accordance with section 86 of the Land Planning and Development (Guernsey) Law, 2005, for a term of six years to take effect from 1st March, 2018.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

COMMITTEE *for the* ENVIRONMENT & INFRASTRUCTURE

PLANNING PANEL – RE-ELECTION OF PROFESSIONAL MEMBERS

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port
Guernsey

15th January 2018

Dear Sir

1. Executive Summary

1.1 The purpose of this Policy Letter is to ask the States to:

- a) Re-elect Jonathan King as a Professional Member of the Planning Panel (“the Panel”); and
- b) Re-elect Linda Wride as a Professional Member of the Panel.

2. Background

2.1 The Land Planning and Development (Guernsey) Law, 2005 (“the 2005 Law”) came into force on 6th April 2009. Section 86 of the 2005 Law explains the requirements for establishing the Planning Panel:

Establishment of Planning Panel.

- 86.** (1) *The States shall, on the recommendation of the Committee for the Environment & Infrastructure, draw up and maintain a panel to be called the Planning Panel which shall consist of nine independent persons and from which the members of the Planning Tribunal shall, from time to time, be appointed.*
- (2) *A recommendation of the Committee for the Environment & Infrastructure under subsection (1) may be amended by resolution of the States to the intent that persons other than those recommended by the Committee for the Environment & Infrastructure may be elected to the Planning Panel.*
- (3) *Of the members of the Planning Panel –*

- (a) *not less than four shall be permanently resident within the Channel Islands,*
- (b) *not less than two, who shall be designated by States' resolution as the "**professional members**", shall be persons with such qualifications and experience in planning matters as in the opinion of the States is necessary for the hearing and determination of appeals to the Planning Tribunal,*
- (c) *one shall be designated by States' resolution as the Chairman of the Planning Panel, and*
- (d) *one shall be designated by States' resolution as the Deputy Chairman thereof.*
- (4) *The members of the Planning Panel shall, subject to the provisions of subsection (5), hold office for a term of six years, and a person may be elected for more than one term of office.*

Such appointments are made by the States, following a recommendation of the Committee *for the Environment & Infrastructure* as outlined above.

2.2 Under the provisions of Section 4 of the Land Planning and Development (Appeals) Ordinance, 2007, the following individuals are precluded from serving as a member of the Panel:

- (a) a Member of the States of Deliberation within the meaning of the Reform (Guernsey) Law, 1948;
- (b) an employee of the States who is employed by the States within the Development & Planning Authority, a member of the Authority or a person who carries out work for, or provides services to the Authority in relation to any functions of the Authority under the 2005 Law or the repealed enactments¹,
- (c) ...
- (d) a person who holds appointment to any judicial office in Guernsey; or
- (e) any person who has been such a person at any time within the period of two years ending on the date of the proposed election.

2.3 In March 2017, Mr King and Mrs Wride were elected by the States of Deliberation as profession members of the Panel for a six year period (Article V of Billet d'État III of 2012 refers).

2.4 Mr King and Mrs Wride have indicated that they are willing to serve a further term as professional members of the Panel. Both have sat on a large number of Planning Tribunals since their election in 2012 and have also attended the

¹ This refers to the previous planning legislation. The reference was relevant when the current legislation first came into force as work was being carried out under the former legislation as part of transitional arrangements.

Panel's annual training days and other training provided locally for Panel members. In 2015, both Mr King and Mrs Wride were appointed as Planning Inspectors in Jersey.

2.5 The Committee *for the* Environment & Infrastructure is pleased to support the re-election of both Mr King and Mrs Wride to the Panel. The Committee notes that the re-appointment of Mr King and Mrs Wride is also fully supported by the Panel's Chairman and Deputy Chairman.

2.6 Short CVs for Mr King and Mrs Wride are attached to this Policy Letter at Appendix 1, setting out their relevant planning experience.

3. Compliance with Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees

3.2 In accordance with Rule 4(4), it is confirmed that the propositions accompanying this Policy Letter have the unanimous support of the Committee.

3.3 In accordance with Rule 4(5), the propositions accompanying this Policy Letter relate to the Committee's purpose and policy responsibilities as it has a statutory duty under the Land Planning and Development (Guernsey) Law, 2005 to appoint members to the Planning Panel.

4. Conclusions

4.1 The Committee seeks the States support for the re-election of Mr Jonathan King and Mrs Linda Wride as professional members of the Planning Panel for a further six-year term.

Yours faithfully

B L Brehaut
President

M H Dorey
Vice-President

H L de Sausmarez

S T Hansmann Rouxel

S L Langlois

APPENDIX 1

Curriculum Vitae for Mr Jonathan King

Mr King was educated at Manchester University, graduating with degree in Geography in 1974, and at the City of Birmingham Polytechnic where he achieved a Diploma in Town Planning in 1979. He was elected as a member of the Royal Town Planning Institute in 1980.

From 1975 he worked as a professional town planner for over 20 years in English local government, becoming Team Leader (Development Control) at Nottinghamshire County Council. From 1996 until his retirement in 2017 he was employed by the Planning Inspectorate, rising to the position of Principal Inspector. In these positions, he gained considerable experience in town and country planning at a senior level, including conducting appeal Hearings and Inquiries and the Examination of Local Development Plans.

Alongside his work in the UK, he was appointed as a Professional Member of the Guernsey Planning Appeals Panel in 2012 and as a Jersey Planning Inspector in 2015.

Since retirement from the Planning Inspectorate in 2017, he has worked for a private company where he is engaged on the Examination of Neighbourhood Plans in England; and he has also provided training to local authority planners.

Curriculum Vitae for Mrs Linda Wride

Linda Wride is a chartered town planner and has been a member of the Royal Town Planning Institute since 1976. She holds a Diploma in Town Planning from Oxford Polytechnic.

In March 2011, she took early retirement from the UK Planning Inspectorate, having worked as a Senior Planning Inspector for 9 years. During her employment with the Planning Inspectorate, Mrs. Wride developed specialisms in design, historic buildings heritage, telecommunications and advertisement control.

Prior to joining the Planning Inspectorate, Mrs. Wride was employed by Oxford City Council, including 12 years as Head of Planning Control and Conservation.

She currently runs her own UK-based planning consultancy and is also employed by the States of Jersey as an Inspector reporting to the Minister on planning appeals.

The President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St. Peter Port
Guernsey
GY1 1FH

15th January 2018

Dear Sir,

“Planning Panel – Re-election of Professional Members”

In accordance with Rule 4(2) of the Rules of Procedure of the States of Deliberation and their Committees, the Committee *for the* Environment & Infrastructure requests that the above Proposition relating to the re-election of professional members to the Planning Panel be considered by the States of Deliberation at its meeting on Wednesday 28th February, 2018.

The request is made to ensure that Mr King and Mrs Wride are re-elected before the expiry of their current term of office on 28th February 2018.

Yours faithfully

B L Brehaut
President

M H Dorey
Vice-President

H L de Sausmarez

S T Hansmann Rouxel

S L Langlois

STATUTORY INSTRUMENT LAID BEFORE THE STATES

The States of Deliberation have the power to annul the Statutory Instrument detailed below.

No. 97 of 2017

THE ROAD TRAFFIC (COMPULSORY THIRD-PARTY INSURANCE) (RECOVERY OF EXPENSES) (GUERNSEY) REGULATIONS, 2017

In pursuance of the powers conferred on it by sections 3(3A) and 14A of The Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, as amended, "The Road Traffic (Compulsory Third-Party Insurance) (Recovery of Expenses) (Guernsey) Regulations, 2017" made by the Committee *for the* Environment & Infrastructure and the Committee *for* Health & Social Care on the 25th October 2017 are laid before the States

EXPLANATORY NOTE

These Regulations set out the procedure for recovering the expenses of treatment and ambulance services from insurers under the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, as amended by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 2012 ("the 2012 Law").

Part I brings the 2012 Law and these Regulations into force on the 1st November, 2017. This Part also sets out the circumstances in which these Regulations apply.

Part II imposes duties on insurers and their agents, in relation to notifying claims for compensation, providing information and applying for a certificate of expenses.

Part III provides for the Committee *for* Health & Social Care to issue certificates of expenses (essentially an invoice) to insurers, provides for the determination and calculation of these expenses and specifies the procedure for payment. These expenses are subject to the limits specified in Schedule 4.

Part IV deals with reviews and appeals.

Part V sets out provisions concerning offences and penalties and deals with specific circumstances such as structured settlements, payment into court, interim payments, overpayments and underpayments. It also authorises the Committee to delegate its functions and contains provisions dealing with evidence. Finally, this Part contains the interpretation and transitional and savings provisions.

These Regulations came into force on the 1st November, 2017.

The full text of the statutory instruments and other legislation included in this document can be found at:

<http://www.guernseylegalresources.gg/article/158414/2017>

**THE ARMED FORCES (OFFENCES AND JURISDICTION) (BAILIWICK OF GUERNSEY)
LAW, 2018**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Armed Forces (Offences and Jurisdiction) (Bailiwick of Guernsey) Law, 2018", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

This Law implements provisions of the Armed Forces Act 2006 in the Bailiwick. The 2006 Act came into force in the UK in October 2009, and repealed and replaced the Service Discipline Acts (the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957). The Service Discipline Acts used to extend (unusually) directly to the Bailiwick; from the 1990s, this application was modified by Orders in Council.

Part 1 is concerned with the jurisdiction of service courts and services authorities in Guernsey over service people and civilians subject to service discipline. In respect of the exercise by service police of powers in the Bailiwick, it provides for the Chief Officer of Police (at section 2) to enter into operational protocols with service police forces. Section 3 makes provision in relation to service police entering and searching premises in the Bailiwick, and requires a warrant to be issued by a judge advocate, application to execute that warrant to be granted by a local judge, and the Chief Officer of Police to be consulted about, and satisfied in respect of, that execution. The remaining sections of Part 1 make provision in relation to the barring of civilian proceedings by service proceedings relating to the same matter, choice of jurisdiction, and an amendment to the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 in respect of detention before charge (locally) of a person subject to service powers.

Part 2 makes provision in relation to the offences of desertion, absence without leave, and malingering. Part 3 contains miscellaneous provisions, including provision relating to the detention of a person in service custody in prison and an offence of knowingly giving a false answer during a procedure for enlistment into HM Forces. Part 4 contains final provisions such as the interpretation section, including a power to make consequential amendments.

PROJET DE LOI

ENTITLED

The Armed Forces (Offences and Jurisdiction) (Bailiwick of Guernsey) Law, 2018

ARRANGEMENT OF SECTIONS

PART 1

JURISDICTION OF SERVICE COURTS AND AUTHORITIES

1. Exercise of powers by service courts and authorities.
2. Police operational protocols.
3. Authorisation of entry into premises.
4. Authorisation of entry into premises: saving provision.
5. Service proceedings barring subsequent civilian proceedings.
6. Choice of jurisdiction.
7. Detention pending decision as to jurisdiction.

PART 2

DESERTION AND ABSENCE WITHOUT LEAVE

8. Interpretation of Part 2.
9. Aiding or abetting etc. desertion or absence without leave.
10. Aiding or abetting etc. malingering.
11. Obstructing persons subject to service law in course of duty.
12. Arrest of deserters and absentees without leave.
13. Deserters and absentees without leave surrendering to police.
14. Arrest by police of persons unlawfully at large.

PART 3

MISCELLANEOUS AND SUPPLEMENTARY

15. Detention in prison.
16. Arrest by police under warrant of judge advocate.
17. Offence relating to enlistment.
18. Evidence in civilian courts.
19. Exemption of items used for service purposes from arrest and distraint.

PART 4 FINAL PROVISIONS

20. Power to make consequential amendments.
21. Interpretation.
22. Citation and commencement.

PROJET DE LOI

ENTITLED

The Armed Forces (Offences and Jurisdiction) (Bailiwick of Guernsey) Law, 2018

THE STATES, in pursuance of their Resolution of the 26th day of September 2013^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

PART 1

JURISDICTION OF SERVICE COURTS AND AUTHORITIES

Exercise of powers by service courts and authorities.

1. (1) Subject to the provisions of –
 - (a) this Law, and
 - (b) any protocol entered into under section 2,

service courts and service authorities may within Guernsey exercise over persons falling within subsection (2) all the powers that are exercisable by them in the United

^a Article III of Billet d'État No. XVIII of 2013.

Kingdom under the Armed Forces Act and the Reserve Forces Acts in relation to those persons.

- (2) A person falls within this subsection if that person –
 - (a) is subject to service law,
 - (b) is a civilian subject to service discipline, or
 - (c) has ceased to be subject to service law or a civilian subject to service discipline, but may be charged with a service offence committed while he or she was so subject,

and such a person is referred to in this Law as a person subject to forces powers.

(3) Without prejudice to the generality of subsection (1), the powers that may be exercised under that subsection include any powers exercisable by service courts and service authorities under the Armed Forces Act and the Reserve Forces Acts to detain a person, in service custody or otherwise.

(4) Where any sentence has, whether within or outside Guernsey, been passed by a service court, or summarily by an officer, on a person who immediately before the passing of that sentence was subject to the jurisdiction of that court or officer in accordance with this section, then for the purposes of any proceedings in a local court –

- (a) that service court is deemed to have been properly constituted, and

(b) the sentence is deemed to be within the jurisdiction of that court or officer, as the case may be.

(5) In this section, "sentence" shall be construed in accordance with section 376 of the Armed Forces Act, and "local court" means any court sitting in Guernsey other than a service court.

Police operational protocols.

2. (1) For the avoidance of doubt the Chief Officer may, on behalf of the Island Police Force, enter into operational protocols with one or more of the service police forces governing the exercise in Guernsey of powers that arise under Part 3 of the Armed Forces Act (including powers that arise under regulations made under that Part), and the Police and Criminal Evidence Act (1984) (Armed Forces) Order 2009^b.

(2) The Committee for Home Affairs may by regulations amend subsection (1) by adding to, or otherwise amending, the references to legislation contained therein.

Authorisation of entry into premises.

3. (1) Subject to section 4, no person may enter and search premises in exercise of powers under section 1(1) except a service policeman in accordance with the provisions of this section.

(2) A service policeman may only enter and search premises in exercise of powers under section 1(1) where –

^b United Kingdom S.I. 2009 No. 1922.

- (a) a warrant authorising the entry and search has been issued by a judge advocate,
- (b) an application to execute that warrant has been granted by a judge,
- (c) a service policeman has consulted the Chief Officer about the warrant's execution,
- (d) the Chief Officer has notified the relevant service police force that the Chief Officer considers that the condition in subsection (4) is satisfied.

(3) A judge may grant an application to execute a warrant issued by a judge advocate only where he or she is satisfied that –

- (a) there were reasonable grounds for granting the warrant, and
- (b) the Chief Officer has been given reasonable notice of the application and has had the opportunity to make representations, either orally or in writing.

(4) At any point before the warrant is executed the Chief Officer may make demands of the relevant service police force relating to its execution; and the condition referred to in subsection (2)(d) is that any such demands have been, or will be, complied with.

(5) For the avoidance of doubt and without limitation, the Chief Officer may demand under subsection (4) that the service policeman executing the warrant be accompanied by such police officers (if any) as the Chief Officer may specify.

(6) For the avoidance of doubt, sections 10 (search warrants – safeguards) and 11 (execution of warrants) of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003^c ("PPACE") apply in relation to the issue and execution of a warrant under this section.

(7) In this section –

(a) "**judge**" means–

(i) where the warrant is to be executed in Alderney, the Chairman or a Jurat of the Court of Alderney, or the Bailiff,

(ii) where the warrant is to be executed in Sark, the Seneschal, or the Bailiff, and

(iii) in any other case, the Bailiff.

(b) "**premises**" includes any place and in particular any tent, vehicle or movable structure, but excludes Her Majesty's ships and Her Majesty's aircraft,

^c Order in Council No. XXIII of 2003; as amended by Order in Council No. XVI of 2009, No. XV of 2011 and Ordinance No. XXXIII of 2003, No. XXIX of 2011, No. XXXIX of 2015 and No. IX of 2016.

- (c) **"relevant service police force"** means the service police force of the service policeman who will execute the warrant, and
- (d) **"Her Majesty's ships and Her Majesty's aircraft"** means all ships and aircraft belonging to or used for the purposes of any of Her Majesty's forces.

Authorisation of entry into premises: saving provision.

4. (1) Nothing in section 3 affects –

- (a) any power of a commanding officer, otherwise than in connection with the investigation of a service offence or the exercise of any power of arrest, to enter and search, or order the entry and search of, premises which are occupied for the purposes of any of Her Majesty's forces,
- (b) any power of a commanding officer, otherwise than in connection with the investigation of a service offence or the exercise of any power of arrest, to search, or order the search of, a person or to stop and search, or order the stop and search of, a service vehicle, or
- (c) any power of a service policeman or commanding officer to search, or order the search of, a service vehicle which is not in the charge of any person, or

which is in the sole charge of a person subject to forces powers.

(2) In subsection (1) "**service vehicle**" means a vehicle which –

- (a) belongs to any of Her Majesty's forces, or
- (b) is in use for the purposes of any of those forces.

Service proceedings barring subsequent civilian proceedings.

5. (1) This section applies to a person who –

- (a) has been convicted or acquitted of an offence under section 42 of the Armed Forces Act, or
- (b) has had such an offence taken into consideration when being sentenced under that Act.

(2) A civilian court may not try that person for any offence for which, under the law of Guernsey, it would be debarred from trying the person if the person had been convicted, or (as the case may be) acquitted, of the relevant offence by a civilian court.

(3) In subsection (2), "**relevant offence**" means the offence under the law of Guernsey which the act (or alleged act) constituting the offence under section 42 of the Armed Forces Act amounted to.

(4) In subsection (1), the references to a person being convicted, acquitted or sentenced under the Armed Forces Act are to be read in accordance

with section 376 of that Act.

Choice of jurisdiction.

6. (1) This section applies to a person subject to forces powers who—
 - (a) is suspected of an act that constitutes both a service offence and a civilian offence, and
 - (b) is not protected from prosecution for that civilian offence by section 5.
- (2) Her Majesty's Procureur may, in respect of such a person issue a certificate that –
 - (a) specifies a period during which it is valid and states that he or she is considering whether it is more appropriate for the person to be dealt with for the civilian offence, or
 - (b) states that he or she has decided that it is more appropriate for the person to be dealt with for the civilian offence.
- (3) If a certificate is issued under subsection (2), a service court and a service authority may not take any step (during the period of the certificate's validity, if issued under paragraph (a)) that would prejudice or obstruct the investigation and prosecution of the civilian offence.

(4) Without prejudice to the generality of subsection (3), and irrespective of whether the person is in service custody, the steps that may not be taken include –

- (a) obstructing access to the person by a police officer,
- (b) obstructing the production of the person to a civilian court dealing with his or her prosecution for the civilian offence,
- (c) removing the person from Guernsey, or
- (d) starting proceedings for the service offence.

(5) In this section, "**civilian offence**" means an offence under the law (other than this Law) of the island of Guernsey, the island of Alderney or the island of Sark, as the case may be, depending on where the act referred to in subsection (1) is alleged to have been committed.

Detention pending decision as to jurisdiction.

7. (1) PPACE is amended as follows.

(2) In section 42(2), immediately after "unless" insert "section 42A applies, or unless".

(3) In section 42(7), immediately after "subject to" insert "section 42A and".

(4) Immediately after section 42, insert a new section –

"Detention before charge of person subject to forces powers."

42A. (1) For the avoidance of doubt, section 48 (Limits on period of detention without charge) applies in respect of the detention of a person under this section, and this section shall be construed accordingly.

(2) This section applies where a person is arrested for an offence and the custody officer where the person is detained after arrest has reasonable grounds for believing that he or she is a person subject to forces powers.

(3) Where this section applies, in addition to authorising that a person be kept in police detention without charge under section 42, the custody officer may also authorise that the person be kept in police detention without charge if, and only for so long as, the conditions in subsections (4) and (5) are satisfied in relation to that person.

(4) The condition in this subsection is that the custody officer has reasonable grounds for believing that enquiries are being conducted diligently and expeditiously into –

- (a) whether the person is a person subject to forces powers,
- (b) if the person is, whether a service authority intends to investigate the person for any service offence constituted by the offence for which he or she was arrested,

- (c) if so, whether and for what reasons a service authority wishes to request the person's delivery into service custody for the purpose of that investigation, and
- (d) if so, whether Her Majesty's Procureur wishes to accede to that request.

(5) The condition in this subsection is that the custody officer has reasonable grounds for believing that the person's detention is necessary –

- (a) to enable those enquiries to be completed, or
- (b) to ensure that a decision can be made and carried out as to whether the person is delivered into service custody.

(6) In this section, "**person subject to forces powers**", "**service authorities**", "**service offence**" and "**service custody**" have the same meaning as in the Armed Forces (Offences and Jurisdiction) (Bailiwick of Guernsey) Law, 2018."

PART 2

DESERTION AND ABSENCE WITHOUT LEAVE

Interpretation of Part 2.

8. In this Part "**unlawful absentee**" means a person who is subject to service law who has deserted or who is absent without leave.

Aiding or abetting etc. desertion or absence without leave.

9. (1) A person commits an offence if the person aids, abets, counsels or procures the commission by another person of an offence under section 8 (desertion) or 9 (absence without leave) of the Armed Forces Act.

(2) A person ("A") commits an offence if –

- (a) A knows that another person ("B") is subject to service law,
- (b) A does an act intending to cause B to be absent without leave, and
- (c) it causes B to be absent without leave.

(3) A commits an offence if -

- (a) another person ("C") has committed an offence under section 8 or 9 of the Armed Forces Act,
- (b) A knows or believes C to be guilty of that offence, and
- (c) A does an act intending to impede C's apprehension or prosecution.

(4) Subsections (1) to (3) apply to any aiding, abetting, counselling or procuring, or (as the case may be) any act, done -

- (a) in Guernsey, or

(b) elsewhere when A is ordinarily resident in Guernsey.

(5) In subsection (2) (and subsection (4) so far as relating to that subsection) "**act**" includes an omission, and the references to the doing of an act are to be read accordingly.

(6) A person guilty of an offence under this section is liable -

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the uniform scale, or to both, and

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

Aiding or abetting etc. malingering.

10. (1) A person ("D") commits an offence if D aids, abets, counsels or procures the commission by another person of an offence under section 16 of the Armed Forces Act (malingering).

(2) D commits an offence if -

(a) D knows that another person ("E") is subject to service law, and

(b) intending to cause E to avoid service, by any act D -

(i) causes E an injury, or

(ii) aggravates or prolongs any injury of E's.

(3) D commits an offence if -

(a) D knows that a person ("F") is subject to service law,
and

(b) intending to cause F to avoid service, by any act D -

(i) causes F to believe that F has an injury, or

(ii) causes another person to believe that F has an
injury.

(4) Subsections (1) to (3) apply to any aiding, abetting, counselling
or procuring, or (as the case may be) any act, done -

(a) in Guernsey, or

(b) elsewhere when D is ordinarily resident in Guernsey.

(5) In subsections (2), (3) and (4) "**act**" includes an omission, and
the references to the doing of an act are to be read accordingly.

(6) In this section "**injury**" and "**service**" have the same meanings
as in section 16 of the Armed Forces Act.

(6) A person guilty of an offence under this section is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding level 5 on the uniform scale, or to both.

Obstructing persons subject to service law in course of duty.

11. (1) A person commits an offence if -

- (a) the person intentionally obstructs a person ("G"),
- (b) G is a person subject to service law acting in the course of his or her duty, and
- (c) the person knows or has reasonable cause to believe that G is subject to service law.

(2) A person guilty of an offence under this section is liable on conviction to imprisonment for a term not exceeding twelve months, or to a fine not exceeding level 3 on the uniform scale, or to both.

Arrest of deserters and absentees without leave.

12. (1) A police officer may arrest without warrant a person reasonably suspected of being an unlawful absentee.

(2) Subject to subsection (3), a person arrested under this section must as soon as practicable be transferred to service custody and in any case within 48 hours after being arrested; and if necessary, the person must be committed in custody in a police station, or a designated place of detention within the meaning of PPACE, by the officer in charge of the police station, or a person authorised by that officer, pending that transfer.

(3) Where on an application on oath made by a police officer, a Judge of the Magistrate's Court (or, if no Judge of the Magistrate's Court is available, the Bailiff) is satisfied that there are reasonable grounds for believing that the further detention of the person to whom the application relates is justified pending that person's transfer to service custody, he or she may issue a warrant authorising the further detention of that person for such further period not longer than 36 hours as he or she thinks fit.

Deserters and absentees without leave surrendering to police.

13. (1) This section applies if a person surrenders to a police officer as being an unlawful absentee.

(2) If the surrender occurs at a place which is not a police station, the person must be taken to a police station.

(3) If it appears to the officer in charge of a police station, or a person authorised by that officer, that the person is not an unlawful absentee, he or she must order that the person should no longer be detained under this section (without prejudice to whether the person is to continue to be detained on any other basis).

(4) If it appears to the officer in charge of a police station, or a person authorised by that officer, that the person is an unlawful absentee, he or she must –

- (a) arrange for the person to be transferred to service custody, and, if necessary, commit the person in custody in a police station, or a designated place of

detention within the meaning of PPACE, pending that transfer, or

- (b) if the person is also in custody for some other cause, notify a service authority, or
- (c) if the person is not also in custody for some other cause, release the person subject to a condition that the person reports, at or by such time as may be specified in the condition, to such place or person as may be so specified for the purpose of enabling the person to be taken into service custody.

(5) If a person who is released under subsection (4)(c) fails to comply with the condition subject to which the person was released, a Judge of the Magistrate's Court (or, if no Judge of the Magistrate's Court is available, the Bailiff) may issue a warrant for the person's arrest.

(6) A person arrested under a warrant issued under subsection (5) must as soon as practicable be transferred to service custody.

Arrest by police of persons unlawfully at large.

14. A person who has been sentenced to service detention and who is unlawfully at large –

- (a) may be arrested without a warrant by a police officer, and

- (b) may be taken to the place in which the person is required in accordance with law to be detained.

PART 3
MISCELLANEOUS AND SUPPLEMENTARY

Detention in prison.

15. A person in service custody may be detained in a prison if –

- (a) the service authority with custody of the person requests that the person be so detained,
- (b) the governor of the prison, at the governor's discretion, consents to the request, and
- (c) the detention is pending the person's removal from Guernsey –
 - (i) for the purposes of the investigation of, or proceedings in respect of, a suspected service offence, or
 - (ii) following the person's conviction of a service offence.

Arrest by police under warrant of judge advocate.

16. A police officer must, on making an arrest in execution of a warrant issued under section 313 of the Armed Forces Act, as extended to Guernsey by the Armed Forces Act 2006 (Bailiwick of Guernsey) Order 2018 –

- (a) show the warrant to the arrested person, or state where the warrant is and what arrangements may be made to allow the arrested person to inspect it,
- (b) explain in ordinary language the reason for the arrest, and
- (c) unless the police officer is a constable in uniform, produce documentary proof of the police officer's identity.

Offence relating to enlistment.

17. (1) A person commits an offence if the person knowingly gives a false answer during a procedure for enlistment into Her Majesty's forces.

(2) A person guilty of an offence under this section is liable on conviction to a fine not exceeding level 5 on the uniform scale.

Evidence in civilian courts.

18. Regulations 2, and 4 to 11, of the Armed Forces (Evidence in Proceedings before Civilian Courts) Regulations 2009^d shall have effect with respect to evidence in proceedings for an offence created by or under this Law before a civilian court.

Exemption of items used for service purposes from arrest and distraint.

19. (1) In this section "**exempt item**" means any weapon, equipment, instrument or clothing that –

^d United Kingdom S.I. 2009 No. 1112.

- (a) is the property of the Crown, or
 - (b) is the property of a member of Her Majesty's forces and used by that member in the course of his or her duty.
- (2) An exempt item is not subject to arrest or distraint.

PART 4

FINAL PROVISIONS

Power to make consequential amendments.

20. (1) The States of Deliberation may by Ordinance amend and repeal other enactments consequent on –

- (a) the coming into force of this Law,
- (b) the coming into force of any provisions of, or any amendment of the Armed Forces Act or any instrument made under it, or
- (c) any repeal of the Army Act 1955 (Bailiwick of Guernsey) Order 1996^e, the Naval Discipline Act 1957 (Bailiwick of Guernsey) Order 1996^f, or the Air Force

^e United Kingdom S.I. 1996 No.722.

^f United Kingdom S.I. 1996 No.726.

Act 1955 (Bailiwick of Guernsey) Order 1996⁸.

(2) An Ordinance or regulations under this Law –

- (a) may be amended or repealed by a subsequent Ordinance or regulation, as the case may be, hereunder, and
- (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient including, without limitation, provisions repealing, amending or modifying any enactment (whether passed before or after the commencement of this Law).

(3) Any power conferred by this Law to make any Ordinance, or regulations may be exercised -

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases, and
- (b) so as to make, as respects the cases in relation to which it is exercised -

⁸ United Kingdom S.I. 1996 No.718.

- (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
- (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
- (iii) any such provision either unconditionally or subject to any prescribed conditions.

(4) Regulations under this Law shall be laid before a meeting of the States as soon as possible after being made; and, if at that or the next meeting the States resolve that the regulations be annulled, then they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

Interpretation.

21. (1) Any reference in this Law to an enactment, a United Kingdom Statutory Instrument or an Act of Parliament is a reference thereto as from time to time amended or re-enacted (with or without modification), extended or applied.

(3) In this Law, unless the context otherwise requires –

"Armed Forces Act" means the Armed Forces Act 2006^h,

^h An Act of Parliament (c. 52).

"Bailiff" includes the Deputy Bailiff, a Lieutenant Bailiff, the Juge-Délégué and a Judge of the Royal Court,

"Chief Officer" means the Chief Officer of the Island Police Force,

"civilian court" means any court exercising a criminal jurisdiction in Guernsey, other than a service court,

"the Committee for Home Affairs" means the States Committee for Home Affairs,

"enactment" means a Law, Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"Guernsey" means the Bailiwick of Guernsey and the territorial waters adjacent thereto,

"Her Majesty's Procureur" includes Her Majesty's Comptroller,

"Island Police Force" means the salaried police force of the island of Guernsey,

"Judge of the Magistrate's Court" has the meaning given in the Magistrate's Court (Guernsey) Law, 2008ⁱ, and includes a Deputy Judge of the Magistrate's Court within the meaning of that Law,

ⁱ Order in Council No. XVIII of 2009; amended by Ordinance XXII of 2009.

"**person subject to forces powers**" has the meaning given by section 1(2),

"**police officer**" means -

- (a) in relation to the islands of Guernsey, Herm and Jethou, a member of the Island Police Force and, within the limits of his or her jurisdiction, a member of the special constabulary of the island of Guernsey,
- (b) in relation to Alderney, a member of the Island Police Force, a member of any police force which may be established by the States of Alderney, and within the limits of his or her jurisdiction, a special constable appointed pursuant to section 47 of the Government of Alderney Law, 2004^j,
- (c) in relation to Sark, the Constable, the Assistant Constable, the Vingtenier, a member of the Island Police Force, and within the limits of his or her jurisdiction, a special constable appointed pursuant to section 54 of the Reform (Sark) Law, 2008^k,

"**PPACE**": see section 3(6),

^j Order in Council No. III of 2005 as amended by Order in Council No. XXII of 2010, No. XI of 2012 and No. V of 2014 and by Alderney Ordinance No. IX of 2016.

^k Order in Council No. V of 2008 as amended by Order in Council No. VI of 2008, No. XXVII of 2008, No. XIV of 2010, No. XII of 2011, No. XI of 2014, No. IX of 2016 and Sark Ordinance No. II of 2015, No. VI of 2015 and No. XI of 2017.

"Reserve Forces Acts" means the Reserve Forces Act 1980¹ and the Reserve Forces Act 1996^m,

"Seneschal" means the Seneschal of Sark, the Deputy Seneschal or a Lieutenant Seneschal;

"service authority" means a service policeman (including a provost officer), an officer, a judge advocate, the Director of Service Prosecutions, and a prosecuting officer,

"service court" means –

- (a) the Court Martial, the Summary Appeal Court, the Service Civilian Court or the Court Martial Appeal Court established by the Armed Forces Act, or
- (b) the Supreme Court of the United Kingdom, on an appeal brought from the Court Martial Appeal Court,

"service custody" means the custody of, or custody authorised by, a service authority or service court,

"subordinate legislation" means any regulation, rule, order, rule of court, Resolution, scheme, direction, byelaw or other instrument made under any enactment and having legislative effect, but does not include an Ordinance,

¹ An Act of Parliament (c.9).

^m An Act of Parliament (c.14).

"**uniform scale**" means the scale of fines under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989ⁿ, and

"**United Kingdom**" includes any part of the United Kingdom.

(4) In this Law, "**judge advocate**", "**officer**", "**commanding officer**", "**subject to service law**", "**service detention**", "**provost officer**", "**Director of Service Prosecutions**", "**prosecuting officer**", "**Service Complaints Commissioner**", "**ship**", "**aircraft**", "**service police force**", "**service policeman**", "**civilian subject to service discipline**", "**service offence**", "**absence without leave**" and "**desertion**" (and related phrases) have the same meanings as in the Armed Forces Act.

Citation and commencement.

22. (1) This Law may be cited as the Armed Forces (Offences and Jurisdiction) (Bailiwick of Guernsey) Law, 2018.

(2) This Law shall come into force on a day appointed by Ordinance of the States, and such Ordinance may appoint different days for different provisions and different purposes.

ⁿ Ordres en Conseil Vol. XXX, p. 278.

THE ADMINISTRATIVE DECISIONS (REVIEW) (GUERNSEY) (AMENDMENT) LAW, 2018

The States are asked to decide:-

Whether they are of the opinion to approve the draft *Projet de Loi* entitled "The Administrative Decisions (Review) (Guernsey) (Amendment) Law, 2018", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

This Law amends the procedure and scope of the Administrative Review Board ("ARB") process by:

- introducing an independent Complaints Panel to enquire into complaints and, where appropriate, to refer them to the ARB (in place of the Chief Executive of the States of Guernsey);
- allowing a complaint to be considered where the complainant has already had knowledge of the decision, act or omission for 12 months if there are exceptional reasons to do so or it would be in the interest of justice to do so;
- prohibiting the referral of a complaint to the ARB where a Committee's internal complaints procedures have not been exhausted, or where a finding of medical negligence or malpractice would be required in order to form an opinion for the purposes of the Law;
- introducing an independent member (who is not a People's Deputy or a Dean of a Douzaine) to the ARB considering a complaint; and
- requiring the States of Deliberation to elect a Chairman at the beginning of a States' term for the duration of that term, rather than on an annual basis.

PROJET DE LOI

ENTITLED

The Administrative Decisions (Review) (Guernsey) (Amendment) Law, 2018

THE STATES, in pursuance of their Resolution of the 2nd day of March, 2016^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Amendments to the 1986 Law.

1. The Administrative Decisions (Review) (Guernsey) Law, 1986, is amended as follows -

(a) in the arrangement of sections -

(i) immediately after the entry "1. Application by complainant for review of administrative decisions.", insert entry "1A. The Complaints Panel.", and

^a Article XIII of Billet d'État No. VI of 2016.

- (ii) in entry 2, for the words "Chief Executive or Her Majesty's Greffier", substitute "the Complaints Panel",
- (b) in section 1 -
 - (i) for "he may apply to the Chief Executive of the States of Guernsey", substitute "that person may apply to the Complaints Panel", and
 - (ii) delete from ":" to the end of the section,
- (c) immediately after section 1, inserting the following section -

"The Complaints Panel.

1A. (1) The States shall, upon recommendation of the Policy & Resources Committee, appoint a panel to be called the Complaints Panel which shall consist of such number of persons as in the opinion of the States is necessary for the purpose of carrying out the functions of the Complaints Panel established under this Law.

(2) The members of the Complaints Panel shall be persons who, in the opinion of the States, have sufficient experience and knowledge to enable them to decide matters likely to fall for decision by the Complaints Panel.

(3) The States shall from time to time appoint a Panel Chair from amongst the members of the Complaints Panel.

(4) The Panel Chair may appoint a Deputy Panel Chair from amongst the members of the Complaints Panel who may perform the functions of the Panel Chair.

(5) The following may not be members of the Complaints Panel -

(a) a Member of the States of Deliberation,

(b) a member of a Committee who is not also a Member of the States of Deliberation,

(c) a Dean for the time being of a Douzaine of one of the Parishes of the Island of Guernsey,

(d) any person who holds appointment to any judicial office in the

Bailiwick, or

(e) an employee of the States.

(6) The Panel Chair shall select 3 members of the Complaints Panel to exercise the functions of the Complaints Panel in relation to an application made under section 1 of this Law.

(7) A member of the Complaints Panel may resign as Panel Chair or a member by serving a notice in writing on the Policy & Resources Committee.

(8) Where, on the recommendation of the Policy & Resources Committee, the States resolves to dismiss a member of the Complaints Panel where that member is -

- (a) under a legal disability,
- (b) convicted of an indictable offence, or
- (c) otherwise unable or unfit to continue in office,

that member shall forthwith no longer be a member of

the Complaints Panel.

(9) Any complaint or other document to be served on the Complaints Panel shall be served on the Panel Chair, care of the principal officer to the Panel.

(10) The Policy & Resources Committee shall -

(a) appoint a principal officer to the Complaints Panel on such terms and conditions and with such functions, and

(b) provide such other officers and facilities,

as it thinks fit.",

(d) in section 2 -

(i) in the title, for the words "Chief Executive or Her Majesty's Greffier", substitute "the Complaints Panel",

(ii) for the words "the Chief Executive of the States of Guernsey or Her Majesty's Greffier, as the

case may be," substitute "the Complaints Panel",

(iii) for the words "his" and "he", substitute "its" and "it",

(iv) in paragraph (i) of the proviso, for the words "him would in the opinion of the Chief Executive of the States of Guernsey or Her Majesty's Greffier, as the case may be," substitute "the Chairman would in the opinion of the Complaints Panel", and

(v) in paragraph (ii) of the proviso -

(A) for the words "the Chief Executive of the States of Guernsey or Her Majesty's Greffier, as the case may be," substitute "the Complaints Panel", and

(B) for "President", substitute "Presiding Officer",

(e) in section 3 -

(i) renumber the text of section 3 as subsection (1),

(ii) in subsection (1) as renumbered -

(A) for the words "The Chief Executive of the States of Guernsey or Her Majesty's Greffier, as the case may be," substitute "The Complaints Panel",

(B) for "his", substitute "its",

(C) in paragraph (b), immediately before the words "the matter complained of", insert "unless subsection (2) applies",

(D) in paragraph (d), immediately after "vexatious", insert ", unreasonable",

(E) immediately after paragraph (e), insert the following paragraph -

"(ea) the complainant has not exhausted the internal complaints procedures of the relevant Committee in respect of the matter complained of," ,

(F) in paragraph (f) -

(aa) for the words "the Chief Executive of the States of Guernsey or Her Majesty's Greffier, as the case may be,"

substitute "the Complaints Panel", and

(ab) for ".", substitute ", or", and

(G) immediately after paragraph (f), insert the following paragraph -

"(g) the complaint would require the Board to make a finding of medical negligence or malpractice in order to form an opinion for the purposes of section 7.", and

(iii) immediately after subsection (1), insert the following subsection -

"(2) Where -

(a) the matter complained of relates to a decision, act or omission of which the complainant has had knowledge for more than twelve months, but

(b) the Complaints Panel is of the opinion that -

(i) there are exceptional circumstances which justify the making of a complaint after twelve months have elapsed since the complaint had knowledge of the decision, act or omission, or

(ii) it is otherwise in the interests of justice that the complaint should be referred to the Chairman,

the Complaints Panel may refer the complaint to the Chairman. ",

(f) in section 4 -

(i) in subsection (1)(a), delete "and",

(ii) in subsection (1)(b), for ".", substitute ", and",

(iii) immediately after subsection (1)(b), insert the following paragraph -

"(c) persons who are not -

(i) Members of the States of
Deliberation, and

(ii) the Dean of the Douzaine of any
Parish of the Island of Guernsey,

appointed by the Chairman (hereinafter
referred to as "**the independent
Members**").",

(iv) in subsection (2), for the words "every year",
substitute "within 6 weeks of a General
Election",

(v) for subsection (3), substitute the following
subsection -

"(3) Subject to -

(a) subsection (4), the Chairman and
Deputy Chairman, and

(b) subsection (5), the independent
Members,

shall, unless that Member of the Panel resigns
by serving a notice in writing on the Policy &
Resources Committee, hold office until the date
of the following General Election.",

- (vi) for subsection (4), substitute the following subsection -

"(4) Where any Member of the Panel ceases to be qualified for membership of the Panel in accordance with the provisions of subsection (1)(a) or (b), that Member shall forthwith be deemed to have ceased to be a Member of the Panel, and, in that event, where a Member of the Panel holds also the office of Chairman or Deputy Chairman, that Member shall equally forthwith be deemed to have ceased to be Chairman or Deputy Chairman, as the case may be.", and

- (vii) immediately after subsection (4), insert the following subsections -

"(5) Where the Chairman decides to dismiss one of the independent Members where that Member is -

- (a) under a legal disability,
- (b) convicted of an indictable offence, or
- (c) otherwise unable or unfit

to continue,

that Member shall forthwith no longer be a member of the Panel.

(6) Where -

(a) the Chairman or Deputy Chairman resigns or ceases to be a Member of the Panel, the States shall appoint a replacement Chairman or Deputy Chairman (as the case may be), and

(b) an independent Member of the Panel resigns or is dismissed, the Chairman may appoint a replacement Member.",

(g) in section 5(1) -

(i) for the word "three", substitute "four", and

(ii) in paragraph (c), for "President", substitute "Presiding Officer",

- (h) in section 6 -
 - (i) for the words ", the Chief Executive of the States of Guernsey and Her Majesty's Greffier, as the case may be," substitute "and the Complaints Panel", and
 - (ii) in paragraph (b) -
 - (A) for the words ", the Chief Executive of the States of Guernsey or Her Majesty's Greffier", substitute "or the Complaints Panel", and
 - (B) for the words immediately after the words "as if" until the end of the paragraph, substitute "that person was a witness before the Royal Court, in the same manner as set out in article 20E of the Reform (Guernsey) Law, 1948^b",
- (i) in section 10(1) -
 - (i) immediately after the entry **""complainant""**, insert the following entry -

^b Ordres en Conseil Vol. XIII, p. 288; there are amendments not relevant to this enactment.

"the Complaints Panel" has the meaning assigned to it in section 1A of this Law,"

- (ii) immediately after the entry **"enactment"**, insert the following entries -

"General Election" means a General Election for the office of People's Deputy in accordance with the Reform (Guernsey) Law, 1948,

"the independent Members" has the meaning assigned to it by section 4 of this Law,"

- (iii) delete the entry **"Her Majesty's Greffier"**,

- (iv) immediately after the entry **"the Members"**, insert the following entries -

"a Member of the States of Deliberation" has the meaning set out in article 1(1) of the Reform (Guernsey) Law, 1948,

"Panel Chair" includes any person designated by the Panel Chair to carry out the functions of Panel Chair due to illness or unavailability, and

"the Policy & Resources Committee" means the States of Guernsey Policy & Resources

Committee.", and

- (v) delete the entry ""**Chief Executive of the States of Guernsey**"".

Interpretation.

- 2. In this Law, unless the context requires otherwise -

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance,

and references in this Law to any enactment are references thereto as amended, varied, re-enacted (with or without modification), extended or applied.

Citation.

- 3. This Law may be cited as the Administrative Decisions (Review) (Guernsey) (Amendment) Law, 2018.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

THE IMPLEMENTATION OF INCOME SUPPORT AND TRANSITIONAL PROVISIONS

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'The Implementation of Income Support and Transitional Provisions, dated 22nd January 2018, they are of the opinion:

1. To agree the following rates and allowances, uplifted for indexation from the figures approved by the States on their agreement of the proposals of the Social Welfare Benefits Investigation Committee (SWBIC), in resolution 1 on Article IX of Billet d'État No. VII of 2016, to apply to all claimants on and from the date of implementation in 2018 of the SWBIC proposals–

- a) the short term requirement rates for supplementary benefit or income support as set out in table 1 of the Policy Letter;
- b) the long term requirement rates for supplementary benefit or income support as set out in table 2 of the Policy Letter;
- c) the maximum rent allowances in relation to supplementary benefit or income support as set out in table 3 of the Policy Letter; and
- d) the capital allowances for supplementary benefit or income support as set out in table 4 of the Policy Letter.

2. To agree the following additional matters in relation to supplementary benefit or income support to apply from implementation in 2018 of the SWBIC proposals -

- a) to set the earnings disregard at £35 per week;
- b) to entitle claimants for supplementary benefit or income support who are –
 - i) of pensionable age; or

ii) disabled and who are deemed incapable of fulfilling a work requirement,

to have their claims assessed under long term requirement rates from the date of their claim, with no requirement to have been in receipt of supplementary benefit or income support for a period of 6 months.

c) to entitle claimants for supplementary benefit or income support –

i) whose income and other resources are in excess of their short term requirement rates, but

ii) whose income and other resources are less than their long term requirement rates,

to be paid at the long term rate 6 months after the date of their claim provided that they meet all relevant requirements that would have to have been met by a claimant who had been paid short term rates for 6 months.

3. To note the proposed transitional provisions for a reduced rent rebate to be available for those social housing tenants most affected by the transition from rent rebate to supplementary benefit or income support.

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

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

THE IMPLEMENTATION OF INCOME SUPPORT AND TRANSITIONAL PROVISIONS

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

22nd January 2018

Dear Sir

1. Executive Summary

- 1.1. In March 2016, the States agreed proposals following a Policy Letter from the Social Welfare Benefits Investigation Committee (SWBIC), (Billet d'État VII of 2016, Volume II, Article 9) hereafter, the '2016 Policy Letter'. It was Resolved that these reforms would be implemented from January 2017, subject to the availability of funding. Funding was not available in 2017, but the 2018 budget has made provision to fund the implementation of the Resolutions. While awaiting funding, the Committee *for* Employment & Social Security has been developing and refining the proposals approved by the States. The purpose of this Policy Letter is to establish the indexed rates and set out further detail as to the nature of the transitional provisions. Subject to the approval of the States, it is intended that the new Income Support scheme will be introduced on 6th July 2018.
- 1.2. The rates set in this Policy Letter are, for the most part, increased in line with previous uprating policies from the 2015 value rates approved by the States in 2016, and this is in line with the current uprating policy for non-contributory benefits. There are two exceptions, the Capital Allowances contained in section 3.5, and the Maximum Rent Allowances contained in section 3.4. The Capital Limits have been increased in line with the policy set out in the 2016 Policy Letter, but the Committee has also rounded these figures up or down to the nearest thousand in the interest of simplicity. Maximum Rent Allowances have been set in relation to the highest weekly rent charged for an appropriate unit of social rented housing stock, this follows the established practice.

- 1.3. The cost of the Income Support scheme has been re-modelled to account for uprating. The rates have been increased from a 2015 value to a 2018 value. A revised financial model is included as Appendix 1. The projected cost of operating the scheme for 6 months in 2018 has been included in the 2018 budget (Billet d'État XX of 2017, Article I).
- 1.4. This Policy letter does not significantly amend the SWBIC proposals, and so will not go into detail on the logic or justification for the rates and policies contained herein; save for proposals which develop or alter one of the SWBIC proposals. Unless this Policy Letter states otherwise, the Committee stands by the reasoning of the 2016 Policy Letter, and would in the first instance refer readers to that document if they would like more detail.
- 1.5. Although the Committee intends to implement the necessary changes on 6th July 2018, implementation will be delayed if it becomes evident that the service is not ready for launch. Given the nature of Income Support it would be entirely unacceptable to launch without total confidence that recipients will receive accurate assessments and proper service. Consequently the Propositions that accompany this Policy Letter do not contain an implementation date, so that the legislation may be introduced at an appropriate date after 6th July 2018, if required. This is not to say that the Committee doubts that the service will be operational by that date, but should be seen as an acknowledgment of the vast amount of work required to launch a scheme of this nature and the importance of getting it right from day one.
- 1.6. The Committee has identified the implementation of these reforms as its top priority, following the States debate on the Policy & Resource Plan (Billet d'État XII of 2017, Article 1). It has stressed that further delaying implementation is unacceptable if the States wishes to meet the objectives of the Plan, in particular the commitment for these islands to be "one community bound by a commitment to inclusion and social justice."¹ These reforms will, in part, "address the uncomfortable truth that some individuals...are not able to enjoy the standard of living or level of participation in society that would be deemed acceptable against independent measures of wellbeing."²

2. Background

- 2.1. In 2012 (Billet d'État V of 2012, Volume 1, Article 6) "the 2012 Policy Letter" and 2013 (Billet d'État XX of 2013, Volume 2, Article 1) "the 2013 Policy

¹ Policy & Resource Plan Phase 1 (Billet d'État XXVIII of 2016, Article 1)

² Policy & Resource Plan Phase 2 (Billet d'État XII of 2017, Article 1)

Letter”, the former Social Security Department approached the States with proposals for substantial reforms of the Supplementary Benefit system. These proposals were in part rejected by the States, and the Social Welfare Benefits Investigation Committee (SWBIC) was formed. From 2013 to 2016, SWBIC undertook an extensive review of the current Supplementary Benefit and Rent Rebate systems.

- 2.2. In March 2016, SWBIC brought its proposals to the States (Billet d’État VII of 2016, Volume II, Article 9). A key part of SWBIC’s work was to review the existing Supplementary Benefit rates. At present the requirement rates are divided into short-term and long-term rates. The two-rate system is historic, SWBIC determined that this two-rate system should continue, and the Committee accepts that decision.
- 2.3. Paragraph 80 of the 2016 Policy Letter noted the intention to allow persons of pensionable age, and those who had disabilities which effectively prevented them from undertaking any form of employment, to begin claims on long-term rates. This will require an amendment to the legislation, and as such, a proposition has been proposed.
- 2.4. SWBIC decided upon a ‘basket of goods’ calculation for short-term and long-term needs, and the rates were priced on the 2015 value of this basket of goods. In the case of short-term rates, this basket of goods was stripped back to fundamental immediate essentials; food, electricity, and transport etc. No provision was made for expenses which are more infrequent, such as replacing clothes or repairing or replacing white goods. The long-term rates factored in an allowance for these expenditures, recognising that it would be unreasonable and unrealistic for households to subsist for more than six months on a level of income that prevents them putting any money aside towards these occasional but essential household costs.
- 2.5. The March 2016 Policy Letter proposed the closure of the Rent Rebate Scheme. At present, social housing tenants are entitled to receive a Rent Rebate if they meet certain financial eligibility criteria. This operates entirely separately from Supplementary Benefit. SWBIC identified that this was unsatisfactory for a number of reasons. Firstly, rebated rent is only available to social housing tenants. Secondly, Rent Rebate does not count toward the benefit limitation used by Supplementary Benefit, which means that all else being equal, a social housing tenant may receive more financial support than an individual in private rented accommodation. Finally, unlike Supplementary Benefit, there is no work requirement attached to eligibility for a Rent Rebate, so there is no mechanism to withhold benefit if an individual who is capable of work does not seek work. The States resolved that the Rent Rebate scheme be closed over a transitional period of three

years. The precise mechanism for this closure was left open for further development and is explained in section 4 of this Policy Letter.

- 2.6. At present, the capital limit for all Supplementary Benefit claimants is £20,000, though an assumed income is calculated on any capital above £5,000. The States agreed that the legislation providing for calculation of assumed income on capital shall be repealed, and that instead, the capital cut-off limits would be staggered according to the circumstances of the claimant. The States approved unified Capital Limits for social housing tenants and Supplementary Benefit claimants. Five categories of households were to be established and their Capital Limits referenced to six months living and rental costs.
- 2.7. Most Social Security benefits have fairly rigid and strict criteria, with some discretionary powers for the Committee and the Administrator to avoid unfairness. This includes those benefits designed to assist people with disabilities. Having discussed the matter with stakeholders, SWBIC recommended, and the States agreed, that an Extra Needs Allowance be introduced for those with additional needs, but who do not qualify for severe disability benefit. The Extra Needs Allowance will be a modest sum, payable on a weekly basis, in addition to Income Support entitlement. The criteria are intended to be broad. An individual must simply demonstrate that they have an additional financial need in relation to one or more of the following categories: energy, laundry and clothing, food and diet.
- 2.8. Under Income Support, the majority of existing and eligible claimants will be entitled to receive more financial support from the States than they currently can. There will also be some who receive less under the new system. It was determined that this was unavoidable if the system was to be both fair and affordable.
- 2.9. During the debate of the 2012 Policy Letter, it was resolved that the States would note the intention to change the name of Supplementary Benefit to Income Support. This was supplemented by a Proposition in the Policy Letter 'Benefit and Contribution Rates for 2018' (Billet d'État XXI of 2017, Article 2), to rename "Supplementary Benefit" as "Income Support". This proposition was approved by a Resolution of the States in November 2017. Provided that Royal Assent is received in time, the Committee intends to implement these changes on 6th July 2018, along with the other reforms.

3. Rates

3.1. Short-term requirement rates

- 3.1.1. The 2018 values of the agreed short-term requirement rates are as set out below in Table 1. These rates have been calculated by increasing the rates approved by the States in 2016, using the same methods used in the relevant annual uprating policies.

Table 1 – Short-term (up to 26 weeks) weekly requirement rates in 2018 terms

	Proposed (2018 Value)	Original SWBIC Proposal (2015 Value)	SPB current (from 2018)
Couple householder	£180.19	£171.66	£203.63
Single householder	£102.96	£98.09	£141.42
Single non-householder:			
18 and over	£78.84	£75.11	£107.66
Rent allowance	£75.00	£75.00	-
Member of household:			
18 and over	-	-	£107.66
16 to 17	-	-	£91.42
12 to 15	-	-	£56.63
11 and over	£73.59	£70.11	-
5 to 11	-	-	£41.13
5 to 10	£55.19	£52.58	-
Under 5	£36.80	£35.06	£29.95

3.2. Long-term requirement rates

- 3.2.1. The 2018 values of the agreed long-term requirement rates are as set out overleaf in Table 2. These have been calculated by increasing the rates approved in 2016, using the same methods used in the relevant annual uprating policies.

Table 2 – Long-term (over 26 weeks) weekly requirement rates in 2018 terms

	Proposed (2018 Value)	Original SWBIC Proposal (2015 Value)	SPB current (from 2018)
Couple householders	£296.84	£282.79	£258.28
Single householders	£179.17	£170.69	£178.69
Single non-householder:			
18 and over	£135.02	£128.63	£138.71
Rent allowance	£75.00	£75.00	-
Member of household:			
18 and over	-	-	£138.71
16 to 17	-	-	£117.49
12 to 15	-	-	£72.69
11 and over	£105.14	£100.16	-
5 to 11	-	-	£52.70
5 to 10	£78.85	£75.12	-
Under 5	£52.57	£50.08	£38.84

3.3. Eligibility of those falling between short-term and long-term rates

- 3.3.1. In some cases, a claimant's assessed needs fall between the short-term and long-term rates. This means that they are unable to begin a claim and therefore they would never become eligible to receive a cash benefit. In order to prevent this, the Administrator has a discretionary power³ to permit a claim at long-term rates, provided that the claimant in question has satisfied all other conditions for the six months prior. Effectively treating the claim as though a 'zero rate' had been payable for the duration of their short-term rate eligibility.
- 3.3.2. Given that, generally, the gap between short-term and long-term rates will be widening, more claims will fall into this category in the future. A proposition has been submitted which will effectively turn this from a discretionary power of the Administrator into an enforceable right of the claimant. The Committee cannot envisage a circumstance where it would be inappropriate to award a claim to an individual who has met all conditions except that their income modestly exceeds the short-term requirement rates. As such, the Committee does not consider it appropriate that such a decision should be discretionary.

³ See paragraph 5(4) of the First Schedule of the Supplementary Benefit (Implementation) Ordinance, 1971

3.4. Maximum Rent Allowances

- 3.4.1. Maximum Rent Allowances are upper limits of rental support under Supplementary Benefit. At present, two categories of claimant are included in legislation; single people and couples with no children and people living in shared accommodation. After consideration of the 2016 Policy Letter, the States resolved that Maximum Rent Allowances should be extended to include families.
- 3.4.2. The Maximum Rent Allowances set out in Table 3 are to be implemented at the same time as Income Support. This will require the addition of tenancy groups to the legislation. It is also proposed to set out a table of Maximum Rent Allowances in the legislation for all tenancy groups. The allowances are calculated in the same way as in previous years, but have been updated to reflect the current rent charges for social housing applied by the Committee and the Guernsey Housing Association. The Maximum Rent Allowances apply to all claimants, irrespective of whether they reside in social rented accommodation or private rented accommodation.
- 3.4.3. These tenancy groups are materially the same as those submitted in the 2016 Policy Letter, but the definitions have been revised and tenancy group 1 has been split. These changes were made to better reflect the definitions that will be used in legislation and follows Law Officer advice. There is no change to the policy intention.

Table 3 – Maximum Rent Allowances

Tenancy Group	Description	Proposed maximum weekly rent allowance	Original SWBIC proposals
Group 1	Single householder with no child dependants	£217.50	£207.00
Group 2	Couple with no child dependants	£217.50	£207.00
Group 3	Couple or Single householder with 1 dependent child	£260.14	£247.29
Group 4	Couple or Single householder with 2 dependent children	£332.40	£316.10
Group 5	Couple or Single householder with 3+ dependent children	£407.17	£387.26
Group 6	Person living in shared accommodation	£174.97	£167.87

- 3.4.4. The 2016 Policy Letter noted that the Administrator currently has the discretion to pay rates higher than the Maximum Rent Allowances in

exceptional circumstances⁴, and that this should remain due to the circumstances in which it is required. For instance, it would be inappropriate to re-house a tenant who was under-occupying a two bedroom property because they had an occasional need for a carer to stay the night. Under these circumstances, the Administrator would permit a higher rent allowance so that the tenant was not unfairly disadvantaged. The wording of Resolution 1e following the 2016 Policy Letter could be taken as stating that there would be no discretion to exceed the maximums. The Committee does not believe this was the intention, as the 2016 Policy Letter referred, at paragraph 127, to the Administrator's discretionary power to pay a higher rent being used in certain circumstances. Therefore, this power is to be retained to deal with those cases e.g. where a person needs an additional space because of a disability.

3.5. Capital Limits

- 3.5.1. In a slight deviation from the policy agreed in 2016, the Committee is proposing that the Capital Limits are rounded up or down to the nearest thousand, for simplicity and ease of reference. Under Income Support, there will be no notional income assumed on capital in excess of £5,000. Capital will only be considered in respect of these Capital Limits.
- 3.5.2. In the event that a claimant or applicant has capital in excess of the relevant capital limit, but has an income below their requirement rate, they will be unable to claim until such time as their capital falls below the relevant capital limit. In order to prevent the divestment of capital to become eligible, a formula is applied which calculates the number of weeks that the claimant or applicant should be able to support their household using the capital that is in excess of the limit. The claimant or applicant will not be entitled to claim until this period has elapsed and their capital is below the relevant capital limit.
- 3.5.3. The Committee proposes the Capital Limits set out overleaf in Table 4, which are accompanied by the pre-rounded figures for information.

⁴ See paragraph 6(4)(b) of the First Schedule to the Supplementary Benefit (Implementation) Ordinance, 1971.

Table 4 – Proposed Capital Limits

Household	Proposed Capital Limit (Rounded)
Single Person	£13,000.00
Couple	£15,000.00
Family, one child	£17,000.00
Family, two children	£21,000.00
Family, three or more children	£23,000.00

3.6. Earnings Disregard

- 3.6.1. In the 2016 Policy Letter, paragraph 121 noted the intention to increase the earnings disregard to £35 per week, from £30 per week, in order to recognise the additional transport costs of working people. A further £5 per week for travel was taken into account in the calculation of requirement rates as part of the 2016 Resolutions. The earnings disregard exists to ensure that claimants see some form of financial benefit from being employed. It was recognised that there was an additional cost incurred by travelling to and from work, and that the best way to offset this, was to make an allowance within the earnings disregard. A proposition to that effect is included alongside this Policy Letter.

3.7. Extra Needs Allowance

- 3.7.1. After consideration of the 2016 Policy Letter, the States resolved to introduce an Extra Needs Allowance. An award of between £10 and £20 per week will be made in accordance with a person's individual circumstances and their needs within three distinct categories, energy, laundry and clothing, and food and diet. Given that the benefit is aimed to provide for needs rather than conditions, the Committee believes that it is difficult to assess the suitability of the sums provided, until it has greater experience of the claims received. As such, the Committee intends to keep the extra needs allowance under review for the foreseeable future, with a view to ensuring that it meets the intended objectives and adjusting the rates in accordance with this experience.

4. Transitional Arrangements

4.1. Rent Rebate

- 4.1.1. The States resolved that *"the Rent Rebate scheme be closed over a transitional period of 3 years"*. The exact nature of this transition was left for further consideration. Taking into account the financial implications to both

tenants and the States, the Committee intends that the Rent Rebate scheme will be closed to new applications from 6th July 2018. A transitional rebate calculation will be introduced, which will provide a rebate based on how a tenant is financially impacted by the introduction of Income Support and the closure of Rent Rebate.

- 4.1.2. If a tenant will be better off financially under Income Support, or if they are disadvantaged by £10 or less per week, they will not require any transitional arrangements. They will pay the full standard weekly rent from the implementation date, planned for 6th July 2018. It is expected that this will be the case for approximately 75% of tenants.
- 4.1.3. Approximately 25% of tenants are expected to be disadvantaged by more than £10 per week under the new arrangements. These individuals will be entitled to benefit from transitional provisions for a period of between six months and three years, depending on the amount that they are disadvantaged by. Entitlement for transitional arrangements will be calculated as follows; the total benefit received by the tenant through both Supplementary Benefit and Rent Rebate immediately before the implementation date will be calculated, and their entitlement under Income Support from the implementation date will be deducted from this, to calculate the tenant's financial disadvantage. The amount of this disadvantage will be used to calculate the rebate that the tenant is eligible to receive during the transition. This rebate will be subject to an initial £10 reduction and then further £10 reductions at six month intervals during the transition. So, for example, a tenant who is disadvantaged by £30 will be phased out of transitional arrangements within 12 months. Appendix 2 contains sample claims which demonstrate how some households will be affected by the changes.
- 4.1.4. Although it is estimated that 25% of tenants may be disadvantaged in cash terms, it must be remembered that there are non-cash benefits which are available to Income Support recipients, access to free medical cover being the most notable example. Pensioners and families with young children are particularly likely to benefit from access to these services, and the financial impact should not be disregarded, even though it is difficult to accurately quantify the relative cash value from household to household.
- 4.1.5. If the circumstances of tenants did not change, there would be approximately 80 tenants who would not be fully transitioned after three years. It is impossible to predict how changes in circumstances will affect these claims over the three year period. Under the new scheme, all those receiving Income Support or a transitional Rent Rebate will have an assessed work requirement. The imposition of a work requirement, which has never

been an element of Rent Rebate, may have a significant impact on the circumstances of some of those currently only receiving a Rent Rebate. If some claimants have not fully transitioned from Rent Rebate by the end of the three years, the scheme will be closed and these claims will be considered on an individual basis. If it is considered that there should be further assistance given to these individuals, this will be dealt with through the Committee's discretionary powers under Income Support Legislation, or by such other policy that the Committee may propose to the States. The Committee feels that it would not be effective, or appropriate, to propose a solution until the scale of the issue is known, however, it is anticipated that only a very small number of claims could be affected.

- 4.1.6. The Committee stated in its submission in the Policy & Resource Plan (Billet d'État XII of 2017, Article 1), that during this term it intends to propose above inflation increases to the benefit limitation. In the event of a benefit limitation increase, the calculation of transitional rebate entitlement will be revisited as a tenant's disadvantage may be reduced. Increases to the benefit limitation will therefore reduce the number of claimants requiring transitional provisions.
- 4.1.7. In the event that a tenant has a material change of circumstance, which renders him or her ineligible to receive Income Support, that tenant will also be rendered ineligible to receive a transitional Rent Rebate. As there will not be live assessments of Rent Rebate eligibility, any trigger for a review will be initiated by an Income Support assessment. Tenants who have a variable income, that occasionally exceeds requirement rates, will remain entitled to receive a transitional Rent Rebate, unless it becomes apparent that they are likely to exceed requirement rates in the long-term.
- 4.1.8. Although Income Support will provide an opportunity for qualifying individuals to access non-cash benefits, such as the payment of medical expenses and access to Legal Aid, the majority of benefit received will now be in the form of cash benefits. This Committee is aware that this carries a risk of increased rent arrears for the States as a landlord. The Committee is proposing that rent owed by Social housing tenants should be paid by the tenant from their cash benefit, rather than deducted at source. It would not be fair to remove this responsibility from the tenant, as most tenants pay their rent on time and have done so for many years. Those who request direct payment will of course be allowed to do so, but it will not be mandatory. Rent arrears will continue to be monitored following implementation and individual cases will be addressed in accordance with the appropriate procedures, taking an early intervention approach to ensure that a tenant's debt does not accumulate to unmanageable levels. As well as an individual approach, rent arrears will be monitored at a high level to identify trends; internal policy will be reviewed if a pattern does emerge.

5. Re-pricing

- 5.1. As the rates will be linked to a defined basket of goods under new scheme, it is important that the rates retain their purchasing power over the years to come. RPIX is a useful indicator, and annual RPIX increases to the rates will broadly reflect the cost of the underlying basket of goods, but they will gradually slip further and further out of alignment. The basket of goods used in calculating the short-term rates was very detailed and included specific items and costs. It is therefore much narrower than the RPIX calculations. If the price of a few of the goods used in these calculations were to rise at a disproportionate rate, it could have a serious impact on quality of life for claimants. There is no slack or contingency built into the new short-term rates.
- 5.2. For the rates to maintain their relative value, a re-pricing exercise will have to be carried out periodically. The Committee will endeavour to provide a mechanism to periodically reprice.

6. Waste Strategy

6.1. Provision of financial assistance

- 6.1.1. Following the Resolutions arising from debate of the Policy Letter entitled “Waste Strategy Implementation - Household Charging Mechanisms” (Billet d’État XXIV of 2017, Article 13). The States have resolved to implement a new mechanism to fund the waste management. Although there is no direct link between the implementation of Income Support and the Waste Strategy, the timing of this Policy Letter provides an opportunity to address how these proposals will affect claimants.
- 6.1.2. Supplementary Benefit legislation has a provision to account for rates and taxes incurred by a householder arising from their occupancy⁵. This power is not tied to specific values, but costs must be considered reasonable by the Administrator. In this case the charge for one general waste bag per household, per week, would be considered a reasonable charge incurred by the householder. There will be no legislative amendments required to meet these needs, nor will this be a significant policy change as the parish rate is already accounted for under this provision. This will be kept under review following implementation, to assess whether funding accurately reflects need.

⁵ Paragraph 6(2)(b) of the First Schedule of The Supplementary Benefit (Implementation) Ordinance, 1971.

6.2. Costs

- 6.2.1. At present the Committee cannot comment on the expected cost of supporting future waste charges until revised proposals are submitted. In its original form it was expected to cost approximately £500,000 per annum, to fund the standing charges and the cost of one bag, per household, per week. When revised proposals have been submitted, the Committee will ensure there is suitable financial information available for members during debate. The cost of the Waste Strategy in respect of Income Support is not reflected in the figures provided in Appendix 1

7. **Resources**

- 7.1. Since the 2016 Policy Letter, the financial projections have been remodelled, taking into account the proposed rates. The new projections take into account any deviations from the previously agreed policy, including the increased benefit limitation. A table containing the full financial information is appended to this Policy Letter. (See Appendix 1). The cost of these proposals were incorporated into the 2018 budget.

8. **Consultation**

8.1. Internal

- 8.1.1. The Committee *for* Employment & Social Security has been in frequent discussion with the Policy & Resources Committee regarding the introduction of Income Support. The Policy & Resources Committee has been consulted throughout, particularly in relation to the financial modelling.
- 8.1.2. The States of Alderney has been informed of the impending changes. Training will be provided for States of Alderney staff in due course so that they can take the initial claim information from Alderney residents. Claims will then be processed by Social Security staff in Guernsey, this is in line with existing policy.
- 8.1.3. The Committee has consulted with the Law Officers regarding the legal implications and legislative drafting requirements resulting from the propositions set out in this Policy Letter.

8.2. External Communications

- 8.2.1. Before this Policy Letter was published, the Office *of the* Committee *for* Employment & Social Security wrote to tenants and service users informing them of the proposed changes. All tenants currently receiving a Rent Rebate

will be asked to provide up to date information in order to model and predict their entitlement under the new proposals. Although there will be many changes of circumstance before launch, it is hoped that early notice will allow people to plan for any forthcoming changes, and give them the opportunity to contact the office to have any questions answered.

- 8.2.2. Service users will be kept as informed as possible throughout. As well as relying on letters, online platforms will be kept fully up-to-date, including a list of frequently asked questions and concise summaries of the changes.
- 8.2.3. In an effort to streamline the claim procedure and lessen the administrative work necessary to monitor claims, the Committee has undertaken a number of internal improvement initiatives. A mobile app has been introduced, which allows claimants to submit wage slips and other documentary evidence electronically, without the need to visit the office. The objective is to reduce footfall and improve the service user experience. In summer 2017, a consultation exercise reviewed how the Supplementary Benefit system currently operates, with a view to making efficiencies which would improve the service user experience and reduce workload. This exercise had a specific focus on digital solutions. An action plan has now been developed and officers are prioritising those actions which can be completed before the launch of Income Support. It is essential that the service is operating as efficiently as possible prior to the implementation of Income Support to limit the need for additional administrative staff.

9. Conclusions

9.1. Resource and Implementation Plan

- 9.1.1. Table 5 shows how the Committee has considered the resources required to implement the propositions set out in this Policy Letter.

Table 5 – Resource and Implementation Plan

Details considered	Committee comment
Cost	As set out in Appendix 1.
Timescale	Intended launch on 6 th July 2018. The three year transition is due to be completed in approximately July 2021.
Resource requirements	The Committee requires an increase to its budget to account for the predicted formula-led costs, and the provision of extra staff resource. A summary of the costs is set out in Appendix 1. The budget for the first six months of implementation was approved by the States during the November 2017 budget debate.
Funding	Funding for these reforms was included in the 2018 budget. The funds will come from General Revenue.
Transitional arrangements	Those currently receiving a Rent Rebate, who will be disadvantaged by more than £10 per week, will be entitled to receive a transitional rebate for a period of between six months and three years, depending on their circumstances.
Communications plan	As set out in Section 8

- 9.1.2. The Committee has set out its proposals for Income Support throughout this Policy Letter, and seeks the States support for these proposals.

10. Compliance with Rule 4 of the Rules of Procedure

- 10.1. Through the drafting of this Policy Letter, the Committee has consulted with the Policy & Resources Committee.
- 10.2. The Committee has consulted with the Law Officers regarding the legal implications and legislative drafting requirements resulting from the propositions set out in this Policy Letter.
- 10.3. The Committee has set out its proposals for the implementation of Income Support throughout this Policy Letter, and seeks the States support for the propositions, which are based on the Committee's 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.”

- 10.4. In particular, the propositions are aligned with the priorities and policies set out in the Committee’s Policy Plan, which was approved by the States in June 2017 (Billet d’État XII, Article 1). The Committee’s Policy Plan is aligned with the States objectives and policy plans.
- 10.5. In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions have the unanimous support of the Committee.

Yours faithfully

M K Le Clerc
President

S L Langlois
Vice-President

M J Fallaize
J A B Gollop
E A Yerby

M J Brown
Non-States Member

A R Le Lièvre
Non-States Member

Appendix 1 – Financial model

	2018* (£)	2019 (£)	2020 (£)	2021 (£)	2022 (post-transition) (£)
Rent Rebate Change	(6,737,000)	(13,474,000)	(13,474,000)	(13,474,000)	(13,474,000)
Income Support- Total (including transitional Rent Rebates)	9,041,000	17,781,000	17,511,000	17,371,000	17,201,000
Legal Aid- Additional Claims	25,000	50,000	50,000	50,000	50,000
Administration- Additional Staff	220,000	215,000	185,000	185,000	185,000
Estimated cost above present expenditure	2,548,700	4,572,000	4,272,000	4,132,000	3,962,000

*2018 costs represent a 6 month period; this is because the scheme is not expected to come into effect until July 2018.

Appendix 2– Sample claims

The examples included over the following pages are real examples of actual Supplementary Benefit claims and tenant households. They have been selected to provide a good representation of the effect of these changes to people in a wide variety of circumstances.

Example A

Family unit

- Single pensioner
- living in one bedroom GHA unit
- Savings under £7,000

Income	Weekly	Annually
Guernsey Pension	£212.27	
total income	£212.27	

Income Support need

Rent	£180.15
Single householder	£179.17
need	£359.32

Income Support need £147.05
(need minus total income)

Impact of Benefit Limitation rules

Benefit limitation	£0.00
Actual benefit limitation	£0.00

Benefit limitation deduction £0.00
(Income Support need, minus actual benefit limitation)

Income Support payable £147.05
(Income Support need minus benefit limitation deduction)

Value of current Rent Rebate £117.75

Better off in cash terms by £29.30 £1523.60

(Income Support payable minus Rent Rebate)

- Also, now qualifies for free medical cover. For example 1 GP visit per year per person could have a value of over £40.00
- Also, now qualifies for winter fuel allowance (October to April) and this could have a value of over £700.00

Potentially better off by more than £2200.00
(medical plus fuel allowance plus better off in cash terms)

N.B. The benefit increase in this example is higher than it might otherwise be. The individual is presently entitled to Supplementary Benefit but is not claiming it.

Example B

Family unit

- Couple – both working with 2 children under 15
- A working non-dependant adult is also a member of the household
- Living in three bed social housing unit
- Savings under £5,000

Income	Weekly	Annually
Net weekly earnings (less 2 earning disregard of £35.00)	£539.40	
Family Allowance	£27.80	
total income	£567.20	
Income Support need		
Rent (less £75 non-dependant charge)	£204.51	
Couple	£296.84	
One child aged 8	£78.85	
One child aged 14	£105.14	
need	£685.34	
Income Support need	£118.14	
(need minus total income)		
Impact of Benefit Limitation rules		
Benefit limitation	£670.00	
Family Allowance	£27.80	
Value of Family Allowance disregarded	£15.34	
(The amount of Family Allowance will be disregarded in line with the level of need and will never exceed this value)		
Actual benefit limitation	£685.34	
Benefit limitation deduction	£0.00	
(Income Support need, minus actual benefit limitation)		
Income Support payable	£118.14	
(Income Support need minus benefit limitation deduction)		
Value of current Rent Rebate	£53.03	
Family unit also better off in cash terms by	£65.11	£3385.72
(Income Support payable minus Rent Rebate)		
• Also, family now qualify for free medical cover. For example 1 GP visit per year per person in the family could have a value of over		£150.00
• Also, family now qualify for winter fuel allowance (October to April) and this could have a value of over		£700.00
Family unit potentially better off by		£4000.00

Example C

Family unit

- Couple – one working and one incapable of work
- Four children under 13
- Living in three bed social housing unit
- Savings under £5,000

Income	Weekly	Annually
Net weekly earnings (less earning disregard of £35.00)	£357.31	
Family Allowance	£55.60	
Incapacity Benefit	£182.28	
total income	£595.19	
Income Support need		
Rent	£264.75	
Couple	£296.84	
Two children under 5	£105.14	
One child aged 8	£78.85	
One child aged 12	£105.14	
need	£850.72	
Income Support need (need minus total income)	£255.53	
Impact of Benefit Limitation rules		
Benefit limitation	£670.00	
Family Allowance	£55.60	
Actual benefit limitation	£725.60	
Benefit limitation deduction (Need minus actual benefit limitation)	£125.12	
Income Support payable (Income Support need minus benefit limitation deduction)	£130.41	
Value of current Rent Rebate	£135.63	
Family unit worse off in cash terms by (Income Support payable minus Rent Rebate)	£5.22	£271.44
But, family now qualify for free medical cover. For example 1 GP visit per year per person in the family could have a value of over		£225.00
But, family now qualify for a winter fuel allowance (October to April) and this could have a value of over		£700.00
Family unit potentially better off by (medical plus fuel allowance minus worse off in cash terms)		£600.00

Example D

Family unit

- Couple – one working
- Five children under 11
- Living in three bed social housing unit
- Savings under £5,000

Income	Weekly	Annually
Net weekly earnings (less earning disregard of £35.00)	£700.87	
Family Allowance	£69.50	
total income	£770.37	
Income Support need		
Rent	£274.89	
Couple	£296.84	
One child aged 2	£52.57	
Four children aged 5 to 10	£315.40	
need	£939.70	
Income Support need (need minus total income)	£169.33	
Impact of Benefit Limitation rules		
Benefit limitation	£670.00	
Family Allowance	£69.50	
Actual benefit limitation	£739.50	
Benefit limitation deduction (Need, minus actual benefit limitation)	200.20	
Income Support entitlement (Income Support need minus benefit limitation deduction)	-£30.87	
Value of current Rent Rebate	£73.75	
Family unit worse off in cash terms by (Income Support entitlement minus Rent Rebate)	£73.75	£3835.00
• But, family now qualify for free medical cover. For example 1 GP visit per year per person in the family could have a value of over		£260.00
Family unit potentially worse off by (medical minus worse off in cash terms)		£3500.00

N.B. This family will be entitled to benefit from transitional provisions for 3 years, provided that their circumstances do not change (see Appendix 3).

Example E

Family unit

- Pensioner couple
- Living in one bed GHA unit
- Savings less than £7,000

Income	Weekly	Annually
Pensions	£365.10	
total income	£365.10	
Income Support need		
Rent	£193.00	
Couple	£296.84	
need	£489.84	
Income Support need (need minus total income)	£124.74	
Impact of Benefit Limitation rules		
Benefit limitation	£0.00	
Actual benefit limitation	£0.00	
Benefit limitation deduction (Income Support need, minus actual benefit limitation)	£0.00	
Income Support payable (Income Support need minus benefit limitation deduction)	£124.74	
Value of current Rent Rebate	£118.00	
Family unit better off in cash terms by (Income Support payable minus Rent Rebate)	£6.74	£350.48
Also, family now qualify for free medical cover. For example 1 GP visit per year per person in the family could have a value of over		£80.00
Also, family now qualify for winter fuel allowance (October to April) and this could have a value of over		£700.00
Family unit potentially better off by (medical plus fuel allowance plus better off in cash terms)		£1100.00

Example F

Family unit

- Couple – one pensioner and one person working
- Living in one bed social housing unit
- Savings less than £5,000

Income	Weekly	Annually
Net weekly earnings (less earning disregard of £35.00)	£234.26	
Pension	£173.69	
total income	£407.95	

Income Support need

Rent	£216.00
Couple	£296.84
need	£512.84

Income Support need £104.89
(need minus total income)

Impact of Benefit Limitation rules

Benefit limitation	£0.00
Actual benefit limitation	£0.00

Benefit limitation deduction £0.00
(Income Support need, minus actual benefit limitation)

Income Support payable £104.89
(Income Support need minus benefit limitation deduction)

Value of current Rent Rebate £107.75

Family unit worse off in cash terms by £2.86 £148.72
(Income Support payable minus Rent Rebate)

- But, family now qualify for free medical cover. For example 1 GP visit per year per person in the family could have a value of over £80.00
- But, family now qualify for a winter fuel allowance (October to April) and this could have a value of over £700.00

Family unit potentially better off by £600.00
(medical plus fuel allowance minus worse off in cash terms)

Example G

Family unit

- Single pensioner
- living in one bed social housing unit
- Savings under £7,000

Income	Weekly	Annually
Guernsey Pension	£212.27	
UK Pension	£46.97	
Occupational Pension (£10.00 disregard)	£127.63	
Private Pension	£3.31	
total income	£390.18	

Income Support need

Rent	£141.53
Householder	£179.17
need	£320.70

Income Support need £-69.48
(need minus total income)

Impact of Benefit Limitation rules

Benefit limitation	£0.00
Actual benefit limitation	£0.00
Benefit limitation deduction (Income Support need, minus actual benefit limitation)	£0.00

Income Support payable £0.00
(Income Support need minus benefit limitation deduction)

Value of current Rent Rebate £34.53

Worse off in cash terms by £34.53 **£1795.56**
(Income Support payable minus Rent Rebate)

- But, now qualifies for free medical cover. For example 1 GP visit per year per person in the family could have a value of over £40.00

Potentially worse off by £1700.00
(worse off in cash terms minus medical)

Example H

Family unit

- Single person - working
- Two children under 14
- Living in a 3 bed GHA unit
- Existing Supplementary Benefit claim
- Savings of less than £3,000

Income	Weekly	Annually
Net weekly earnings (less earning disregard of £35.00)	£30.30	
Family Allowance	£27.80	
Maintenance	£91.62	
total income	£149.72	
Income Support need		
Rent	£323.08	
Householder	£179.17	
One child aged 4	£52.57	
One child aged 13	£105.14	
need	£659.96	
Income Support need (need minus total income)	£510.24	
Impact of Benefit Limitation rules		
Benefit limitation	£0.00	
Actual benefit limitation	£0.00	
Benefit limitation deduction (Income Support need, minus actual benefit limitation)	£0.00	
Income Support payable (Income Support need minus benefit limitation deduction)	£510.24	
Value of current Supplementary Benefit	£459.38	
Family unit better off in cash terms by (Income Support payable minus Supplementary Benefit)	£50.86	£2644.72
<ul style="list-style-type: none"> • Also, family continue to qualify for free medical cover. For example 1 GP visit per year per person in the family could have a value of over • Also, family continue to qualify for winter fuel allowance (October to April) and this could have a value of over 		£120.00
		£700.00
Family unit potentially better off by (medical plus fuel allowance plus better off in cash terms)		£3400.00

Example I

Family unit

- Single person - working
- One child age 14
- Living in two bed social housing unit
- Savings of less than £3,000

Income	Weekly	Annually
Net weekly earnings (less earning disregard of £35.00)	£397.65	
Family Allowance	£13.90	
Maintenance	£46.80	
total income	£458.35	

Income Support need

Rent	£222.00
Householder	£179.17
One child aged 14	£105.14
need	£506.31

Income Support need £47.96
(need minus total income)

Impact of Benefit Limitation rules

Benefit limitation	£0.00
Actual benefit limitation	£0.00
Benefit limitation deduction (Income Support need, minus actual benefit limitation)	£0.00

Income Support payable £47.96
(Income Support need minus benefit limitation deduction)

Value of current Rent Rebate £83.79

Family unit worse off in cash terms by £35.83 £1863.16
(Income Support payable minus Rent Rebate)

- But, family now qualify for free medical cover. For example 1 GP visit per year per person in the family could have a value of over £80.00
- But family now qualify for winter fuel allowance (October to April) £700.00

Family unit potentially worse off by more than £1000.00

N.B. This family will be entitled to benefit from transitional provisions for 18 months, provided that their circumstances do not change (see Appendix 3).

Appendix 3 – Examples in Transition

Example D (see example in Appendix 2 for more detail)

The household will be worse off by £73.75 per week under Income Support. This means that they will be entitled to a transitional Rent Rebate to stagger the reduction. Their entitlement to transitional provisions will be as follows:

Period	Value of transitional Rent Rebate (per week)	Net difference under the old and new system (per week) *
July 2018 - December 2018	£63.75	-£10.00
January 2019 - June 2019	£53.75	-£20.00
July 2019 - December 2019	£43.75	-£30.00
January 2020 - June 2020	£33.75	-£40.00
July 2020 - December 2020	£23.75	-£50.00
January 2021- June 2021	£13.75	-£60.00

* This does not take into account the value of non-cash benefits.

It is important to note that the existence of the benefit limitation is the only reason this family will be worse off under Income Support. If the benefit limitation did not exist, the family would be almost £100 per week better off under the new system.

This assessment is based on the current circumstances of the family; changes in circumstances may affect their transitional entitlement. For instance, significant increases in the benefit limitation may make them eligible to receive Income Support.

This is an example of a family who would not be fully transitioned by the end of the three year transition period, assuming their circumstances do not change. If this remains the case, the Committee will consider whether it is appropriate to make further arrangements. This will be on a case by case basis, or via such means as may be proposed to the States in due course.

Example I (see example in Appendix 2 for more detail)

The household will be worse off by £35.83 per week under Income Support. This means that they will be entitled to a transitional Rent Rebate to stagger the reduction. Their entitlement to transitional provisions will be as follows.

Period	Value of transitional Rent Rebate (per week)	Net difference under the old and new system (per week)*
July 2018 - December 2018	£25.83	-£10.00
January 2019 - June 2019	£15.83	-£20.00
July 2019 - December 2019	£5.83	-£30.00
January 2020 onwards	£0.00	-£35.83

* This does not take into account the value of non-cash benefits.

This assessment is based on the claimant's circumstances remaining stable. A material change to the household circumstances may mean that transitional provisions cease to apply.

**THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY**

THE COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

THE IMPLEMENTATION OF INCOME SUPPORT AND TRANSITIONAL PROVISIONS

The President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St. Peter Port
GY1 1FH

22nd January 2018

Dear Deputy St Pier

Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(2) of the Rules of Procedure of the States of Deliberation and their Committees, it is requested that the Policy Letter entitled 'The Implementation of Income Support and Transitional Provisions' be considered by the States of Deliberation at its meeting on 28th February 2018.

The request is made because there needs to be sufficient time available to prepare legislation in time for Income Support to be implemented on 6th July 2018. In addition, customers need as much notice as possible of the forthcoming changes to their benefit.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mle' followed by a stylized flourish.

Michelle Le Clerc
President

Shane Langlois
Vice President
Matthew Fallaize, John Gollop, Emilie Yerby

Mike Brown, Andrew Le Lievre
Non-States Members

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

LIQUOR LICENSING: PERMITTED HOURS – CATEGORY ‘G’ LICENCES

The States are asked to decide: -

Whether, after consideration of the Policy Letter dated 4th December, 2017, of the Committee *for* Home Affairs, they are of the opinion:-

1. To amend the licensing hours for Category ‘G’ to 11am – 12.45am on Christmas Day.
2. To amend the licensing hours for Category ‘G’ to 12noon – 12.45am on Good Friday.
3. To approve the draft Ordinance entitled “The Liquor Licensing (Amendment) Ordinance, 2018” and to direct that the same shall have effect as an Ordinance of the States.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

This Ordinance amends the Liquor Licensing Ordinance, 2006 so as to extend the permitted trading hours for licensed premises in Categories A, C, D, E and G so that such premises may lawfully sell alcohol between the hours of 11 a.m. and 12.45 a.m. on Christmas Day, and between the hours of 12 noon and 12.45 a.m. on Good Friday.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

LIQUOR LICENSING: PERMITTED HOURS – CATEGORY ‘G’ LICENCES

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

4th December, 2017

Dear Sir

1. Executive Summary

- 1.1. The purpose of the supplementary Policy Letter is to explain why the accompanying draft Liquor Licensing (Amendment) Ordinance, 2018 differs in one respect from the recommendations which were set out in the Committee for Home Affairs’ (‘the Committee’) Policy Letter of 5th September 2017, which was approved on 18th October 2017.
- 1.2. This Policy Letter recommends that the trading hours permitted for a Category ‘G’ – Passenger Vessel Liquor Licence – are amended to 11am – 12.45am on Christmas Day and 12noon – 12.45am on Good Friday in order to bring them in line with the amended trading hours approved by the States of Deliberation at their meeting of 18th October 2017 for Category ‘A’, ‘C’, ‘D’ and ‘E’ Licences. This is in order to correct an oversight in the propositions which omitted to reference Category ‘G’ Licences. The permitted trading hours are set out in the Liquor Licensing Ordinance, 2006 (‘the Ordinance’) which states the permitted hours for Category ‘G’ Licences are the same as those applicable for Category ‘A’ Licences.

2. Background

- 2.1. On the 18th October 2017, the States of Deliberation considered a Policy Letter dated 5th September 2017¹ from the Committee concerning ‘Liquor Licensing: Permitted Hours’ and approved the Propositions to amend the hours during which certain categories of licensed premises may lawfully sell alcohol (‘the

¹ Billet d’État XIX of 2017, Article I (P 2017/79)

permitted hours') on Good Friday and Christmas Day. That Policy Letter stated "The Committee considers that in order to avoid the current practical difficulties, for Categories A, C, D, E and G, the permitted trading hours on Christmas Day and Good Friday should be amended". The Propositions considered by the States were in respect of Category 'A', 'C', 'D' and 'E' licensed premises. The permitted hours for Christmas Day and Good Friday for Category 'A', 'C', 'D' and 'E' Licences currently detailed in the Ordinance are: 11.00am - 2.30pm and 7.00pm – 10.30pm. The States Resolutions of 18th October, 2017² are as follows:

1. *To amend the licensing hours for Category 'A', Category 'C', Category 'D' and Category 'E' to 11am – 12.45am on Christmas Day*
2. *To amend the licensing hours for Category 'A', Category 'C', Category 'D' and Category 'E' to 12noon – 12.45am on Good Friday*

The Propositions did not refer to Category 'G' Licences Passenger Vessel Licences. There are currently no Category G Licences in existence.

- 2.2. The Second Schedule to the Ordinance states that the permitted hours for Category 'G' Licences are the same as those applicable under category A (Standard Licence). By amending the permitted hours for Category 'A' Licences in the Ordinance, as agreed by the States on 18th October 2017, this will result in the permitted hours for Category 'G' Licences also being amended but without the States having agreed specifically to amend Category 'G' Licences.
- 2.3. In order to correct this oversight, the Committee is recommending that the permitted hours for Category 'G' Licences are amended (as set out in the original Policy Letter) to bring them in line with the licensing hours for Categories 'A', 'C', 'D' and 'E' as previously agreed by the States.

3. Engagement and Consultation

- 3.1. The Committee previously consulted on its proposals as detailed in paragraph 2.4 of the Committee's Policy Letter of 5th September 2017. Category G was not specifically referred to in the consultation as there are currently no licensed vessels to which this change would apply. Respondents were supportive of the proposals to amend the permitted hours on Good Friday and Christmas Day, with the exception of the St Peter Port Constables who considered the status

² The Resolutions of 18th October 2017 can be found at:
<https://gov.gg/CHttpHandler.ashx?id=110514&p=0>

quo should be retained. This proposed amendment will bring parity between the licence categories in the event of an application being made for a Category G licence in the future.

- 3.2. The Law Officers Chambers have been consulted and have advised on the proposals.

4. Recommendations

- 4.1. The States are asked to decide whether they are of the opinion:-

- To amend the licensing hours for Category 'G' to 11am – 12.45am on Christmas Day
- To amend the licensing hours for Category 'G' to 12noon – 12.45am on Good Friday
- To approve the draft Ordinance entitled “The Liquor Licensing (Amendment) Ordinance, 2018” and to direct that the same shall have effect as an Ordinance of the States.

5. Propositions

- 5.1. In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.

Yours faithfully

M M Lowe
President

R H Graham
Vice-President

M P Leadbeater
V S Oliver
R G Prow

The Liquor Licensing (Amendment) Ordinance, 2018

THE STATES, in pursuance of their Resolution of the 18th October, 2017^a and the ** ****, 2018^b, hereby order:-

Amendment of 2006 Ordinance.

1. The Liquor Licensing Ordinance, 2006^c is amended as follows.
2. In paragraphs 1 and 5 of the Second Schedule, for the entries in the third column relating to Christmas Day and Good Friday, substitute (in each case) the following entry –

"Christmas Day

11.00 am – 12.45 am

Good Friday

12 noon – 12.45 am".

Interpretation.

3. (1) In this Ordinance -

"enactment" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

^a Article I of Billet d'État No. XIX of 2017.

^b Article * of Billet d'État No. ** of 2018.

^c Ordinance No. V of 2006. There are amendments not relevant to this Ordinance.

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance.

(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.

Citation.

4. This Ordinance may be cited as the Liquor Licensing (Amendment) Ordinance, 2018.

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

**RECORD OF MEMBERS' ATTENDANCE AT MEETINGS OF THE STATES OF DELIBERATION,
AND COMMITTEES**

The Presiding Officer,
The States of Guernsey,
Royal Court House,
St Peter Port

26th January, 2018

Dear Sir,

On the 29th October, 2010 the States resolved, *inter alia*:

1. ...
2. *That departments and committees shall maintain a record of their States Members' attendance at, and absence from meetings and that the reason for absence shall also be recorded.*
3. *That the records referred to in 2 above, together with a record of States Members' attendance at meetings of the States of Deliberation, shall be published from time to time as an appendix to a Billet d'État.*

In laying this report before the States, the Committee would draw attention to the fact that the tables in it record only the attendance by Members of the States at States and Committee meetings. They do not show attendance at Committee sub-committee meetings or presentations. Nor do they show the amount of work or time spent, for example, on dealing with issues raised by parishioners, correspondence and preparing for meetings.

I should be grateful if you would arrange for this report, in respect of statistics provided by Her Majesty's Greffier and Committees for the six months ending 31st October, 2017, to be published as an appendix to the Billet d'État for the Meeting to be held on the 28th February, 2018.

Yours faithfully,

Deputy M. J. Fallaize

President
States' Assembly & Constitution Committee

PART I - REPORT BY COMMITTEE

NAME OF MEMBER	TOTAL NUMBER OF MEETINGS	MEMBER PRESENT		MEMBER ABSENT			
		Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business/ holiday	Other

POLICY & RESOURCES COMMITTEE

G. A. St. Pier	31	27			2	2	
L. S. Trott	31	21	2		1	7	
A. H. Brouard	31	26			2	3	
J. P. Le Tocq	31	25			2	4	
T. J. Stephens	31	30				1	

COMMITTEE *for* ECONOMIC DEVELOPMENT

P. T. R. Ferbrache	10	8	1			1	
J. Kuttelwascher	10	10					
A. C. Dudley-Owen	10	9				1	
J. S. Merrett	10	9				1	
J. I. Mooney	10	9				1	

COMMITTEE *for* EDUCATION, SPORT & CULTURE

P. R. Le Pelley	30	29			1		
C. P. Meerveld	30	27					3 – conflict of interest
D. de G. De Lisle	30	24				6	
A. C. Dudley- Owen	30	19	5			3	3 – conflict of interest
N. R. Inder	30	27	3				

NAME OF MEMBER	TOTAL NUMBER OF MEETINGS	MEMBER PRESENT		MEMBER ABSENT			
		Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business/ holiday	Other

COMMITTEE <i>for</i> EMPLOYMENT & SOCIAL SECURITY							
M. K. Le Clerc	22	21			1		
S. L. Langlois	22	22					
J. A. B. Gollop	22	18	3	1			
M. J. Fallaize	22	19	2		1		
E. A. Yerby	22	18	2		2		

COMMITTEE <i>for the</i> ENVIRONMENT & INFRASTRUCTURE							
B. L. Brehaut	19	18				1	
M. H. Dorey	19	18				1	
S. L. Langlois	19	18	1				
H. L. de Sausmarez	19	17	2				
S. T. Hansmann Rouxel	19	18	1				

COMMITTEE <i>for</i> HEALTH & SOCIAL CARE							
H. J. R. Soulsby	10	8			1	1	
R. H. Tooley	10	8		1		1	
R. G. Prow	10	9				1	
E. A. Yerby	10	8				2	
J. I. Mooney	10	6	3			1	

NAME OF MEMBER	TOTAL NUMBER OF MEETINGS	MEMBER PRESENT		MEMBER ABSENT			
		Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business/ holiday	Other

COMMITTEE <i>for</i> HOME AFFAIRS							
M. M. Lowe	30	30					
R. H. Graham	30	28	2				
V. S. Oliver	30	27	1			2	
R. G. Prow	30	29				1	
M. P. Leadbeater	30	23	4			3	

DEVELOPMENT & PLANNING AUTHORITY							
J. A. B. Gollop	7	7					
D. A. Tindall	7	7					
L. C. Queripel	7	6	1				
V. S. Oliver	7	6		1			
M. P. Leadbeater	7	3	2	1		1	

SCRUTINY MANAGEMENT COMMITTEE							
C. J. Green	4	4					
P. J. Roffey	4	3				1	
L. B. Queripel	4	4					

LEGISLATION REVIEW PANEL							
C. J. Green	8	6		1		1	
L. B. Queripel	8	7		1			
D. de G. De Lisle	8	4			4		
J. A. B. Gollop	8	7				1	
D. A. Tindall	8	7		1			

NAME OF MEMBER	TOTAL NUMBER OF MEETINGS	MEMBER PRESENT		MEMBER ABSENT			
		Whole Meeting	Part of Meeting	Indisposed	States' business	Personal business/ holiday	Other

STATES' ASSEMBLY & CONSTITUTION COMMITTEE							
M. J. Fallaize	7	7					
P. J. Roffey	7	7					
M. H. Dorey	7	7					
M. K. Le Clerc	7	5				2	
H. L. de Sausmarez	7	7					

STATES' TRADING SUPERVISORY BOARD							
C. N. K. Parkinson	9	9					
J. C. S. F. Smithies	9	8				1	

TRANSPORT LICENSING AUTHORITY							
B. J. E. Paint	2	2					
D. A. Tindall	2	2					
J. A. B. Gollop	2	1		1			
C. P. Meerveld	2	2					
E. A. Yerby*	1	1					
S.D.G McKinley, OBE*	1				1		

- * Deputy Yerby resigned as a member of the Transport Licensing Authority with effect from 6th September 2017. Alderney Representative McKinley, OBE was appointed as a member of the Transport Licensing Authority with effect from 6th September, 2017.

PART II - REPORT BY MEMBER / ELECTORAL DISTRICT

Summary of Attendances at Committee Meetings

NAME OF MEMBER	TOTAL NUMBER OF MEETINGS	MEMBER PRESENT		MEMBER ABSENT			
		Whole Meeting	Part of Meeting	Indisposed	States’ business	Personal business/ holiday	Other
ST PETER PORT SOUTH							
P. T. R. Ferbrache	10	8	1			1	
J. Kuttelwascher	10	10					
D. A. Tindall	17	16		1			
B. L. Brehaut	19	18				1	
R. H. Tooley	10	8		1		1	
ST PETER PORT NORTH							
J. A. B. Gollop	39	33	3	2		1	
C. N. K. Parkinson	9	9					
Lester C. Queripel	7	6	1				
M. K. Le Clerc	29	26			1	2	
M. P. Leadbeater	37	26	6	1		4	
J. I. Mooney	20	15	3			2	
ST. SAMPSON							
L. S. Trott	31	21	2		1	7	
P. R. Le Pelley	30	29			1		
J. S. Merrett	10	9				1	
G. A. St. Pier	31	27			2	2	
T. J. Stephens	31	30				1	
C. P. Meerveld	32	29					3 – conflict of interest

NAME OF MEMBER	TOTAL NUMBER OF MEETINGS	MEMBER PRESENT		MEMBER ABSENT			
		Whole Meeting	Part of Meeting	Indisposed	States’ business	Personal business/ holiday	Other
VALE							
M. J. Fallaize	29	26	2		1		
N. R. Inder	30	27	3				
M. M. Lowe	30	30					
Laurie B. Queripel	12	11		1			
J. C. S. F. Smithies	9	8				1	
S. T. Hansmann Rouxel	19	18	1				
CASTEL							
R. H. Graham, LVO, MBE	30	28	2				
C. J. Green	12	10		1		1	
B. J. E. Paint	2	2					
M. H. Dorey	26	25				1	
J. P. Le Tocq	31	25			2	4	
WEST							
A. H. Brouard	31	26			2	3	
A. C. Dudley- Owen	40	28	5			4	3 – conflict of interest
E. A. Yerby	33	27	2		2	2	
D. de G. De Lisle	38	28			4	6	
S. L. Langlois	41	40	1				
SOUTH-EAST							
H. J. R. Soulsby	10	8			1	1	
H. L. de Sausmarez	26	24	2				
P. J. Roffey	11	10				1	
R. G. Prow	40	38				2	

NAME OF MEMBER	TOTAL NUMBER OF MEETINGS	MEMBER PRESENT		MEMBER ABSENT			
		Whole Meeting	Part of Meeting	Indisposed	States’ business	Personal business/ holiday	Other
SOUTH-EAST...							
V. S. Oliver	37	33	1	1		2	
ALDERNEY REPRESENTATIVES							
L. E. Jean							
S. D. G. McKinley, OBE	1				1		

TOTAL							
Number of meetings	910	792	35	8	18	51	6
		87%	3.8%	0.9%	2%	5.6%	0.3%
AVERAGE PER MEMBER							
	22.75	19.8	< 1	< 1	< 1	1.3	< 1

PART III – REPORT OF ATTENDANCE AND VOTING IN THE STATES OF DELIBERATION

NAME OF MEMBER	TOTAL NUMBER OF DAYS (or part)	DAYS ATTENDED (or part)	TOTAL NUMBER OF RECORDED VOTES	RECORDED VOTES ATTENDED
ST PETER PORT SOUTH				
P. T. R. Ferbrache	15	14	69	68
J. Kuttelwascher	15	15	69	69
D. A. Tindall	15	14	69	64
B. L. Brehaut	15	15	69	69
R. H. Tooley	15	15	69	69
ST PETER PORT NORTH				
J. A. B. Gollop	15	15	69	65
C. N. K. Parkinson	15	15	69	64
Lester C. Queripel	15	14	69	64
M. K. Le Clerc	15	15	69	69
M. P. Leadbeater	15	15	69	69
J. I. Mooney	15	15	69	66
ST SAMPSON				
L. S. Trott	15	15	69	69
P. R. Le Pelley	15	14	69	66
J. S. Merrett	15	15	69	66
G. A. St. Pier	15	13	69	59
T. J. Stephens	15	15	69	69
C. P. Meerveld	15	15	69	64
VALE				
M. J. Fallaize	15	14	69	69
N. R. Inder	15	15	69	68
M. M. Lowe	15	15	69	63
Laurie B. Queripel	15	14	69	68
J. C. S. F. Smithies	15	15	69	68
S. T. Hansmann Rouxel	15	15	69	69

NAME OF MEMBER	TOTAL NUMBER OF DAYS (or part)	DAYS ATTENDED (or part)	TOTAL NUMBER OF RECORDED VOTES	RECORDED VOTES ATTENDED
CASTEL				
R. H. Graham, LVO, MBE	15	15	69	69
C. J. Green	15	15	69	68
B. J. E. Paint	15	15	69	69
M. H. Dorey	15	15	69	69
J. P. Le Tocq	15	12	69	35
WEST				
A. H. Brouard	15	15	69	69
A. C. Dudley- Owen	15	14	69	58
E. A. Yerby	15	15	69	69
D. de G. De Lisle	15	14	69	58
S. L. Langlois	15	15	69	69
SOUTH-EAST				
H. J. R. Soulsby	15	15	69	69
H. L. de Sausmarez	15	15	69	69
P. J. Roffey	15	15	69	69
R. G. Prow	15	15	69	69
V. S. Oliver	15	15	69	65
ALDERNEY REPRESENTATIVES				
L. E. Jean	15	13	69	45
S. D. G. McKinley, OBE	15	14	69	46

Notes:

- The only inference which can be drawn from the attendance statistics in this part of the report is that a Member was present for the roll call or was subsequently *relevé(e)*.
- Some Members recorded as absent will have been absent for reasons such as illness.
- There were 11 recorded votes taken on 22nd June; 9 recorded votes taken on 29th June; and 19 recorded votes taken on 30th June, 2017.

The details of all recorded votes can be found on the States' website www.gov.gg on the page for the relevant States' Meeting.