

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 12<sup>th</sup> DAY OF DECEMBER, 2019**

*Adjourned from the 11<sup>th</sup> December, 2019*

**The States resolved as follows concerning Billet d'État No XXIV  
dated 2<sup>nd</sup> December, 2019**

**STATES' ASSEMBLY & CONSTITUTION COMMITTEE**

**GENERAL ELECTION 2020 – SECOND POLICY LETTER  
P.2019/132**

XIII: After consideration of the policy letter entitled “General Election 2020 – Second Policy Letter” dated 11<sup>th</sup> November, 2019:-

1. To agree that a candidate manifesto booklet containing a maximum of two sides of A4 sized paper per candidate will be produced by the States of Guernsey and delivered to all homes on the Electoral Roll.
- 1A. To agree that there shall be made available by the States of Guernsey a grant of up to £500 which may be claimed by a candidate for the production and distribution of campaign materials and which shall count for the purpose of the candidate's permitted electoral expenditure.
2. To agree that the maximum sum a candidate in an election for the office of People's Deputy may expend in respect of such an election (subject to any assignment to a political party made pursuant to Proposition 3) shall be £6,000 (the candidate's "permitted electoral expenditure").
3. To agree that expenditure by a political party on promotion of the party and its policies in an election for the office of People's Deputy is only permissible by virtue of candidates affiliated to that party assigning a maximum of 50% of their permitted electoral expenditure to the party, and that such expenditure by a political party in any election may not exceed in total twice the permissible electoral expenditure for an individual candidate or £9,000, whichever is the lesser.
4. To agree the following arrangements for polling stations:
  - (a) to set the opening hours of all polling stations (including advance polling stations and the super polling stations) in the Island at 8 a.m. until 8 p.m.;
  - (b) to establish an advance polling station at Beau Sejour Leisure Centre on Saturday 13<sup>th</sup> June and Sunday 14<sup>th</sup> June 2020;

- (c) to establish a super polling station at Beau Sejour Leisure Centre on Tuesday 16<sup>th</sup> and Wednesday 17<sup>th</sup> June 2020; and
- (d) to establish the Parish polling stations on Tuesday 16<sup>th</sup> and Wednesday 17<sup>th</sup> June, 2020 as set out in the table at paragraph 5.14.
5. To agree that legislation be prepared to provide that an application for a postal vote should be made not less than five clear days before the date when votes may be cast at a polling station, and that the application period for postal votes is closed on Friday 5<sup>th</sup> June, 2020 for the 2020 General Election; and to make appropriate provision to give effect to the other administrative changes set out in section 6 of this policy letter.
  6. To agree that one or more observers of the 2020 General Election will be appointed.
  7. To approve the transfer of £600,000 from the 2020 Budget Reserve to the Royal Court budget (which funds the expenditure of the States' Assembly & Constitution Committee) to fund the costs of managing the 2020 election.
  8. To direct the Policy & Resources Committee to use its delegated authority to transfer funding of a maximum of £190,000 from the Budget Reserve to the Royal Court budget to fund, if necessary, a manual count (and, if necessary, recount) of the votes cast at the 2020 election.
  9. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.
  10. To agree that, in his post-implementation review of the 2020 General Election and Island-wide voting, the Registrar-General of Electors shall seek the views of:
    - Candidates in the General Election (elected and unelected);
    - Members of the General Election programme board;
    - Officers, parish representatives, and volunteers involved in the delivery of the General Election;
    - Election service providers (e.g. communications, e-count solutions);
    - The voting public; and
    - Any other consultees which he considers appropriate;

and to direct the States' Assembly & Constitution Committee to submit the Report of the Registrar-General of Electors, together with the Report of the Independent Election Observers, as an appendix to a Billet d'État as soon as possible, and no later than one year after the General Election.

## THE COMMITTEE FOR ECONOMIC DEVELOPMENT

### PROPOSED AMENDMENTS TO THE GUERNSEY COMPETITION AND REGULATORY AUTHORITY ORDINANCE, 2012 AND APPOINTMENT OF THE CHAIRMAN P.2019/120

XIV: After consideration of the Policy Letter, entitled “Proposed Amendments to the Guernsey Competition and Regulatory Authority Ordinance, 2012 and Appointment of the Chairman”, dated 6<sup>th</sup> November 2019, of the Committee *for* Economic Development (the “**Committee**”):-

1. To amend Schedule 1 to the Guernsey Competition and Regulatory Authority Ordinance, 2012 (the “**Ordinance**”), so that:
  - (a) the Committee shall in future appoint the Chairman, as well as the ordinary members of the Guernsey Competition and Regulatory Authority (the “**GCRA**”);
  - (b) any such appointments shall be laid before a meeting of the States, who shall have the power to annul the appointments, but without prejudice to anything done by the GCRA or any such member during their appointment; and
  - (c) the Committee, rather than the States, may revoke the appointment of the Chairman, in the circumstances currently provided in the Ordinance.
2. To appoint the current Chairman, Mr. Paul Masterton, as Chairman for the period, from 1<sup>st</sup> January 2020 to 30<sup>th</sup> June 2020.
3. To direct the preparation of such legislation, as may be necessary, to give effect to the above decisions.

## STATES’ TRADING SUPERVISORY BOARD

### GUERNSEY POST LIMITED – ANNUAL REPORT AND ACCOUNTS P.2019/117

XV: After consideration of the policy letter entitled ‘Guernsey Post Limited – Annual Report and Accounts’ dated 24 October, 2019:-

1. To note the Annual Report and Accounts of Guernsey Post Limited for the year ended 31<sup>st</sup> March 2019.

## **STATES' TRADING SUPERVISORY BOARD**

### **GUERNSEY ELECTRICITY LIMITED – ANNUAL REPORT AND ACCOUNTS P.2019/125**

XVI: After consideration of the policy letter entitled 'Guernsey Electricity Limited – Annual Report and Accounts' dated 24 October, 2019:-

1. To note the annual report and accounts of Guernsey Electricity Limited for the year ended 31<sup>st</sup> March 2019.

## **POLICY & RESOURCES COMMITTEE**

### **INTERNATIONAL TAX MEASURES – MISCELLANEOUS AMENDMENTS TO THE INCOME TAX LEGISLATION P.2019/131**

XVII: After consideration of the Policy Letter entitled "International Tax Measures – Miscellaneous Amendments to the Income Tax Legislation" dated 8<sup>th</sup> November, 2019:-

That the Income Tax (Guernsey) Law, 1975, as amended ("the Law"), and regulations thereunder, should be revised to:

- (a) Provide the Revenue Service with the power to undertake onsite visits in respect of business premises from which a person is or may be operating, for the purposes of reviewing compliance with the Common Reporting Standard ("CRS") and any other matters relating to income tax or international tax measures;
- (b) Place a requirement for all financial institutions, operating in Guernsey, to register with the Revenue Service and, when doing so, detailing their classification for the purposes of CRS and the Foreign Account Tax Compliance Act ("FATCA");
- (c) Enable the Revenue Service to issue a notice to a financial institution to complete corrective remedial actions, related to CRS and/or FATCA reporting and in the case of significant non-compliance to be required at its own cost to appoint a suitably qualified independent person for the purposes of determining the full extent of the non-compliance, overseeing the repair, validating that the corrective measures have moved the financial institution into a compliant position, and making a relevant disclosure to the Revenue Service confirming this position;

- (d) Require financial institutions to report to the Revenue Service all account holders where they have been unable to obtain valid self-certification for the purposes of CRS and/or FATCA due diligence procedures. To then enable the Revenue Service to serve a notice to the financial institution to require them to freeze the account, until such time as the account holder provides valid self-certification;
- (e) Amend section 193 of the Law (as modified in the relevant CRS and FATCA Regulations) to make it clear these penalties are applied only in respect of the late filing of reports;
- (f) Amend the provisions contained within section 193(1) and section 200 of the Law, to make it clear that where a person has failed to deliver a return, other than a return of income, by the filing deadline, the Revenue Service may automatically impose a penalty, without the requirement to issue a notice stating the grounds of their belief and providing the person with a reasonable opportunity to state their case (without prejudice to the person's right of appeal);
- (g) Enable the Revenue Service to impose increased levels of daily penalties, in the exceptional cases where a person continues for more than 30 days after the imposition of the original penalty not to meet any of its reporting or filing obligations under the Law;
- (h) Enable the Revenue Service to impose specific penalties for the submission of CRS/FATCA returns which are incorrect or incomplete in a material particular where the maximum penalty to be imposed is based on a percentage of the balance or value of accounts, that were not reported;
- (i) Amend section 190 of the Law so that where a company fails to deliver a return of income within the filing deadline, the current maximum penalty of £50 where the company, for example, has no income or profits in the period for which the return is required will no longer apply;
- (j) make necessary amendments to the Income Tax (Guernsey) Law, 1975, in order to be able to implement the provisions of the Assistance in Collection Article contained in the Double Taxation Agreement between Guernsey and the United Kingdom.

That the Policy & Resources Committee be instructed to:

- (k) make Regulations, to be laid before the States, in accordance with section 75CC of the Law, to implement the Mandatory Disclosure Rules relating

to CRS Avoidance Arrangements and Opaque Offshore Structures, as published by the OECD; and

That -

- (l) the MDR shall, in accordance with section 75CC(1C) of the Income Tax (Guernsey) Law, 1975, be specified for the purposes of that Law as an international tax measure (the provisions of which may accordingly be implemented by regulations of the Policy & Resources Committee under section 75CC(1A) of that Law).

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

S. M. D. ROSS

HER MAJESTY'S DEPUTY GREFFIER