



**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 30TH MARCH, 2022**

**The States resolved as follows concerning Billet d'État No VI
dated 17th February, 2022**

APPOINTMENTS LAID BEFORE THE STATES

**APPOINTMENT OF AN ORDINARY MEMBER OF THE OFFICE OF THE
FINANCIAL SERVICES OMBUDSMAN**

In accordance with paragraph 1(2) of schedule 1 to the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014, the following appointment, by the Committee *for* Economic Development, to the Office of the Financial Services Ombudsman, is laid before the States of Deliberation:-

- Mr. Antony John Townsend as ordinary member with effect from 31st January 2022.

Mr. Townsend has been appointed as an ordinary member until 30th January 2026.

**APPOINTMENT OF AN ORDINARY MEMBER OF THE OFFICE OF THE
FINANCIAL SERVICES OMBUDSMAN**

In accordance with paragraph 1(2) of schedule 1 to the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014, the following appointment, by the Committee *for* Economic Development, to the Office of the Financial Services Ombudsman, is laid before the States of Deliberation:-

- Mr. Robert Girard as ordinary member with effect from 31st January 2022.

Mr. Girard has been appointed as an ordinary member until 30th January 2025.

ELECTION

POLICY & RESOURCES COMMITTEE

ELECTION OF MR STUART KING AS AN ORDINARY MEMBER OF THE GUERNSEY FINANCIAL SERVICES COMMISSION
P.2022/16

- I. After consideration of the Policy Letter entitled “Election of Mr Stuart King as an Ordinary Member of the Guernsey Financial Services Commission”, dated 18th January, 2022:-
 1. To elect Mr Stuart King as an ordinary member of the Guernsey Financial Services Commission for a three year term with effect from 1 April 2022.

MOTION TO DEBATE

DEVELOPMENT & PLANNING AUTHORITY – ISLAND DEVELOPMENT PLAN
– ANNUAL MONITORING REPORT 2020

To resolve, pursuant to Rule 20 of the Rules of Procedure of the States of Deliberation, to debate the Appendix to Billet d’État No. VI of 2022.

LEGISLATION LAID BEFORE THE STATES

No. 167 of 2021

THE HEALTH SERVICE (PAYMENT OF AUTHORISED APPLIANCE SUPPLIERS) (AMENDMENT) REGULATIONS, 2021

In pursuance of the powers conferred on it by sections 19 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990, and all other powers enabling it in that behalf, “The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2021” made by the Committee *for* Health & Social Care on 7th December 2021, were laid before the States.

No. 168 of 2021

THE HEALTH SERVICE (PAYMENT OF AUTHORISED SUPPLIERS) (AMENDMENT) REGULATIONS, 2021

In pursuance of the powers conferred on it by sections 14 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990, and all other powers enabling it in that behalf, “The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations, 2021” made by the Committee *for* Health & Social Care on 7th December 2021, were laid before the States.

No. 170 of 2021

**THE HEALTH SERVICE FUND (CLOSURE AND MISCELLANEOUS AMENDMENTS)
REGULATIONS, 2021**

In pursuance of section 1 of the Health Service Benefit (Amendment and Miscellaneous Provisions) (Guernsey) Law, 2021 and all other powers enabling it in that behalf “The Health Service Fund (Closure and Miscellaneous Amendments) Regulations, 2021” made by the Committee *for* Health & Social Care on 30th November 2021, were laid before the States.

No. 171 of 2021

**THE HEALTH SERVICE (PHARMACEUTICAL BENEFIT AND MEDICAL APPLIANCES)
(AMENDMENT) REGULATIONS, 2021**

In pursuance of the powers conferred on it by sections 13, 18 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990, and all other powers enabling it in that behalf, “The Health Service (Pharmaceutical Benefit and Medical Appliances) (Amendment) Regulations, 2021” made by the Committee *for* Health & Social Care on 30th November 2021, were laid before the States.

No. 175 of 2021

THE HEALTH SERVICE BENEFIT (MISCELLANEOUS PROVISIONS) REGULATIONS, 2021

In pursuance of sections 10, 11 and 35 of the Health Service Benefit (Guernsey) Law, 1990, section 20 of the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, paragraph 3 of Schedule 2 to the Health Service Benefit (Amendment and Miscellaneous Provisions) (Guernsey) Law, 2021 and all other powers enabling it in that behalf, “The Health Service Benefit (Miscellaneous Provisions) Regulations, 2021” made by the Committee *for* Health & Social Care on 14th December 2021, were laid before the States.

No. 2 of 2022

THE PAROCHIAL ELECTIONS (ST PETER PORT) REGULATIONS, 2022

In pursuance of the powers conferred on it by Articles 54(4) and 77C of the Reform (Guernsey) Law, 1948 and all other powers enabling it in that behalf, “The Parochial Elections (St Peter Port) Regulations, 2022” made by the States’ Assembly & Constitution Committee on 13th January, 2022, were laid before the States.

LEGISLATION

COMMITTEE FOR HOME AFFAIRS

THE POLICE FORCE (BAILIWICK OF GUERNSEY) (AMENDMENT) LAW, 2021
(COMMENCEMENT) ORDINANCE, 2022
P.2022/12

- II. To approve the draft Ordinance entitled "The Police Force (Bailiwick of Guernsey) (Amendment) Law, 2021 (Commencement) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

COMMITTEE FOR HEALTH & SOCIAL CARE

THE CAPACITY (BAILIWICK OF GUERNSEY) LAW, 2020 (COMMENCEMENT) (GUERNSEY AND
ALDERNEY) ORDINANCE, 2022
P.2022/13

- III. To approve the draft Ordinance entitled "The Capacity (Bailiwick of Guernsey) Law, 2020 (Commencement) (Guernsey and Alderney) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

COMMITTEE FOR HEALTH & SOCIAL CARE

THE CAPACITY (LASTING POWERS OF ATTORNEY) (BAILIWICK OF GUERNSEY)
ORDINANCE, 2022
P.2022/14

- IV. To approve the draft Ordinance entitled "The Capacity (Lasting Powers of Attorney) (Bailiwick of Guernsey) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

Subject to the following amendments:

In the Capacity (Lasting Powers of Attorney) (Bailiwick of Guernsey) Ordinance, 2022 -

- (a) for section 1(8), substitute the following subsection -

“(8) For the avoidance of doubt, a person may make both types of lasting power of attorney set out in section 22(1)(a) and (b) of the Law using the same relevant instrument.”;

- (b) after section 2(2), insert the following subsection -

“(3) For the avoidance of doubt -

- (a) where a person (“B”) is required to give consent for the purposes of the relevant instrument or to sign any other prescribed document for the purposes of this Ordinance -
 - (i) B must sign the relevant instrument in the presence of a witness who is not an attorney for the purposes of that lasting power of attorney, and
 - (ii) the witness must sign the relevant document in B’s presence,
- (b) for the purposes of paragraph (a) “sign” in relation to B includes where a third person (“C”) signs the relevant instrument in B’s presence and at B’s direction,
- (c) where C signs the relevant instrument in accordance with paragraph (b), B must -
 - (i) acknowledge the signature in the presence of a witness who is not an attorney for the purposes of that lasting power of attorney, and
 - (ii) that witness must sign the relevant instrument in B’s presence, and
- (d) article 1(d) of the Electronic Transaction (Exemptions) Order, 2001 shall apply in relation to a relevant instrument or other prescribed document as it would apply to a power of attorney.”;
- (c) in section 4(9)(a) immediately after “notify”, insert “P and”;
- (d) in section 4(11), after “this section”, insert “and section 6”;
- (e) in section 17(1), after “this Ordinance)” insert “on a point of law”;
- (f) in section 20, after the definition of “long lease”, insert the following definition -

“**notify**” means, subject to subsection (3)(b), giving notification of the required information in writing,”;
- (g) in section 21(1) -
 - (i) after paragraph (a)(ii), insert the following subparagraph -
 - “(iii) in the definition of “bankrupt”, after paragraph (e), add the following paragraph –

“(f) that an event, measure or procedure has occurred outside the Bailiwick in relation to the individual which corresponds as nearly as may be to any event, measure or procedure described in paragraphs (a) to (e),””, and

(ii) after paragraph (a), insert the following paragraph –

“(b) for section 24(2), substitute the following subsection –

“(2) An individual who is bankrupt may not be appointed as A under a lasting power of attorney in relation to P's property and financial affairs–

(a) where one or more of paragraphs (a) to (e) of the definition of "bankrupt" apply -

(i) the declaration, appointment or order was made, or

(ii) the composition, compromise or arrangement was entered into,

(as may be applicable having regard to the definition of "bankrupt") less than 10 years before the appointment as A is made, and

(b) where paragraph (f) of the definition of "bankrupt" applies, that individual has not been discharged from bankruptcy for the purposes of the law of the other jurisdiction outside the Bailiwick under which that individual was made bankrupt.”,

and re-letter paragraphs (b) and (c) of section 21(1) of the Ordinance as (c) and (d); and

(h) after section 22, insert the following section -

Extent.

23. This Ordinance shall have effect throughout the Bailiwick of Guernsey.”.

C. FOSTER
DEPUTY GREFFIER



**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 31ST MARCH, 2022**

**The States resolved as follows concerning Billet d'État No VI
dated 17th February, 2022**

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

**SIMULTANEOUS ELECTRONIC VOTING IN THE STATES OF DELIBERATION
P.2022/15**

V. After consideration of the policy letter entitled 'Simultaneous Electronic Voting in the States of Deliberation' dated 31st January 2022:-

1. To approve the introduction of the system of simultaneous electronic voting, as detailed in this policy letter, for an initial three-year term.
2. To agree that the Rules of Procedure of the States of Deliberation and their Committees should be amended, immediately prior to the system being operational in the States of Deliberation, as follows:

a) for Rule 26, substitute:

"Closure and voting

26. 'Guillotine' motion

- (1) A Member who has not already spoken in the debate, otherwise than in pursuance of Rule 17(3), (11) or (12), may at any time (but without interrupting another Member who is addressing the Meeting) request the Presiding Officer to close a debate on any matter (including an amendment or a sursis). Neither the Member making that request nor any other may address the Meeting about it. Members who would be entitled to speak and who would intend to speak should the debate continue shall be invited by the Presiding Officer to stand in their places, and thereafter the Presiding Officer shall ask the Member making the request to close the debate whether he or she still so requests, and if he or she does still so request the Presiding Officer shall put the said request to the vote and if the majority of

the Members voting support it then (except that the President, Policy & Resources Committee shall be entitled to comment on any financial implications, if he or she has not already done so, and subject to Rules 17(2), 24(7) or 28(3)), the debate shall be closed, and (subject to Rule 27) the matter shall be put to the vote.

26A. Proxy voting

- (1) A Member may, by reason only of absence from a Meeting of the States of Deliberation for the purpose of childbirth or care for an infant or newly- adopted child, by written notice in the form set out in Schedule 4 to these Rules arrange for their vote to be cast in accordance with this Rule by another Member acting as a proxy (a proxy vote) for a maximum duration of six continuous months.
- (2) The Presiding Officer may, from time to time, upon representations from the Civil Contingencies Authority in light of circumstances prevailing in the Island, prescribe certain reasons for absence ('Authorised Absence') from a meeting of the States, which shall entitle a Member to arrange for their vote to be cast by another Member acting as a proxy (a proxy vote) if their circumstances require them to take an Authorised Absence from one or more States Meetings. The manner in which the proxy arrangements between Members will operate in respect of an Authorised Absence will be as directed by the Presiding Officer. Proxy voting arrangements in respect of an Authorised Absence shall only be valid during the period prescribed by the Presiding Officer.
- (3) A proxy vote may be cast on the following propositions:
 - a) original propositions (excluding any propositions from the Presiding Officer);
 - b) secondary propositions; and
 - c) amended propositions.
- (4) A proxy vote, other than one being cast pursuant to Authorised Absence, may be cast only if the Presiding Officer has first certified that the Member for whom the vote is to be cast is eligible under the terms of this Rule and if that certificate, including the name of the Member nominated as a proxy, has been submitted to the Greffier before the commencement of the States Meeting in question.
- (5) A vote cast by a proxy shall be clearly indicated as such in the Official Report and voting records published.
- (6) The provisions of paragraph (1) that enable a Member to vote by proxy do not apply to the Alderney Representatives;

Provided that:

an Alderney Representative may act as a proxy for another Member, other than a Member who is an Alderney Representative.

26B. Voting – General Provisions

- (1) A Member may vote only from a seat in the States' Chamber (except where the Member has been issued with a certificate by the Presiding Officer to vote by proxy). In presidential elections where there are two or more candidates, a Member may vote only from a seat in the States' Chamber.
- (2) On the announcement of the result of a division, any Member may challenge the accuracy thereof and thereupon a fresh division shall take place. Such further division cannot be challenged.
- (3) Unless otherwise stated, in order for a proposition to be carried it needs to be supported by the nearest whole number above one-half of the Members voting on the proposition.
- (4) Where a Proposition is rejected which had proposed that a particular action not be taken, such rejection is not a positive instruction for the action to be undertaken.

26C. Vote taken using the electronic voting system

- (1) A vote shall be taken using the electronic voting system, unless:
 - (a) there is a requirement that the vote is taken by secret ballot;
 - (b) it is a vote on a procedural motion where no division is requested; or
 - (c) it is unavailable.
- (2) The Presiding Officer shall ask the Greffier to open the vote.
- (3) A Member shall -
 - (a) select the appropriate button to vote or, if he or she so wishes, to record his or her abstention; or
 - (b) absent themselves from the vote.
- (4) The Presiding Officer, when satisfied that Members have been allowed sufficient time to vote or record their abstention, shall ask the Greffier to close the vote.
- (5) The Presiding Officer shall then –
 - (a) announce the number of Members voting “Pour” and “Contre” respectively, the number of Members whose abstention has been recorded and the number of Members absent; and
 - (b) declare the result of the vote.
- (6) The voting record will be displayed on Members' devices and online via the States of Guernsey website.

26D. Manner of taking vote when electronic voting system unavailable

- (1) In the event the electronic voting system is unavailable, a Member will announce his or her vote or abstention in a division (appel nominal) and immediately before such an announcement must switch on his or her microphone and switch it off again immediately after he or she has voted or abstained.
- (2) The order of voting on a division at any Meeting of the States shall be the same for each division taken at that Meeting (including a Meeting adjourned in accordance with Rule 6, and including a division on a matter adjourned from a previous meeting) but shall be rotated by groups of five members, listed alphabetically, between each Meeting and the next.

26E. Manner of taking votes on a procedural motion

- (1) A vote shall be taken *de vives voix* on a procedural motion unless a Member requests a division.
- (2) Where voting is carried out *de vives voix*, any Member may, before the Presiding Officer rules that the matter was carried or was lost, or immediately after such a ruling, claim a division.”

b) in Rule 11.(5), for “Rule 26(8)” substitute “Rule 26D(2)”:

c) in paragraph (1) of Rule 30 in the definition of “Member”, for “Rule 26(13)” substitute Rule 26A(6) and insert the following definitions:

“**“division”** means a vote taken using the electronic voting system or, unless it is unavailable, an appel nominal.

“**procedural motion”** means any proposition or motion which is not an original or secondary proposition.”

3. To agree that paragraph (3) of Rule 16 of the Rules of Procedure of the States of Deliberation and their Committees should be amended, immediately prior to the system being operational in the States of Deliberation, as follows -

a) For “Where, in any election by the States, the number of candidates exceeds the number of vacancies:”, substitute:-

“In any election or appointment by the States, voting shall be carried out by secret ballot. Where the number of candidates exceeds the number of vacancies”:

b) Delete subparagraph (a);

c) Re-designate subparagraphs (b), (c) and (d) as (a), (b) and (c).

4. To rescind States' Resolutions 2 and 3 on Article 6 of Billet d'État XX dated 20th August 2010, 'Record of Members' Attendance at Meetings of the States of Deliberation, the Policy Council, Departments and Committees and Sub-Committees Thereof'.

S.M.D. ROSS
STATES' GREFFIER



**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 1ST APRIL, 2022**

**The States resolved as follows concerning Billet d'État No VI
dated 17th February, 2022**

POLICY & RESOURCES COMMITTEE

**ESTABLISHMENT OF A DEVELOPMENT AGENCY
P.2022/11**

- VI. After consideration of the policy letter entitled 'Establishment of a Development Agency' dated 31st January 2022:-
1. To direct the Policy & Resources Committee, in consultation with the States' Trading Supervisory Board, to set-out the options for Guernsey's future operational harbour and commercial port infrastructure requirements for approval by the States.
 - 1A. To direct the Policy & Resources Committee to establish a Development Agency as a company limited by guarantee, wholly owned by the States, that will be tasked with:
 - a) the preparation of a strategic direction for approval by the States setting out the options for the provision of infrastructure along Guernsey's east coast consistent with the objectives and priorities set out in paragraphs 9.3 to 9.5;
 - b) the preparation of a Long-Term Development Plan for the provision of future operational harbour and commercial port requirements and infrastructure along Guernsey's east coast consistent with the relevant extant strategies and policies of the States, and with the detailed requirements set out in the Local Planning Briefs. The Long-Term Development Plan shall require a Certificate of Consistency from the political oversight group to provide assurance that the proposals are consistent with the decisions of the States and its strategies and policies; and

- c) delivery of the Long-Term Development Plan.
2. To agree to establish the political oversight group (as set out in paragraph 5.9.2.7) which shall:
- Have oversight of the appointment process of a board for the Development Agency (as set out in paragraph 5.9.2.8) and thereafter make recommendations of appointments to the board for approval by the States;
 - Discharge the role as the guarantor on behalf of the States (as set out in paragraph 5.9.2.10);
 - Have responsibility for certifying that the Long-Term Development Plan is consistent with the decisions and strategic directions of the States of Guernsey and its strategies and policies as may be amended from time to time;
 - Undertake a comprehensive review of the strategic direction every five years in accordance with paragraph 9.14, or sooner should the political oversight group consider it necessary to do so, for approval by the States;
 - Deliver the annual report of the Development Agency to the Policy & Resources Committee for submission to the States for debate (as set out in paragraph 6.7);
 - Comprise three States' Members, one nominated by each (but need not be a Member) of the Policy & Resources Committee, the Committee *for the Environment & Infrastructure* and the Committee *for Economic Development*.
- 2A. To direct the Policy & Resources Committee to develop and set out for approval by the States the Terms of Reference, any delegated authorities and clear financial arrangements for the political oversight group (based on the principles set out in paragraph 7.5).
3. To direct the Policy & Resources Committee to make available a maximum of £1million of funding over the first two years of the establishment of the Development Agency (as set out in section 7) by approving funding from the 2022 Budget Reserve and making specific allowance in recommended Cash Limits for 2023 and 2024.
- 3A. To agree that the development agency is added to the existing list of entities whose activities fall within the scope of the States of Guernsey Freedom of Information Code.
4. To direct the Policy & Resources Committee to:
- a) establish a clear land management transfer policy for approval by the States; and
 - b) consult with the States' Trading Supervisory Board on the areas of land to be transferred from the States to the Development Agency and on the revenue implications that would result; and

- c) to effect that transfer once the Development Agency has been established.
5. To direct the Development & Planning Authority to complete the Local Planning Briefs for the St Peter Port and St Sampson Harbour Action Areas within 18 months following a decision of the States which provides direction as to the future development of commercial port infrastructure for Guernsey.
- 6a. To agree that the development agency, in consultation with relevant stakeholders, should identify and include in its development of the strategic direction the most viable option for taking through-traffic off the surface level of the road between the South Esplanade and the North Beach roundabout (or whichever points along the stretch of seafront through St. Peter Port that the agency considers more appropriate) in order to realise greater potential economic, social, and environmental benefits in this area of the public realm.
- 6b. To direct the Development & Planning Authority to take this aspect of the strategic direction into account when developing the Local Planning Brief for the St. Peter Port Harbour Action Area

POLICY & RESOURCES COMMITTEE

SCHEDULE FOR FUTURE STATES' BUSINESS P.2022/17

- VII. After consideration of the Schedule for Future States' Business, which sets out items for consideration at the Ordinary States Meeting on 27th April 2022, to approve the Schedule.

**S.M.D. ROSS
STATES' GREFFIER**