



BILLET D'ÉTAT

XVII
2001

WEDNESDAY, 25th JULY, 2001

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B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **25th JULY, 2001**, at 10.00 a.m.

PROJET DE LOI

ENTITLED

THE GUERNSEY GAMBLING CONTROL COMMISSION LAW, 2001

The States are asked to decide:—

I.—Whether they are of opinion to approve the Projet de Loi entitled “The Guernsey Gambling Control Commission Law, 2001”, and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

PROJET DE LOI

ENTITLED

THE ROYAL BANK OF SCOTLAND INTERNATIONAL LIMITED (BAILIWICK OF GUERNSEY) LAW, 2001

The States are asked to decide:—

II.—Whether they are of opinion to approve the Projet de Loi entitled “The Royal Bank of Scotland International Limited (Bailiwick of Guernsey) Law, 2001”, and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

GUILLE-ALLÈS LIBRARY COUNCIL

NEW MEMBER

The States are asked:—

III.—To elect a sitting member of the States, who is also a member of the States Education Council, as a member of the Guille-Allès Library Council to complete the unexpired portion of the term of office of Deputy F. J. Roper, who has ceased to be a member of the States Education Council, namely, to the 31st May, 2003.

LADIES’ COLLEGE BOARD OF GOVERNORS

NEW MEMBER

The States are asked:—

IV.—To elect, on the nomination of the States Education Council in accordance with paragraph (c) of the constitution of the Ladies’ College Board of Governors, Mr. M. B. Riley as a member of the Ladies’ College Board of Governors, to complete the unexpired portion of the term of office of Deputy F. J. Roper, who has ceased to be a member of that Council, namely, to the 31st May, 2003.

STATES ADVISORY AND FINANCE COMMITTEE**APPOINTMENT OF DATA PROTECTION COMMISSIONER**

The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

21st June, 2001.

Dear Sir,

APPOINTMENT OF DATA PROTECTION COMMISSIONER

On 26th July, 2000 after consideration of a report of the Advisory and Finance Committee the States approved The Data Protection (Office of Commissioner) Ordinance, 2000. This Ordinance amended the Data Protection (Bailiwick of Guernsey) Law, 1986 by creating the office of an independent Data Protection Commissioner.

The States also agreed to replace the existing law with a law in similar terms to the Data Protection Act 1998. The Office of Commissioner will continue under the new law.

The States appointed Mr W C Bull to the office of Data Protection Commissioner.

The preparation of a Projet de Loi is now well advanced and the Committee anticipates that it will be submitted to the States in the Autumn and come into force early in 2002.

The present incumbent has carried out the duties of Data Protection Commissioner since 1st December, 1999 initially as an officer of the Committee and since 26th July, 2000 as independent Commissioner.

As well as administering the present law he has been responsible for preparing for the new law and advising the Committee on discussions with the EU and representing the Bailiwick at international meetings.

Mr Bull took the position on an approximately half time basis. He has now advised the Committee that in future the position will require a much higher level of commitment. This will be essential to oversee the introduction and implementation of the new law. It will also be essential to ensure that the Bailiwick is properly represented in international fora and to demonstrate, to the EU Commission and data protection authorities around the world, that the Bailiwick has an adequate data protection regime. This will be essential to ensure a free flow of data.

The Committee accepted Mr Bull's advice and advertised for a suitable replacement for nomination to the States of Deliberation.

After consideration of the applicants the Committee is pleased to nominate Dr P R Harris to the office of Data Protection Commissioner.

Dr Harris was born in Guernsey in 1946 and educated at Elizabeth College and Exeter College Oxford, obtaining his PhD from Keele University in 1972. He joined the Guernsey Civil Service in 1988 and has held the position of Manager of Information Services since that time.

It is proposed that Dr Harris take office on 1st October 2001 but that the appointment be made as soon as possible. This will enable a smooth transition both to the office of Data Protection Commissioner and filling Dr Harris's existing position within the Civil Service.

The Committee recommends the States:

Pursuant to Section 33A(2) of the Data Protection (Bailiwick of Guernsey) Law, 1986 to appoint Dr P R Harris to the office of Data Protection Commissioner with effect from 1st October, 2001, being the day following the day upon which the current Commissioner resigns his office.

Yours faithfully

L. C. MORGAN

President
States Advisory and Finance Committee

The States are asked to decide:—

V.—Whether after consideration of the Report dated the 21st June, 2001, of the States Advisory and Finance Committee, they are of opinion:—

In pursuance of the provisions of Section 33A(2) of the Data Protection (Bailiwick of Guernsey) Law, 1986, to appoint Dr. P. R. Harris to the office of Data Protection Commissioner with effect from 1st October, 2001, being the day following the day upon which the current Commissioner resigns his office.

STATES ADVISORY AND FINANCE COMMITTEE

LEGAL AID SCHEME

The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

22nd June, 2001.

Dear Sir,

LEGAL AID SCHEME

1. The Advisory and Finance Committee is committed to ensuring that the Island's justice system, through both its civil and criminal courts, is fair and efficient and commands people's confidence. It must be sensitive to the needs of all parties, and to the public interest in the speedy and effective administration of justice. For the justice system, criminal and civil, to be fair, people suspected of a criminal offence, facing criminal proceedings or involved in a civil or matrimonial case, must receive legal advice and assistance in preparation of the case before a court, when the 'interests of justice' criteria so require.
2. In addition, the Island's authorities have made a commitment, through HM Government, under the terms of the friendly settlement negotiated in the case of Faulkner v. United Kingdom to establish a civil legal aid scheme, as follows:

“1. The Government undertakes that a Policy Letter to establish a civil legal aid system in Guernsey, consistent with the Commission's findings in this case, will be introduced by the Advisory and Finance Committee of the States of Guernsey into the States. The Advisory and Finance Committee has confirmed that it intends to submit such a Policy Letter to the States to authorise the drafting of the necessary legislation and thereafter the introduction of a civil legal aid scheme which will enable Guernsey to comply with the provisions of the European Convention on Human Rights.

To this end the Advisory and Finance Committee has already sought legal advice from the Law Officers of the Crown in Guernsey and has invited the Guernsey Bar Council to make submissions to the Committee as to the form that this scheme should take. The reply of the Bar Council is awaited. Detailed discussions will then take place to establish the principles of a scheme that the Committee can recommend to the States of Guernsey. The Committee intends that the approach to the States of Deliberation will be made in 2000 and that the scheme will come into force in the same year.”.

3. This policy letter seeks in principle approval from the States for a system for civil and criminal legal aid to be established that will make clear that it will both satisfy the Island's obligations under the European Convention on Human Rights and specific approval for:

- a) The establishment of an interim legal aid administration, to replace the current *pro bono* scheme with an agreed system of payments to Advocates undertaking civil and criminal legal aid cases approved under the scheme;
- b) Funding for these legal aid services; and
- c) Direction for drafting a Law which will enable detailed regulations to be implemented thereunder.

Obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms

4. The European Convention for the Protection of Human Rights and Fundamental Freedoms is a treaty of the Council of Europe. The Council was established at the end of the Second World War, as part of the Allies' programme to reconstruct durable civilisation in Europe to ensure protection against totalitarianism and a repeat of wartime atrocities. The Council was established before and is quite separate from the European Union, although many nations are members of both. The United Kingdom played a major part in drafting the Convention and in March 1951 was the first country to ratify it and it was extended to the Bailiwick in 1953.
5. (a) Under Article 6 Guernsey is required to maintain a system of legal aid that is, at least, compliant with the Convention. Paragraph (1) of Article 6 provides:

“In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in circumstances where publicity would prejudice the interests of justice.”.
- (b) This general provision is supplemented by Paragraph (3)(c), which confers on someone charged with a criminal offence the right:

“to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require.”.

Obligations under the International Covenant on Civil and Political Rights

6. The International Covenant on Civil and Political Rights is a United Nations Convention and its Committee on Human Rights was created under the United Nations Charter. The Covenant was extended to the Bailiwick and is therefore binding on the Bailiwick in International Law. The Jurisdictions in the Bailiwick are therefore required to observe Article 14 which deals with criminal matters. Paragraph 3 (d) of Article 14 provides as follows:

“(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it.”.

Current Provisions for Civil and Criminal Legal Aid in Guernsey

7. In Guernsey there is no single or comprehensive statutory scheme for the provision of legal aid. Historically Guernsey has relied on the Advocates in private practice providing legal aid on a *pro bono* basis for 'deserving cases'. There is no clear definition of what is a 'deserving case' although the main criterion is the risk of a sentence of imprisonment. There is no mention of 'the interests of justice', the complexity of the case, the capacity of the defendant to represent himself or the potential consequences for the defendant.
8. The existing system is, in the main, based on voluntary assistance but there are some limited statutory provisions. For civil matters the current voluntary scheme is limited to the following areas:
 - a) Domestic violence;
 - b) Matters in which custody or care of children is involved – for example, where the Children Board is seeking a Fit Person Order or where a child is being offered for adoption;
 - c) Matters where a Fit Person Order has been made and a parent wishes to apply to have such an Order revoked;
 - d) Other matters when it is clear the Court would be assisted by the assignment of an Advocate, for example, where parties could not reasonably be expected to conduct their own case.
9. The only statutory provision for assistance in other civil cases is for some divorce proceedings (including custody and property issues), where payment of £50 by a person at or below the level at which supplementary benefit is claimable can secure a decree of divorce. This fee level is indicative of a substantial *pro bono* commitment on the part of Advocates.
10. The existing provisions for criminal legal aid are detailed below.

<i>Magistrate's Court</i>	Legal aid for individual cases is provided free by the majority of Advocates at the private Bar prepared to have their name on a voluntary rota.
<i>Magistrate's Court appeal to Royal Court</i>	Under section 4 of the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988, a person convicted of an offence in the Magistrate's Court may be granted legal aid for representation in the appeal before the Royal Court provided he is unable to afford to pay for the services of an Advocate and it is in the interests of justice that legal aid should be granted. The amount Advocates are able to claim for their services shall not exceed £150. The sums have not been increased since 1988.
<i>Trial before the Royal Court</i>	Upon committal for trial on indictment before the Royal Court, a defendant has the right to choose to be represented by any of the Advocates practising at the private Bar. Once chosen, an Advocate must represent the defendant unless, for example, he faces a conflict with another of his clients. The Advocate is permitted to render an account, but realistically a fee note is only issued if there are known funds available to meet it. Hence, in most cases, the defendant is represented free of charge.
<i>Appeal to the Guernsey Court of Appeal</i>	When a defendant appeals to the Court of Appeal against a decision of the Royal Court, legal aid may be granted by the Court of Appeal under section 33 of the Court of Appeal (Guernsey) Law, 1961. An Advocate's fee note is sent to HM Greffier, who currently accepts a fee rate of £100 per hour.

11. It is arguable that the current system may meet the requirements of Article 6 of the European Convention or Article 14 of the International Covenant by virtue in part of some statutory legal aid, but principally by virtue of the *pro bono* work carried out by members of the Guernsey Bar. However, it is not unreasonable to believe that a situation may arise which might well demonstrate otherwise. Thus by taking action now to establish a full statutory system for civil and criminal legal aid the Island may avoid the prospects of a future successful Convention challenge or adverse comment by the United Nations Committee on Human Rights in relation to criminal legal aid.

Options for Guernsey

(a) Civil Legal Aid

12. In considering the options for a system of civil legal aid for Guernsey the Committee has consulted widely, including the Law Officers of the Crown and the Guernsey Bar and considered models from other jurisdictions. The Committee believes that a system similar to that operated in the Isle of Man may provide a suitable model for adoption locally. Under the Isle of Man scheme assistance is provided to qualifying applicants in two separate ways – preliminary advice and assistance, and representation, etc. in court proceedings.
13. Any civil legal aid scheme should be kept as simple as possible and its central object must be to provide access to a lawyer for those who would otherwise not be able to afford to consult one. If an applicant was offered an initial consultation with a lawyer this should provide sufficient time for the lawyer to assess the viability of the claim. This consultation would be preceded by a simple assessment of means.
14. It is envisaged that the assessment of means would be similar to that used in England and the Isle of Man, that is the applicant completes a questionnaire which is designed to determine disposable income and capital. If the applicant's disposable income and capital do not exceed the prescribed thresholds he will be entitled to assistance either free of charge or upon payment of a reduced fee.
15. In many cases which have some merit it is likely that the advice and assistance provided at an initial consultation will suffice to resolve the client's problem and there will be no requirement for more formal proceedings to be undertaken. Unmeritorious applications will be identified before substantial costs are incurred. However, should the advice tendered clearly indicate that the client's position is meritorious, more extensive legal aid will be required. At this stage a more detailed assessment of the applicant's means may be made.

(b) Criminal Legal Aid

16. The Committee believes that it is timely to act to replace the current *pro bono* system for criminal legal aid with a system reflecting the changing patterns, both locally and internationally, of criminality and the administration of the criminal justice system. Further, under Article 6 of the European Convention a person held in custody has the right to effective legal assistance and this right is violated if the person is unable to obtain access to a lawyer. The International Covenant confers substantially similar rights. It could be argued that the current reliance on a voluntary scheme could, if the Police or Customs were unable to secure the services of an Advocate, constitute a breach of Article 6 and of the European Convention and of Article 14 of the International Covenant.

17. The Committee acknowledges the very significant contribution by the members of the Guernsey Bar, both past and present, in maintaining the current voluntary scheme but accepts that this scheme cannot last indefinitely. The Committee believes the changes proposed in this policy letter will ensure that this area of the Island's standards in law enforcement will continue to meet with international standards and withstand external scrutiny.
18. As with civil legal aid, before developing its proposals for criminal legal aid the Committee has sought the views of the agencies involved in the criminal justice system. From the responses received the Committee has become increasingly aware of the concerns about the adequacy and sustainability of the existing provisions for criminal legal aid. A number of reasons have been cited as further contributing to the need for a move away from a *pro bono* basis:
 - a) Advocates are becoming increasingly 'specialists' in particular areas of law.
 - b) A steep rise in the number of applications for legal aid in recent years. In 1994 142 such applications were made; by 1999 the number had risen to 236, a 66% increase; and in 2000 this figure had risen to 335 applications, a 135% increase on 1994 and 42% increase on 1999 figures.
 - c) An absence of proper remuneration does not encourage Advocates to take legal aid cases.
 - d) A small number of defendants have been aware of the inadequacies of the current system and exercise their 'right' to legal aid to delay their case from being heard and in some cases may have 'exhausted' the goodwill of the majority of those Advocates undertaking criminal work.
19. The Committee has also studied the criminal legal aid schemes currently operating in England, Jersey and the Isle of Man. In England a means tested scheme is available to grant legal aid in the interests of justice to persons without the means to otherwise afford legal representation. The scheme provides access to free legal advice at the following points in the criminal justice system:
 - a) To persons detained by the police to provide advice and/or to be present during interviews conducted by the police;
 - b) A duty solicitor scheme to cover court sessions where defendants who are being held in custody or are on bail for offences punishable by imprisonment appear before the Court;
 - c) In the Magistrates' Courts if a defendant has passed a means test and the Court is of the opinion that it is desirable to grant aid in the interests of justice. Where legal aid is granted at the Magistrates' Court and the case is then transferred to the Crown Court legal aid is automatically transferred.
20. Her Majesty's Government has recently undertaken a major review of the provision of legal aid as the cost of providing legal assistance was growing at a rate that was not sustainable and following criticism from the legal profession about the speed at which payment of claims were processed. This review has led to the Access to Justice Act 1999 coming into force which has significantly altered the way legal aid is provided, by creating two new services:
 - a) The Community Legal Service responsible for civil and family cases; and
 - b) The Criminal Defence Service responsible for criminal cases. The Criminal Defence Service can be run in two ways, namely:
 - i) a service similar to the Crown Prosecution Service with lawyers employed on a salaried basis and providing a public defender system; and
 - ii) contracts for the provision of defence services by individual solicitors or partnerships.

21. The second option is being pursued initially with those firms of solicitors holding existing Legal Aid Franchises being eligible for contracts. However, HM Government is currently developing the public defender option through the creation of pilot salaried Criminal Defence Service schemes in some areas.
22. In Jersey there is no statutory provision for legal aid. However, each Advocate, in his oath of office, commits himself to assist widows, orphans, paupers and those without representation before the Court. Legal aid has developed in an *ad hoc* form. The Bâtonnier of the Jersey Bar is responsible for ensuring those unable to pay for an Advocate or Solicitor receive legal assistance. All Advocates and Jersey Solicitors of less than 15 years' standing are required to register to undertake legal aid work.
23. The Isle of Man introduced a statutory criminal legal aid scheme in 1993, which in many respects is similar to that then in force in England. Applications for legal aid only consider the person's means and whether the grant would be in the 'interests of justice'. There is also a statutory duty Advocate scheme to provide advice and assistance to persons held in custody.
24. Under the Isle of Man's system individual Advocates are invited to apply to be appointed as a member of the panel that provides legal aid cover for criminal cases. The Advocates who choose to 'opt-in' must have appropriate experience in criminal defence work and agree to remain on the panel for a minimum period, currently five years. This approach has resulted in the emergence of a small number of firms organising themselves to undertake the majority of criminal legal aid work cost effectively.
25. The Committee believes that the following options may meet Guernsey's requirements for a criminal legal aid scheme:
 - a) Public Defender Scheme – the current pilot studies in England for a Criminal Defence Service may, depending on the success or otherwise of these pilots, provide a suitable model;
 - b) 'Opt-In' Scheme – such a scheme could be broadly modelled on the Isle of Man scheme with Advocates in private practice 'opting in';
 - c) Contractual Scheme – that is inviting a firm or firms of Advocates to undertake criminal legal aid work under a fixed price and term contract.
26. Whichever of the above schemes is chosen as the long-term scheme primary legislation will be required for various issues, including:
 - a) Assessment of an applicant's eligibility for legal aid;
 - b) Appeals procedure for applicants who may be refused assistance;
 - c) Procedure for reviewing any disputes over the taxation of accounts, that is the assessment and validation of the accounts for legal advice as submitted by Advocates undertaking legal aid work.
27. In addition, it would not be possible to introduce options 25 a) or c) above within the timescale for Guernsey to fulfil its international obligations. Therefore, whichever the preferred option it will be necessary to establish an interim scheme.

The Administration and Cost of Legal Aid (Civil and Criminal)

28. Under the provisions of the European Convention personnel administering the scheme must be sufficiently independent from 'the State' so as to reduce the possibility of criticisms of bias. In England and the Isle of Man independent committees have been established with responsibility for the day-to-day management. Therefore both the proposed interim and long-

term schemes would not be able to continue to rely on staff from the Greffe to assess claims. The Isle of Man approach, that is to establish a Legal Aid Committee with responsibility to oversee the scheme, formulate policy and to constitute an appeal tribunal, may provide a suitable model for Guernsey. Such a committee would be independent of the States.

29. This body would be responsible for undertaking or providing access to the following functions:
 - a) Day-to-day administration;
 - b) Assessment of the eligibility of applicants for assistance;
 - c) Provision of an appeals system for refused applications;
 - d) Taxation of accounts, including resolution of disputed accounts.
30. The Committee envisages that for the proposed interim scheme it will be necessary to employ a suitably qualified legal person to provide the administrative support for the aforementioned body. This post would be on a contractual basis and it is likely to be less than full-time. The Committee believes that the post holder may be appointed along similar lines to those most recently adopted for the Data Protection Commissioner and it hopes that it may be possible to recruit a solicitor, or a retired Advocate, to undertake these duties.
31. The Committee has been unable to gain a reliable indication of the likely call for legal aid for either civil or criminal cases. It is therefore unable to determine the level of support that will be required to administer the scheme. This lack of information further supports the Committee's proposals for an interim scheme that will inter alia satisfy the Island's obligations under both the European Convention and the International Covenant on Human Rights and will be broadly based on the Isle of Man scheme. An Administrator (Designate) will need to be appointed.
32. Such an interim scheme would provide a base from which the likely demands for both civil and criminal legal aid could be assessed and the establishment of a permanent scheme would be developed using this evidence-base. The Committee undertakes to bring before the States more detailed proposals for substantive schemes for civil and criminal legal aid. Those proposals would include detailed costings based on the data collected from the interim scheme.

Eligibility For Legal Aid in Civil and Criminal Cases

33. The eligibility for legal aid rests on two criteria in all cases, namely that the application warrants assistance and the applicant has insufficient means to pay for legal representation.
34. In respect of civil legal aid the cases that warrant assistance will be based primarily on those cases that the European Court has determined merit assistance. These include cases involving:
 - a) contractual rights;
 - b) compensation proceedings, even when derived from public law or criminal proceedings;
 - c) infringements of rights of a pecuniary nature;
 - d) decisions concerning children, e.g. paternity, custody and access;
 - e) disputes over ownership of a patent (but not formalities to acquire one);
 - f) the right to carry on practising in a profession;
 - g) the right to carry on a commercial or business activity;
 - h) the exercise or enjoyment of property rights, which might extend to the right to planning permission;
 - i) the right to social security benefits;
 - j) the right to recover monies paid in tax;
 - k) public law proceedings, the outcome of which would be decisive for an individual's 'private rights'.

35. In the case of criminal legal aid, one or more of the following issues, in line with the provisions under England's Legal Aid Act 1988, will need to be satisfied:
- a) in the event of conviction, it is likely that the court would impose a sentence which would either deprive the accused of his liberty, or lead to loss of his livelihood, or seriously damage his reputation;
 - b) the case may involve consideration of a substantial question of law;
 - c) the accused may be unable to understand the proceedings or state his own case, either through lack of knowledge of English or through mental or physical disability;
 - d) the nature of the defence involves the tracing and interviewing of potential defence witnesses or expert cross-examination of the prosecution witnesses;
 - e) if it is in the interests of a person other than the accused that the accused should be represented.
36. The second criterion is based on financial eligibility. In the setting of income thresholds the jurisprudence of the European Court of Human Rights allows for individual member States to decide the level of means above which applicants may not be entitled to legal assistance. However, the margin of appreciation cannot be used to avoid the obligations of Article 6 of the Convention, by, for example, setting a level of means so low as to render the obligations meaningless. The means testing must also afford a right of appeal and the aforementioned body administering the scheme would be responsible for any such appeals.
37. The Committee recognises that in some exceptional cases which fall outside these criteria it may be necessary to grant legal aid for representation in order to ensure that there is 'equality of arms'. Although such cases will be the exception the means testing process must take them in to account.
38. The current assessment of means under the voluntary scheme operated by the Guernsey Bar considers the gross income and, in general terms, where an applicant is solely reliant on benefit from Social Security or on parochial assistance he is eligible for legal aid. If the applicant is in employment and the gross weekly income does not exceed the maximum benefit payable under Supplementary Benefit he is also eligible for legal aid. The assessments require simple proof of earnings – typically a wage slip. Under the interim scheme the thresholds employed for the current criminal voluntary scheme will remain in place and be extended to cover all civil applications that are shown to warrant assistance.
39. It is proposed that under the substantive scheme the thresholds should be extended to reach beyond those whose incomes are at, below or dependent on Supplementary Benefit. Further, the Committee supports the view of the Bar Council that a single cut off point would be unfair and favours a sliding scale of legal aid against income. The Committee also believes that means testing should be based on net income rather than gross income, with account being made for Social Insurance, pension and housing costs, the latter two items being subject to an upper limit.
40. Further, the Committee believes it would be prudent to broadly base the thresholds on the requirement rates provided by the Guernsey Social Security Authority. By way of example, the weekly rate for a married couple is set between £122.25 and £149.75 and for a single householder between £76.75 and £91.75, all amounts relating to gross income. Initially, like rates would be used as the basis for establishing the thresholds for eligibility for legal aid. This approach should fall within the appropriate margin of appreciation to satisfy the

obligations of Article 6 of the European Convention. The exact terms for the threshold levels and means testing will in due course be determined by the Committee having considered the information collected during the operation of the interim scheme.

41. The Committee proposes that the upper limit for an allowance on pension contributions, mortgage repayments, rental costs and capital and savings, etc. should, wherever possible, be in line with existing upper limit thresholds, for example those employed by the Income Tax or Social Security Authorities.
42. The Committee will include detailed proposals for the threshold levels, including sliding scales, upper limits for allowances and the method of means testing, including requirements for proof of income, savings and entitlement to allowances in its proposals for the substantive scheme. It believes that it may be premature to seek to set such thresholds and upper limits at this stage while the extent of the call for both civil and criminal legal aid remains uncertain.

Interim Scheme

43. The Committee has held discussions with the Guernsey Bar Council and the proposals for the interim scheme are based on the agreement reached in these discussions. The interim scheme is to be broadly based on the existing voluntary criminal scheme and, in addition, will include provision for legal aid to be available in civil cases covered under the existing voluntary and statutory provisions (see Paragraphs 7 to 9) and those cases that warrant assistance (see Paragraphs 34 and 35).
44. The interim scheme will differ from the existing provisions for civil and criminal legal aid in the following areas:
 - a) Advocates in private practice will be invited to have their names placed on a list for criminal legal aid cases. In civil cases there would be no list.
 - b) Advocates will be paid for legal aid work, in accordance with agreed rates (see Paragraph 45);
 - c) Separate call-out rotas will be established for the following criminal law duties:
 - i) attendance at the Police Station or Customs Custody Suite during office hours;
 - ii) attendance at the Police Station or Customs Custody Suite outside office hours, including weekends and Public Holidays;
 - iii) stand-by cover for the Magistrate's Court.
 - d) Legal Aid Administrator (Designate) to be appointed with responsibility for:
 - i) day-to-day administration;
 - ii) assessment of cases that warrant assistance;
 - iii) ensuring the existence of an appeals system for refused applications;
 - iv) taxation of accounts, including provision for resolution of disputed accounts;
 - v) compilation of database to record approved and rejected applications for legal aid.
45. The Committee has agreed with the Bar Council that the fee level for Advocates opting-in to the scheme should be set in line with the present level at which costs are recoverable under the Royal Court (Costs and Fees) Rules, 2000, which came into force in April 2000. These Rules were promulgated by the Royal Court. The fee rate was £150 per hour when the Rules came into force. The rate per hour is now £156 because it is linked to the Guernsey Index of Retail Prices.
46. The Committee, from its discussions with the Guernsey Bar, expects that on the basis of the level of fees mentioned in paragraph 45 a sufficient number of Advocates will opt-in to the criminal and civil legal aid scheme to enable the interim scheme to operate on the basis

proposed. The Committee intends to discuss with the Bar Council the need in Magistrate's Court cases and appeals to agree guideline figures as an indication to the Advocate with the necessary expertise on an average case.

Funding

47. The Committee, due to the very nature of the scheme, is unable to provide clear estimates of the operating costs involved. The costs will depend entirely on the number of persons whose cases fall within the defined categories and income threshold limits. When the Committee comes back to the States with full and detailed proposals for the long-term scheme it should also be in a position to give a reasonable estimate of the costs of the new scheme based on the information gained from running the interim scheme. That information will also allow the Committee to make recommendations based on best-value principles.
48. In view of its nature, the costs of the scheme will be treated as formula-led expenditure as defined by the 1991 States Financial Procedures (Billet d'État VIII, April 1991).

Alderney and Sark

49. The Authorities in Alderney and Sark have already been consulted and will be considering their positions separately in the near future. Because of the nature of the proposals, the Advisory and Finance Committee hopes that the relevant Authorities of those Islands will agree to be included in a principal Law. The principal Law will, therefore, be drafted as either a single Bailiwick Law, as a Law having effect in two Islands which opt to participate in a joint scheme or each Island will proceed independently.

Recommendations

50. The Advisory and Finance Committee recommends the States to agree:
 1. To approve in principle that a comprehensive system for the provision of civil and criminal legal aid be established that will satisfy the Island's obligations under the European Convention on Human Rights and the International Covenant on Civil and Political Rights;
 2. That an interim scheme, on the lines set out in Paragraphs 43 to 46, be established to provide civil and criminal legal aid that will replace the current voluntary scheme with an agreed system of payments to Advocates undertaking civil and criminal legal aid cases approved under the scheme;
 3. That the States Advisory and Finance Committee's revenue budget for 2001 be increased to provide adequate funding for the legal services to be provided under the interim scheme;
 4. To authorise the States Advisory and Finance Committee to submit a budget for 2002 in excess of its revenue expenditure limit in respect of the increased revenue costs associated with the provision of legal aid under the interim scheme, as set out above;
 5. To direct the States Advisory and Finance Committee when recommending to the States revenue allocations for the States Advisory and Finance Committee in 2003 to take account of the costs associated with the continuing development of a long-term legal aid scheme; and

6. To direct the preparation of such legislation on the lines set out in paragraph 26 and, if appropriate, paragraph 49 of this report to give effect to their decision in 1. above.

I should be grateful if you would lay this matter before the States with the appropriate propositions, including one directing the preparation of the necessary legislation.

Yours faithfully

L. C. MORGAN

President
States Advisory and Finance Committee

The States are asked to decide:—

VI.—Whether, after consideration of the Report dated the 22nd June, 2001, of the States Advisory and Finance Committee, they are of opinion:—

1. To approve in principle that a comprehensive system for the provision of civil and criminal legal aid be established that will satisfy the Island's obligations under the European Convention on Human Rights and the International Covenant on Civil and Political Rights.
2. That an interim scheme, on the lines set out in paragraphs 43 to 46, shall be established to provide civil and criminal legal aid that will replace the current voluntary scheme with an agreed system of payments to Advocates undertaking civil and criminal legal aid cases approved under the scheme.
3. That the States Advisory and Finance Committee's revenue budget for 2001 shall be increased to provide adequate funding for the legal services to be provided under the interim scheme.
4. To authorise the States Advisory and Finance Committee to submit a budget for 2002 in excess of its revenue expenditure limit in respect of the increased revenue costs associated with the provision of legal aid under the interim scheme as set out above.
5. To direct the States Advisory and Finance Committee when recommending to the States revenue allocations for the States Advisory and Finance Committee in 2003 to take account of the costs associated with the continuing development of a long-term legal aid scheme.
6. To direct the preparation of such legislation on the lines set out in paragraph 26 and, if appropriate, paragraph 49 of that Report to give effect to their decision on proposition 1. above.

STATES ADVISORY AND FINANCE COMMITTEE

SIMPLIFICATION OF THE MECHANISM FOR THE CONVERSION OF SHARE CAPITAL

The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

25th June, 2001.

Dear Sir,

SIMPLIFICATION OF THE MECHANISM FOR THE CONVERSION OF SHARE CAPITAL

Introduction

On 1 January 1999 the single European currency, the euro, became a currency in its own right, superseding the existing currencies of the participating countries (“the participating currencies”), which assumed the status of non-decimal sub-divisions of the euro (“national currency units”). In subsequent phases, euro notes and coins will be issued on 1 January 2002 and the participating currencies will cease to be legal tender by 30 June 2002. The period between 1 January 1999 and the introduction of euro banknotes and coins is known as the Transitional Period.

The United Kingdom government has announced that, subject to the satisfaction of a number of economic conditions and the results of a referendum, it will join European Economic and Monetary Union (“EMU”) at a later stage. The Advisory and Finance Committee issued a statement in December 1997 to the effect that Guernsey has little realistic option other than to retain its link with the currency of the United Kingdom, whether that be sterling or the euro. Hence, until such time as the United Kingdom joins EMU, and in the absence of a States decision to the contrary, Guernsey will continue its link with sterling.

Regardless of the fact that the United Kingdom has not participated in the single currency and that sterling has not been replaced by the euro, its introduction has had legal implications for Guernsey. In particular, the European Communities (Euro: Miscellaneous Provisions) (Guernsey) Ordinance, 1998 (“the Euro Ordinance”) was enacted in 1998. This Ordinance, amongst other matters, provides that parties to contracts and legal agreements are unable to escape from their obligations merely because the currency of payment has been replaced by the euro. In the policy letter in Billet d’État XIX of 1998, which led to the enactment of the Euro Ordinance, the Advisory and Finance Committee stated that further legislation was likely to be required as a result of the introduction of the euro.

In this regard, the Advisory and Finance Committee, the Guernsey Financial Services Commission, the EMU Working Party and expert advisers engaged by the Committee have recognised the necessity of introducing legislation in order to provide companies with a more appropriate legal mechanism, which is easily understood by international practitioners, for the

redenomination of share capital. The Guernsey Financial Services Commission has also consulted on this matter with the Company Law Reform Committee, a long-standing committee convened by the Commission and comprised of practitioners experienced in company law.

Share Capital

A number of matters concerning share capital need to be outlined before consideration of the particular points requiring legislation.

The Companies (Guernsey) Law, 1994 requires companies with a share capital to be registered with an authorised share capital, which is divided into shares of a fixed amount. These fixed amounts are called the nominal or par value of a share. A company is free to decide whether to divide, for example, its £1,000 authorised share capital into one thousand shares of £1 or ten thousand shares of 10p or any other number and amount. Indeed, nominal values can be a fraction of a penny. Companies frequently issue shares for considerations well in excess of the nominal value. Thus, a share issued for the price of £10.00 could have a nominal value of only a fraction of that amount. In addition, the nominal or par value may bear little or no relation to the underlying net asset value of the shares or, if the shares are traded, to the price at which they change hands. A company need not issue all of its authorised share capital.

A Guernsey company may have share capital denominated in any currency. While the majority of companies have share capital denominated in sterling, a significant number have share capital denominated in foreign currencies, in particular the US dollar and the participating currencies. As an international finance centre, a significant proportion of the clients of financial institutions located in Guernsey are not resident in jurisdictions which use sterling and, for those who wish to form companies, the flexibility of Guernsey company law allows such clients to conduct their affairs in a currency which is convenient to them.

Under the Companies (Guernsey) Law, 1994, when converting share capital from one currency to another, the rate of exchange must be correct to three significant figures. As regards the euro, during the Transitional Period, redenomination between each participating currency and the euro must be carried out using a prescribed conversion rate and a higher accuracy (six significant figures) and method for the conversion which are specified in European Community Regulations. These requirements for conversion between the participating currencies and the euro apply automatically in Guernsey as a result of the *lex monetae* (the law of the currency) which applies in Guernsey by operation of law.

Court Orders

The Companies (Guernsey) Law, 1994 provides that “a company may, if so authorised by its articles, by resolution passed in general meeting alter its memorandum so as to convert all or any of its fully paid shares, the nominal amount of which is expressed in a particular currency into fully paid shares of a nominal amount of a different currency.”

A significant number of Guernsey companies use these provisions. However, conversions of share capital from one currency to another may result in an increase or decrease in share capital. This potential increase or decrease arises from the rounding up or down respectively of the rate of exchange permitted by Guernsey law. Hence, as a result of the conversion between currencies and the rounding used during the conversion process, the nominal value of each share might be

increased or decreased and, when these new nominal values of all the issued shares are added together, the aggregate figure for all the nominal values may be different from the total issued (and converted) share capital.

Under Guernsey company law, a reduction in share capital of any kind requires the confirmation of the court.

In light of the foregoing, the Committee considers it appropriate to amend the Companies (Guernsey) Law, 1994 to remove the need for a confirmation from the court where a conversion between any currencies results, in itself, in a reduction of share capital. The Advisory and Finance Committee envisages that a reduction will only be permitted without confirmation by the court where it does not extinguish or reduce the liability on any share in respect of capital which is not paid up, where the reduction does not reduce the net assets of the company and where the amount of any reduction of share capital will be credited to a capital redemption reserve which may be applied only in paying up unissued shares which are to be allotted as fully paid bonus shares.

Share Certificates

The Companies (Guernsey) Law, 1994 does not require a Guernsey company to issue share certificates. Nevertheless, many companies in Guernsey choose to issue them. The issue of new share certificates when redenominating share capital from a participating currency into euro would impose an unnecessary administrative burden on companies. Consequently, it would be helpful for Guernsey company law to provide that a share certificate continues to be *prima facie* evidence of title to shares (the register of members being conclusive), irrespective of any subsequent changes in the currency of the shares to which the certificate related. This provision would apply to any change in currency, not only changes involving the participating currencies and the euro.

Defunct Currencies

The currencies in use around the world change significantly over time and the termination of the participating currencies at the end of this year represents part of that process. While Guernsey company law permits the redenomination of share capital in any one currency into any other currency – including the redenomination of share capital from a participating currency into the euro – the loss of so many currencies at one time highlights the desirability of one further change to company law. In this connection, the Committee recommends that it would be helpful to non-resident persons who utilise Guernsey companies if Guernsey company law were to make specific provision for redenominating the share capital of a company from a former currency into an existing currency.

Applicability in the Bailiwick

The law that the Committee is recommending be drafted and enacted would have force only in Guernsey. Similar provisions in Alderney are a matter for that Island. The Committee has written to the authorities in Alderney to suggest that they consider putting in place equivalent legislation.

Sark does not possess its own company legislation and there is therefore no need for the authorities in that jurisdiction to consider the matters outlined above.

Future Legislation

It is likely that the introduction of the euro will continue to necessitate legislation. The Committee will continue to study the issue with the aid of the EMU Working Party and expert advisers and will revert to the States as appropriate.

Summary

The Advisory and Finance Committee recommends that legislation be drafted to simplify the mechanism for the redenomination of share capital by amending the Companies (Guernsey) Law, 1994 as set out in this Report.

I would be grateful if you would lay this matter before the States, together with appropriate propositions including one directing the preparation of the necessary legislation.

Yours faithfully

L. C. MORGAN

President
States Advisory and Finance Committee

The States are asked to decide:—

VII.—Whether, after consideration of the Report dated the 25th June, 2001, of the States Advisory and Finance Committee, they are of opinion:—

1. That the Companies (Guernsey) Law, 1994, shall be amended, as set out in that Report, to simplify the mechanism for the redenomination of share capital.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES BOARD OF ADMINISTRATION**GUERNSEY AIRPORT SAFETY ZONE – CONSTRUCTION OF ROADS**

The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

21st June, 2001.

Sir,

GUERNSEY AIRPORT SAFETY ZONE – CONSTRUCTION OF ROADS**EXECUTIVE SUMMARY**

1. In order to conform to the recommendations of the Civil Aviation Authority (CAA) and to ensure further licensing of the Guernsey Airport by the Royal Court, it has been necessary to bring the runway strip (Airport Safety Zone), which extends 150 metres either side of the runway from the centre line of the runway, under the control of the Airport. Consequently a number of properties and land parcels are in the process of being acquired by the Board of Administration to ensure that land is in the ownership of the States of Guernsey and, therefore, under the control of the Airport Authorities. These areas will then be included within the Airport boundaries. Other land parcels are needed so that the roads currently adjacent to the Airport boundary can be re-located. These roads are Route des Frances and La Villiaze Road.
2. This letter, therefore, serves to seek the approval of the States of Guernsey to the re-routing and creation of roads in order to ensure control of the Airport Safety Zone is established to conform to the requirements of the future aerodrome licence.

BACKGROUND

3. In the spring of 1999, following an invitation extended by the Board of Administration, the Safety Regulation Group of the CAA undertook an audit and inspection of the Airport. The audit examined the physical characteristics of the Airport and the make-up and operation of the Aerodrome Rescue and Fire Fighting Service, in respect of the criteria used by the CAA when licencing airports in the UK. The most significant item of non-compliance, which was identified by the Authority's audit report, was that the Airport's obstacle-free zone, which is the area that extends up to 150 metres either side of the runway centre and 60 metres beyond each end of the runway, was not totally within the control of the Airport or free of all obstacles which might constitute a hazard to flying operations.
4. The Airport's obstacle-free zone, therefore, included a number of private properties and two sections of public roadway that the Authority recommended should be removed and/or relocated. This is so that the Airport would comply fully with the Authority's requirements in respect of the Airports obstacle-free zone.

PROPOSAL

Road Re-alignment

La Villiaze, Forest/St Andrew

5. This road requires re-alignment from the junction with Les Blicqs Lane to the corner at the Airport viewing car park (see attached plan). The Board has sought to minimise the purchase of any land transactions to achieve ownership of the Airport Safety Zone. Each of five property owners has either conveyed their property or has agreed in principle to the property transaction and conveyances will be arranged shortly.

Route des Frances, St Saviour

6. The Airport boundary will be re-defined to incorporate the part of the existing Route des Frances (see attached plan). It has, therefore, been necessary to re-route this section of road to the north of the existing road. The new road will form an acceptable junction with the Rue du Gron and conform to current traffic management standards.

CONSULTATION

Land owners

7. In order to ensure acquisition of the land the property owners were advised at an early stage that their property would be required for the purposes of the Airport Safety Zone.

This necessitated the production of preliminary plans by the Department of Engineering that showed the required extent of the strip and the road re-routing preliminary proposals. These plans have formed the basis of negotiations with owners. The re-routing of Route des Frances requires that one land owner has been asked to relinquish a large area of land for the road area and other landowners will be required to sell small parts of their property. There will, however, be a limited effect on the adjacent tourist attraction, the Gold, Silversmiths & Jewellers, through a change in the access road.

Other agencies

8. During the course of the negotiations the Island Development Committee and States Traffic Committee have been consulted and the relevant comments taken into account. The Constables of the Parishes concerned, namely St Saviour, St Andrew and Forest have been consulted and are supportive of the proposals.

COSTING

Project Cost

9. Budget figures have, therefore, been provided by the Property Services Unit in the sum of £800,000 for the west end (Route des Frances) and £450,000 for the east end (La Villiaze Road). In addition a sum of £13,050 is required in respect of site investigation costs and it is recommended that a 10% contingency sum be added to the total budget estimate. This results in a total budget for the works of £1,389,500.

Effect on General Revenue

10. There will be no additional effect on general revenue as the roads are not additional but simply replacement/re-alignment of those already in existence and which Public Thoroughfares Committee (PTC) already include in the existing programme.

Commencement and Duration of project

11. It is expected that the project will commence in September 2001 for a period of up to 6 months. At the western end of the Airport, the existing road will remain in use until such time as the new road has been built, thus minimising disruption to traffic, residents and businesses.

Contractor's Estimate

12. The contractor will be able to provide the full estimates once the road design has been completed and the appropriate specification made available, following the completion of site investigations in mid-June.

CONCLUSIONS

13. With the benefit of advice and recommendations of those consulted and involved in preparation of the proposals, the Board of Administration has reached agreement on proposals for each area that requires road realignment.
14. The PTC has agreed that it is prepared to manage the construction of the new road re-alignments once all the relevant approvals have been received and that it is convinced that the proposed work does not impact on the Committee's current road programme. This contract will be managed on behalf of the PTC by the States Department of Engineering at the request of the Board of Administration.
15. The Board has agreed to comply with the CAA Document CAP 168, which lays down the licensing requirements for airports. This will also allow aircraft approaching the Airport in low visibility conditions to descend to lower heights in order to see the runway or approach lights. This is possible by bringing this land under the control of the Airport and removing the obstacles (buildings and roads).
16. If the road works were not carried out the alternative would be to seek the approval of the Constables of each Parish to close both La Route des Frances and La Villiaze Road with the appropriate re-routing of traffic. Apart from the traffic issues, there would be an effect on the Gold, Silversmiths & Jewellers, as there would no passing traffic.

RECOMMENDATIONS

17. Approval is sought for construction and funding of the re-alignment of the roads in connection with the improvement of the Airport Safety Zone at Guernsey Airport in accordance with the requirement of the current licence for the aerodrome, as shown on Drawing numbers 6665/201j and 665/202h, which have been deposited at the Greffe for the information of Members of the States.

18. The Board of Administration, therefore, recommends the States: –

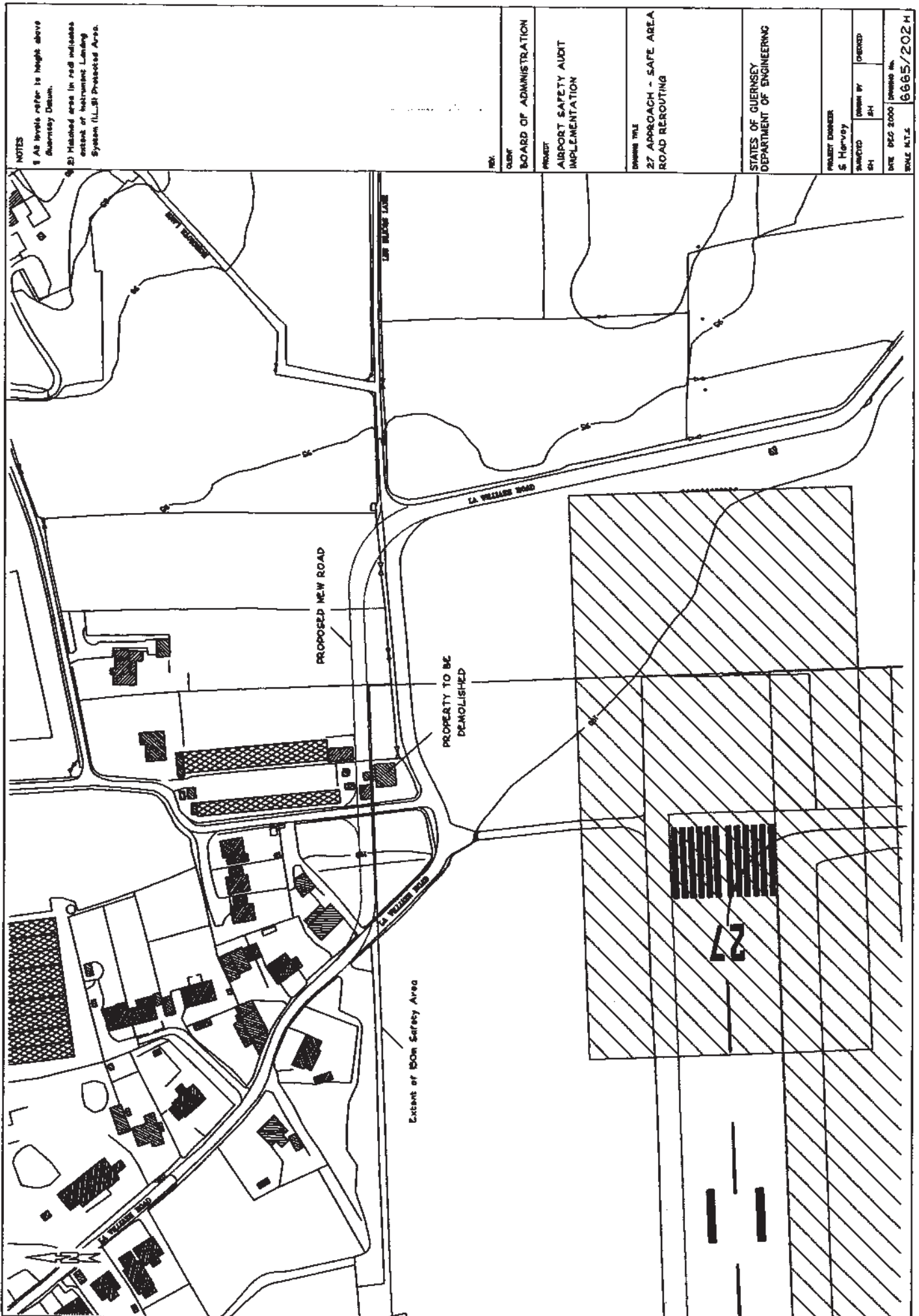
- a. to approve the construction of a new roadway at Routes des Frances, St Saviour and La Villiaze, Forest/St Andrew as set out on Drawing numbers 6665/201j and 6665/202h at a total cost inclusive of site investigations, and contingencies, not exceeding the budget figure of £1,389,500;
- b. to authorise the Board of Administration to accept the contractor's estimate for the above works to be agreed in consultation with the States Advisory & Finance Committee;
- c. to vote the States Board of Administration a credit of £1,389,500 to cover the cost of the above works, including a sum of £13,050 for site investigations and £126,450 for contingencies, which sum shall be charged as exceptional revenue expenditure in the accounts of the States Airport.

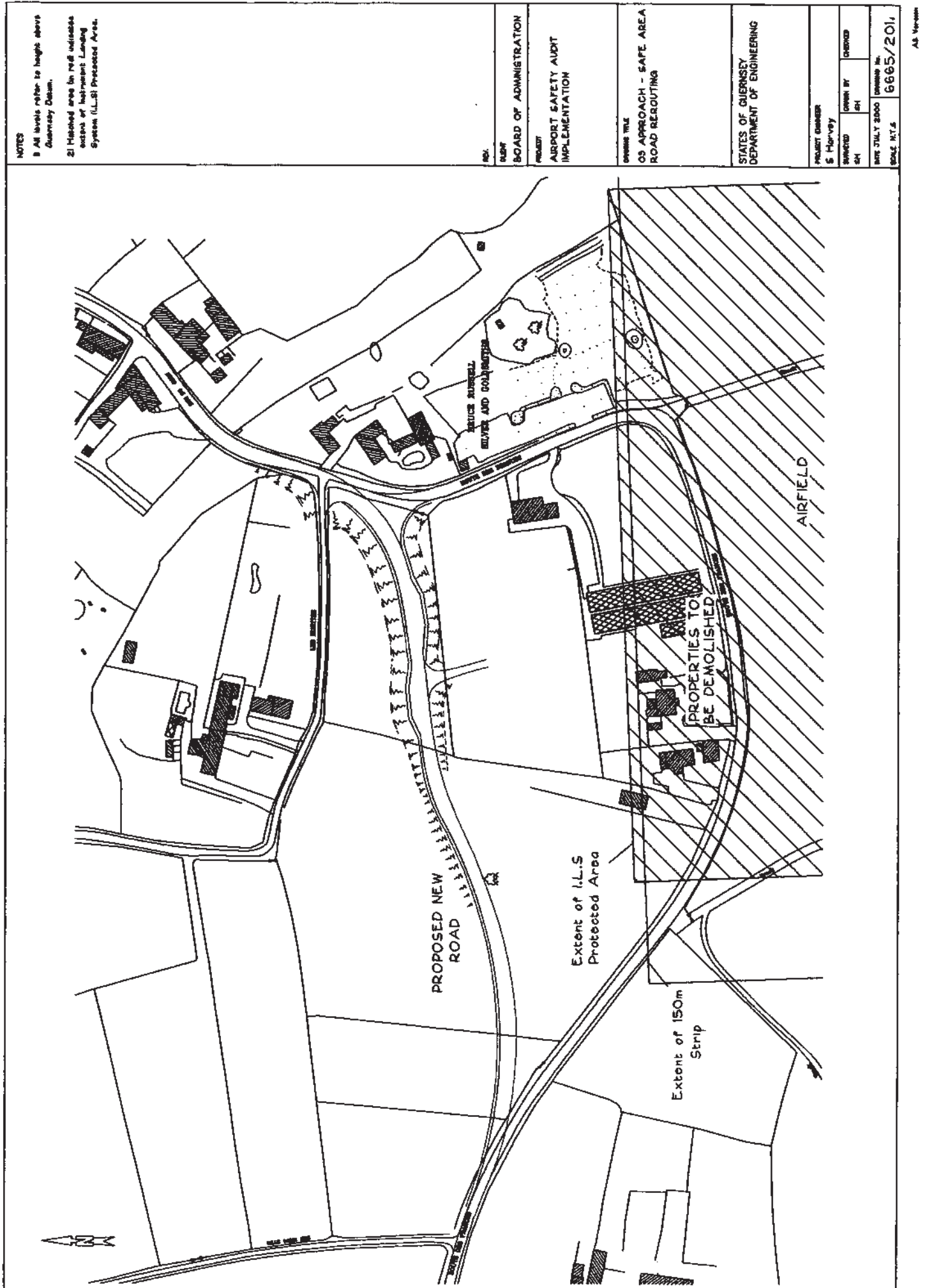
I would be grateful, therefore, if you will lay this matter before the States with the appropriate propositions.

Yours faithfully

R. C. BERRY

President
States Board of Administration





[N.B. The States Advisory and Finance Committee supports the proposals.]

The States are asked to decide:—

VIII.—Whether, after consideration of the Report dated the 21st June, 2001, of the States Board of Administration, they are of opinion:—

1. To approve the construction of a new roadway at Routes des Frances, St. Saviour's and La Villiaze, Forest/ St. Andrew's, as set out on Drawings Nos. 6665/201j and 6665/202h, at a total cost, inclusive of a sum of £13,050 for site investigations and £126,450 for contingencies, not exceeding the budget figure of £1,389,500.
2. To authorise the States Board of Administration, in consultation with the States Advisory and Finance Committee, to accept the contractor's estimate for the the above works.
3. To vote the States Board of Administration a credit of £1,389,500 to cover the cost of the above works, which sum shall be charged as exceptional revenue expenditure in the accounts of the States Airport.

STATES BOARD OF ADMINISTRATION

EXPORT OF DUAL-USE ITEMS AND TECHNOLOGY

The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

6th June, 2001.

Sir,

EXPORT OF DUAL-USE ITEMS AND TECHNOLOGY

1. The Board of Administration is empowered by the Import and Export (Control) (Guernsey) Law, 1946 to make by Order such provisions as are deemed expedient for prohibiting or regulating the exportation of goods from the Island.
2. Since 1976 it has been the policy of the Board of Administration to seek advice from HM Government before issuing an export licence for proposed exports of sensitive military goods. This is to ensure the Island does not contravene its international obligations. This policy will continue under these proposals.
3. During 1995 an EC Regulation was made controlling the export of 'Dual-Use goods', that is goods that could be used for both civil and military purposes. Consequently, the UK made a Statutory Instrument to implement the EC Regulation. Locally, the control of the export of dual-use goods under the EC Regulation and the UK Statutory Instrument was mirrored under provisions made under the Import and Export (Control) (Guernsey) Law, 1946.
4. Recently, the EC and UK 'Dual-Use goods' Regulation has been amended and retitled as Regulation (EC) No 1334/2000 "setting up a Community regime for the control of exports of dual use items and technology" reflecting the inclusion of the transmission of software and technology within the regulatory regime. As the current local Import and Export Law only refers to 'goods', provision will need to be made to control the transmission of software and technology by means of electronic media, fax or telephone so that local export licensing controls mirror those of the EC and the UK in this sensitive area.
5. The European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994 allows the States by Ordinance to make such provision as they may consider necessary or expedient for the purpose of the implementation of any Community provision. Accordingly, following consultation with the Law Officers of the Crown, it is proposed that the States by Ordinance, implement the EC Regulation concerning the export of Dual-Use items and technology.
6. The EC Regulation concerning the export of Dual-Use items and technology includes within it a provision that seeks to apply EC Regulation 515/97 of 13th March 1997 on

mutual assistance between the administrative authorities of the Member States and co-operation between the latter and the Commission to ensure the correct application of the law on customs matters and agricultural matters.

7. The Board has formed the view that EC Regulation 515/97 does not fall within Protocol 3 to the United Kingdom's Treaty of Accession to the European Community. However, it is proposed that relevant Articles of EC Regulation 515/97 should be adopted voluntarily and this will be brought to the States in the form of a separate policy letter in due course.
8. The Board is also of the view that the relevant provisions of EC Regulation 515/97 and consequently the relevant provision of the Dual-Use Regulation concerning administrative co-operation between Member States cannot be implemented until such time as the revised Data Protection Law is in force, expected to be early in 2002. It is therefore proposed that provision is made in the Implementing Ordinance permitting the Board of Administration to bring the relevant provision into force when all other relevant legislation has been passed and brought into force.
9. It is further proposed that the States by Ordinance designate the Board of Administration as the competent authority for making such Statutory Instruments as will be required to implement and to enforce the EC Regulation .
10. The authorities in Alderney and Sark have been consulted concerning this matter. The Alderney and Sark authorities are content to mirror the course of action to be taken by the States of Guernsey.

RECOMMENDATIONS

The Board of Administration, therefore, recommends the States to:

1. agree that provision should be made by Ordinance for the purpose of implementing the EC Regulation concerning the export of dual-use items and technology in the terms outlined above; and
2. agree that a power be conferred upon the Board of Administration to enable the Board to bring into force that part of the Ordinance that deals with mutual assistance; and
3. agree that provision should be made by Ordinance designating the Board of Administration as the competent authority for making such Statutory Instruments as will be required to implement and to enforce the EC Regulation on the export of dual-use items and technology.

I have the honour to request that you will be good enough to lay this matter before the States, together with appropriate propositions including one directing the preparing of the necessary legislation.

Yours faithfully

R. C. BERRY

President

States Board of Administration

[N.B. The States Advisory and Finance Committee supports the proposals.]

The States are asked to decide:—

IX.—Whether, after consideration of the Report dated the 6th June, 2001, of the States Board of Administration, they are of opinion:—

1. That provision shall be made by Ordinance for the purpose of implementing the EC Regulation concerning the export of dual-use items and technology in the terms outlined in that Report.
2. That a power shall be conferred upon the States Board of Administration to enable that Board to bring into force that part of the Ordinance that deals with mutual assistance.
3. That provision shall be made by Ordinance designating the States Board of Administration as the competent authority for making such Statutory Instruments as will be required to implement and to enforce the EC Regulation on the export of dual-use items and technology.
4. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

STATES BOARD OF ADMINISTRATION**ALDERNEY AIRPORT – RESURFACING OF RUNWAY, TAXIWAY AND APRON**

The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

6th June, 2001.

Sir,

ALDERNEY AIRPORT – RESURFACING OF RUNWAY, TAXIWAY AND APRON

Alderney Airport is serviced by three runways, each of which is 37 metres wide. The main runway is 880 metres long and the two secondary grass runways are 732 and 497 metres long respectively.

The main runway, 08-26, has a central strip 18 metres wide and 820 metres in length surfaced in bitumen macadam. Turning areas, 37 metres wide, are provided at each end of the surfaced strip. The final 60 metres of the runway at the western (08) end is grass.

The availability of the surfaced area has ensured that, except during periods of adverse weather conditions, the Airport could remain open even though the secondary grass runways were not operational due to heavy or prolonged rain, which made those runway surfaces unsafe.

Major work was last carried out during the winter of 1986/87 when the central strip of the main runway was widened from 12 metres to 18 metres.

In May 2000, the Board of Administration asked the Civil Aviation Authority to inspect the Airport to determine whether or not it complied with the Authority's criteria for the licensing of aerodromes particularly with regard to its physical characteristics and to its rescue and fire fighting capabilities.

One major item of non-compliance with the criteria contained in the report was that the surface of the main runway and taxiway was considered to be in a poor condition and the Authority advised that the surface required resealing. The report indicated that the surface was breaking up in some areas resulting in debris that could cause damage to an aircraft. In order to overcome the problem in the short term it was advised that additional sweeping of the surface be carried out to remove any debris.

A copy of the report was forwarded to the Alderney authorities for consideration. A member of the States of Alderney who, until earlier this year was also a member of the Board of Administration, was actively involved in the planning of the remedial works necessary to comply with the findings of the report.

The Board has consulted the States Property Services Unit and has been advised that the most practical way to satisfy the Civil Aviation Authority's requirements is to overlay the deteriorating surface of the runway and taxiway with bitumen macadam.

The Board believes that whilst the resurfacing work is being carried out the opportunity should be taken to reconstruct the 60 metre length of grass runway at the western end to the same standard as the rest of the runway. The grass section is used by Aurigny when operating scheduled passenger and freight services and the area requires regular maintenance. This ongoing maintenance requirement would be eliminated if the area is surfaced.

The Civil Aviation Authority's report did not comment unfavourably on the surface condition of the airport apron. However, the Board considers that, as the age of the apron is similar to that of the taxiway, the apron area should be resurfaced at the same time as the runway. It should be noted that if the resurfacing of the apron were to be delayed, for any reason, significant extra costs would be incurred. This would also apply to any delay in reconstructing the western end of the runway.

Discussions have taken place with Aurigny concerning the Board's proposals and the company is supportive of them.

Tender documents for the necessary works were prepared by the States Property Services Unit and issued to five selected Contractors. Three Contractors submitted tenders namely:

- | | |
|--------------------------------|---------------|
| • Ronez Limited | £578,801.21 |
| • Aggregate Industries, Exeter | £1,003,187.24 |
| • Foster Yeoman Ltd, Somerset | £1,027,218.50 |

A tender was received after the specified date for return of tenders from a French Contractor, Lasnon, of Cherbourg. In accordance with tendering procedures the tender was returned unopened to the Contractor. Lafarge Aggregates, a large UK company, declined to tender because the location of the works, combined with the limited tonnage of material involved, would make their offer uncompetitive.

The tender submitted by Ronez Limited consists of two elements, namely:

- the resurfacing of the runway, taxiway and apron in the sum of £358,801.21 and
- the reconstruction of the western end of the runway in the sum of £220,000.00

These sums, which include an allowance of 10% for contingencies, assume that the work will be carried out when the Airport is closed for normal operations. The Board is mindful that occasionally it is necessary to allow emergency flights outside of normal operating hours. Arrangements would be made with the Contractor to ensure that this facility is retained during the course of the contract, which is likely to last three to four weeks.

It should be noted, that the rates for the work contained in the lowest tender compare favourably for similar work if undertaken in Guernsey.

Supervision of the contract will be carried out by the Alderney Airport Assistant Manager with assistance from the States Property Services Unit.

The Board is satisfied that the works detailed above are required to comply with the Civil Aviation Authority's criteria for the licensing of aerodromes and that the surfaced extension to the main runway is required to maintain scheduled operations.

The Board recommends the States:

1. To approve the resurfacing of the runway, taxiway and apron at Alderney Airport.
2. To approve the reconstruction of the western end of the runway.
3. To authorise the acceptance of the tender from Ronez Limited in the sum of £578,801.21.
4. To vote the Board of Administration a sum not exceeding £578,801.21, including an allowance of 10% for contingencies, to cover the cost of the above works which sum shall be charged as Capital Expenditure in the accounts of Alderney Airport.

The Board had provisionally allocated a sum of £350,000 in its programme of Capital Expenditure for the resurfacing of the runway and taxiway and, although it is regretted that the total cost will now exceed the estimate because of the additional reconstruction works, the Board believes that it is imperative that the works be carried out at this time. The shortfall in the provision will be met from within the Board's existing allocation for Capital Expenditure.

The Board should be grateful if you would be good enough to lay this matter before the States with appropriate propositions.

Yours faithfully

R. C. BERRY

President

States Board of Administration

[N.B. The States Advisory and Finance Committee supports the proposals.]

The States are asked to decide:—

X.—Whether, after consideration of the Report dated the 6th June, 2001, of the States Board of Administration, they are of opinion:—

1. To approve the resurfacing of the runway, taxiway and apron and the reconstruction of the western end of the runway at Alderney Airport at a total cost, inclusive of an allowance of 10% for contingencies, not exceeding £578,801.21.
2. To authorise the States Board of Administration to accept the tender in the sum of £578,801.21 submitted by Ronez Limited for the carrying out of the above works.
3. To vote the States Board of Administration a credit of £578,801.21 to cover the cost of the above works, which sum shall be charged as capital expenditure in the accounts of Alderney Airport.

STATES RECREATION COMMITTEE**REDEVELOPMENT OF THE OSMOND PRIAULX MEMORIAL PLAYING FIELDS**

The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

8th June, 2001.

Dear Sir,

Redevelopment of the Osmond Priaulx Memorial Playing Fields at Footes Lane**Introduction**

1. For many years the Footes Lane area has been the location for a number of important outdoor sporting facilities. The Recreation Committee manages the Osmond Priaulx Memorial Playing Fields that provide an all weather athletics track, an all weather pitch, a grass pitch for athletics field events and rugby matches and changing facilities. Also in the area are the headquarters of the Guernsey Rugby Club incorporating a pitch and clubhouse and a number of grass pitches owned by the Grammar School and Elizabeth College and used for both football and cricket. Elizabeth College also has an all weather pitch. The School facilities are available for hire to clubs and are well utilised throughout the year.
2. The facilities provided by the Recreation Committee have been developed in line with a site development plan approved by the States in 1992.
3. Phase 1 of the plan was the building of the all weather athletics track, grass infield and pitch and the all weather pitch. This work was completed in 1995. Phase 2 was to provide modern changing facilities and the Recreation Committee has earmarked sufficient funds from its capital allocation to replace the existing changing rooms on the site. Phase 3 was the provision of a second all weather pitch.
4. Having successfully completed Phase 1 the Committee has revisited its site development plan and updated it in line with the increasing demand for sporting facilities and the current and future expectations of the competitors and spectators using them. Discussions have been held with Athletics, Rugby, Hockey and Football, the major users of the site, in order to establish their visions for the future use of the site and whether these visions are achievable and more importantly sustainable.
5. There is no doubt that suitably developed the site has the potential to become the premier competition venue for a large number of sporting events. It can become the showcase for island sport celebrating in much improved surroundings the achievements of our sporting heroes and serving to inspire future generations in their sporting efforts.

6. Firm expressions of interest have been made by Athletics to stage the Island Games in 2003 as well as inter insular and visiting competition. Football would be interested in hosting their Muratti Final and South West Counties league games at this venue while it could also accommodate Rugby's Siam Cup and Hampshire League matches.
7. As part of its development plan the Recreation Committee has looked to link up with a number of partners in order both to lessen the call on the public purse but also to create a sense of ownership and responsibility for the site from the sporting organizations making use of it.
8. The three main elements identified in the revised site development plan are:
 - **Hockey clubhouse:** This incorporates modern changing rooms for players and officials, a clubroom, an office for a Hockey Development Officer and the associated storage and services requirements.
 - **Grandstand:** This provides a six hundred-seat stand for viewing the athletics track and the infield pitch for football and rugby matches. It also incorporates changing rooms, two club rooms / meeting rooms and a concourse area for receptions and presentations.
 - **Ground Works:** A new entrance and public circulation area is planned with improved landscaping, access and increased parking. It is proposed that the existing infield pitch be brought up to a higher specification by substantial improvements to the drainage and that improvements are made to the existing floodlighting. It is further proposed to bring forward scheduled maintenance works to the track.

Hockey Clubhouse

9. The opportunity was given to the main sports using the site to establish clubhouse facilities within a new building also housing changing facilities for the all weather pitch. Rugby preferred to maintain their existing separate clubhouse and identity. Athletics would make limited use of any changing facilities but would welcome the occasional use of any clubhouse facilities. They would however have no funds to contribute to the project.
10. The Guernsey Hockey Association requested the opportunity to incorporate its own clubhouse and office into the propose building. In making their case for doing so, the Association described the strong commitment by its members to the sport and the opportunities for building on recent success. Proper facilities and the feeling of a "home for island hockey" would undoubtedly attract new members of the Association. It would also provide an attractive environment in which to entertain visiting teams.
11. Modern changing facilities and adequate storage space for equipment etc are incorporated into the building as well as a clubhouse and office for the Guernsey Hockey Association. A balcony overlooks the all weather pitch providing improved viewing of matches.
12. After detailed discussions it was agreed that the GHA would be granted a full repairing lease for the premises for a thirty-year period in return for a contribution of £150,000, or just over 20%, towards the estimated building costs of £700,000. This has been provided in the form of an irrevocable bank guarantee, which has been approved by the Law Officers of the Crown. The Law Officers and the Board of Administration have drawn up a proposed heads of

agreement for the lease which the States are asked here to approve. The draft heads of agreement is attached at Appendix 1.

13. The Island Development Committee has granted planning permission.
14. The building will be constructed immediately adjacent to the all weather hockey pitch. The existing building situated in the main car park will be demolished allowing the car park and adjacent areas to be substantially improved. Plans of the design and location are enclosed for information, see appendix. Full size plans are also displayed at the Greffe.
15. The project has been fully discussed and approved at each stage by the Capital Works Sub Committee (the now Estates Sub Committee) with approval given to proceed to the tender stage. Tenders have been invited and are presently being evaluated. Although some negotiation on specification and costs is anticipated, it is likely that the project, with nominated sub contractors and final cost of construction will be brought to the September States meeting for final approval.

Grandstand

16. In looking to create the premier venue for outdoor sports matches the Recreation Committee would welcome the provision of a covered spectator facility for the infield pitch when used for football and rugby matches with use also for athletics meetings.
17. It agreed however that the total cost could not be provided from its limited resources given the many demands upon them for sporting facilities. It therefore looked for a partner in providing such a facility. Discussions were held with the Advisory and Finance Committee and the Law Officers to establish an acceptable mechanism to pursue the partnership idea.
18. Initial investigation provided a design with a projected building cost of £1.2 million. An early approach to the Advisory and Finance Committee confirmed their support for an approach to the States to provide for 50% of the cost up to a maximum contribution of £600,000 if the remaining 50% could be provided from private sources, a true public private partnership initiative.
19. The Guernsey Stadium Trust under the chairmanship of Mr. Gordon Miller, a local businessman and former Olympic high jumper was formed in order to promote the project and to attract the required private sponsorship. A limited company, the Footes Lane Stand Company, was also established in order to manage the overall planning and construction of the facility on behalf of the States and its private sector partners.
20. In order to attract the highest quality design an Architectural Competition was held. Sponsorship was received from Ronez Ltd, which provided for a first prize of £5,000, a second prize of £2,500 and the associated costs of staging the competition.
21. The criteria set for the design was to provide a covered facility to seat 600 spectators overlooking the infield and running track. The building should also provide changing facilities, clubrooms and groundsman's office.
22. Over 20 architectural practices applied for competition packs with 12 submitting entries, an indication of the high interest in the competition and the project. The Footes Lane Stand Company then appointed an assessor panel to judge the entries and to recommend a preferred

scheme. The panel was chaired by Mr. Peter Bachmann, Chairman of the Company and comprised representatives from the Advisory and Finance Committee, Recreation Committee, Island Development Committee, and the sponsor Ronez Ltd, a leading UK Architect and competition judge and a local arts representative.

23. Having evaluated the entries the panel recommended as the winner the entry from MooARC, a London based practice with a Guernsey born principal Mr. Jamie Falla. Second prize went to ORMS Architecture and Design with the first reserve being Kensington Taylor Ltd. All of the designs were exhibited at Beau Sejour Centre for a week attracting considerable interest. The plans of the winning design are attached, see appendix. Full size plans are also displayed at the Greffe.

24. The panel commented that:

“...as an architectural competition, the elegance of its simplicity is achieved through great clarity of analysis and strong compositional ideas. The scheme seems well able to take on board some improvements and possible cost control measures without loss of its integrity. The assessor panel were unanimous in agreeing that this refreshing submission captured the ambitions of the brief, should be a fine symbol for the Island Games, and that its architectural modernity should endure for many decades...”

25. It is hoped to gain planning approval to enable the eventual construction of a facility to this design. This will also be dependant upon the receipt of acceptable tenders for construction and the private sector, through the Trust, being able to secure sufficient funding during the coming months.
26. The intention is to construct the grandstand on a design and build basis with the winning architect novated to the successful design and build contractor.
27. There will also be a need to complete several formalities in terms of an agreement with the Company for the construction of the Grandstand, its transfer to and future ownership and maintenance by the States Recreation Committee and suitable guarantees as to the area's continued use primarily for sport for the next twenty-five years. The Law Officers and the Advisory and Finance Committee will approve any such agreements.
28. The Committee is now in a position to progress the construction of the grandstand. An innovative and exciting design has been developed and the intention is to award a design and build contract for the project. This would be managed by the Footes Lane Stand Company set up for this purpose. The Committee would therefore recommend approval for the construction of a grandstand as described in this report at a total cost not exceeding £1.2 million. The Committee would further recommend that the States contribute £600,000 towards the cost of the project, that sum to be taken from the capital reserve. It is accepted that should private sector funding of £600,000 not be forthcoming towards the cost of the project then it could not proceed.

Ground Works

29. The Committee believes that the provision of new facilities as outlined above should also be complemented through the provision of a new entrance, appropriate landscaping and general enhancement of the site.

30. The proposals would provide:

- Improved entrance to the site – this would give more definition and presence to the site and a sense of arrival at an important sporting facility. Layout, signage and a clearer allocation of separate spaces to traffic and pedestrians will markedly improve the visitor's arrival at the site.
- Separation of traffic from pedestrians – the site is currently used as overflow parking for the Grammar School and as a base for the Park and Ride Scheme operated by the Traffic Committee. The Traffic Committee would wish to see improved facilities for the scheme including allocated parking, a shelter and an improved layout for the pick up and drop off of passengers. The scheme looks to separate more effectively traffic from pedestrians, channelling vehicles to the north of the public areas and pedestrians to the south. The safety of pupils crossing to the Grammar School after parking would also be much improved. The provision of parking will be increased and access to it improved.
- Creation of a public concourse and raised viewing area – adjacent to the track the opportunity will be taken to landscape the area to provide a raised viewing area and a public concourse just inside the main entrance. This greatly improves the open aspect of the site and creates an important meeting and circulation space for the facilities planned. The public concourse could also be a suitable location for a piece of public art if sufficient interest were shown and a source of funding available.
- Provision of a groundsman's garage – this will take advantage of the creation of a raised viewing area to construct a basement space that will accommodate the larger machinery used on the site as well as housing a new electricity substation, water storage tank and irrigation equipment.

31. The site plan showing the proposals is attached, see appendix. Full size plans are displayed at the Greffe.

32. While the current infield pitch is adequate for athletics field events it falls some way short of the modern standard required for football or rugby to be played on it consistently. Advice has been taken from the Sports Turf Research Institute as to the options available to improve the pitch and floodlighting to a standard suitable to play County level football upon it.

33. In order to accommodate a grandstand on the west of the athletics track it will be necessary to relocate the long jump pits to the central area of the track. The opportunity is also being taken to upgrade the hammer cage, high jump pit and steeplechase water jump in order to conform with increasing standards of safety. It is also intended to bring forward planned maintenance to repair, clean, respray and line mark the athletics track.

34. There are a number of time critical specialist contracts to be issued for the various elements which are around if not slightly above the £100,000 limit for Advisory and Finance approval. Given the varied elements and construction programmes described above for the groundworks the Committee would ask that final approval of tenders for these works be delegated to the Advisory and Finance Committee given that the tender prices received are not higher than the total estimated costs for Ground Works shown here. It would, of course, normally be acceptable for capital projects of less than £100,000 to be approved by the Advisory and Finance Committee without recourse to the States.

The main elements and their projected costs

£

Hockey Clubhouse	700,000
Grandstand	1,200,000
Ground Works	
Entrance, parking and access roads	
Groundsman's garage and substation	
Track works and floodlighting	
Relaying pitch	
Landscaping and planting	
Fees and site investigations	
Sub Total	700,000
Total Costs of main elements	2,600,000
Less contributions from private funding	
Guernsey Hockey Association	150,000
Guernsey Stadium Trust	600,000
Sub Total	750,000
Net cost to public funds	1,850,000

Recommendations

Having regard for the above the Recreation Committee recommends the States:

1. To approve in principle the proposed redevelopment of the Osmond Priaulx Memorial Playing Fields at Footes Lane as described in this report at a total net cost to public funds not exceeding £1,850,000.
2. To approve in principle the construction of a Hockey Clubhouse as described in this report at a total net cost to public funds not exceeding £550,000, which shall be charged to the capital allocation of the States Recreation Committee, after taking account of a contribution of £150,000 from the Guernsey Hockey Association as set out in this report.
3. To note that the States Recreation Committee will report to the States in September 2001 on the evaluation of tenders for the construction of the Hockey Clubhouse as detailed above.
4. To approve in principle the granting of a lease for a period of up to thirty years of the proposed Hockey Clubhouse to the Guernsey Hockey Association subject to the approval of the detailed terms by the States Advisory and Finance Committee and the Law Officers of the Crown.

5. To approve in principle the construction of a grandstand in accordance with the attached plans and joint funding proposals set out in this report at a net cost to public funds not exceeding £600,000.
6. To authorise the States Advisory and Finance Committee, on the understanding that, should a contribution of at least half of the total cost of the proposals not be forthcoming from the private sector before the start of construction, the project shall not proceed, to approve a vote not exceeding £600,000 to cover the net cost to public funds of the proposed grandstand, which sum shall be taken from the capital allocation of the States Recreation Committee.
7. To authorize the States Advisory and Finance Committee, subject to the receipt of adequate assurances as regards the private sector contribution set out above, to transfer from the Capital Reserve to the capital allocation of the States Recreation Committee a sum not exceeding £600,000.
8. To direct the States Recreation Committee to conclude, subject to the approval of the States Advisory and Finance Committee and the Law Officers of the Crown, agreements with the Footes Lane Stand Company for the construction of the grandstand, its transfer to and future ownership and maintenance by the States Recreation Committee and suitable guarantees for its continued use primarily for sport in the future.
9. To authorize the States Recreation Committee, subject to the agreement in each case of the States Advisory and Finance Committee, to accept tenders and quotations as appropriate for the various ground works described in the report at a total cost not exceeding £700,000, such costs to be covered by a credit in that sum to be charged to the capital allocation of the States Recreation Committee.

I request that you will be good enough to lay this report before the States together with appropriate propositions.

Yours faithfully

IVAN RIHOY

President
States Recreation Committee

**AGREEMENT BETWEEN GUERNSEY HOCKEY LTD AND STATES OF GUERNSEY
FOR THE CONSTRUCTION OF A CLUBHOUSE AND CHANGING FACILITIES AT
FOOTES LANE**

TERMS AND CONDITIONS

1. The States of Guernsey, acting through the Recreation Committee (“the Committee”) and Guernsey Hockey Ltd (“GHL”) agree to jointly fund the construction of a clubhouse and changing facilities (“the facilities”) at the Osmond Priaulx Memorial Playing Fields, Footes Lane, St Peter Port along the lines shown on drawing no 960705/04/02 prepared by RK and S Architects Ltd (“RKS”). Any required amendments will need to be agreed by the Committee, GHL, and obtain all statutory approvals.
2. GHL shall guarantee the availability of £150,000 for payment in accordance with the terms set out in this agreement. It is a condition that the Committee is provided with an independent guarantee of these obligations in the form of a performance bond issued by HSBC Bank PLC to the satisfaction of the Law Officers of the Crown.
3. The Committee shall set the terms of the contracts for architectural, quantity surveying and structural engineering services and construction of the facilities including the timing of and payment for all works carried out. Upon submission of invoice, (either for professional fees or construction work) arrangements shall be made to recharge GHL a percentage of the costs incurred on the following basis:
 - For architect, quantity surveyor or structural engineer’s fees charged prior to commencement of building works an invoice to the value of 50% of the amount paid by the Committee shall be forwarded to GHL which shall be payable within 28 days from the date of invoice.
 - Within two months following the commencement of the works an adjustment shall be made on the recharging of the invoices so that GHL contributes 25% of the overall charges for the remainder of the project or until such time as it has paid £150,000 towards the overall cost of the project.
4. GHL agrees to contribute 25% of the total costs of design, planning and construction including all associated architectural, quantity surveying and structural engineering fees or £150,000 (whichever is the lowest). However in the event of the total project cost exceeding £700,000 then the Committee reserves the right not to proceed with the project. Should the Committee exercise this right then it shall notify GHL in writing not later than 6 weeks following the deadline for receipt of tenders for the construction. In the event of the project not proceeding through it not being possible to obtain the approval of the Advisory and Finance Committee, the States of Guernsey or the Law Officers of the Crown then the Committee and GHL shall contribute to the cost of any architectural, quantity surveying or structural engineering services on a 50% / 50% basis.

5. Architectural, quantity surveying and structural engineering services will be provided to the Committee directly by RKS, PWH (Channel Islands) Ltd and Dorey Lyle and Ashman. With the exception of PWH (Channel Islands) Ltd, who will levy a fixed charge of £9,750, these services will be charged as an agreed percentage of the construction costs (RKS 6.9% and Dorey, Lyle and Ashman 2.5%). The terms of the contract with RKS shall be based on the Architects appointment booklet as issued by the Royal Institute of British Architects. Included in the fee levied by RKS will be a charge for management of the project. Any additional charges will be in respect of disbursements only and will require advance authorisation by the Committee.
6. The Committee shall invite tenders and (subject to States approval) appoint a contractor for the construction of the facilities.
7. As part of the consideration of this agreement the Committee shall provide GHF with a lease of the facilities on the basis of the attached heads of agreement subject to the approval of the States of Guernsey and the Law Officers.

STATES RECREATION COMMITTEE / GUERNSEY HOCKEY LTD (GHL)

HEADS OF AGREEMENT FOR LEASE OF CLUBHOUSE / CHANGING FACILITIES
AT FOOTES LANE

- a) GHL shall lease the facilities as shown on the attached drawings on a full repairing basis for a period of 30 years from the date of practical completion. At the end of the lease GHL shall have the option to renew, which shall not be unreasonably withheld. New lease arrangements shall be on a market rental basis although this requirement may be waived in whole or part at the discretion of the Committee.
- b) The premises shall be used for sporting and appropriate social activities only. GHL shall not unreasonably refuse other sporting organizations or the Committee the use of the clubhouse upon providing notice of not less than one calendar month and payment of a reasonable fee.
- c) The rental charge shall be £100 for the first year and increased by a figure representing the most recently published movement in the local Retail Price Index for each subsequent year.
- d) GHL shall be responsible for payment of all oil / gas, water and electricity provided to the premises.
- e) GHL shall be responsible for all upkeep and repairs to the interior and exterior of the premises. GHL is to be responsible for cleaning the premises on a regular basis.
- f) The Committee shall take out insurance for not less than the replacement cost of the building against fire damage and such other perils as it sees fit. GHL shall reimburse the Committee for the cost of such insurance.
- g) GHL shall be responsible for payment of Occupiers and Refuse rates. The Committee shall remain responsible for the removal of general site rubbish.
- h) The Committee shall be responsible for payment of the Tax on Rateable Value.
- i) GHL shall indemnify the States against any claims, actions or proceedings which may be brought against them arising from the use of the premises and shall maintain public liability cover of not less than £2 million pounds, or such higher sum as the Committee may from time to time specify, in respect of any one incident.
- j) GHL shall permit the Committee unrestricted access to the plant room.
- k) GHL shall sublet the entrance and changing facilities for the term of the lease to the Committee on the basis that:
 - l) The Committee shall pay a rental charge of £1 per annum;
 - m) The Committee shall be responsible for the cleaning of the sub let area;
 - n) The Committee shall pay GHL a service charge for the use of energy and water on the basis of an agreed formula so as to be reflective of the direct cost to GHL, such charge to be paid in arrears on a monthly basis;

- o) All other costs in relation to the sub let area, including repair and redecoration, shall be met by GHL;
- p) GHL shall provide the Committee with reasonable notice of any works or redecoration of the sub let area;
- q) GHL or its licensees shall be permitted access to the changing room facilities when using the artificial turf pitch, and;
- r) There is an understanding that GHL shall be the principal user of the artificial turf pitch and the changing areas subject to demand for hockey fixtures continuing at its present level.

Guernsey Hockey Association

New Clubhouse



Recreation



STIMULUS NUMBER:

Ab.	Bezeichnung	Einheit	Wert
B	Bezeichnung des Bauteils		
A	Bezeichnung des Bauteils		

S. K.

— **WILLIAM H. HARRIS**

Project
PROPOSED SPORTS PAVILION AT
OSMOND PRAIRIE FIELDS,
FOOTES LANE,
ST. PETER PORT.

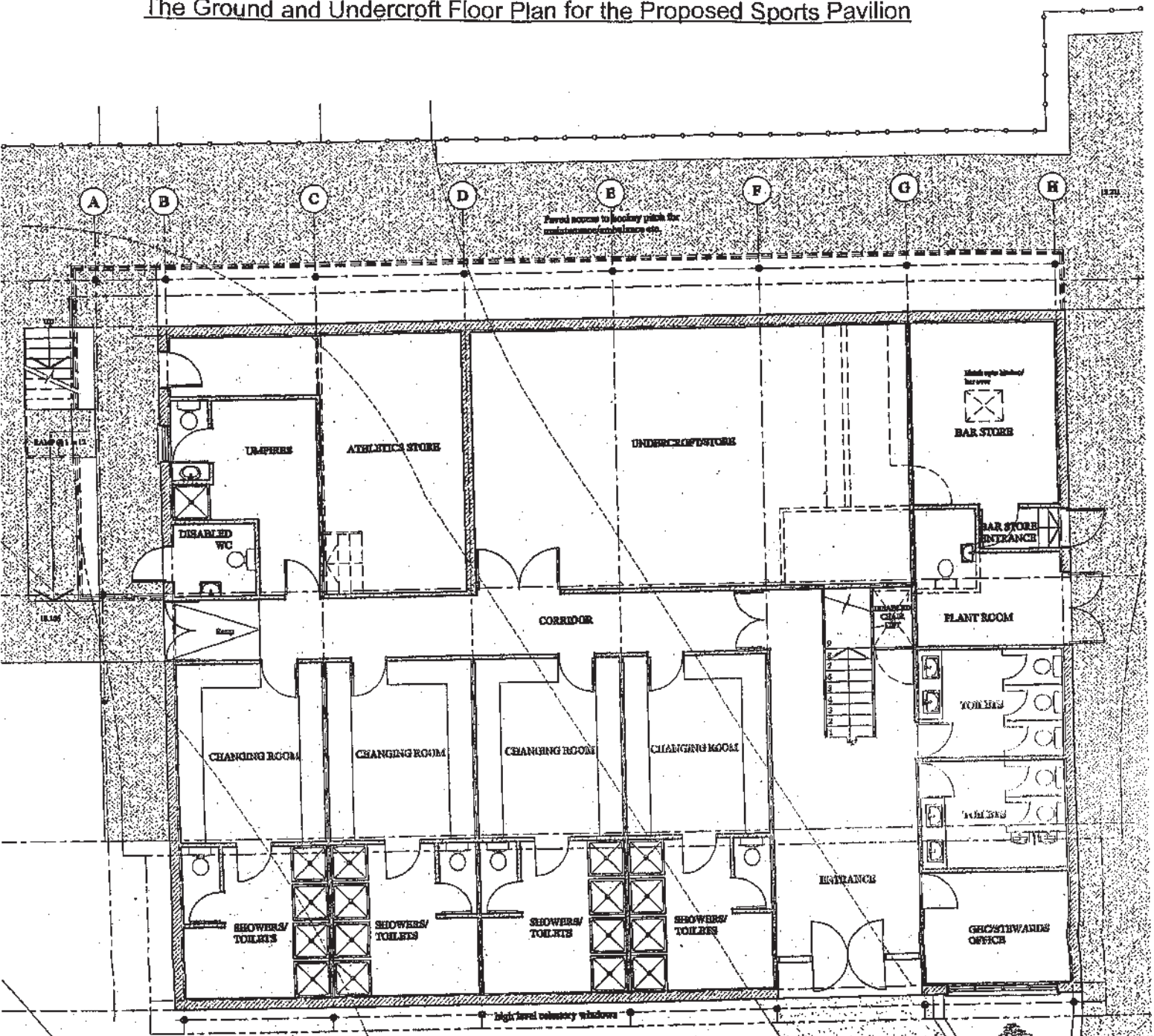
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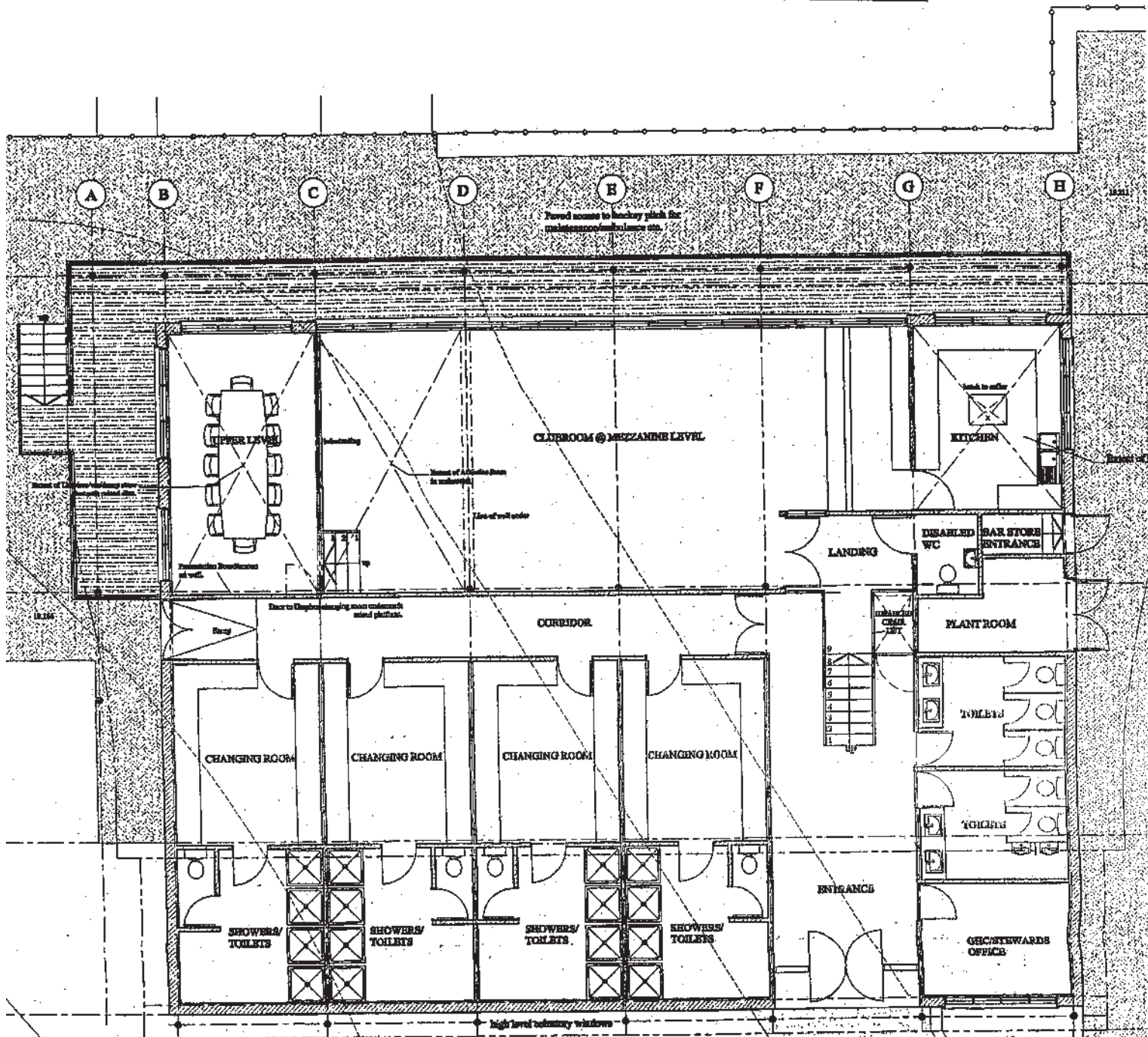
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The Ground and Undercroft Floor Plan for the Proposed Sports Pavilion



GROUND & UNDERCROFT FLOOR PLAN

The Ground and Mezzanine Floor Plan for the Proposed Sports Pavilion



GROUND & MEZZANINE FLOOR PLAN



Architectural Competition

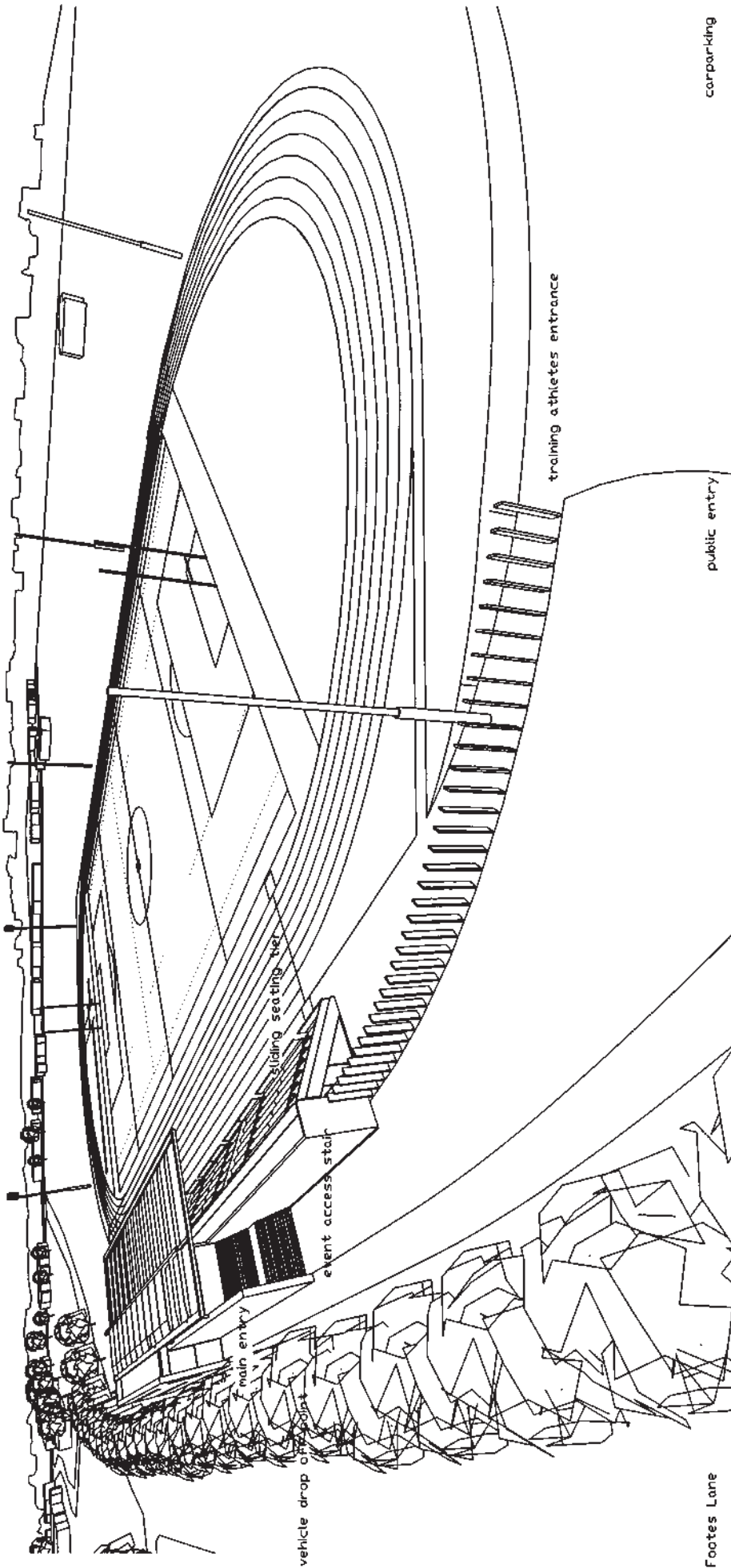
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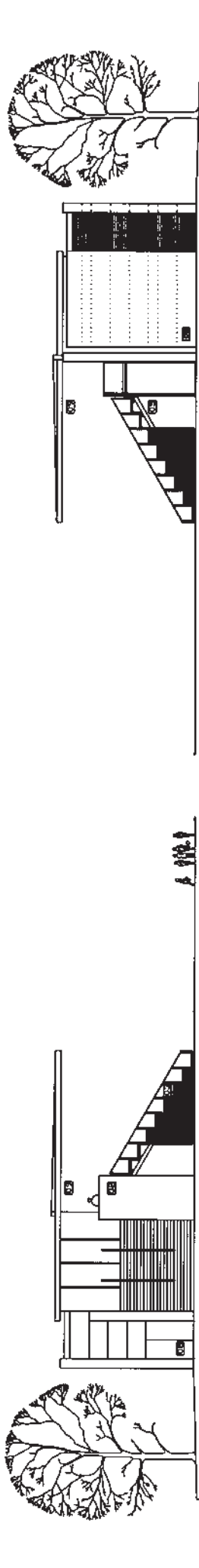


Recreation



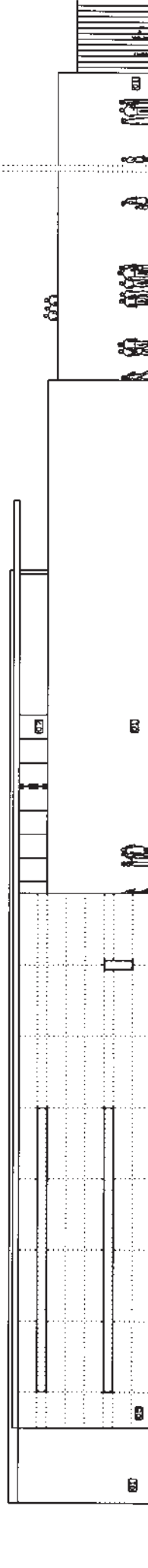






SOUTH ELEVATION

NORTH ELEVATION



FOOTES LANE ELEVATION

PERFORMED BLOCKWORK PANELS OR
PAINTED BRICK TO BLOCKWORK OR
GLAZED BLOCKWORK OR
FULL HEIGHT TONED GLASS SCREENS OR
PRECAST CONCRETE STYLED BRICKS OR
METAL CLADDING PANELS OR
CLIMBEREY GLASS OR
GLAZED ENTRANCE WALL OR
SEMI DRAGLE POLYCARBONATE ROOF OR

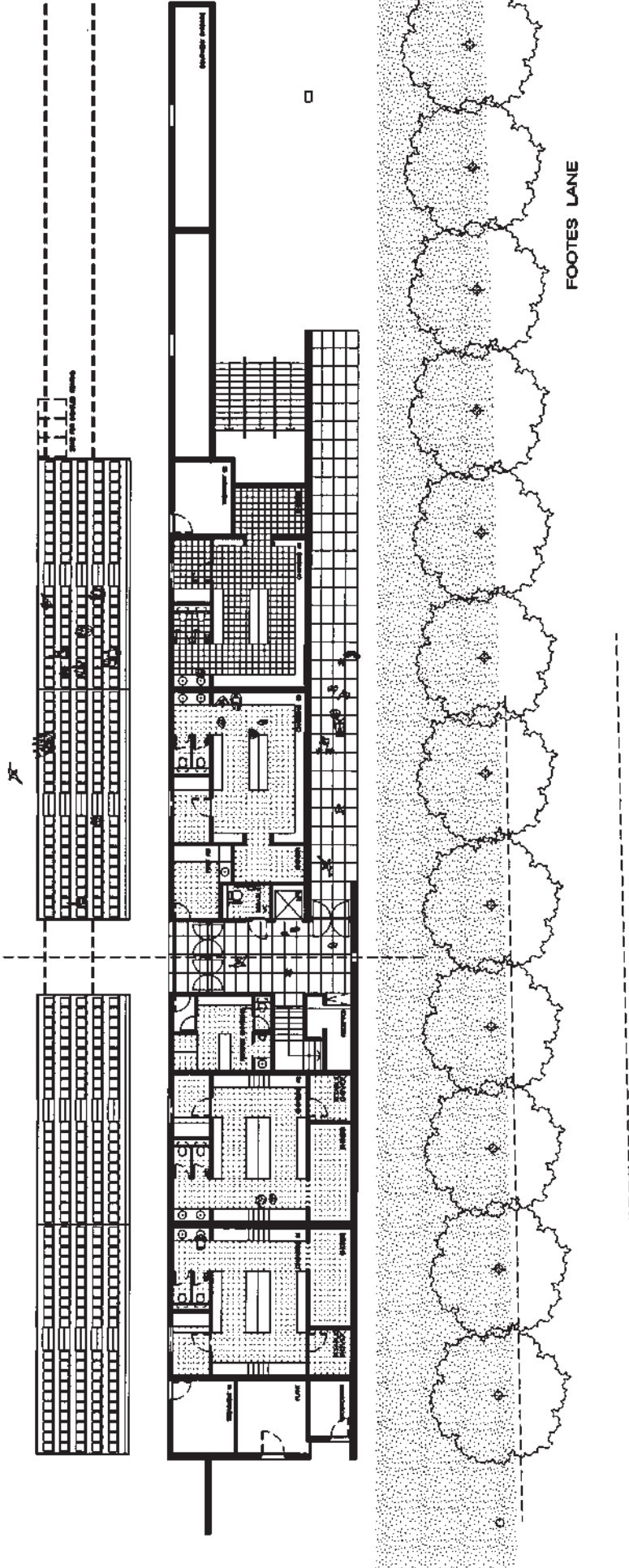
FOOTES LANE STAND, GUERNSEY

MOOAR 188 BLACKSTOCK ROAD LONDON N15 1EN T 020 7354 1729 F 020 7354 1730 mooar.co.uk

ELEVATIONS 01 SCALE 1:100

04

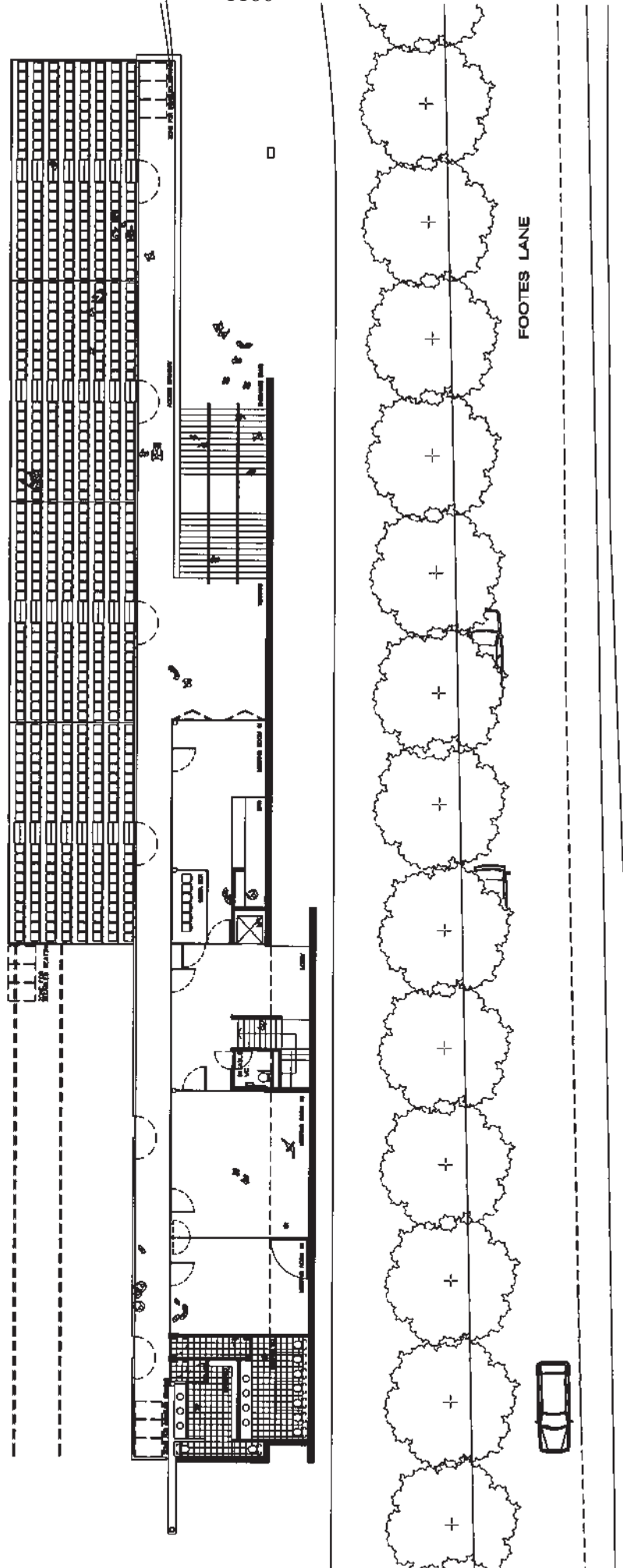
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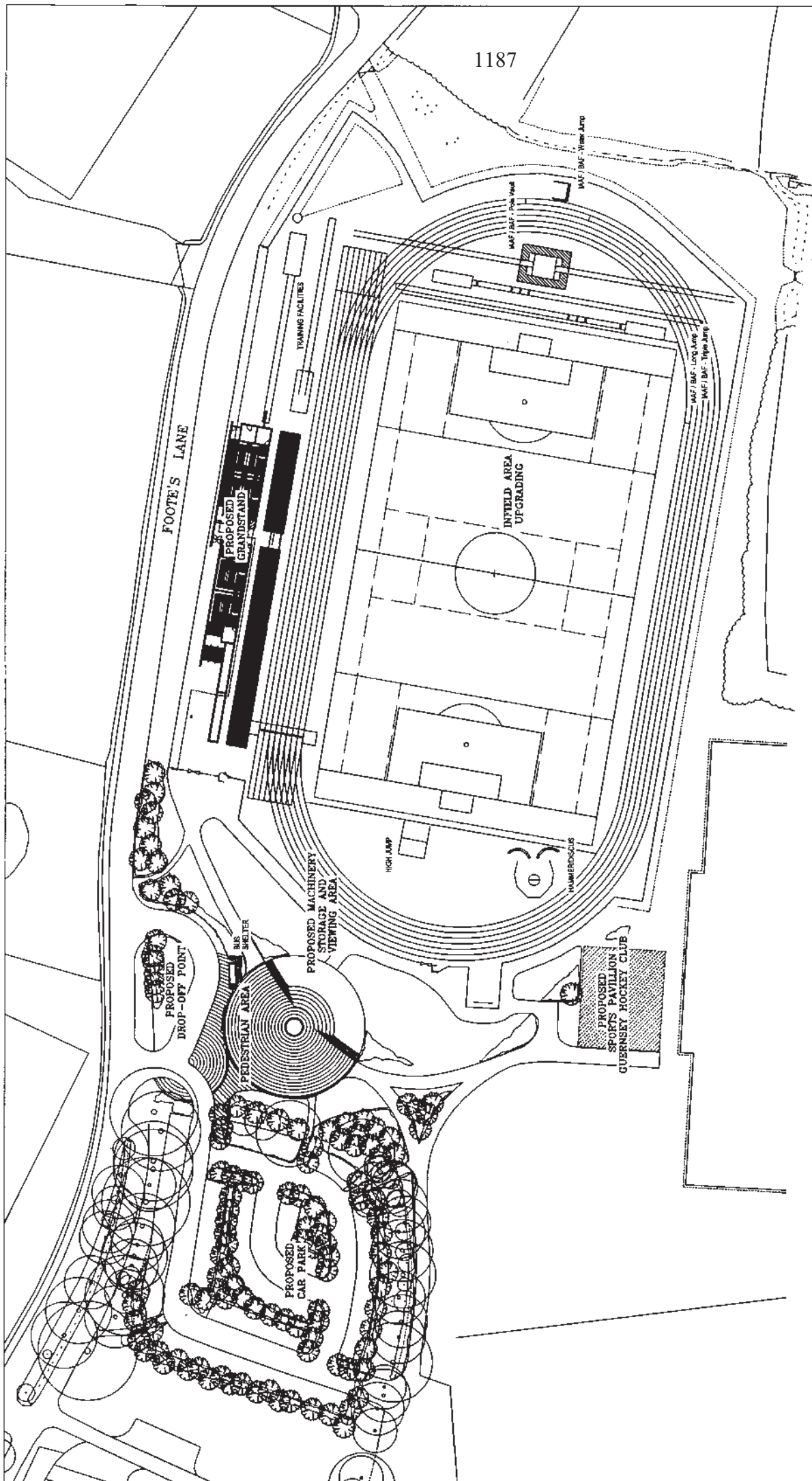


FOOTES LANE STAND, GUERNSEY

MOOArc 188 BLACKSTOCK ROAD LONDON N5 1EN T 020 7354 1729 F 020 7354 1730 mooarc.com

FLOOR PLAN 02 SCALE 1:100

03



OSMOND PRIAULX MEMORIAL PLAYING FIELD REDEVELOPMENT PROPOSALS

The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

21st June, 2001.

Dear Sir,

I refer to the letter dated 8 June 2001 addressed to you by the President of the States Recreation Committee on the subject of the redevelopment of the Osmond Priaulx Memorial Playing Fields at Footes Lane.

In considering the proposals the Advisory and Finance Committee has taken into account the Recreation Committee's other intended capital projects, including the redevelopment of Beau Sejour Leisure Centre for an estimated cost of £9,000,000, and the numerous competing demands for States funds from all Committees, which demands cannot all be met from existing funds.

In view of the magnitude of these competing demands the Committee has approached the proposals with some caution, but has noted that the proposed redevelopment of the Playing Fields would be a joint venture with the private sector which it is anticipated will contribute a total in the region of £750,000 to the project.

The Committee welcomes the private sector's participation in the proposals and would encourage other States Committees to consider partnerships with the private sector to reduce the burden on the taxpayer and/or provide better value.

The private sector's contribution to these proposals significantly reduces the cost to the community and, whilst the Committee remains concerned with regard to the overall level of demand for States funds, the Advisory and Finance Committee recommends the States to approve the proposals.

Yours faithfully

L. C. MORGAN

President
States Advisory and Finance Committee

The States are asked to decide:—

XI.—Whether, after consideration of the Report dated the 8th June, 2001, of the States Recreation Committee, they are of opinion:—

1. To approve in principle the proposed redevelopment of the Osmond Priaulx Memorial Playing Fields at Footes Lane as described in that Report at a total net cost to public funds not exceeding £1,850,000.
2. To approve in principle the construction of a Hockey Clubhouse as described in that Report at a total net cost to public funds not exceeding £550,000, which sum shall be charged to the capital allocation of the States Recreation Committee, after taking account of a contribution of £150,000 from the Guernsey Hockey Association as set out in that Report.
3. To note that the States Recreation Committee will report to the States in September, 2001, on the evaluation of tenders for the construction of the hockey Clubhouse as detailed above.
4. To approve in principle the granting of a lease for a period of up to thirty years of the proposed Hockey Clubhouse to the Guernsey Hockey Association subject to the approval of the detailed terms by the States Advisory and Finance Committee and the Law Officers of the Crown.
5. To approve in principle the construction of a grandstand in accordance with the attached plans and joint funding proposals set out in that Report at a net cost to public funds not exceeding £600,000.
6. To authorise the States Advisory and Finance Committee, on the understanding that, should a contribution of at least half of the total cost of the proposals not be forthcoming from the private sector before the start of construction, the project shall not proceed, to approve a vote not exceeding £600,000 to cover the net cost to public funds of the proposed grandstand, which sum shall be taken from the capital allocation of the States Recreation Committee.
7. To authorise the States Advisory and Finance Committee, subject to the receipt of adequate assurances as regards the private sector contribution set out above, to transfer from the Capital Reserve to the capital allocation of the States Recreation Committee a sum not exceeding £600,000.
8. To direct the States Recreation Committee to conclude, subject to the approval of the States Advisory and Finance Committee and the Law Officers of the Crown, agreements with the Footes Lane Stand Company for the construction of that grandstand, its transfer to and future ownership and maintenance by the States Recreation Committee and suitable guarantees for its continued use primarily for sport in the future.
9. To authorise the States Recreation Committee, subject to the agreement in each case of the States Advisory and Finance Committee, to accept tenders and quotations as appropriate for the various ground works described in that Report at a total cost not exceeding £700,000, such costs to be covered by a credit in that sum to be charged to the capital allocation of the States Recreation Committee.

STATES PROCEDURES AND CONSTITUTION COMMITTEE

AMENDMENTS TO THE RULES OF PROCEDURE IN AND IN RELATION TO ASSEMBLIES OF THE STATES OF DELIBERATION

The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

29 May, 2001.

Dear Sir,

AMENDMENTS TO THE RULES OF PROCEDURE IN AND IN RELATION TO ASSEMBLIES OF THE STATES OF DELIBERATION

A. REQUÊTES

1. The power to bring an issue before the States by Requête is one of the most powerful weapons in the armoury of ordinary Members of the States. The States Procedures and Constitution Committee firmly believes that good government and effective debate both require that there be proper consultation before a Requête is tabled; ambush should form no part of the process.
2. The relevant Rule of Procedure states:
 - “22. (1). If any seven Members address a request in writing to the President that some matter shall be laid before the States, the President shall subject to Rule 22A send a copy of the request to the States Advisory and Finance Committee for their opinion on the matter referred to therein and shall include the request and that opinion in a Billet d’État.
 - (2) Where a request is addressed to the President in accordance with the last preceding paragraph that the report of a Committee which has been published as an Appendix to a Billet d’État shall be debated the President of the said Committee shall be entitled to reply on the debate.”.
3. In addition Requetes are subject, in the same way as policy letters, to the States Resolution of 24th September, 1980 which provides as follows:–

“That items for inclusion in a Billet d’État shall be submitted to the States Advisory and Finance Committee not less than 60 days before the day of the States meeting, save that the Committee may, at its discretion, reduce the 60 day period in individual cases.”.
4. Under Rule 22A a Requête which expressly proposes a motion of no confidence in a Committee does not have to be referred by the President of the States to the Advisory and Finance Committee, and is, therefore, not subject to the ‘60 day rule’.

5. There is, however, no requirement regarding Requêtes that any relevant Committee be consulted nor that its views be included in the Billet d'État. The States Procedures and Constitution Committee has been advised that the Advisory and Finance Committee has, on occasion, consulted another Committee and has included that Committee's view as an appendix to its letter of comment.
6. The States Procedures and Constitution Committee endorses the view which has been expressed to it by the Advisory and Finance Committee that the States would be presented with a more balanced view if there was a requirement that where the subject matter of a Requête falls within the mandate of a States Committee that Committee shall be requested to provide an opinion on the Requête. The Advisory and Finance Committee would then be in a position to comment on both the Requête and on the relevant Committee's opinion.
7. For the avoidance of doubt and for ease of reference the States Procedures and Constitution Committee recommends that the Rules of Procedure be amended:–
 - (a) to incorporate the provisions of the '60 day rule', set out in paragraph 3 above; and
 - (b) to expressly include Requêtes (other than motions of no confidence) in the ambit of that rule.
 - (c) to discontinue the requirement that a copy of each Requête be sent to the Advisory and Finance Committee by the President of the States (as this will be done by the Requerants).

B. RULES OF DEBATE – DISTINCTION BETWEEN SURSIS AND AMENDMENTS

8. Amendments are subject to restrictions or safeguards which do not apply to sursis. Members of the States have expressed concern that, by the simple device of resubmitting what is effectively an amendment, in the form of a sursis, such safeguards can be bypassed. (It would of course be for the President of the States to rule whether, for example, a motion which is described as a 'sursis' is in fact an amendment and should be treated as such). Other Members have complained that the restrictions on amendments are undemocratic and give an unfair advantage to the sponsoring committee, ie. to the executive. The States Procedures and Constitution Committee has therefore reviewed the Rules of Debate in relation to amendments and sursis.
9. The term 'sursis' is derived from the French verb 'surseoir', meaning to delay or postpone. In the absence of a procedure for a motion that a proposition be not debated, the sursis is a useful device to direct that consideration of a proposition be postponed to a specified future date, and will usually require the sponsoring committee to review its proposals and/or carry out further investigations. It is of interest that the Rules of Procedure do not contain a definition of the term 'sursis'.
10. A distinction can be drawn between a 'pure' sursis, which simply postpones a decision to a later date, and a 'sursis motive', which requires a Committee to take further specific action before the matter is brought back to the States.
11. The Rules of Debate, set out in Rule 12 of the Rules of Procedure, distinguish between sursis and amendments in certain significant respects.

12. A sursis must be put to the vote before any amendment of the matter to which the sursis relates is voted upon.
13. Debate on an amendment which goes further than the original proposition may be postponed, or the amendment may not be debated at all, upon a motion supported by one third of the Members voting. Where debate has been postponed the President shall lay the amendment before the States on a suitable occasion.
14. Five clear days' notice must be given of amendments to draft legislation; to the Strategic and Corporate Plan; to propositions which relate to expenditure on capital accounts where the amendment may increase expenditure, substitute another contractor or alter the timing of the works; to the Annual Budget; and to propositions relating to taxation, fees or other charges bearing on the revenues of the States.
15. Twelve clear days' notice must be given of an amendment to a Detailed Development Plan.
16. Copies of the amendment specified in paragraphs 14 and 15 must be sent to the President of the States, the President of the States Advisory and Finance Committee, the President of the States Committee concerned with the matter to which the proposed amendment relates, to H.M. Procureur, and to H.M. Greffier (to distribute to every Member of the States).
17. A committee may, finally, submit proposals expressly for debate as to the general principles of a given policy, on the basis that the propositions will be debated without amendment, but if accepted will be brought back to the States in the form of detailed proposals which could then be accepted or rejected, together with any amendments, in the usual way. It is of interest that this 'green paper' provision, which is very rarely used by committees, while preventing the tabling of amendments, does not impose a similar restriction on sursis.
18. The States Procedures and Constitution Committee is satisfied that there are sound democratic reasons for imposing the current restrictions on amendments summarised above. It cannot be in the interests of good government to have amendments moved without reasonable notice in areas such as legislation, States finances and planning, where the ramifications of amendments need to be thoroughly investigated. By comparison with other legislatures, especially those organised on the Westminster model, States procedures are time efficient and streamlined, without the complexities of various readings, committee stage and report stage. However, because policy decisions, other than those involving legislation, may be decided on a single debate, it is the more important that there be adequate notice of amendments in certain sensitive areas. In addition to alerting Members and committees alike in advance, such notice enables proper public discussion of the issues, both in the traditional forum of the douzaine and in the media.
19. It should be noted that one significant restriction or safeguard already applies to both sursis and amendments. Rule 20 provides that where any alteration to taxation is opposed or is not assented to by the President of the Advisory and Finance Committee, the President of the States may, if he considers that more mature consideration should be given to the matter, rule that a vote be postponed until the views of the Committee have been laid before the States.
20. The States Procedures and Constitution Committee recommends that this principle of equal treatment of amendments and sursis should be extended generally to the Rules of Debate set out in Rule 12 insofar as they relate to the giving of prior notice. In this regard there should no longer be one rule for amendments and another for sursis.

21. A successful sursis postpones a decision to a later day; the Committee believes that the debate on a sursis should be kept to a minimum; either it is carried, in which case decision and debate alike should be postponed to a later date, or it fails and debate on the propositions should begin in earnest without delay.
22. Prolonged debate on a sursis is by its very nature unproductive. Rule 12 already provides that a sursis be put to the vote before any amendment is voted upon. The Committee recommends that upon a sursis being tabled the debate should be limited strictly to the sursis, and all other matters, including amendments, should be put to one side until a decision is reached on the sursis.
23. The Committee shares the misgivings of Members in relation to formal limits on duration of speeches; however they express the hope that Members will see the wisdom of self-denial and will voluntarily restrict to five minutes their speeches on a sursis motion.

C. QUESTIONS FOR ORAL REPLY

24. Rule 6(2) and 6(3) of the Rules of Procedure provide that:

“6(2) Before the commencement of the business contained in a Billet d’État unless the President otherwise directs, questions not relating to that business may be addressed to the President of the States Committee concerned:

Provided that a Member shall not be entitled to address a question, other than a supplementary question unless—

- (a) he has furnished a written copy thereof to the President and to the President of the States Committee concerned not less than five clear days before the day of the Meeting; or
- (b) having furnished a written copy thereof to the President and to the President of the States Committee concerned before the commencement of the Meeting, the President of that States Committee acquiesces in the putting of that question:

Provided also that, if, at the conclusion of one half-hour after the commencement of question time, all the questions have not been disposed of, the President may, in his discretion, postpone dealing with questions not then disposed of.

- 6(3) A Member shall not be entitled at any Meeting for the consideration of the Annual Budget or the Annual Accounts to a reply to a question in relation thereto unless he has furnished a written copy of the question to the President and to the President of the States Committee concerned not less than five clear days before the day of the Meeting.”.
25. Whilst some Members of the States submit their questions in good time it is unfortunate that the majority of questions are sent to the President of the Committee concerned just before the close of business on the Thursday before the day of the meeting (ie. five clear days). This can result in considerable pressure being placed on committees and officers as the answers to the questions have to be researched, drafted and approved in three working days.

26. The problem is exacerbated when one or more of the five clear days is a public holiday. For example, if Easter Day falls on a date between the 22nd and 28th March there is only one working day between the deadline for submission of questions and the States Meeting.
27. The States Procedures and Constitution Committee therefore recommends that questions should be furnished not less than five clear days excluding Saturdays, Sundays and Public Holidays. The practical effect of this is that in most cases questions will have to be lodged by the close of business on the Tuesday of the week preceding the States meeting. In cases where a public holiday intervenes the deadline will be the Monday of the week preceding the States meeting. In the case set out in the previous paragraph (which will not occur until 2005) the questions will have to be lodged by the second Friday before the States meeting.

D. QUESTIONS FOR WRITTEN REPLY

28. Rule 23 of the Rules of Procedure makes provision for the submission of questions for written reply. Replies to such questions must be submitted to the questioner within fifteen clear days of the receipt of the question. In the great majority of cases this period of time is adequate. However, there has been a spate of questions put by one or two members of the States which contained numerous multi-part questions. In February 2000 one member asked 47 questions relating to one topic and, the following month, asked a further 45 questions on the same matter. Drafting replies to such questions often requires a considerable effort on the responding Committee's part. In some cases it is necessary to consult outside the Island.
29. It has been represented to the Committee that provision should be made in the Rules to enable the President of the States, on application by the President of the Committee concerned, in appropriate circumstances, and in the interests of good government, to extend the period for reply from fifteen clear days to thirty clear days. If such an application is granted the President of the Committee concerned shall advise the questioner accordingly. The Committee agrees and so recommends.

E. RECOMMENDATIONS

30. The States Procedures and Constitution Committee recommends the States to agree that the Rules of Procedure in and in relation to Assemblies of the States be amended:
 1. (a) to incorporate in the Rules the provisions of the States Resolution of 24th September, 1980 regarding the submission to the Advisory and Finance Committee of items for inclusion in a Billet d'État ("the 60 day rule");
 - (b) to include Requête (other than motions of no confidence) in that rule;
 - (c) to require the Advisory and Finance Committee to consult relevant committees with regard to Requête and to include the views of such committees as an appendix to its letter of comment;
 - (d) to discontinue the requirement that a copy of each Requête be sent to the Advisory and Finance Committee by the President of the States;

2. (a) to remove the distinction between sursis and amendments set out in Rule 12 insofar as they relate to the giving of prior notice;
 - (b) to provide that upon a sursis being tabled the debate be limited strictly to the sursis and all other matters, including amendments, be set aside until the sursis is disposed of;
 3. to require that questions asked pursuant to Rule 6(2) and 6(3) shall be submitted not less than five clear days excluding Saturdays, Sundays and Public Holidays before the day of the meeting;
 4. to allow the President of the States, on application by the President of the Committee concerned, in appropriate circumstances and in the interests of good government to extend the period for replying to questions asked pursuant to Rule 23, from fifteen clear days to thirty clear days, and, if such application is granted, to require the President of the Committee to advise the questioner accordingly.
31. I have the honour to request that you will be good enough to lay this matter before the States with appropriate propositions, including one directing the preparation of the amendments to the Rules.

Yours faithfully

R. C. BERRY

President
States Procedures and Constitution Committee

[N.B. The States Advisory and Finance Committee supports the proposals.]

The States are asked to decide:—

XII.—Whether, after consideration of the Report dated the 29th May, 2001, of the States Procedures and Constitution Committee, they are of opinion:—

1. That the Rules of Procedure in and in relation to Assemblies of the States of Deliberation shall be amended:—
 - (1) (a) to incorporate in those Rules the provisions of the States Resolution of the 24th September, 1980 regarding the submission to the States Advisory and Finance Committee of items for inclusion in a Billet d'État ("the 60 day rule");
 - (b) to include Requêtes (other than motions of no confidence) in that rule;
 - (c) to require the States Advisory and Finance Committee to consult relevant committees with regard to Requêtes and to include the views of such committees as an appendix to its letter of comment;
 - (d) to discontinue the requirement that a copy of each Requête be sent to the States Advisory and Finance Committee by the President of the States;
 - (2) (a) to remove the distinction between sursis and amendments set out in Rule 12 insofar as they relate to the giving of prior notice;
 - (b) to provide that upon a sursis being tabled the debate be limited strictly to the sursis and all other matters, including amendments, be set aside until the sursis is disposed of;
 - (3) to require that questions asked pursuant to Rule 6(2) and 6(3) shall be submitted not less than five clear days excluding Saturdays, Sundays and Public Holidays before the day of the meeting;
 - (4) to allow the President of the States, on application by the President of the Committee concerned, in appropriate circumstances and in the interests of good government to extend the period for replying to questions asked in pursuance to Rule 23, from fifteen clear days to thirty clear days, and, if such application is granted, to require the President of the Committee to advise the questioner accordingly.
2. To direct the preparation of the necessary amendments to the Rules of Procedure.

STATES PROCEDURES AND CONSTITUTION COMMITTEE

AMENDMENT TO THE ELECTORAL EXPENDITURE ORDINANCE

The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

29 May, 2001.

Dear Sir,

AMENDMENT TO THE ELECTORAL EXPENDITURE ORDINANCE

1. Section 1 of the Electoral Expenditure Ordinance, 2000 provides that “A candidate in an election for the office of People’s Deputy may, during the 28 days immediately preceding the date of the election expend money or give money’s worth in respect of that election up to a maximum of ...”.
2. In both the General Election held last year and the recent By-Election in the Castel allegations were made that certain candidates were expending money or giving money’s worth in the period before the 28 days prior to the election, ie. as soon as their nomination forms had been lodged.
3. In the Committee’s view it was never the intention to prevent candidates from promoting their election during that period and the Committee recommends that the Ordinance be amended to allow candidates to expend money or give money’s worth from the day on which their nomination forms are delivered to the President of the States.
4. Similar provisions apply in Section 2 of the Ordinance with regard to elections to parochial offices and it is also recommended that those provisions be similarly amended.
5. The States Procedures and Constitution Committee therefore recommends the States to agree that the Electoral Expenditure Ordinance, 2000 should be amended to the intent that
 - (a) a candidate for the office of People’s Deputy shall be entitled to expend money or give money’s worth up to the maximum amount currently prescribed during the period commencing on the day on which he delivers his nomination form to the President of the States and ending on the date when the election takes place;
 - (b) a candidate for the office of Constable, Douzenier, Procureur of the Poor or Overseer of the Poor shall be entitled to expend money or give money’s worth up to the maximum amount currently prescribed during the period commencing on the day on which he delivers his nomination form to the Returning Officer and ending on the date when the election in fact takes place.

6. In have the honour to request that you be good enough to lay this matter before the States with appropriate propositions, including one directing the preparation of the necessary legislation.

Yours faithfully

R. C. BERRY

President
States Procedures and Constitution Committee

[N.B. The States Advisory and Finance Committee supports the proposals.]

The States are asked to decide:—

XIII.—Whether, after consideration of the Report dated the 29th May, 2001, of the States Procedures and Constitution Committee, they are of opinion:—

1. That the Electoral Expenditure Ordinance, 2000, shall be amended to the extent that —
 - (a) a candidate for the office of People's Deputy shall be entitled to expend money or give money's worth up to the maximum amount currently prescribed during the period commencing on the day on which he delivers his nomination form to the President of the States and ending on the date when the election takes place;
 - (b) a candidate for the office of Constable, Douzenier, Procureur of the Poor or Overseer of the Poor shall be entitled to expend money or give money's worth up to the maximum amount currently prescribed during the period commencing on the day on which he delivers his nomination form to the Returning Officer and ending on the date when the election in fact takes place.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

REQUÊTE

AMENDMENTS TO THE RURAL AREA PLAN (PHASE I) AND THE ISLAND DEVELOPMENT (USE CLASSES) ORDINANCE, 1991

TO THE PRESIDENT AND MEMBERS OF THE STATES OF DELIBERATION

THE HUMBLE PETITION of the undersigned Members of the States of Deliberation

SHEWETH:

1. That the Rural Area Plan (Phase I) came into force in October 1994 and was due to expire in October 1999. It has since been renewed and remains in force at the date of this Petition.
2. That the Blue Diamond Group is an established Guernsey company, having served the community for nearly a century, and employs some 40 people or thereabouts at its premises at Les Banques.
3. That the Blue Diamond Group, formerly owners of the Fruit Export site at Les Banques, St Peter Port has sought to develop land owned by it at Le Friquet, Castel (the “Friquet Site”) in order to transfer its business to the Friquet Site following the development of Les Banques. It has to vacate the premises at Les Banques by 31 December 2001.
4. That in disposing of its land at Les Banques the Blue Diamond Group facilitated the development of the whole of the Bouet Mixed Use Redevelopment Area.
5. That Blue Diamond Group’s land at Les Banques was not suitable for development as a garden centre and tourist attraction.
6. That Blue Diamond Group have been trying for 10 years to obtain and develop a suitable site for a garden centre and tourist attraction.
7. That application has been made to the Island Development Committee (“IDC”) for permission to develop a garden centre and tourist attraction at the Friquet site. A copy of the plans (known as “Plan B”) is exhibited to this Requête.
8. That the IDC are understood to take the view that the present provisions of the Rural Area Plan (Phase I), in particular Policies RT6, CE7 and HT7, preclude the IDC from granting permission for the proposed Plan B.
9. That your Petitioners understand a further potential problem with the proposed Plan B to be the difficulty, under the present Use Classes Ordinance⁷ of preventing any subsequent use of the Friquet site, once developed as a garden centre, for more general, and perhaps inappropriate, retailing activity.
10. That the need for a garden centre in this location, and the desirability of redeveloping the Friquet site, have received much public support.

THESE PREMISES CONSIDERED, your petitioners humbly pray that the States may be pleased to resolve as follows:

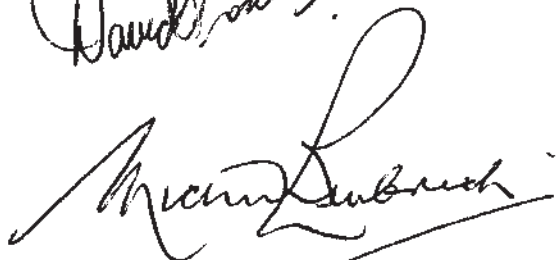
1. To direct the Island Development Committee to prepare an appropriate amendment to the Rural Area Plan (Phase 1) which, if approved by the States following the planning inquiry required by the Island Development (Guernsey) Law, 1966 as amended, will enable the Island Development Committee to grant permission for the development of a garden centre and tourist attraction at the Friquet site.
2. To direct the Island Development Committee to report to the States, whilst the planning inquiry procedure is in process, with recommendations for amendment of the Island Development (Use Classes) Ordinance, 1991 to create a use class for garden centres separate from the use classes covering other retail trade or business.

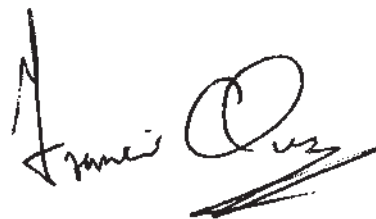
AND YOUR PETITIONERS WILL EVER PRAY

GUERNSEY, this 30th day of May 2001

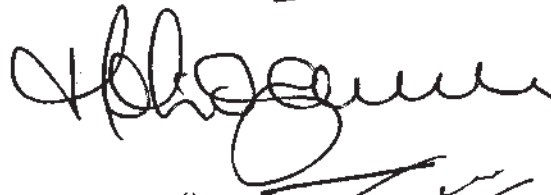
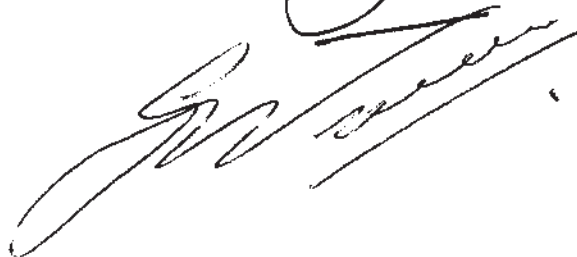


P. Robilliard
David Jones





John A. B. Gollop

M. W. TORODE

P. ROBILLIARD

DAVID JONES

MICHAEL BURBRIDGE

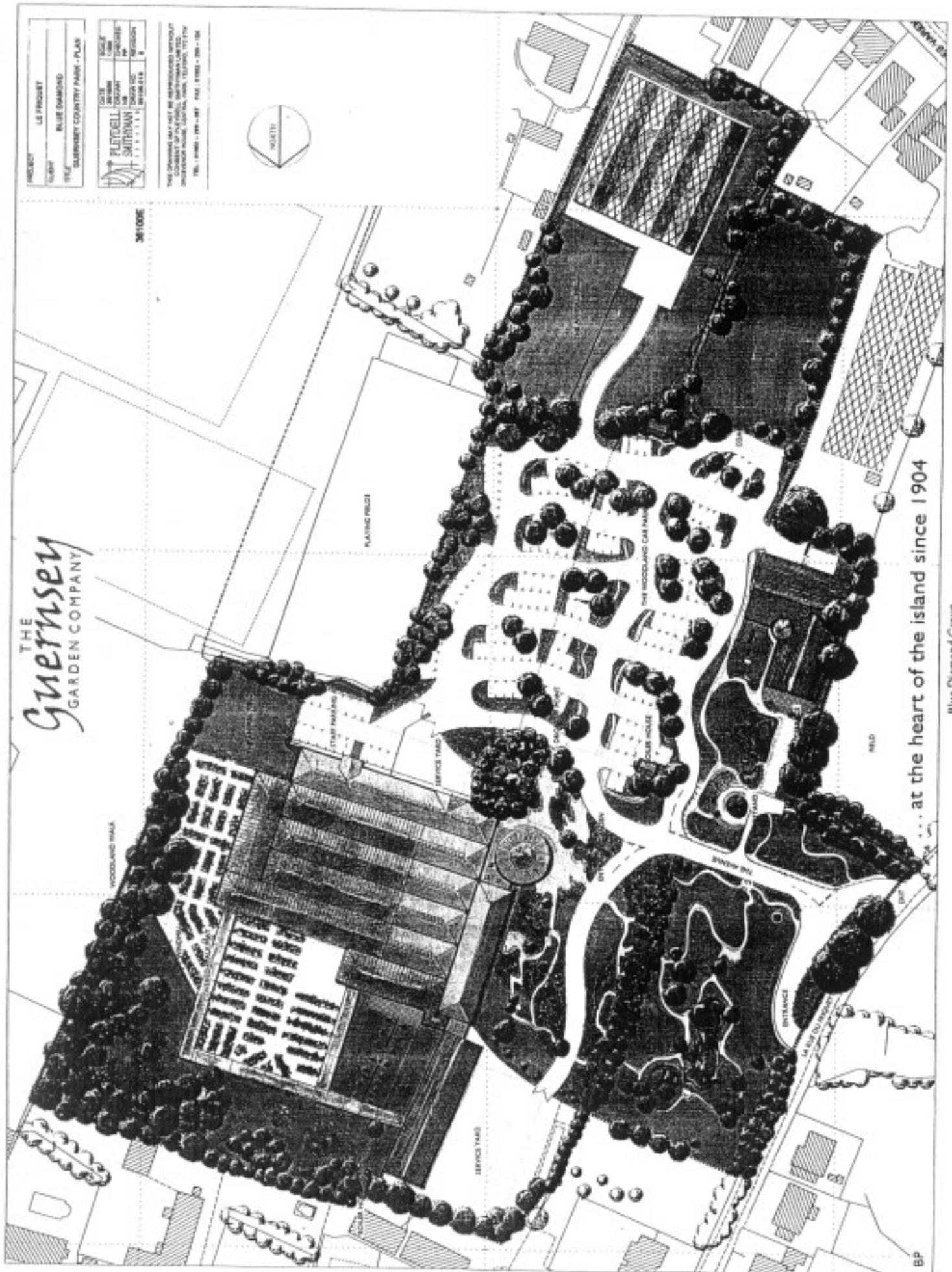
BRIAN SHERIFF

FRANCIS QUIN

JOHN A. B. GOLLOP

M. A. OZANNE

E. W. WALTERS



The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

25th June, 2001.

Dear Sir,

I refer to the requête submitted by Deputy M.W. Torode and eight other members of the States concerning amendments to the Rural Area Plan (Phase 1) and the Island Development (Use Classes) Ordinance, 1991.

The Advisory and Finance Committee has sought comments from the Board of Industry and the Island Development Committee and copies of their responses are appended to this letter. To avoid confusion about the respective dates of the IDC's letter and the requête itself, members should note that the IDC's comments referred to an earlier draft of the requête that was subsequently reworded slightly. The amendments were not substantial, however, and the committee's comments on the issue remain valid.

The Committee appreciates the commercial considerations that have prompted the company concerned to seek political support for their proposals to redevelop the former Butterfly Centre but strongly endorses the views of the Board of Industry and the Island Development Committee that any changes in planning law and policy should follow States' consideration of the Board's forthcoming policy letter on Rural Retail Policy. All three committees share the view that this requête, if successful, would set a very unfortunate precedent by amending policy, on a piecemeal basis, in the interests of a single commercial business.

The Advisory and Finance Committee recommends the States to reject the prayer of the requête.

Yours faithfully

L. C. MORGAN

President
States Advisory and Finance Committee

The President,
 Advisory and Finance Committee,
 Sir Charles Frossard House,
 St. Peter Port.

5th June, 2001.

Dear Deputy Morgan

Garden Centre Requête

The Board of Industry has considered the proposed Requête seeking States support for the Blue Diamond Group to develop a Garden Centre on land at the Friquet and offers the following comments. The Board would be happy for this letter to be appended to any letter of comment your Committee may publish.

The Board is about to conclude its review of a Rural Retail Policy for the Island and is in the process of preparing a policy letter, which specifically addresses the question of Garden Centres.

The Report will:

- Propose a comprehensive policy for retailing in the Rural Area.
- Address the current restrictions under the Corporate and Strategic Plan on the development of new major retail operations outside of the Urban Area.
- Identify a number of distinct types of ‘garden retailing’.
- Propose a workable definition of a garden centre operation of the type envisaged for the site at the Friquet.
- Set out the legislative changes, which may be necessary to ensure that the various newly defined retailing operations can be properly managed and controlled.

Against this background it would be particularly inappropriate in the Board’s view for the States to approve a Requête that narrowly focuses on the commercial imperatives of one company for a particular development on a particular site – without relating this to the wider context in which the proposal should be set.

The Board fully appreciates that the Blue Diamond Group wishes to develop land in its ownership, particularly in view of the fact that it is due to vacate the current site at Les Banques, but seeking States approval to re-zone a single site for a single company simply because it fits in with its business plans, is not a sound basis for planning. Furthermore the Board observes that there are a number of other companies who may well have similar aspirations to develop modern garden centres on sites in their ownership.

The Board believes that it will be in a position to present the relevant policy letter to the States in the autumn. Assuming that the States approve the policy, the definition of Garden Centres and the methods of control, then the next step would be to enact new legislation or to amend existing legislation to give effect to those controls.

The Board does not support the Requête and prefers that the States debate the strategic context within which any such specific proposals will fit.

Yours sincerely

JOHN ROPER

President
States Board of Industry

The President,
 Advisory and Finance Committee,
 Sir Charles Frossard House,
 La Charroterie,
 St. Peter Port,
 Guernsey.

25 May, 2001.

Dear Deputy Morgan,

TORODE REQUÊTE

I refer to the above Requête in support of the Blue Diamond Group's plans to develop a major Garden Centre at Le Friquet, Castel.

The Island Development Committee is sympathetic to the development of Garden Centres in appropriate locations in the Rural Area provided they conform to the policies set out in the Rural Area Plans approved by the States. Unfortunately, at the present time there is no separate use category of "Garden Centre" in the Use Class Ordinance. Consequently all garden centres are deemed to be general retail and fall within the remit of Policy RT6 which precludes the establishment of major new retail developments in the Rural Area.

The States have consistently supported the IDC in discouraging retail development outside of the established centres of St. Peter Port and St. Sampson's. In considering any application the IDC is bound by these States policies which are contained in the current Strategic and Corporate Plan and the Rural Area Plans. Both these Plans recognise the sound economic reasons for protecting the long-term viability of these urban centres and also reflect the underlying strategic objective to protect the character of the Island's remaining rural areas by discouraging inappropriate development.

In the past when the IDC has considered applications for development of a garden centre at Le Friquet it has been obliged, obviously, to follow States policies. Indeed, in 1995, when Blue Diamond sought to appeal the refusal of planning permission for a garden centre on the site, the then Deputy Bailiff ruled that the IDC would be acting ultra vires if it granted approval.

Some time ago the Committee recognised the need for a "Rural Retailing Strategy" which would allow appropriate retail development in the Rural Area while at the same time not undermining the above policies which seek to protect the Rural Area.

For this reason on 30th June, 1999 the IDC wrote to the Board of Industry, as the Committee responsible for the retail sector of the economy, requesting the Board to formulate a Rural Retailing Strategy which would address the various policy issues and concerns raised by the proposed development at Le Friquet and similar developments throughout the Rural Area, an approach supported by the current Strategic and Corporate Plan.

The IDC understands that the Board has very nearly completed its work and will be bringing proposals to the States in the near future. In the view of the IDC until such time as the Board has prepared a Rural Retailing Strategy and the IDC has assessed the potential impact of retail development in the whole of the rural area, it would be premature to consider the development of a garden centre at Le Friquet or, indeed, any other site in the rural area in isolation.

Should, as the Committee anticipates, the Board of Industry's Rural Retail Strategy recommend that Garden Centres by their nature warrant a rural location, the Committee would support the preparation of an appropriate amendment to the Rural Area Plans to enable the development of garden centres in the Rural Area.

As intimated above, an area of concern to the IDC relates to the Committee's inability, within the current Use Class Ordinance, to differentiate between garden centres and any other retail activity. There is, therefore, at present, a very real danger that the development of a garden centre, without appropriate controls, could inevitably result in diversification into general retailing that could undermine established States policies. Indeed, establishing suitable controls may need wider powers than the IDC currently possesses and the Committee is particularly interested in finding out what the Board of Industry's retail strategy will advise on this matter.

In addition to these policy issues the Committee is particularly concerned that the wording of the Requête promotes the interests of one particular commercial enterprise. It has long been the practice of the IDC to resist proposed changes to established States planning policies intended to solely favour the interests of one particular commercial interest.

Clearly, to establish a precedent in this case would simply encourage others to seek piecemeal amendments to the Urban Area Plan and Rural Area Plans that would be at the expense of the vast majority of other property owners and developers who have to await a comprehensive review of the Plans. Even within the restricted field of garden centres, the Committee believes it would be inequitable and unjust to favour the interests of one company, however reputable and honourable, above those of its commercial competitors. Arguably, such action could even be judged contrary to Human Rights obligations.

The Committee therefore seeks the Advisory and Finance Committee's support in advising the States to resist the Requête and to encourage the Board of Industry to report to the States as soon as possible with its recommendations for a Rural Retailing Strategy that can be incorporated into the Rural Area Plans on an Island-wide basis with the necessary checks and safeguards in place.

Yours sincerely

John E. Langlois

President
Island Development Committee

The States are asked to decide:—

XIV.—Whether, after consideration of the Requête dated the 30th May, 2001, signed by Deputy M. W. Torode and eight other Members of the States, they are of opinion:—

1. To direct the Island Development Committee to prepare an appropriate amendment to the Rural Area Plan (Phase 1) which, if approved by the States following the planning inquiry required by the Island Development (Guernsey) Law, 1966, as amended, will enable the Island Development Committee to grant permission for the development of a garden centre and tourist attraction at the Friquet site.
2. To direct the Island Development Committee to report to the States, whilst the planning inquiry procedure is in process, with recommendations for amendment of the Island Development (Use Classes) Ordinance, 1991, to create a use class for garden centres separate from the use classes covering other retail trade or business.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT)
REGULATIONS, 2001**

In pursuance of the provisions of section 35(4) of the Health Service (Benefit) (Guernsey) Law, 1990, I lay before you herewith the Health Service (Medical Appliances) (Amendment) Regulations, 2001, made by the Guernsey Social Security Authority on the 30th May, 2001.

EXPLANATORY NOTE

These Regulations further amend the Health Service (Medical Appliances) Regulations, 1990, as amended, by allowing infusion sets and accessories for insulin pumps to be prescribed as a medical appliance.

**THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (BAILIWICK OF GUERNSEY)
(AMENDMENT) REGULATIONS, 2001**

In pursuance of the provisions of section 54(1)(c) of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, I lay before you herewith the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Regulations, 2001, made by the States Advisory and Finance Committee on the 6th June, 2001.

EXPLANATORY NOTE

These Regulations amend the definition of relevant laws to take account of the new Drug Trafficking (Bailiwick of Guernsey) Law, 2000.

**THE DRIVING TESTS AND DRIVING LICENCES (INCREASE OF FEES)
REGULATIONS, 2001**

In pursuance of the provisions of section 2B(e) of the Motor Taxation and Licensing (Guernsey) Law, 1987, as amended, I lay before you herewith the Driving Tests and Driving Licences (Increase of Fees) Regulations, 2001, made by the States Traffic Committee on the 8th June, 2001.

EXPLANATORY NOTE

These Regulations set the fees that are chargeable for tests of competence to drive and driving licences with effect from 1st July, 2001, by amending the current fees that are set out in Schedule 2 and Schedule 3 respectively of the Driving Licences (Guernsey) Ordinance, 1995, as amended.

THE TEACHERS' SUPERANNUATION (GUERNSEY) REGULATIONS, 2001

In pursuance of the provisions of section 3(4) of the Superannuation (Teachers and Teachers' Families) (Guernsey) Law, 1974, I lay before you herewith the Teachers' Superannuation (Guernsey) Regulations, 2001, made by the States Education Council on the 11th June, 2001.

EXPLANATORY NOTE

These regulations are made under the Superannuation (Teachers and Teachers' Families) (Guernsey) Law, 1974, and replace the Teachers' Superannuation (Guernsey) Regulations, 1994 as amended with revised provisions as to teachers' pensions, allowances and gratuities.

The regulations are a consolidation of the 1994 regulations and subsequent amendments and also include the following changes:

Regulation 8 Salary on which contributions are payable-election

The new provision in this regulation allows a person aged 50 or over whose salary is reduced or who takes up employment with a new employer at a reduced salary, may elect to continue contributions at the old rate of salary uprated by the retail prices index. Where such an election is made Regulation 9 provides that the person must pay employers' contributions on the difference between the old rate of salary and the new, unless the employer or former employer elects to pay such contributions.

Regulation 9 Ordinary Contributions.

This regulation includes a new provision for contributions payable by an employee in excess of the standard rate due to an election under Regulation 8.

Regulation 13 Additional contributions for current period: service in a reserve force.

This regulation is amended to extend these provisions to persons who are called up under a call-out notice, or call out order or recall order under the Reserve Forces Act 1996.

Regulation 29 Entitlement to payment of retirement benefits.

One of the cases which entitles a person to payment of retirement benefits deleted.

Regulation 31 Amount of retirement lump sum.

This amendment to the regulations concerns the formula for calculating the retirement lump sum. It has been changed so that service before 1st October 1956 is now treated in the same way as service undertaken on or after that date.

Regulation 45 Death grant.

This regulation includes a minor amendment that nominations of persons to receive death grants must be in writing.

Regulation 46 Supplementary death grant.

This regulation includes a minor amendment that nominations of persons to receive

supplementary death grants must be in writing.

Regulation 48 Nomination of beneficiaries.

This regulation includes a minor amendment clarifying who can be nominated in the nomination of a beneficiary. Under the amended regulation the nomination of beneficiaries provides that a parent or brother or sister of the appointor must be either widowed or never have been married.

Regulation 49 Entitlement to short-term family benefits

This regulation includes a minor amendment clarifying that a short-term pension may only be paid to a nominated beneficiary if the beneficiary was wholly or mainly dependent on the deceased at the date of death.

Regulation 51 Entitlement to long-term family benefits.

This regulation includes a minor amendment clarifying that a long-term pension may only be paid to a nominated beneficiary if the beneficiary was wholly or mainly dependent on the deceased at the date of death.

Regulation 56 Average salary.

Two amendments are being made to the calculation of Average Salary. Firstly the provisions for determining a person's average salary are changed with the effect that for average salary purposes regular part-time employment counts in the same way as full-time employment. Average salary is to be calculated by reference to the salary for the best 365 consecutive days of pensionable employment (rather than reckonable service) during the last 3 years of pensionable employment (rather than reckonable service). The second amendment is where in any financial year during the average salary period a person has received an abnormal increase in contributable salary, which is greater than 10% more than the "standard increase" (as defined). The person will be treated as having received a salary increase of only 10% more than the standard increase. This is for cases where an abnormal increase in salary had been given just before retirement which was given with a view to enhance the teacher's pension benefits, for the payment of which the Superannuation Fund rather than the employer would be responsible.

Regulation 69 Employers' contributions-employees' elections under regulation 8.

This regulation is a new provision and concerns employers' contributions with regard to the amendment to regulation 8, whereby a person aged 50 or over, whose salary is reduced or who takes up employment with a new employer at a reduced salary may elect to continue contributions at the old rate of salary uprated by the retail prices index. This Regulation covers employers contributions where such an election is made and the employer or former employer elects to pay such contributions.

Regulation 70 Employers' additional contributions under regulations 10 and 56.

This is a new regulation and makes provision firstly for the additional contribution referred to in regulation 10 (3) (Additional contributions for past period) where an employer pays the contributions payable as a lump sum under Method B. Secondly this regulation makes provision for additional contributions referred to in regulation 56 (11) and (12)

concerning the average salary used in the calculation of retirement benefits. The amount is the actuarial value of the difference between retirement benefits based on the actual contributable salary and such benefits based on the contributable salary as if the person had received a salary increase of only 10% more than the standard increase.

Regulation 71 Modified application in case of employment at reduced salary.

This regulation is now being extended to apply in certain cases where a person leaves employment with one employer and takes up employment with a new employer at a reduced salary.

Regulation 76 Repayment of contributions where an election is not made under regulation 70.

This is a new regulation and makes provision for the repayment of certain contributions where a person received an increase in salary such as is referred to in regulation 56 (11) or (12) but no election under regulation 70 is made.

Regulation 80 Election in respect of protected benefits.

This is a new regulation and offers protection to a teacher with protected benefits who may be adversely affected by the changes made in these regulations.

Additional contributions for past period (Schedule 4)

The tables for paying additional contributions have been revised.

DE V. G. CAREY
Bailiff and President of the States

The Royal Court House,
Guernsey.
The 6th July, 2001.

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 25TH DAY OF JULY, 2001

The States resolved as follows concerning Billet d'Etat No. XVII
dated 6th July, 2001

PROJET DE LOI

entitled

THE GUERNSEY GAMBLING CONTROL COMMISSION LAW, 2001

- I. To approve the Projet de Loi entitled "The Guernsey Gambling Control Commission Law, 2001", and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

PROJET DE LOI

entitled

**THE ROYAL BANK OF SCOTLAND INTERNATIONAL LIMITED
(BAILIWICK OF GUERNSEY) LAW, 2001**

- II. To approve the Projet de Loi entitled "The Royal Bank of Scotland International Limited (Bailiwick of Guernsey) Law, 2001", and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

GUILLE-ALLES LIBRARY COUNCIL

NEW MEMBER

- III. To elect Deputy A.H. Adam as a sitting member of the States, who is also a member of the States Education Council, as a member of the Guille-Allès Library Council to complete the unexpired portion of the term of office of Deputy F. J. Roper, who has ceased to be a member of the States Education Council, namely, to the 31st May, 2003.

LADIES' COLLEGE BOARD OF GOVERNORS

NEW MEMBER

- IV. To elect, on the nomination of the States Education Council in accordance with paragraph (c) of the constitution of the Ladies' College Board of Governors, Mr. M. B. Riley as a member of the Ladies' College Board of Governors, to complete the unexpired portion of the term of office Mr. P.J. Bachmann, who has ceased to be a member of that Council, namely, to the 31st May, 2003.

STATES ADVISORY AND FINANCE COMMITTEE

APPOINTMENT OF DATA PROTECTION COMMISSIONER

- V. After consideration of the Report dated the 21st June, 2001, of the States Advisory and Finance Committee:-

In pursuance of the provisions of section 33A(2) of The Data Protection (Bailiwick of Guernsey) Law, 1986, to appoint Dr. P.R. Harris to the office of Data Protection Commissioner with effect from the 1st October, 2001, being the day following the day upon which the current Commissioner resigns his office.

STATES ADVISORY AND FINANCE COMMITTEE

LEGAL AID SCHEME

- VI. After consideration of the Report dated the 22nd June, 2001, of the States Advisory and Finance Committee:-

1. To approve in principle that a comprehensive system for the provision of civil and criminal legal aid be established that will satisfy the Island's obligations under the European Convention on Human Rights and the International Covenant on Civil and Political Rights.
2. That an interim scheme, on the lines set out in paragraphs 43 to 46, shall be established to provide civil and criminal legal aid that will replace the current voluntary scheme with an agreed system of payments to Advocates undertaking civil and criminal legal aid cases approved under the scheme.
3. That the States Advisory and Finance Committee's revenue budget for 2001 shall be increased to provide adequate funding for the legal services to be provided under the interim scheme.
4. To authorise the States Advisory and Finance Committee to submit a budget for 2002 in excess of its revenue expenditure limit in respect of the increased revenue costs associated with the provision of legal aid under the interim scheme as set out above.
5. To direct the States Advisory and Finance Committee when recommending to the States revenue allocations for the States Advisory and Finance Committee in 2003 to take account of the costs associated with the continuing development of a long-term legal aid scheme.
6. To direct the preparation of such legislation on the lines set out in paragraph 26 and, if appropriate, paragraph 49 of that Report to give effect to their decision on proposition 1. above.

STATES ADVISORY AND FINANCE COMMITTEE

SIMPLIFICATION OF THE MECHANISM FOR THE CONVERSION OF SHARE CAPITAL

- VII. After consideration of the Report dated the 25th June, 2001, of the States Advisory and Finance Committee:-
1. That the Companies (Guernsey) Law, 1994, shall be amended, as set out in that Report, to simplify the mechanism for the redenomination of share capital.
 2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES BOARD OF ADMINISTRATION

GUERNSEY AIRPORT SAFETY ZONE - CONSTRUCTION OF ROADS

- VIII. After consideration of the Report dated the 21st June, 2001, of the States Board of Administration:-
1. To approve the construction of a new roadway at Route des Frances, St. Saviour's and La Villiaze, Forest/ St. Andrew's, as set out on Drawings Nos. 6665/201j and 6665/202h, at a total cost, inclusive of a sum of £13,050 for site investigations and £126,450 for contingencies, not exceeding the budget figure of £1,389,500.
 2. To authorise the States Board of Administration, in consultation with the States Advisory and Finance Committee, to accept the contractor's estimate for the above works.
 3. To vote the States Board of Administration a credit of £1,389,500 to cover the cost of the above works, which sum shall be charged as exceptional revenue expenditure in the accounts of the States Airport.

STATES BOARD OF ADMINISTRATION

EXPORT OF DUAL-USE ITEMS AND TECHNOLOGY

- IX. After consideration of the Report dated the 6th June, 2001, of the States Board of Administration:-
1. That provision shall be made by Ordinance for the purpose of implementing the EC Regulation concerning the export of dual-use items and technology in the terms outlined in that Report.
 2. That a power shall be conferred upon the States Board of Administration to enable that Board to bring into force that part of the Ordinance that deals with mutual assistance.

3. That provision shall be made by Ordinance designating the States Board of Administration as the competent authority for making such Statutory Instruments as will be required to implement and to enforce the EC Regulation on the export of dual-use items and technology.
4. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

STATES BOARD OF ADMINISTRATION

ALDERNEY AIRPORT - RESURFACING OF RUNWAY, TAXIWAY AND APRON

X. After consideration of the Report dated the 6th June, 2001, of the States Board of Administration:-

1. To approve the resurfacing of the runway, taxiway and apron and the reconstruction of the western end of the runway at Alderney Airport at a total cost, inclusive of an allowance of 10% for contingencies, not exceeding £578,801.21.
2. To authorise the States Board of Administration to accept the tender in the sum of £578,801.21 submitted by Ronez Limited for the carrying out of the above works.
3. To vote the States Board of Administration a credit of £578,801.21 to cover the cost of the above works, which sum shall be charged as capital expenditure in the accounts of Alderney Airport.

STATES RECREATION COMMITTEE

REDEVELOPMENT OF THE OSMOND PRIAULX MEMORIAL PLAYING FIELDS

XI. After consideration of the Report dated the 8th June, 2001, of the States Recreation Committee:-

1. To approve in principle the proposed redevelopment of the Osmond Priaulx Memorial Playing Fields at Footes Lane as described in that Report at a total net cost to public funds not exceeding £1,850,000.
2. To approve in principle the construction of a Hockey Clubhouse as described in that Report at a total net cost to public funds not exceeding £550,000, which sum shall be charged to the capital allocation of the States Recreation Committee, after taking account of a contribution of £150,000 from the Guernsey Hockey Association as set out in that Report.
3. To note that the States Recreation Committee will report to the States in September, 2001, on the evaluation of tenders for the construction of the hockey Clubhouse as detailed above.

4. To approve in principle the granting of a lease for a period of up to thirty years of the proposed Hockey Clubhouse to the Guernsey Hockey Association subject to the approval of the detailed terms by the States Advisory and Finance Committee and the Law Officers of the Crown.
5. To approve in principle the construction of a grandstand in accordance with the attached plans and joint funding proposals set out in that Report at a net cost to public funds not exceeding £600,000.
6. To authorise the States Advisory and Finance Committee, on the understanding that, should a contribution of at least half of the total cost of the proposals not be forthcoming from the private sector before the start of construction, the project shall not proceed, to approve a vote not exceeding £600,000 to cover the net cost to public funds of the proposed grandstand, which sum shall be taken from the capital allocation of the States Recreation Committee.
7. To authorise the States Advisory and Finance Committee, subject to the receipt of adequate assurances as regards the private sector contribution set out above, to transfer from the Capital Reserve to the capital allocation of the States Recreation Committee a sum not exceeding £600,000.
8. To direct the States Recreation Committee to conclude, subject to the approval of the States Advisory and Finance Committee and the Law Officers of the Crown, agreements with the Footes Lane Stand Company for the construction of that grandstand, its transfer to and future ownership and maintenance by the States Recreation Committee and suitable guarantees for its continued use primarily for sport in the future.
9. To authorise the States Recreation Committee, subject to the agreement in each case of the States Advisory and Finance Committee, to accept tenders and quotations as appropriate for the various ground works described in that Report at a total cost not exceeding £700,000, such costs to be covered by a credit in that sum to be charged to the capital allocation of the States Recreation Committee.

STATES PROCEDURES AND CONSTITUTION COMMITTEE

AMENDMENTS TO THE RULES OF PROCEDURE IN AND IN RELATION TO ASSEMBLIES OF THE STATES OF DELIBERATION

- XII. After consideration of the Report dated the 29th May, 2001, of the States Procedures and Constitution Committee:-
1. That the Rules of Procedure in and in relation Assemblies of the States of Deliberation shall be amended:-
 - (1) (a) to incorporate in those Rules the provisions of the States Resolution of the 24th September, 1980 regarding the submission to the States Advisory and Finance Committee of items for inclusion in a Billet d'Etat ("the 60 day rule");

- (b) to include Requêtes (other than motions of no confidence) in that rule;
 - (c) to require the States Advisory and Finance Committee to consult relevant committees with regard to Requêtes and to include the views of such committees as an appendix to its letter of comment;
 - (d) to discontinue the requirement that a copy of each Requete be sent to the States Advisory and Finance Committee by the President of the States;
- (2) (a) to remove the distinction between sursis and amendments set out in Rule 12 insofar as they relate to the giving of prior notice;
- (b) to provide that upon a sursis being tabled the debate be limited strictly to the sursis and all other matters, including amendments, be set aside until the sursis is disposed of;
- (3) to require that questions asked pursuant to Rule 6(2) and 6(3) shall be submitted not less than five clear days excluding Saturdays, Sundays and Public Holidays before the day of the meeting;
- (4) to allow the President of the States, on application by the President of the Committee concerned, in appropriate circumstances and in the interests of good government to extend the period for replying to questions asked in pursuance to Rule 23, from fifteen clear days to thirty clear days, and, if such application is granted, to require the President of the Committee to advise the questioner accordingly.
2. To direct the preparation of the necessary amendments to the Rules of Procedure.

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 26TH DAY OF JULY, 2001

The States resolved as follows concerning Billet d'Etat No. XVII
dated 6th July, 2001

(Meeting adjourned from 25th July, 2001)

STATES PROCEDURES AND CONSTITUTION COMMITTEE

AMENDMENT TO THE ELECTORAL EXPENDITURE ORDINANCE, 2000

XIII. After consideration of the Report dated the 29th May, 2001, of the States Procedures and Constitution Committee:-

1. That the Electoral Expenditure Ordinance, 2000, shall be amended to the extent that -
 - (a) a candidate for the office of People's Deputy shall be entitled to expend money or give money's worth up to the maximum amount currently prescribed during the period commencing on the day on which he delivers his nomination form to the President of the States and ending on the date when the election takes place;
 - (b) a candidate for the office of Constable, Douzenier, Procureur of the Poor or Overseer of the Poor shall be entitled to expend money or give money's worth up to the maximum amount currently prescribed during the period commencing on the day on which he delivers his nomination form to the Returning Officer and ending on the date when the election in fact takes place.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

REQUÊTE

AMENDMENTS TO THE RURAL AREA PLAN (PHASE I) AND THE ISLAND DEVELOPMENT (USE CLASSES) ORDINANCE, 1991

XIV. After consideration of the Requête dated the 30th May, 2001, signed by Deputy M. W. Torode and eight other Members of the States:-

TO NEGATIVE THE PROPOSITION to direct the Island Development Committee to prepare an appropriate amendment to the Rural Area Plan (Phase 1) which, if approved by the States following the planning inquiry required by the Island Development (Guernsey) Law, 1966, as amended, will enable the Island Development Committee to grant permission for the development of a garden centre and tourist attraction at the Friquet site.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT)
REGULATIONS, 2001**

In pursuance of the provisions of section 35(4) of The Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Medical Appliances) (Amendment) Regulations, 2001, made by the Guernsey Social Security Authority on the 30th May, 2001, were laid before the States.

**THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (BAILIWICK OF
GUERNSEY) (AMENDMENT) REGULATIONS, 2001**

In pursuance of the provisions of section 54(1)(c) of The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Regulations, 2001, made by the States Advisory and Finance Committee on the 6th June, 2001, were laid before the States.

**THE DRIVING TESTS AND DRIVING LICENCES
(INCREASE OF FEES) REGULATIONS, 2001**

In pursuance of the provisions of section 2B(e) of The Motor Taxation and Licensing (Guernsey) Law, 1987, as amended, The Driving Tests and Driving Licences (Increase of Fees) Regulations, 2001, made by the States Traffic Committee on the 8th June, 2001, were laid before the States.

THE TEACHERS' SUPERANNUATION (GUERNSEY) REGULATIONS, 2001

In pursuance of the provisions of section 3(4) of The Superannuation (Teachers and Teachers' Families) (Guernsey) Law, 1974, The Teachers' Superannuation (Guernsey) Regulations, 2001, made by the States Education Council on the 11th June, 2001, were laid before the States.

K.H. TOUGH,
HER MAJESTY'S GREFFIER.