



BILLET D'ÉTAT

XXV
2002

WEDNESDAY, 11th DECEMBER, 2002

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BILLET D'ÉTAT

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 11th DECEMBER, 2002,** immediately after the Special Meeting already convened for that day...

**THE HEALTH SERVICE (PHYSIOTHERAPY BENEFIT) (AMENDMENT)
ORDINANCE, 2002**

The States are asked to decide:-

I.- Whether they are of opinion to approve the draft Ordinance entitled “The Health Service (Physiotherapy Benefit) (Amendment) Ordinance, 2002”, and to direct that the same shall have effect as an Ordinance of the States.

**THE ALDERNEY (APPLICATION OF LEGISLATION) (HEALTH
SERVICE) (BENEFIT) (AMENDMENT) ORDINANCE, 2002**

The States are asked to decide:-

II.- Whether they are of opinion to approve the draft Ordinance entitled “The Alderney (Application of Legislation) (Health Service) (Benefit) (Amendment) Ordinance, 2002”, and to direct that the same shall have effect as an Ordinance of the States.

**THE LONG-TERM CARE INSURANCE (BAILIWICK OF GUERNSEY)
LAW, 2002 (COMMENCEMENT) ORDINANCE, 2002**

The States are asked to decide:-

III.- Whether they are of opinion to approve the draft Ordinance entitled “The Long-term Care Insurance (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2002”, and to direct that the same shall have effect as an Ordinance of the States.

ELIZABETH COLLEGE BOARD OF DIRECTORS

NEW MEMBER

The States are asked:-

IV.- To elect a member of the Board of Directors of Elizabeth College to fill the vacancy which will arise on the 6th January, 2003, by reason of the expiration of the term of office of Deputy M. W. Torode, who is not eligible for re-election.

STATES BOARD OF INDUSTRY

**INDUSTRIAL DISPUTES OFFICER AND DEPUTY INDUSTRIAL DISPUTES
OFFICER**

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

22 October 2002

Sir,

Industrial Disputes Officer and Deputy Industrial Disputes Officer

Article 1 of the Industrial Disputes and Conditions of Employment (Guernsey) Law, 1993 requires the States to appoint an Industrial Disputes Officer. In turn, the Law also requires the Industrial Disputes Officer to appoint a Deputy, which is subject to approval by the States.

At the present time, the positions of Industrial Disputes Officer and Deputy are held by Mr R S Taylor and Mr M A Fooks respectively. These appointments were made in January 2000 for a period ending on 31 December 2002.

The Board would like to take this opportunity to place on the record their sincere appreciation for the contribution and commitment of the current post holders.

The Board therefore has pleasure in recommending the States to appoint the current Industrial Disputes Officer, Mr Richard Stanton Taylor, for a further period of three years ending on 31 December 2005.

Mr Taylor has also indicated his intention to appoint Mr Michael Allen Fooks (the current Deputy Industrial Disputes Officer) as his Deputy, for the same period.

I have the honour to request that you will be good enough to lay this matter before the States with the appropriate propositions.

Yours faithfully

John Roper
President
Board of Industry

(NB The States Advisory and Finance Committee supports the proposals)

The States are asked to decide:-

V.- Whether, after consideration of the Report dated the 22nd October, 2002, of the States Board of Industry, they are of opinion:-

1. To appoint Mr. R. S. Taylor as Industrial Disputes officer for a further period of three years until the 31st December, 2005.
2. To approve the appointment of Mr. M. A. Fooks as Deputy Industrial Disputes Officer until the 31st December, 2005.

STATES AGRICULTURE AND COUNTRYSIDE BOARD

GRANTS TO FARMERS TO ASSIST WITH THE COST OF INSTALLING SLURRY STORAGE FACILITIES

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

1st November 2002

Dear Sir,

Grants to Farmers to Assist with the Cost of Installing Slurry Storage Facilities

– Request for a further transfer of money from the Farm Loans Fund

1) Introduction

In February 2000 the States gave its approval to a number of far-reaching proposals from the, then, Agricultural and Milk Marketing Board. These proposals aimed to assist in the development of a local dairy industry that was not only viable, but which worked positively to reduce the risk of nitrate pollution and commenced programmes of positive environmental improvement in the way farmland is managed.

Following a further policy letter later that year, the Board and the industry started to operate a dairy contract system in 2001 that addressed all of these issues and which included a commitment to the installation of slurry management systems that would remove the risk of pollution. Central to this was the placing of a requirement on all dairy farms to have adequate slurry storage, thus removing the need for winter (October to December) slurry spreading as agreed with the Sates Water Board.

At the time very few farms had sufficient storage and this contract requirement meant that most farms would have to make a significant capital investment in a new slurry store, built to modern standards in a period of less than four years. To support this, the Board proposed and the States approved the establishment of a grant scheme funded by a transfer of £330,000 from the Board's Farm Loans Fund. The grants, which cover 50% of the evidenced cost of approved schemes, were to be available from 1st February 2000 until 31st December 2003.

Uptake from the Scheme was initially slow as farms adjusted to the new Dairy contract scheme. However, once the positive effect of this scheme on their businesses was appreciated, a number of farmers installed slurry storage facilities and most of the

remaining are at the planning stage for completion of their stores during 2003 or in early 2004.

In the February 2000 Billet, the Board stated that its initial estimate suggested that the initially proposed transfer money would be sufficient. However, with greater experience from the projects completed to date, it has become clear that the total investment by the industry is likely to exceed the initial estimate of £660,000 (£330,000 from the States approved grant scheme, matching £330,000 invested by farmers) to a significant degree.

The Board is therefore seeking States approval to make a further transfer of money from its Farm Loans Fund into the Farm Waste System Grant Fund to allow it to continue to support the dairy farmers who have reacted so positively to this requirement placed on them on behalf of the Island as a whole. The signs are that the industry is doing exactly what was required of it in this regard and the Board feels strongly that it would be wrong to allow support to run out at this stage and jeopardise the completion of this pollution reduction initiative.

2) Why take money from the Farm Loans Fund?

In September 2002 the States agreed to a request from the Board for an extra £500,000 to be put into its Farm Loans Fund, which had been depleted by the earlier transfer to fund grant aid for slurry store construction. The Board considered that this injection of additional money was a prudent provision to enable the Board to loan money to farmers for environmental protection projects should applications for these come forward from the industry.

Since that date there have been few calls (only two in 2002) for loans for this type of project that would be eligible for a loan under the current rules. At present the Farm Loans Fund contains £913,271, of which £327,950 is out on loan, which leaves £585,321 available.

The Board anticipates that there will be some calls in the future for loans from this fund for projects that have been delayed or simply not yet planned. But, it has no firm details or any applications in hand. However, in the light of the substantial support given to the industry under the new contract arrangements, the low number of loan requests, the reduced number of farms, and the fact that over £550,000 will still be in the loans fund if all of the requested additional funds are transferred, it has taken the view that the proposals in this policy letter should take priority at the present time.

The dairy industry is in the process of a significant change arising from the demands placed on it by the new contract system, which introduced controls on production in 2001. The Board will continue to keep the needs of the industry under close scrutiny in collaboration with dairy farmers and will advise the States if it believes a case should be made for a change in support. At this time it considers that the total package is appropriate but with the adjustment requested in this letter.

3) Use of the Farm Waste System Grant Fund to Date

(a) Payments to date

Initial Farm Waste System Grant Fund	£330,000.00
Five claims for support paid to date	£139,284.03
Therefore amount remaining in the fund	<u>£190,715.97</u>

(b) Known Commitments, yet to be paid

One further claim approved but not finalised or paid	£ 42,620.00
One part claim to be finalised	£ 11,710.00
Thus the effective amount remaining in the fund	<u>£136,385.97</u>

(c) Outstanding work and projects approved in principle

Outstanding works from schemes	£ 10,000.00
Three applications approved but work not started	£123,215.00
Thus the amount remaining unassigned in the Fund	<u>£ 3,170.97</u>

Whilst some allowance has been made for cost overruns in these projects, with little more than £3000 remaining in the fund it is safe to describe it as “fully allocated” to support the first 9 slurry store installation projects. This leaves no provision to help the remaining 13 farms yet to put in these systems.

4) Why has this Shortfall Occurred?

The Board made the best estimate it could in 1999 of the cost of this work. Since then two things have happened to make the estimate too low. Firstly and of most significance is that with the installation of a number of schemes, the true cost of these facilities is better understood. It should be emphasised that the Board has throughout subjected all applications and estimates to careful scrutiny by a fully experienced engineer and all installations have been carefully checked to ensure compliance with the rules of the scheme and that they represent the best value for money that can be obtained.

Secondly, and as was highlighted in the recent report on the construction industry from the Board of Industry, the costs of building work and raw materials (particularly concrete) has escalated to a degree that significantly increases construction costs.

It is now clear to the Board that the total investment in slurry storage facilities by the dairy industry is going to be in the region of £1.3 million, which is twice the Board's original estimate.

5) Anticipated Work Eligible for Grant.

Of the remaining 13 farms, one will not need to build a store as his cows are not housed in the winter and are field milked. Two others are small herds only and have sufficient storage to manage without any further investment until retirement.

This leaves 10 of the 13 farms that are likely to remain in business after 2003 and will need to build slurry stores to the required standards to be able to continue in business and remove the risk of slurry pollution. The Board's Agriculture and Environment Officer has discussed their plans with each farmer and on the basis of that has calculated an up to date estimate of the cost of the various projects. These are for a wide range of farm sizes and hence storage facilities and the project costs vary from £40,000 to well over £100,000.

The best current estimate of the total cost of these 10 projects eligible for support under the rules of the Slurry grant scheme is £637,000.00. This level of capital investment would, on a matched funding basis, call for close to £320,000 to be added to the Farm Waste System Grants Fund to which could be added a margin to cover unforeseen essential costs, suggesting that the fund should be topped up to £350,000.

6) Resource Implications

The Board considers that the conclusion of the project to improve slurry storage is a priority for action. It believes that additional funds should be made available until 1st October 2004 by which time all farms should have operational facilities to store slurry and other liquid effluent for up to four months as required in all Dairy Farm Contracts.

In the light of the States considerable support to the industry, the Board is of the view that additional funding, up to a maximum of £350,000, should be transferred from within its existing resources and specifically that it should be taken from the Farm Loans Fund. This therefore, makes no additional demand on the public purse.

7) Consultation

In the Board's regular consultation with Dairy farmers, it has been made clear that there is strong support for this grant aid scheme to continue to be available to allow the industry to put in the required pollution prevention measures within the timescale approved by the States in 1999.

The staff of the Board continue to work closely with staff of the Water Board to agree standards and to develop fully approved proposals on a farm-by-farm basis for waste management plans and facilities. It is clear that the removal of the pollution risk from liquid farm waste requires the construction of adequate storage on virtually all farms and this has been underlined in recent consultations.

8) Recommendation

The Board recommends the States to:-

- 1) Note the very positive efforts of the dairy industry to comply with the risk reduction requirement placed on it and the scale of capital investment planned and already made by farms.
- 2) Agree additional funding of up to £350,000 for the Farm Waste Systems Grant Scheme and to authorise the Advisory and Finance Committee to approve appropriate transfers for this purpose from the Farm Loans Fund to the revenue expenditure budget of the Agriculture and Countryside Board.
- 3) Agree that grants for Farm Waste Systems should be allocated by 31st December 2003 and paid no later than 30th September 2004.

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

Yours faithfully

P. J. ROFFEY

President
States Agriculture and Countryside Board

(NB The States Advisory and Finance Committee supports the proposals)

The States are asked to decide:-

VI.- Whether, after consideration of the Report dated the 1st November, 2002, of the States Agriculture and Countryside Board, they are of opinion:-

1. To note the very positive efforts of the dairy industry to comply with the risk reduction requirement placed on it and the scale of capital investment planned and already made by farms.
2. To agree additional funding of up to £350,000 for the Farm Waste Systems Grant Scheme and to authorise the States Advisory and Finance Committee to approve appropriate transfers for this purpose from the Farm Loans Fund to the revenue expenditure budget of the States Agriculture and Countryside Board.
3. To agree that grants for Farm Waste Systems shall be allocated by 31st December 2003 and paid no later than 30th September 2004.

STATES BROADCASTING COMMITTEE

**SUBTITLING OF LOCAL TELEVISION PROGRAMMES PRODUCED BY
CHANNEL TELEVISION FOR THE BENEFIT OF THE DEAF AND HARD OF
HEARING**

The President
States of Guernsey
Royal Court House
St Peter Port

28 October 2002

Dear Sir

**SUBTITLING OF LOCAL TELEVISION PROGRAMMES PRODUCED BY
CHANNEL TELEVISION FOR THE BENEFIT OF THE DEAF AND HARD
OF HEARING**

1. On 28 February 1996 the States authorised the Broadcasting Committee to enter into an agreement with Channel Television under which the States of Guernsey would make a payment not exceeding £3,120 per month for a period ending on 31 December 2002 to support the provision of a service to provide subtitles on local television programmes produced by Channel Television for the benefit of the deaf and hard of hearing.
2. The Broadcasting Committee subsequently signed an agreement with Channel Television. The agreement relies upon a similar agreement between Channel Television and the States of Jersey (under which the States of Jersey make a payment of £4,680 per month – based on a 60/40 split between Jersey and Guernsey).
3. Since the Broadcasting Committee does not have its own separate revenue expenditure budget, for administrative convenience the payments are made from the expenditure budget of the Advisory and Finance Committee.
4. The Broadcasting Committee is pleased to report that the subtitling service provided by Channel Television has been a great success and is greatly appreciated by the deaf and hard of hearing in the Channel Islands (attached as an appendix are comments from the hard of hearing communities in the Channel Islands which explain the importance of the local subtitling service). Channel Television has been able to significantly exceed the requirement to produce a weekly average of 2.5 hours of subtitled local programmes. Channel Report, the late night Channel News and the

vast majority of local documentaries are subtitled. The Committee believes that as many as one-in-six of the local community make use of the local subtitling service.

5. The Broadcasting Committee is firmly of the opinion that the subtitling of local programmes by Channel Television is an essential social service and that the States of Guernsey should continue to support the provision of the service.

6. Last year, Channel Television presented the Broadcasting Committee and the States of Jersey Industries Committee (which currently has responsibility for broadcasting matters) with a proposal for new agreements with the States of Guernsey and the States of Jersey to cover the period from 1 January 2003 to 31 December 2010 (the remaining period of Channel Television's current licence from the Independent Television Commission) based on the States of Guernsey making a fixed payment of £3,752 per month and the States of Jersey a fixed payment of £5,628 per month (perpetuating the 60/40 split).

7. The Broadcasting Committee agreed that, provided that the Industries Committee was willing to enter into such an agreement, it would be prepared to recommend to the States of Guernsey that it be authorised to enter into a new agreement with Channel Television, along the lines proposed by Channel Television, and, as is now common practice, subject to the inclusion of a clause that Channel Television is required to comply with any reasonable audit requirements of the Committee and the States Internal Audit Department in respect of the operation of the agreement (Channel Television has indicated that it would have no objection to the inclusion of such a clause in the agreement).

8. The Broadcasting Committee regrets that, at a very late stage, the Industries Committee advised that, in the light of the forthcoming States of Jersey Fundamental Spending Review, it could only agree to enter a one-year agreement with Channel Television (on the basis of a monthly payment of £5,628). The Industries Committee, however, recognised the desirability of reaching agreement with Channel Television in respect of the local subtitling service for the remainder of its current licence and has agreed that it will recommend that, subject to the outcome of the Fundamental Spending Review, discussions on this should be completed by 30 June 2003.

9. The Broadcasting Committee considers that, in the circumstances, it can only recommend the States to authorise it to enter into a one-year agreement with Channel Television for 2003 on the provision of a local subtitling service, on the basis of a monthly payment of £3,752. The agreement will rely upon a similar agreement between Channel Television and the States of Jersey

10. Furthermore, rather than have to ask the States to consider this matter for a second time, following a successful outcome to discussions next Spring, the Broadcasting Committee would wish to seek the States approval now, that the Advisory and Finance Committee be authorised to approve the Committee entering into further agreement with Channel Television.

11. The Broadcasting Committee therefore recommends the States to agree that

- (a) the Broadcasting Committee may enter into a one-year agreement with Channel Television as set out in paragraph 9 above; and
- (b) the Advisory and Finance Committee be authorised to agree that the Broadcasting Committee may enter into further agreement with Channel Television for a period ending on 31 December 2010.

12. I should be grateful if you would arrange to place this matter before the States with appropriate propositions.

Yours faithfully

D A BARRETT

President
States Broadcasting Committee

APPENDIX

“Subtitles are a must for deaf and hard of hearing people, no matter how many years one learns or teaches lip reading, following the speed and different accents and dialects is tremendously difficult and tiring So please do all you can to keep the wonderful service Channel TV does so very well for us less fortunate with hearing loss. Subtitles are essential”.

“Deafness can effectively isolate people from a normal life – it makes listening to the radio or TV difficult and ordinary conversation with friends and relatives may be very frustrating. Eventually, many people, especially the elderly, tend to withdraw into a world of their own It is evident that the presence of subtitles is very, very important to a hearing impaired person and has a very real effect on the viewing pleasure of their families if a programme is not subtitled, it is very unlikely that deaf and hearing impaired people will watch.....”.

“Subtitles are essential for all profoundly deaf people and many people who are hard of hearing to have access to television. This is most obviously for entertainment, news and information which hearing people take for granted. Subtitles also enable them to participate in our economic, political and social life on an equal basis with hearing people”.

“I am writing to express the value and importance of subtitles on television programmes, as it gives those with a hearing impairment the opportunity to watch television with meaning. Without this facility, television is of little use to them”.

“More people watch CTV than any other channel, and there is a general feeling that our local channel has changed for the better over the past 5 years, mainly because of subtitling”.

“If subtitles are of good quality, a hearing impaired person may have his hearing ‘enhanced’ by subtitling, assimilating the subtitles with his partial hearing. This is my own experience. I find subtitles invaluable ... People who have more profound hearing loss than my own rely completely on subtitling for their understanding of CTV news and topical programmes”.

“The members of the Alderney Hard of Hearing Group are very pleased to have the service – with the subtitles there it tells them what’s going on. Older people particularly benefit from having subtitles”.

“I am a 27 year old Jersey girl who has some hearing loss. I am writing to let you know how much subtitles mean to me. Without them I would miss 70% or more information on the programme I would be totally lost without subtitles and I would be ignorant of my daily surroundings”.

(NB The States Advisory and Finance Committee supports the proposals)

The States are asked to decide:-

VII.- Whether, after consideration of the Report dated the 28th October, 2002, of the States Broadcasting Committee, they are of opinion:-

1. That the States Broadcasting Committee may enter into a one year agreement with Channel Television as set out in paragraph 9 of that Report.
2. To authorise the States Advisory and Finance Committee to agree that the States Broadcasting Committee may enter into further agreement with Channel Television for a period ending on the 31st December, 2010.

STATES GAMBLING CONTROL COMMITTEE
GUERNSEY GAMBLING CONTROL COMMISSION

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

31 October 2002

Dear Sir

GUERNSEY GAMBLING CONTROL COMMISSION

1. MEMBERSHIP

The Guernsey Gambling Control Commission Law, 2001, came into effect on 30 January 2002. The States Gambling Control Committee is now in a position to submit recommendations to the States for the establishment of the Commission and the appointment of its members.

The constitution of the Guernsey Gambling Control Commission as set out in the Schedule of the Law is as follows: -

- “1. The Commission shall consist of a Chairman and 3 other members appointed by the States upon the recommendation of the Committee.
2. The Chairman and other members of the Commission shall hold office for a period of five years (or such other shorter period of time as may be agreed between the States and any member appointed by the Commission) and vacate office as such in accordance with the terms of their appointments.
3. Any person who ceases to hold office as a member of the Commission, or ceases to hold office as Chairman, shall be eligible for reappointment.”

The Gambling Control Committee accordingly nominates the following persons to be the first Chairman and ordinary members on the Guernsey Gambling Control Commission with effect from 1 December 2002: -

Chairman

Mr Peter John Hungerford Morgan

Mr Morgan served in the States of Deliberation firstly as the Douzaine Representative for St Peter Port from 1981 to 1983 when he was elected as a Deputy, also for St Peter Port. In 1988 he commenced the first of two consecutive terms as a Conseiller.

Mr Morgan served on a number of States Committees and Boards. He was elected to the Advisory and Finance Committee in 1989 and was President from 1994 to 1997. He was a Member of the Civil Service Board from 1978 and President from 1984 to 1994. He also served as Vice President of the Income Tax Authority and the Guernsey Transport Board and as a member of the Constitution of the States Review Committee, the Emergency council, the Appointments Board, the Prison Board, the Public Thoroughfares Committee and the Sea Fisheries Committee. He was also Chairman of the Guernsey Financial Services Commission. He served on the St Peter Port Douzaine from 1976 until 1996, retiring as a Dean of the Douzaine.

Mr Morgan is currently an adjudicator in respect of cases of unfair dismissal and a Trustee of the Training Agency, Drug Concern and the Town Centre Partnership. He sits as a Non-Executive Director on eight boards in Guernsey and three in Jersey.

Ordinary Members

Mr Peter Crook FCIB

Mr Crook joined the Bank of England in 1960 and remained in the Bank for 26 years working in all the key areas including a 2-year period as a private secretary to the Governor. In 1986, he was seconded to the International Monetary Fund and under their auspices worked in the Cayman Islands as Inspector of Banks and Trust Companies and advisor to the Governor.

He retired from the Bank and joined the Financial Services Commission in Guernsey in 1989 with responsibility for the banking sector. He was appointed Director General of the Commission in 1997. Since retiring from the Commission in 2001, he has taken up directorships in Barclays Finance Company and in several investment fund companies.

Mr Christopher Spencer

Mr Spencer qualified as a chartered accountant in London in 1975 with P D Leake & Co. Following two years in Bermuda, he moved to Guernsey to set up Midgley, Snelling, Spencer & Co as a principal. In 1984, that firm's Guernsey operation merged with Pannell Kerr Foster. In 1996, the business was incorporated as Pannell Kerr Foster (Guernsey) Limited and Praxis Fiduciaries Limited. Mr Spencer, who specializes in audit and fiduciary work, was managing partner/director from 1990 until his retirement in May 2001.

A past President of the Guernsey Society of Chartered and Certified Accountants and a past Chairman of the Guernsey Branch of the Institute of Directors, Mr Spencer is also the non-executive Chairman of Guernsey Post Limited, a member of the Transport Board and a Director of a number of fund and other companies.

Ms Carol Goodwin

Carol Goodwin is a director of Investec Bank (Channel Islands) Limited and during the periods 1994 to 1996 & 1998 to 2001 held the position of managing director. She also acts as director for several other subsidiary and associated companies for the Investec Group (formerly Guinness Mahon) as well as for some other financial services entities.

Ms Goodwin has extensive experience in the finance industry and has held senior executive positions in several European and North American banks, managing businesses in London, Toronto, Montreal, Amsterdam, Nassau and Guernsey. She was responsible for establishing and launching a new full-service bank in Holland in 1992 and since moving to Guernsey in 1994 has been instrumental in expanding Investec's business by ten-fold. Ms Goodwin is a Fellow of the Institute of Canadian Bankers (FICB), a Trust and Estate Practitioner (TEP) and a Chartered Director (C.Dir.) of the Institute of Directors.

Whilst the above nominees do not have specific experience of gambling regulation, their experience in the business world and regulation generally render them particularly suitable for appointment, having regard to the fact that they will receive technical advice and experience from a suitably qualified advisor.

2. FINANCING OF THE COMMISSION

Section 2 of The Guernsey Gambling Control Commission Law, 2001, provides that “The Commission shall carry out such functions relating to the supervision, control and regulation of gambling and any form of gambling, as the States may from time to time assign to the Commission by Ordinance”.

The first such function assigned to the Commission is in accordance with the provisions of The Gambling (Casino Gaming) Ordinance, 2001, which was enacted by the States on 1 November 2001 and came into effect on 30 January 2002. This Ordinance empowers the Commission to grant to the holder of a (hotel casino) concession a casino operator’s licence, which authorizes the playing of prescribed games and gambling by means of gaming machines within a casino.

The Hotel Casino Concession (Guernsey) Law, 2001, which came into effect on 31 July 2002, provides that the concession shall be granted by Resolution of the States of Guernsey. The States Tourist Board is currently in the process of inviting applications for the grant of a concession and it is anticipated that the Board will bring proposals before the States to this end in 2003.

It is the Committee’s intention that, in accordance with Section 11 (a) of The Guernsey Gambling Control Commission Law, 2001, the fees charged to the casino operator will cover all the costs of regulating the casino, including the establishment of the Gambling Control Commission and the drafting of Regulations.

However, there will clearly be a period of time between the establishment of the Commission and the grant of the casino operator’s licence. This period will of necessity be a particularly busy time for the Commission as it prepares itself for the regulation of the casino. It will also be a period of time during which no income from fees shall be forthcoming.

In order to fund the Commission during this period, the Committee proposes to make a loan to the Commission in accordance with Sections 11 (c) and 14 of The Guernsey Gambling Control Commission Law, 2001, which provides that “for the purpose of assisting the Commission to carry out its functions, the Committee may make advances from the States General Revenue Account.” The Committee proposes to make the loan in tranches as agreed between the Committee and the Commission in order to enable the Commission to carry out the work it considers necessary.

Section 14 also provides that no advance shall be made except on such terms (as to repayment, payment of interest or otherwise) as the States may from time to time by Resolution determine.

The Committee currently does not have any funds in its budget from which it could make an advance to the Commission and therefore proposes to ask the States to authorize the Committee to advance the necessary funds to provide for the start-up costs of the Commission.

With regard to the repayment period for any such loan (and, taking into account that it is intended that the cost of regulation should over a period of time be met from the fees charged to the casino operator), the Committee considers that it would be reasonable to expect that any advances should be recovered during the ten year period during which the (hotel casino) concession granted by the States remains in force.

Following discussions with the Advisory and Finance Committee, it is proposed that a loan of up to £150,000 be advanced for a period ending no later than ten years after the date upon which the States grants a (hotel casino) concession, each tranche bearing interest at the States Treasurer's rate (currently approximately 4.1%).

The Commission will be required to set aside part of its operating income in order to repay the sums loaned.

In considering this matter, the States should be aware that, if the (hotel casino) concession was not awarded or if a casino operator's licence was not subsequently issued, or was subsequently withdrawn or relinquished, there would be no fees to reimburse any or part of the costs already incurred and it would not be possible for the Commission to repay part or all of the sums loaned. Under such circumstances, the States will have to be asked to write off part or all of the amount loaned.

Accordingly, the Gambling Control Committee recommends the States to agree: -

1. To the appointment of the following persons to the positions of Chairman and ordinary members of the Guernsey Gambling Control Commission with immediate effect: -

Chairman

Mr Peter Morgan

Members

Mr Peter Crook FCIB
Mr Christopher Spencer
Ms Carol Goodwin

2. To authorize the Committee to make a loan of up to £150,000 in accordance with Sections 11 (c) and 14 of The Guernsey Gambling Control Commission Law, 2001, for the purpose of meeting the expenses of the Commission in carrying out its functions, the loan to bear interest at the States Treasurer's rate and to be repayable no later than a period ten years from the date upon which a (hotel casino) concession is granted by the States of Guernsey.
3. To note that, because of unforeseen circumstances, a (hotel casino) concession or a casino operator's licence may not be issued or a casino operator's licence may subsequently be withdrawn, suspended or relinquished, and that therefore the Commission may not be in a position to repay part or all of the sums loaned (and that it may therefore be necessary for the States to write off part or all of the £150,000).

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

Yours faithfully

D. P. LE CHEMINANT

President
Gambling Control Committee

The President
States of Guernsey
Royal Court House
St. Peter Port
Guernsey
GY1 2PB

13th November 2002

Dear Sir

Guernsey Gambling Control Commission

I refer to the letter dated 31 October 2002 addressed to you by the President of the Gambling Control Committee on the above subject.

The Guernsey Gambling Control Commission is being established in order to ensure that there is adequate regulation of gambling on the Island, in particular, in relation to a casino gaming operation.

As set out in its letter of comment when the States first considered the possible establishment of a hotel casino (Billet d'Etat XX, September 1998), the Advisory and Finance Committee recognises that in order to protect the Island's reputation it is essential that any casino operating in the Island is subject to licensing, regulation and policing of the very highest standard.

However, the exact nature of the regulation and its application (and associated costs) will very much be dependent upon the actual nature of any casino operation. The Committee also recognises that in order to progress the granting of a casino concession by the Tourist Board, prospective operators will need to be aware, at least in broad terms, of the nature of the regulatory regime that would be applied to them. There is therefore a large degree of circular dependency between the setting up of the Guernsey Gambling Control Commission and the granting of a casino concession (and associated hotel investment).

The Committee recognises that the Tourist Board is carrying out the casino operator tender exercise in accordance with a specific States Resolution. However, the Committee has considerable reservations and concerns about the relative cost of the tendering exercise, the ongoing costs of operation (including regulatory set up and ongoing costs) and the projected direct and indirect benefits to the Island.

The Committee recognises that there is no practical alternative other than to set up the Commission as proposed by the Gambling Control Committee and complete the tender exercise. **However, it is emphasised that the Committee will only support the granting of a casino concession if it can be shown that to do so makes overall economic and financial sense.**

The Committee has already written to the Tourist Board expressing its concerns about certain aspects of the tendering exercise to date and requesting confirmation that the Board continues to believe that the tendering process should be continued and that a positive outcome is still anticipated. The Board has given the Committee that reassurance.

In view of the foregoing the Committee supports the Gambling Control Committee's proposals.

Yours faithfully

L. C. MORGAN

President,
States Advisory and Finance Committee

The States are asked to decide:-

VIII.- Whether, after consideration of the Report dated the 31st October, 2002, of the States Gambling Control Committee, they are of opinion:-

1. To appoint the following persons to the positions of Chairman and ordinary members of the Guernsey Gambling Control Commission with immediate effect: -

Chairman

Mr Peter Morgan

Members

Mr Peter Crook FCIB
Mr Christopher Spencer
Ms Carol Goodwin

2. To authorize the States Gambling Control Committee to make a loan of up to £150,000 in accordance with Sections 11(c) and 14 of the Guernsey Gambling Control Commission Law, 2001, for the purpose of meeting the expenses of the Commission in carrying out its functions, the loan to bear interest at the States Treasurer's rate and to be repayable no later than a period ten years from the date upon which a (hotel casino) concession is granted by the States of Guernsey.
3. To note that, because of unforeseen circumstances, a (hotel casino) concession or a casino operator's licence may not be issued or a casino operator's licence may subsequently be withdrawn, suspended or relinquished, and that therefore the Commission may not be in a position to repay part or all of the sums loaned (and that it may therefore be necessary for the States to write off part or all of the £150,000).

*STATUTORY INSTRUMENTS LAID BEFORE THE STATES***THE SUNDAY TRADING (FEES AND MISCELLANEOUS PROVISIONS) REGULATIONS, 2002**

In pursuance of the provisions of section 33(3) of the Sunday Trading Ordinance, 2002, I lay before you herewith the Sunday Trading (Fees and Miscellaneous Provisions) Regulations, 2002, made by the States Board of Industry on the 1st November, 2002.

EXPLANATORY NOTE

These regulations prescribe the fees to be paid in respect of an application for a Sunday opening licence and for a special event licence. They also prescribe the fee payable in respect of an appeal made to the Sunday Trading Appeals Tribunal. The Regulations also make special traditional provisions for the granting of a Category L Sunday opening licence for plant and garden centres under certain specified circumstances.

THE INSURANCE BUSINESS (ANNUAL RETURN) REGULATIONS, 2002**THE INSURANCE BUSINESS (APPROVED ASSETS) REGULATIONS, 2002****THE INSURANCE BUSINESS (ASSET AND LIABILITY VALUATION) REGULATIONS, 2002****THE INSURANCE BUSINESS (DUTIES OF GENERAL REPRESENTATIVES) REGULATIONS, 2002****THE INSURANCE BUSINESS (LICENSING) REGULATIONS, 2002**

In pursuance of the provisions of section 86(c) of the Insurance Business (Bailiwick of Guernsey) Law, 2002, I lay before you herewith the following Regulations made by the Guernsey Financial Services Commission on the 5th November, 2002:-

THE INSURANCE BUSINESS (ANNUAL RETURN) REGULATIONS, 2002**EXPLANATORY NOTE**

These regulations define the contents of the annual return to be submitted by licensed insurers pursuant to sections 33 and 37 of the Insurance Business (Bailiwick of Guernsey) Law, 2002.

THE INSURANCE BUSINESS (APPROVED ASSETS) REGULATIONS, 2002**EXPLANATORY NOTE**

These regulations define approved assets (which must be maintained at all times by

a licensed insurer) for the purposes of paragraph 2(1) of Schedule 2 of the Insurance Business (Bailiwick of Guernsey) Law, 2002.

**THE INSURANCE BUSINESS (ASSET AND LIABILITY VALUATION)
REGULATIONS, 2002**

These regulations define the valuation basis to be used by licensed insurers for valuing their assets and liabilities for regulatory purposes in accordance with paragraph 3(1) of Schedule 2 of the Insurance Business (Bailiwick of Guernsey) Law, 2002.

**THE INSURANCE BUSINESS (DUTIES OF GENERAL REPRESENTATIVES)
REGULATIONS, 2002**

These regulations define the duties of a general representative of a licensed insurer under section 29(2) of the Insurance Business (Bailiwick of Guernsey) Law, 2002.

THE INSURANCE BUSINESS (LICENSING) REGULATIONS, 2002

These regulations define the information required of an applicant when applying for a licence to carry on insurance under section 6(3) of the Insurance Business (Bailiwick of Guernsey) Law, 2002.

**THE INSURANCE MANAGERS AND INSURANCE INTERMEDIARIES
(ANNUAL RETURN) REGULATIONS, 2002**

**THE INSURANCE MANAGERS AND INSURANCE INTERMEDIARIES
(LICENSING) REGULATIONS, 2002**

In pursuance of the provisions of section 63(c) of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002, I lay before you herewith the following Regulations made by the Guernsey Financial Services Commission on the 5th November, 2002:-

**THE INSURANCE MANAGERS AND INSURANCE INTERMEDIARIES
(ANNUAL RETURN) REGULATIONS, 2002**

EXPLANATORY NOTE

These regulations define the contents of the annual return to be submitted by licensed insurance managers and licensed insurance intermediaries pursuant to section 20 of the Insurance Managers and Insurance Intermediaries (Annual Return) Regulations, 2002.

THE INSURANCE MANAGERS AND INSURANCE INTERMEDIARIES
(LICENSING) REGULATIONS, 2002

EXPLANATORY NOTE

These regulations define the information required of an applicant when applying for a licence to act as an insurance manager or insurance intermediary under section 3(3) of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002.

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

The Royal Court House,
Guernsey.
The 22nd November, 2002

APPENDIX I

STATES ADVISORY AND FINANCE COMMITTEE

PAYMENTS TO STATES MEMBERS – GRADING OF COMMITTEES

The President
States of Guernsey
Royal Court House
St Peter Port
GUERNSEY

31 October 2002

Dear Sir,

PAYMENTS TO STATES MEMBERS – GRADING OF COMMITTEES

Paragraph 2 of Section VI of Resolution 2 on Article XIV of Billet d'État III of 1996 states:

"The States Advisory and Finance Committee may from time to time make such amendments as it shall deem advisable in respect of the grading of States Committees specified in the Schedule to these rules. Such amendment shall be published in an appendix to a Billet d'État."

The Committee has recently reviewed the grading of States committees and has decided to change the grading of the Guernsey Transport Board from C to B from 1st November 2002, having regard to the Board's increased workload and responsibilities.

The revised list of committees is annexed to this letter.

I should be grateful if you would arrange for the publication of this letter as an appendix to a Billet d'État.

Yours faithfully,

L.C. MORGAN

President
Advisory and Finance Committee

GRADING OF STATES COMMITTEES**GROUP A+**

Advisory and Finance Committee

GROUP A

Board of Administration
 Civil Service Board
 Education Council
 Guernsey Social Security Authority
 Committee for Home Affairs
 Board of Health
 Housing Authority
 Board of Industry
 Island Development Committee

GROUP B

Agriculture and Countryside Board
 Children Board
 Heritage Committee
 Committee for Horticulture
 Income Tax Authority
 Public Thoroughfares Committee
 Recreation Committee
 Tourist Board
 Traffic Committee
 Transport Board
 Water Board

GROUP C

Arts Committee
 Broadcasting Committee
 Cadastre Committee
 Civil Defence Committee
 Gambling Control Committee
 Island Reception Committee
 Legislation Committee
 Liberation Celebrations Committee
 Overseas Aid Committee
 Probation Service Committee
 Public Assistance Authority
 Sea Fisheries Committee
 States Procedures and Constitution
 Committee

GROUP D

Ecclesiastical Committee
 Elizabeth College Board of Directors
 Emergency Council
 Ladies' College Board of Governors
 Liberation Religious Service Committee
 Lifeboat Committee
 Priaulx Library Council
 The 10 Parochial Outdoor Assistance Boards
 All ad hoc Investigation Committees

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 11TH DAY OF DECEMBER, 2002

The States resolved as follows concerning Billet d'Etat No. XXV
dated 22nd November, 2002

**THE HEALTH SERVICE (PHYSIOTHERAPY BENEFIT)
(AMENDMENT) ORDINANCE, 2002**

- I. To approve the draft Ordinance entitled "The Health Service (Physiotherapy Benefit) (Amendment) Ordinance, 2002", and to direct that the same shall have effect as an Ordinance of the States.

**THE ALDERNEY (APPLICATION OF LEGISLATION) (HEALTH SERVICE) (BENEFIT)
(AMENDMENT) ORDINANCE, 2002**

- II. To approve the draft Ordinance entitled "The Alderney (Application of Legislation) (Health Service) (Benefit) (Amendment) Ordinance, 2002", and to direct that the same shall have effect as an Ordinance of the States.

**THE LONG-TERM CARE INSURANCE (BAILIWICK OF GUERNSEY) LAW, 2002
(COMMENCEMENT) ORDINANCE, 2002**

- III. To approve the draft Ordinance entitled "The Long-term Care Insurance (Bailiwick of Guernsey) Law, 2002 (Commencement) Ordinance, 2002", and to direct that the same shall have effect as an Ordinance of the States.

ELIZABETH COLLEGE BOARD OF DIRECTORS

NEW MEMBER

- IV. To elect Advocate R. J. Collas as a member of the Board of Directors of Elizabeth College to fill the vacancy which will arise on the 6th January, 2003, by reason of the expiration of the term of office of Deputy M. W. Torode, who is not eligible for re-election.

STATES BOARD OF INDUSTRY

INDUSTRIAL DISPUTES OFFICER AND DEPUTY INDUSTRIAL DISPUTES OFFICER

- V. After consideration of the Report dated the 22nd October, 2002, of the States Board of Industry:-
1. To appoint Mr. R. S. Taylor as Industrial Disputes officer for a further period of three years until the 31st December, 2005.
 2. To approve the appointment of Mr. M. A. Fooks as Deputy Industrial Disputes Officer until the 31st December, 2005.

STATES AGRICULTURE AND COUNTRYSIDE BOARD

GRANTS TO FARMERS TO ASSIST WITH THE COST OF INSTALLING SLURRY STORAGE FACILITIES

- VI. After consideration of the Report dated the 1st November, 2002, of the States Agriculture and Countryside Board:-
1. To note the very positive efforts of the dairy industry to comply with the risk reduction requirement placed on it and the scale of capital investment planned and already made by farms.
 2. To agree additional funding of up to £350,000 for the Farm Waste Systems Grant Scheme and to authorise the States Advisory and Finance Committee to approve appropriate transfers for this purpose from the Farm Loans Fund to the revenue expenditure budget of the States Agriculture and Countryside Board.
 3. To agree that grants for Farm Waste Systems shall be allocated by 31st December, 2003 and paid no later than 30th September, 2004.

STATES BROADCASTING COMMITTEE

SUBTITLING OF LOCAL TELEVISION PROGRAMMES PRODUCED BY CHANNEL TELEVISION FOR THE BENEFIT OF THE DEAF AND HARD OF HEARING

- VII. After consideration of the Report dated the 28th October, 2002, of the States Broadcasting Committee:-
1. That the States Broadcasting Committee may enter into a one year agreement with Channel Television as set out in paragraph 9 of that Report.
 2. To authorise the States Advisory and Finance Committee to agree that the States Broadcasting Committee may enter into further agreement with Channel Television for a period ending on the 31st December, 2010.

STATES GAMBLING CONTROL COMMITTEE

GUERNSEY GAMBLING CONTROL COMMISSION

VIII. After consideration of the Report dated the 31st October, 2002, of the States Gambling Control Committee:-

1. To appoint the following persons to the positions of Chairman and ordinary members of the Guernsey Gambling Control Commission with immediate effect:-

Chairman

Mr. Peter Morgan

Members

Mr. Peter Crook FCIB

Mr. Christopher Spencer

Ms Carol Goodwin

2. To authorize the States Gambling Control Committee to make a loan of up to £150,000 in accordance with Sections 11 (c) and 14 of the Guernsey Gambling Control Commission Law, 2001, for the purpose of meeting the expenses of the Commission in carrying out its functions, the loan to bear interest at the States Treasurer's rate and to be repayable no later than a period of ten years from the date upon which a (hotel casino) concession is granted by the States of Guernsey.
3. To note that, because of unforeseen circumstances, a (hotel casino) concession or a casino operator's licence may not be issued or a casino operator's licence may subsequently be withdrawn, suspended or relinquished, and that therefore the Commission may not be in a position to repay part or all of the sums loaned (and that it may therefore be necessary for the States to write off part or all of the £150,000).

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE SUNDAY TRADING (FEES AND MISCELLANEOUS PROVISIONS) REGULATIONS, 2002

In pursuance of the provisions of section 33(3) of the Sunday Trading Ordinance, 2002, the above Regulations, made by the States Board of Industry on the 1st November, 2002, were laid before the States.

THE INSURANCE BUSINESS (ANNUAL RETURN) REGULATIONS, 2002

THE INSURANCE BUSINESS (APPROVED ASSETS) REGULATIONS, 2002

**THE INSURANCE BUSINESS (ASSET AND LIABILITY VALUATION)
REGULATIONS, 2002**

**THE INSURANCE BUSINESS (DUTIES OF GENERAL
REPRESENTATIVES) REGULATIONS, 2002**

THE INSURANCE BUSINESS (LICENSING) REGULATIONS, 2002

In pursuance of the provisions of section 86(c) of the Insurance Business (Bailiwick of Guernsey) Law, 2002, the above Regulations made by the Guernsey Financial Services Commission on the 5th November, 2002, were laid before the States.

**THE INSURANCE MANAGERS AND INSURANCE INTERMEDIARIES
(ANNUAL RETURN) REGULATIONS, 2002**

**THE INSURANCE MANAGERS AND INSURANCE INTERMEDIARIES
(LICENSING) REGULATIONS, 2002**

In pursuance of the provisions of section 63 (c) of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002, the above Regulations made by the Guernsey Financial Services Commission on the 5th November, 2002, were laid before the States.

**D. R. DOREY
HER MAJESTY'S DEPUTY GREFFIER**