



# BILLET D'ÉTAT

WEDNESDAY, 25th JANUARY, 2006

II  
2006

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# *B I L L E T D ' É T A T*

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## **TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY**

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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 25<sup>th</sup> JANUARY, 2006**, immediately after the meeting already convened for that day, to consider the items contained in this Billet d'État which have been submitted for debate by the Policy Council.

**G. R. ROWLAND**  
Bailiff and Presiding Officer

The Royal Court House  
Guernsey  
6<sup>th</sup> January 2006

**THE TRADE MARKS (BAILIWICK OF GUERNSEY) ORDINANCE, 2006**

The States are asked to decide:-

I.- Whether they are of the opinion to approve the draft Ordinance entitled “The Trade Marks (Bailiwick of Guernsey) Ordinance, 2006” and to direct that the same shall have effect as an Ordinance of the States.

**THE EUROPEAN COURT OF HUMAN RIGHTS (PRIVILEGES AND IMMUNITIES) (BAILIWICK OF GUERNSEY) ORDINANCE, 2006**

The States are asked to decide:-

II.- Whether they are of the opinion to approve the draft Ordinance entitled “The European Court of Human Rights (Privileges and Immunities) (Bailiwick of Guernsey) Ordinance, 2006” and to direct that the same shall have effect as an Ordinance of the States.

*(The General Purposes and Finance Committee of the Chief Pleas of Sark and the Policy and Finance Committee of the States of Alderney have been consulted pursuant to section 3 (4) of the Privileges and Immunities (Bailiwick of Guernsey) Law, 2004 and have expressed themselves content with the aforesaid draft Ordinance.)*

**PUBLIC SERVICES DEPARTMENT****VISITING MOORING CHARGES 2006-7**

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

14<sup>th</sup> November 2005

Dear Sir

**Executive Summary**

**The Public Services Department reviews the charges for use of moorings within the Harbours of St Peter Port and St Sampsons and certain other related charges annually, to take effect from 1 April every year, and wishes to increase visiting mooring charges in excess of recent Retail Prices Index changes with effect from 1 April 2006.**

**Introduction**

By virtue of States Resolutions made on 30 November 2000 (Billet D'Etat No XXIII of 2000) and 29 October 2003 (Billet D'Etat XXIV of 2003), mooring fees and related charges may be set with the agreement of the Treasury and Resources Department and without reference to the States, providing no changes to the interpretations are made and that the increases do not exceed either the annual Guernsey Retail Prices Index of June of the year preceding that of the new charges or the cumulative change in the Guernsey Retail Prices Index during the period since those rates were last increased. The agreement of the Treasury and Resources Department has been received.

**Visiting Yacht Charges**

Visiting yacht charge increases were last approved on 29 October 2003 by the former Board of Administration, taking effect from 1 April 2004. Visiting mooring charges are not increased annually but historically have been increased every 5 or 6 years by cumulative inflation in order to keep the fees in round pounds for ease of collection purposes. This is standard practice, carried out generally in UK marinas.

Historically, there has been concern that Guernsey's fees have been low, and renewed interest in this area led to a detailed benchmarking exercise which showed that not only were the facilities and standard of service of an extremely high quality, but that the fees

were, by far, the lowest Sterling denominated Marina charges in the English Channel. The fees charged to date have not provided a reasonable return against the operating costs, particularly when renewal and refurbishment costs are taken into account.

The Public Services Department has also been mindful that general arguments about aiming to keep local fees low (in order to avoid adverse effects on the island's general inflation levels) carry less weight in this area, and that visiting yacht rates could be increased without having any direct effect at all on local inflation.

The Department has carried out detailed analysis of the visiting yacht business which shows clearly that **in real terms**, year on year average income achieved per yacht night has steadily dropped since 1998. This is **despite** the increase applied from 1 April 2004. That increase did not even turn the trend around, but merely reduced it slightly. This continued decline in income value per yacht night cannot be sustained. Accordingly the Department Authority proposes a significant and clear increase of visiting yacht fees for 2006/7.

Put simply, the Public Services Department proposes to increase the minimum charge for small vessels by £1.00 but then also to amend the charging structure to ensure that from now on the rate reverts to a straightforward practice, increasing by £2.00 per additional metre of length.

Set out below is a table listing the old and new charges.

<b><u>Band of length</u></b>	<b><u>Present Rate</u></b>	<b><u>Proposed Rate</u></b>	<b><u>Increase as a ratio</u></b>
Up to 6.99m	£11.00	£12	1.09
7.00m - 7.99m	£12.00	£14	1.17
8.00m - 8.99m	£13.00	£16	1.23
9.00m - 9.99m	£15.00	£18	1.20
10.00m - 10.99m	£16.00	£20	1.25
11.00m - 11.99m	£17.00	£22	1.29
12.00m - 12.99m	£18.00	£24	1.33
13.00m - 13.99m	£19.00	£26	1.37
14.00m - 14.99m	£20.00	£28	1.40
15.00m - 15.99m	£22.00	£30	1.36
16.00m - 16.99m	£23.00	£32	1.39
17.00m - 17.99m	£24.00	£34	1.42
18.00m - 18.99m	£25.00	£36	1.44
19.00m - 19.99m	£26.00	£38	1.46
20.00m - 20.99m	£27.00	£40	1.48
		Plus £2 for each additional metre	

The Public Services Department also proposes to introduce a surcharge of 50% for multi-hulls and/or vessels having a beam to length ratio of greater than 0.4. This will

ensure that extremely wide vessels and in particular multi-hulls are fairly treated for the area they use compared with vessels of similar length.

Even after the increases proposed, Guernsey would remain extremely competitive, indeed remain the least cost Sterling based Marina in the English Channel.

The Commerce and Employment Department was invited to comment on the above and is supportive of the proposals.

The proposals are expected to secure a noticeable increase in income of around £75,000 per annum and will provide a charging regime which, in the Public Services Department's view, follows a logical and fair structure.

### **Recommendation**

The Public Services Department recommends the States to approve the mooring charges, in respect of visiting yacht rates only, as set out in this report with effect from 1 April 2006.

Yours faithfully

William M Bell  
Minister

**(NB The Policy Council supports the proposals)**

**(NB The Treasury and Resources Department supports the proposals)**

The States are asked to decide:-

III.- Whether, after consideration of the Report dated 14<sup>th</sup> November, 2005, of the Public Services Department, they are of the opinion:-

To approve the mooring charges, in respect of visiting yacht rates only, as set out in that Report with effect from 1<sup>st</sup> April, 2006.

**PUBLIC SERVICES DEPARTMENT****REVISION TO WATER CHARGES**

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

15<sup>th</sup> November 2005

Dear Sir

**Executive Summary**

This report sets out the achievements of Guernsey Water, a business unit of the Public Services Department, since the States resolved to increase water charges over the period 2004 to 2006. All capital projects carried out have been undertaken within time and budgetary limitations.

The report also recommends that in order to adequately fund Guernsey Water in the future, charges for 2007 and beyond should be allowed to increase by up to RPI each year.

**Background**

Prior to the Business Plan, the former States Water Board, sought increases to water charges by Order of The States Water Supply (Amendment) (Guernsey) Law, 1997, which states that:

“The Board may from time to time vary water charges by Order, but not so as to result in an increase in those charges as last fixed by an Ordinance of the States under this Article which exceeds the percentage increase if any in the Guernsey Retail Price Index during the period commencing nine months prior to the effective date of that Ordinance and ending on the most recent date for which that Index has been published in a Billet d’État.

Any Order made under this Article must be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolves to annul it, cease to have effect, but without prejudice to anything done under it or to the making of a new Order”.

However, the States of Deliberation resolved on the 1<sup>st</sup> August 2003, after consideration

of the Report dated 13 June 2003, of the former States Water Board, to approve with effect from the 1 January 2004, annual increases for each of the three years 2004, 2005 and 2006 in line with the annual increase in RPI as at the previous September plus 10% of the 2003 charge.

The States of Deliberation also resolved to direct the former States Water Board to report back to the States in 2006 on the proposed charges for 2007 and beyond and to direct the preparation of such legislation as may be necessary to give effect to their above decisions. This has effectively annulled the 1997 Water Supply Law provision for increasing water charges up to RPI.

### **Achievements to date (Actual costs up to December 2005)**

The following headings provide a total cost for each area of work with a breakdown of some of the more significant projects that have been achieved.

#### Water Resources (Totalling £4,199,000)

Including the purchase of St Andrews quarry and the associated works which has resulted in an additional one month supply of water and increased the island's storage capacity to 4425 megalitres. This project was completed within time and budget at a cost of £3,479,000. The benefit of the investment in water resources has meant that Guernsey customers have not had to experience the water restrictions of elsewhere in southern UK or Europe.

#### Water Treatment (Totalling £3,949,000)

St Saviours water treatment works were upgraded with new membrane technology which will ensure that Guernsey Water meets both the UK and European water quality standards. This project has attracted much attention from UK water companies, as it leads the way in modern water treatment which is both efficient and environmentally friendly. The project was completed within the time frame and in accordance with the overall planned expenditure profile, funding for which was found from savings in other capital projects. This project cost £3,104,000.

#### Distribution (Totalling £5,795,000)

195 km of iron water main rehabilitation was completed a year ahead of schedule and at a reduced overall cost of £3,998,000. This helps to ensure that the water carefully treated at the works arrives at the customer's tap in prestige condition.

#### Management and General (Totalling £1,057,000)

Sufficient progress has been made in the conversion of business systems onto more sustainable computerised databases. Examples of this are the billing system and the asset management system both of which use the States of Guernsey corporate databases and Digimap.



Other fixed and mobile assets are being maintained and managed in a manner consistent with the standards expected of an up to date business.

Since the preparation of the original Business Plan in 2002, a handful of new capital projects have been identified, scrutinised and prioritised by the senior management team of Guernsey Water as part of the annual Capital Development Programme review and subsequently approved by the Board of the Public Services Department. These include improved pumping arrangements at the Forest Road Water Tower and increased security.

**Possible capital works projects, identified in the Business Plan 2003 – 2013, still to be executed (2002 price time basis)**

Water Resources (Totalling £5,249,000)

Replace/upgrade raw water pipelines (£2,000,000)

Replace/upgrade raw water pumping stations (£1,914,000)

Conversion of Kings Mills water treatment works to pumping station and pipeline (£1,000,000)

Water Treatment (Totalling £7,831,000)

On the basis of the success of the new membrane water treatment works at St Saviours, plans are progressing for the installation of a new water treatment works at Longue Hougue using similar membrane technology at a cost of £2,456,000.

New water treatment works at St Andrews (£2,300,000)

Upgrade Juas water treatment works (£1,965,000)

SCADA/Instrumentation (£350,000)

Distribution (Totalling £6,266,000)

Renew or replace failing pipelines (£2, 226,000)

Northern ring main (£2,576,000)

Customer requisitioned mains (£700,000)

Metering including use of innovative reading techniques (£484,000)

Management and General (Totalling £1,748,000)

Routine plant, vehicle and equipment replacement (£955,000)

Information technology (£510,000)

**Financial**

The Expenditure Schedule taken from the revision to the Business Plan, together with the Cash-Flow forecast in the appendices indicate that RPI increases are necessary to ensure that Guernsey Water's business can be adequately funded such that it remains in

a marginal cash positive situation.

Whilst run along commercial lines Guernsey Water is not seeking to make a large 'profit'. Any surplus income is ploughed into the business, in the form of capital works. Annual Reports detailing the progress made each year are made available publicly. This ensures a level of transparency in the management of this essential public service.

### **Recommendations**

The Public Services Department recommends the States to

1. Note the report on Guernsey Water's progress since it increased water charges.
2. Support the proposed mechanism to allow increases to water charges by up to the annual increase in RPI each year as at the previous September, from 2007 onwards.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

Yours faithfully

William M Bell  
Minister

**BUSINESS PLAN****APPENDIX 1****REVISION TO BUSINESS PLAN SPENDS 2006 - 2012 (2002 Price Time Base)****TOTAL £20.484m**

£'000's

**Water Resources**

Raw Watermains Replacement	2,000
Pumping Stations	1,914
Convert King's Mills to Pumping Station	500
King's Mills to St. Saviour Pipeline	500
Irrigation System Upgrade / Raw water Improvement	115
West Coast Intakes	100
Miscellaneous	120
	<u>5,249</u>

**Water Treatment**

Longue Hougue Water Treatment Works	2,456
St. Andrew Water Treatment Works	2,300
Upgrade Juas Water Treatment Works	1,965
SCADA / Instrumentation	350
Miscellaneous	760
	<u>7,831</u>

**Water Distribution**

Watermains Replacement	2,226
Northern Ring Main	2,576
Frie Plaidy to St. Martin Main	280
Customer Requisitioned Mains	700
Metering	484
	<u>6,266</u>

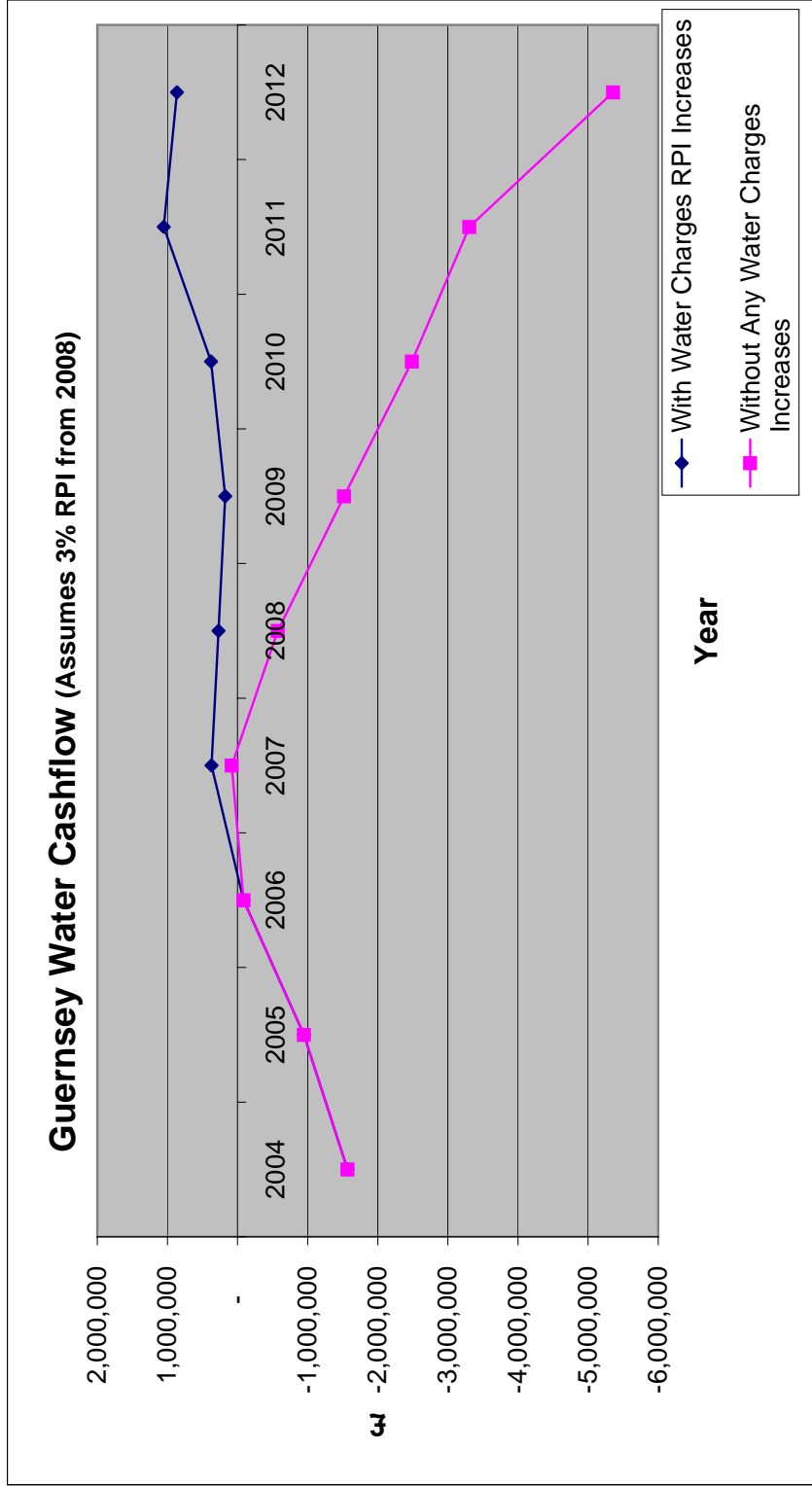
**Management & General**

Property - including Furniture & Equipment	216
Information Technology	510
Vehicles	700
Plant & Equipment	255
Communications	67
	<u>1,748</u>

**Income**

Sale of Assets	(35)
Developer Contributions	(575)
	<u>(610)</u>

APPENDIX 2



**(NB The Policy Council supports the proposals)**

**(NB The Treasury and Resources Department support the proposals)**

The States are asked to decide:-

IV.- Whether, after consideration of the Report dated 15<sup>th</sup> November, 2005, of the Public Services Department, they are of the opinion:-

1. To note the report on Guernsey Water's progress since it increased water charges.
2. To support the proposed mechanism to allow increases to water charges by up to the annual increase in RPI each year as at the previous September, from 2007 onwards.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **HOME DEPARTMENT**

### **PAROLE REVIEW COMMITTEE - CHAIRMAN**

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

25<sup>th</sup> November 2005

Dear Sir

#### **Executive Summary**

The purpose of this report is to propose the appointment of Mrs Judith Haslam as the new Chairman of the Parole Review Committee.

#### **Report**

The Parole Review Committee (Guernsey) Law, 1989 came into force on 1<sup>st</sup> December 1989.

The mandate of the Parole Review Committee is to administer the parole scheme for persons who receive a custodial sentence from the Royal Court. Its duties are to consider the release on licence of persons whose cases have been referred to the Committee by the Home Department, the recall, if necessary, of persons released on licence, and the conditions to be attached to such licences including the variation or cancellation of such licences.

The constitution of the Committee is determined by States' resolution. On the 14<sup>th</sup> December 1989 the States resolved that the Chairman of the Parole Review Committee shall be appointed by the States and shall be an independent person, i.e. not a sitting member of the States nor a person holding judicial office, chosen because of his experience and standing in the community. The ordinary members of the Committee are appointed by the Royal Court and are also independent persons (that is, not sitting members of the States nor persons holding judicial office).

The purpose of this independence is to ensure that persons whose cases are considered can be satisfied that decisions will not be swayed by political considerations and will not in any way be a re-sentencing process.

On the 1<sup>st</sup> March 1997 the States appointed Mr David Ozanne as Chairman of the Parole

Review Committee. He was reappointed in 2000 and 2003. In March 2006 Mr Ozanne will have been a member of the Parole Review Committee for 15 years (the maximum term any member can serve) joining as an ordinary member since the Committee's inception in 1991 and for the last 9 years as Chairman.

The Home Department wishes to put on record its sincere appreciation to Mr Ozanne for his chairmanship of the Committee and providing this invaluable service to the Island Community.

To replace Mr Ozanne, the Home Department puts forward Mrs Judith Haslam for appointment as Chairman of the Parole Review Committee. Mrs Haslam has been an ordinary member of the Parole Review Committee since June 2003. The current Chairman and ordinary members fully support the proposal that Mrs Haslam be appointed as Chairman. Mrs Haslam's curriculum vitae is appended.

### **Recommendation**

In the circumstances of this report, the Home Department recommends the States:

To approve the appointment of Mrs Judith Haslam as Chairman of the Parole Review Committee for three years, with effect from 1 March 2006.

Yours faithfully

M W Torode  
Minister

## APPENDIX

CURRICULUM VITAEJUDITH HELEN HASLAM

- Name:** Judith Helen Haslam
- Qualifications:** First part of M.A. Psychology with Open University (2004)  
B.A. (Hons) Psychology (2001) Open University  
F.I.A. Fellow of the Institute of Actuaries (1982)  
B.Sc. (Hons) Mathematics (1974) London University
- Voluntary work:**
- Jan 1996 to date:** **Samaritan Volunteer** in Kingston Branch transferring to Guernsey in 1997, committing an average 20 hours of telephone listening per month.
- I am also currently responsible for initial training in the Guernsey Branch and I am involved with the Friends of Samaritans fund raising.
- Aug 2000 to Aug 2003:** **Director of Guernsey Samaritans.**  
This is a voluntary part-time position and involves management of the local Branch and attendance at Regional and National meetings in the U.K.
- Jan 2005 to date:** **Chairman of Guernsey Samaritans.**  
Involves chairing the Branch Committee which is responsible for the finances, premises and day to day maintenance of the Branch.
- Nov 2004 to date:** **Samaritans Branch Visitor.**  
This involves visiting Samaritans Branches throughout the UK and Ireland to check on the consistency of service being given to callers and to ensure that all policies and procedures are followed
- Employment**
- Nov 1994 to 1999:** **Avington Ltd and Avington (Guernsey) Ltd.**
- Position:** **Director and Manager**
- Avington was an independent consultancy providing advice on actuarial and other insurance activities to corporate clients.



**Nov 1987 to 1994: Consolidated Insurance Group Ltd**

Position: **Director and Managing Actuary**

Responsibilities:

- Corporate actuarial activities for the three insurance companies in the Group.
- Product development.
- Sales and marketing of life assurance products.
- Non life insurance reserving.
- Investment management.
- Administration of specialist life products.
- Financial Services Act compliance.
- Development of overseas branches.

Involving:

- Management of a separate profit centre
- Supervision of 12 staff, including recruitment, training and motivation
- Preparation of budgets and business plans.

**Previous employment and training:**

My actuarial training was undertaken firstly at the Prudential Corporation and then at Equity & law Life Assurance Society. On qualification as an actuary I joined Consolidated Insurance Group in Richmond, Surrey where I was a Director and Actuary until 1994.

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**(NB The Policy Council supports the proposals)**

**(NB The Treasury and Resources Department has no comment on the proposals)**

The States are asked to decide:-

V.- Whether, after consideration of the Report dated 25<sup>th</sup> November, 2005, of the Home Department:-

To appoint Mrs Judith Haslam as Chairman of the Parole Review Committee for a term of three years from 1<sup>st</sup> March, 2006.

**SOCIAL SECURITY DEPARTMENT**

## REFORM OF THE OFFICE OF PROCUREUR OF THE POOR

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

25<sup>th</sup> November 2005

Dear Sir

***Executive summary***

1. Following consultation with the Parishes, through the Island Douzaine Council, and with the assistance of H M Procureur, the Social Security Department makes recommendations in this report concerning the Procureurs of the Poor. Individual Parishes have differing requirements for the future office of Procureur of the Poor. This report recommends that individual Douzaines may choose to elect a single Procureur, two Procureurs or no Procureurs at all, as appropriate to the Parish.

***Background***

2. On 27 April 2005, the States resolved, among the matters concerning the extension of supplementary benefit coverage to include public assistance claimants, that the office of Overseer of the Poor of St Peter Port and the Parochial Outdoor Assistance Boards should be abolished, and directed that the legislation to give effect to those resolutions should be prepared. (see Billet d'Etat IV of 2005)
3. The law relating to the office of Overseer of the Poor of St. Peter Port and the Parochial Outdoor Assistance Board was consolidated by the Loi ayant rapport aux Secours Publiques, 1937, better known as The Public Assistance Law, 1937. Under this Law the functions of all Parochial Outdoor Assistance Boards and the Central Outdoor Assistance Board (made up in part by Overseers of the Poor of the Parish of St. Peter Port) came to be administered by the Public Assistance Authority, the powers and duties of which were vested in the Social Security Department with effect from 6 May 2004.
4. In preparing a brief to the Law Officers for the preparation of the Projet de Loi which will give effect to the resolution referred to in paragraph 2, the Department has noted that the 1937 Law also amended aspects of the customary

office of Procureur des Pauvres.

5. The office of Procureur des Pauvres antedated a Law of 1852, which related to poor relief in St Peter Port only, and another Law of 1876, relating to the other Parishes, the latter enacted to establish uniformity throughout Guernsey. These Victorian Laws, which retained and utilised the customary office of Procureur - which had existed, certainly in some Parishes, since the sixteenth century - for poor relief, related only to the parochial administration of poor relief, not to the means of its funding, i.e. parochial taxation.
6. Funds for the assistance of the poor had to be collected in each Parish by means of a levy on the more prosperous parishioners. Originally raised informally, and supplemented by parochial charitable donations and funds, by the sixteenth century parochial taxation for poor relief came to be regulated by Ordinance, and subsequently by Order in Council. In 1925 poor relief ceased to be primarily a parochial burden, and by the Loi ayant rapport à l'Administration des Pauvres de l'Ile became an insular charge to be defrayed out of income tax..
7. Irrespective of any insular arrangements for financial support for the necessitous poor distributed through the parochial authorities, the Procureurs have throughout continued by differing means and ways to assist in poor relief, varying from Parish to Parish depending upon parochial circumstances – including funds available.
8. The 1852 Law provided that the existing Procureur of St Peter Port should remain in office for two years from the commencement of the Law; but that of 1876 relating to the country Parishes provided for a two-year term of office for the Procureur of each Parish, with a voluntary extension to a third year. Election of the Procureurs remained with the 'chefs de famille', and eventually devolved upon the parochial electorate.
9. This scheme was continued in and by the 1925 Law, and, subsequently by the current 1937 Law insofar as the election of Procureurs was concerned; but for St Sampson, the Vale, the Castel and St Martin, the single Procureur was increased to two, which was made applicable to all Parishes by an amending Law from 1 January 1951.
10. The parochial electorate became the ratepayers in 1937, and is, at present, "those persons whose names are for the time being inscribed on that section of the Electoral Roll compiled in pursuance of the provisions of Part IV of the Reform (Guernsey) Law, 1948, as amended, which relates to the Electoral District constituted by that parish".

***The need for amendment to the legislation and what the Parishes want***

11. If the provisions of the 1937 Law concerning the election of the Procureurs were simply repealed, the position would revert to that subsisting before the Victorian

1852 and 1874 Laws were enacted, so that there would remain a single Procureur in and for each Parish. Having regard to the extension of the franchise referred to in 10. above, there would need at least to be legislation confirming the electorate for the office of Procureur, if it were to be retained.

12. While the office of Procureur is no longer required for the distribution of States-funded welfare, the Department is aware of the wish of the majority of the Parishes to retain the office for the distribution of parochial funds, as well as for non-financial assistance for the general welfare of parishioners.
13. It should be noted that, in St Peter Port, the office of Procureur has for many years been functionally different to that of the Procureurs of other Parishes, as the St Peter Port Procureur has never disbursed funds provided out of General Revenue, this being the function of the Overseers. The St Peter Port Procureur's activities, besides general welfare advice and assistance, have always been confined to the application of parochially administered charitable funds, and there is no intention to effect any change to that particular office through the proposals in this Report. However, the office of Overseer in St Peter Port, which since 1937 has been the equivalent of the Procureur in the other Parishes as respects distribution of States' funds, is to be abolished, the States having already resolved to that effect.
14. The Department has corresponded with all Parishes in order to ascertain their wishes in regard to the future of their respective Procureurs. At the suggestion of the Department, the responses have been collated and conveyed by the Island Douzaine Council with which the Department has met. Not surprisingly, the views and intentions of the Parishes have varied.
15. As explained above, St Peter Port desires no change in its arrangements for the office of Procureur. Other Parishes have varying amounts of funds for distribution. Some foresee no requirement for the office to continue, yet others anticipate a need for one or more officers, however appointed or titled, to take responsibility for the general welfare of parishioners, in addition to the distribution of parochial funds.
16. Recognising this diversity of requirements, the Department proposes that the Douzaine of each Parish should be enabled, from time to time, to determine whether or not one or two (but no more) Procureurs would be elected, to be known simply as 'Procureur', qualified by the name of the Parish, with such functions in relation to parochial welfare as the Douzaine may, from time to time, assign.
17. If a Douzaine decides that the Parish should elect one or two Procureurs, then the period of office should be for two years, in accordance with the provisions of the Reform (Guernsey) Law, as amended, and otherwise as applicable to the election of Constables and Douzeniers.

18. For the avoidance of doubt, any Procureur could be re-elected, and could concurrently hold another parochial office, including Constable or Douzenier, some Parishes having indicated in particular that they may wish a Constable to serve also as Procureur at the same time, although he or she would still need to be elected as such.
19. Finally, it is recommended that the requirement that the Procureurs be sworn into office by the Royal Court should be removed, on the basis that retention of the office will, in effect, be discretionary by decision of the Douzaine. Upon a Procureur being elected, the Parish will report the fact of election to the Law Officers. Furthermore, and for the avoidance of doubt, a Procureur may resign at any time on giving written notice to the Dean of the Douzaine, and the Parish must, in turn, notify the Law Officers.
20. With the abolition of the Parochial Outdoor Assistance Boards, it is generally agreed that the Procureurs, if that office is filled in any particular Parish, should be responsible to the Douzaine for the performance of their duties, and in the interests of good governance should account annually for their administration of any funds, of whatever origin; and that their (the Procureurs') accounts should be subject to an annual audit by two parishioners appointed by the electorate at the Parish Meeting for that purpose.
21. Finally, since the Department envisages no future role for the Parishes in the payment of assistance from the General Revenue of the States, it proposes the repeal of the Public Assistance (Guernsey) Law, 1955, which provides for the setting up of a Tribunal constituted by the Royal Court to hear appeals against decisions of a Parochial Outdoor Assistance Board, an Overseer of the Poor of St Peter Port, or a Procureur of the Poor.
22. The Department sees merit in retaining the remaining provisions of the Public Assistance Law, 1937 as modified by the foregoing, for some infrequent but important uses of provisions relating to benefits of last resort.

### ***Recommendations***

23. The Department therefore recommends:
  - (i) that each Parish may, by a simple majority of the Douzaine, determine from time to time whether or not to elect up to two Procureurs;
  - (ii) that a Procureur, if elected, shall hold office for two years, and shall be eligible for re-election;
  - (iii) that any election shall be held in accordance with the provisions of the Reform (Guernsey) Law, 1948, as amended;
  - (iv) that the office of Procureur may be held concurrently with any other

parochial office;

- (v) that each Procureur shall be accountable to the Douzaine and his Parish and shall annually submit for audit his accounts by two parishioners appointed at the Parish Meeting for that purpose;
- (vi) that legislative provision be made to create the office of Procureur in line with the contents of this Report;
- (vii) that the Public Assistance (Guernsey) Law, 1955, shall be repealed.

Yours faithfully

Mary Lowe  
Minister

**(NB The Policy Council supports the proposals)**

**(NB The Treasury and Resources Department has no comment on the proposals)**

The States are asked to decide:-

VI.- Whether, after consideration of the Report, dated 25<sup>th</sup> November, 2005, of the Social Security Department, they are of the opinion:-

1. That each Parish may, by a simple majority of the Douzaine, determine from time to time whether or not to elect up to two Procureurs.
2. That a Procureur, if elected, shall hold office for two years, and shall be eligible for re-election.
3. That any election shall be held in accordance with the provisions of the Reform (Guernsey) Law, 1948, as amended.
4. That the office of Procureur may be held concurrently with any other parochial office.
5. That each Procureur shall be accountable to the Douzaine and his Parish and shall annually submit for audit his accounts by two parishioners appointed at the Parish Meeting for that purpose.
6. That legislative provision be made to create the office of Procureur in line with the contents of that Report.
7. That the Public Assistance (Guernsey) Law, 1955, shall be repealed.
8. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

**ENVIRONMENT DEPARTMENT****WASTE DISPOSAL – JOINT FACILITY WITH JERSEY**

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

25<sup>th</sup> November 2005

Dear Sir

**1. Executive Summary**

- 1.1 The States has resolved to continue to explore the option of commissioning a joint waste disposal facility with Jersey whilst at the same time carrying out a global search - expressions of interest - exercise for alternative waste disposal solutions and also exploring, with DEFRA's consultants Enviros, the emerging technologies market (Billet d'Etat V, 2005). Recent discussions, following the States of Jersey debate on Jersey's waste strategy, have revealed that the time frames surrounding these three work streams are incompatible and that, if Guernsey wishes to adopt a long term strategy for waste disposal which has, at its centre, a joint waste disposal facility constructed in Jersey, Guernsey must commit to that strategy early in 2006.
- 1.2 As a consequence it is no longer an option to keep all three work streams live and hence enable the States of Guernsey to evaluate the Jersey option against the findings of the global search and against the findings of Enviros. Jersey intends to tender its specification for a thermal treatment facility by the Spring of 2006 and the Environment Department has been advised that the tender must indicate whether the plant is to be designed to accept both Islands' waste throughout the life of the plant.
- 1.3 However, an option was identified to export waste to Jersey during the early years of the operation of a plant commissioned solely for Jersey's current and predicted future growth of waste, thus using the inevitable spare capacity that would initially exist in such a plant. This option, if viable, would provide Guernsey with a reliable export route, free of the risk of European regulation, for a limited period (up to 5 years) after the commissioning of the Jersey plant –i.e an estimated export route between 2010 and 2015.



- 1.4 The option is, however, only viable if the life of Mont Cuet can be extended so that it can continue to accept all “non-exported” waste until 2015 (the life of the option), whilst also retaining a five-year strategic reserve. Extension of Mont Cuet’s life by this period cannot be guaranteed unless, in the interim, substantial export of waste to Europe is undertaken during the period leading up to 2010.
- 1.5 This option, like all the others, carries its own costs and benefits, as well as very real risks. These are set out in the main text of this report. The conclusion is that whilst this option provides Guernsey with a degree of flexibility and potentially allows for a joint facility at a later date it is a very high risk strategy which the Department can not recommend. However, failure to adopt this option at the present time will effectively discount the Jersey facility from future consideration.

## 2. Background

- 2.1 At its meeting held in May 2005 the States resolved, inter alia, “to agree to continue to investigate the potential of working jointly with Jersey as set out in paragraph 11.10 [of that report] and report back to the States at the earliest opportunity;”. Paragraph 11.10 of that report stated:

*“Export to Europe as an interim solution becomes more valid if it is an essential element of the long-term disposal route, for example, future export to the joint Jersey/Guernsey facility. This option is fully detailed in the joint report commissioned by the Environment Department and Jersey’s Public Services Department (appendix 6) [of that report]. It should be noted that export to a jointly owned facility does not appear to carry a high level of savings and the savings that might be accrued may not warrant the additional risks. It is not at all clear whether the joint solution offers both islands the best value for money. This option requires further consideration by both islands during the next few months.”*

- 2.2 However, whilst directing that investigations into the Jersey joint facility option continue, the States also resolved to work with DEFRA’s consultants Enviro to explore the emerging technologies market, and to carry out a global search for alternative solutions. The outcome of these other two work streams will be reported to the States as soon as meaningful information is available. Ideally the States would consider the output of all three work streams simultaneously. However, this would mean that a decision on the joint Jersey facility could not be taken prior to completion of the global search and prior to Enviro completing its work and reporting to the Department. The Department does not expect to be able to complete these work streams any earlier than the current time table which aims to complete the work in accordance with the Environment Department’s undertaking to report back to the States within 12 to 18 months [of the May 2005 debate].

- 2.3 Following discussions it has become clear that Jersey cannot wait until those work streams are complete. Jersey intends to tender its specification for a thermal treatment facility by the Spring of 2006 and that tender must indicate whether the plant is to be designed to accept both islands' waste throughout the life of the plant. As a consequence, if Guernsey wishes to adopt a long-term strategy for waste disposal which has, at its centre, a joint waste disposal facility constructed in Jersey, then Guernsey must commit to that strategy early in 2006.

### **3. Minimising Waste Arisings and the Impact on Mont Cuet**

- 3.1 Guernsey's long-term waste strategy has, for many years, been predicated on the need to replace land-fill with an alternative waste management system. Prior to May 2005 the intended strategy was mass burn incineration with energy recovery supported by economically justifiable recycling. As a result of the States debate in May 2005 the long-term strategy is no longer defined and alternative options are being explored. Whilst these investigations are ongoing landfill continues to be the main disposal route but the States has supported a number of initiatives aimed at diverting waste away from land-fill in the interim.
- 3.2 It is not the purpose of this report to provide a detailed update on the various factors and initiatives that do or may impact on waste arisings. However, in that this report examines the options with regard to export of waste for disposal and the resultant impact, on landfill, of that fraction of waste that would not be destined for export for disposal, some commentary on the other initiatives to divert waste from land-fill is required.

#### Landfill gate fees

- 3.3 Unless Guernsey is to rapidly implement a policy and supporting legislation to effectively ban specified waste streams from land-fill, the key driver to divert waste away from Mont Cuet remains, without doubt, the gate fee pricing incentive. As disposal of waste at land-fill becomes uneconomic (when compared with sorting and recycling of waste) companies and individuals seek out new routes and methods to separate and recycle waste. The Environment Department is aware of a number of initiatives being introduced by the private sector aimed at collecting and processing recyclables from commercial premises in order to meet this new demand. The Department understands that further initiatives are likely to be introduced in 2006 when the land-fill gate fee is increased to £86.20 per tonne and again in 2007 when the gate fee will be increased by a further £25 per tonne. These new services are, of course, in addition to the at source segregation carried out by many companies.
- 3.4 The Department fully supports and endorses this private sector economics driven approach towards waste minimisation. The department recognises that Government does not necessarily need to regulate or control through contracts all waste management but rather needs to ensure that market place economics

support those private sector enterprises that contribute to the strategic policy of waste minimisation and diversion.

### Public Sector Recycling

- 3.5 Whilst commercial entities will naturally adopt economically attractive practices, the same is not always true for the general public especially where the real costs of an action are not transparent. As such gate fees do not offer the same degree of incentive to private households to reduce their waste. Proportional charging may have a role to play in the future but at present this remains a matter for the Parishes. Any reluctance the Parishes might have in moving towards proportional charging will, no doubt, reflect the fact that, at present, the separate collection and processing of household recyclables is likely to cost significantly more than the landfill gate fee.
- 3.6 In recognition of this fact the Department acknowledges that, until such time as the funding mechanisms of the preferred long-term strategy can be agreed, the additional costs associated with capture of household recyclables must be born centrally by the States. As such provision of “public” as opposed to “commercial” schemes will, in general and for the interim, need to be funded and procured by the States.
- 3.7 Since May 2005 the Department has:
- Expanded the number of bring banks available to the public;
  - Introduced cardboard recycling facilities;
  - Worked with Health and Social Services to promote real nappy use;
  - Provided subsidised home composting bins;
  - Set up a States wide waste producer responsibility group as a pilot before rolling this out to interested industry sectors;
  - Along with the Education Department, introduced recycling in schools;
  - Is continuing to develop waste education programmes as part of the school curriculum;
  - Commenced production of a recycling publicity campaign;
  - Held discussions with waste electrical goods dismantlers;
  - Initiated the introduction within the States of recycling of waste electrical goods;
  - Tendered a PET plastic bottle recycling bring bank scheme;
  - Explored the on island options for use of crushed glass and is soon to commence a glass crushing trial;

- Held discussions with the Parishes and contractor on the implementation of a pilot kerbside recycling scheme.
- Obtained, on the 9 November, the approval of the Treasury and Resources Department to appoint a Recycling Officer on a three-year contract.

#### Commercial support

3.8 In addition to the gate fee incentive referred to above, the Department has commenced a number of initiatives to assist the commercial sector including:

- Revising the Departments policies in respect of provision of bring bank facilities so as not to compromise the commercial waste sectors ability to offer commercial waste collection and processing services;
- Allowing commercial haulage companies to deliver glass bottles to the States recycling facility (the charge applied only reflects the net loss of shipping the glass off island. No charge is made in respect of handling or plant and equipment maintenance);
- Commenced production of an accreditation scheme for companies that implement responsible waste management policies and practices
- Extended the hours of operation and throughput at Fontaine Vinery
- Identified the preferred site for the construction by the Private Sector of a mixed waste materials recovery facility in accordance with the amendment placed by Deputy Dorey and commenced discussions with the Treasury and Resources Department on the tendering of that facility.
- Issued, with the kind assistance of the Chamber of Commerce, a waste survey with the intention of better understanding the current waste management practices adopted by businesses and the hurdles to minimisation and recycling
- Issued, with the kind assistance of the Chamber of Commerce, a wood waste survey, with the intention of better understanding the amount and type of wood waste generated by business.

#### Longer Term Objectives

- 3.9 Following consultation with all States members, the Department has issued questionnaires and information packs to 87 companies responding to the Departments adverts seeking expressions of interest in supplying long-term waste disposal solutions. The closing date for receipt of proposals was set as 31 January 2006
- 3.10 The Department commissioned Enviro to critically review the information, reports and data held by the Department. In the light of the findings of this review the Department has now commissioned Enviro to carry out a number of specific studies the cumulative effect of which will enable Enviro to

recommend to the Department and the States waste disposal package options for further consideration/tendering.

3.11 To date the Department has refrained from indicating any waste management preferences and has refrained from specifying any criteria that potential suppliers must meet. This is in accordance with the spirit of the recommendations and conclusions of the report of the Independent Panel and is in accordance with the spirit of the amendments placed against of the Department's report. The views that have been expressed both in the report of the Independent Panel and in debate are that the industry should be allowed to come forward, unfettered, to offer solutions (or part solutions) to Guernsey's waste problems (or elements thereof) and to suggest procurement methods and contract forms. The view held being that setting procurement criteria too early on limits the scope of the examination of the potential market. However, once the various proposals from the industry and from the work of Enviro have been obtained those proposals must be evaluated against whatever procurement criteria are ultimately set. Setting these criteria requires consideration and resolution of many issues. A small sample of typical decisions that must be taken is included in the bullet points below. The Department is of the view that these decisions will need to be taken and the criteria set by the States before the Department can evaluate the various proposals that might be forthcoming and hence before the Department can report back on its recommended long-term strategy. In recognition of the need for a specific States debate on the procurement criteria, the Department has, following consultation with the Policy Council, agreed to prepare a joint States report with the Treasury and Resources Department.

- To what extent is the States prepared to allow ownership of waste infrastructure to rest with a private supplier. What is the States view on the ownership of the land the facilities are built on. Will the States sell Longue Hougue and if not what approach would be adopted to deliver confidence to the contractor to fund a development on land they don't own. If a lease is issued how long a time period is the States prepared to tie into.
- If not a privatised operation what form of partnership does the States want.
- Does the States welcome a monopoly and if so how does it intend to control the undertaking. How will it regulate the gate fee in a monopoly situation.
- If the States welcomes a monopoly does that apply to a complete waste disposal solution and what elements would be included in the package.
- What is the States view on strategic resilience must the proposal have a proven track record.
- What is the States view on environmental/ performance compliance. Does the solution have to offer Best Practical Environmental Performance or Best value
- Will the States wish to set recycling and other performance targets with which the operator must comply.

- What form of contract does the States want. Does it wish to gain price certainty by passing risk to the contractor and what form of bonds, guarantees are required.

#### **4. Strategy Options**

4.1 On the issue of a joint facility Guernsey effectively has three options:

- To commit now to a joint facility and abandon work on investigating other long-term management options;
- To abandon the Joint Guernsey/Jersey facility option; or,
- To provide a commitment to “purchase” Jersey’s spare capacity (potentially 40,000 tonnes per annum diminishing) for a period of approximately 5 years from the commissioning date in 2010, thus deferring the date on which a long-term disposal solution for Guernsey must be procured.

4.2 The first two options require little further explanation. Option 1 is, of course, a single solution option and the commitment would be made whilst the uncertainties identified in the aforementioned joint report continue to exist. Guernsey would have chosen its disposal strategy as being a jointly commissioned thermal treatment plant constructed in Jersey and other work streams investigating possible alternative technology would be abandoned. Jersey has drawn up a shortlist of tenderers to construct a plant in Jersey and preparation of the tender brief is underway. Environmental Impact Studies of the relevant sites are due to be carried out. The brief would need to reflect that the facility would be sized to deal with both islands waste over the life of the plant. Guernsey would have to contract with Jersey over the procurement of the plant as well as its ongoing operation.

4.3 The second option retains flexibility to adopt one of a range of future waste management options but excludes the joint facility option.

4.4 The third option is only viable if significant and sustained interim export to Europe can be achieved pending the commissioning of the Jersey plant and the life of Mont Cuet sufficiently extended as a result.

#### **5. Export to Europe**

5.1 At its meeting held in May 2005 the States resolved “...to seek agreement to *Duly Motivated Requests submitted to France and Germany for the export of municipal waste*”. Following further investigations, the Environment Department has established that both countries have very similar arrangements, but that these differ significantly to the UK system. In particular, there is no single central regulatory authority in either country. The French and German equivalent of the UK’s Duly Motivated Requests (DMRs) is the Annually Renewable Agreement (ARA). Each agreement is facility-specific and the

regulatory authority of the area/district of that facility must approve the ARA. As the name would imply, the ARA is only for one year at a time. **Renewal cannot be guaranteed** and hence there is a risk in investing in capital expenditure to support an export route that may not gain renewal at the end of the first year's agreement.

- 5.2 ARAs are administered by regional authorities. France has 22 Direction Régionale de l'Industrie, de la Recherche et de l'Environnement (DRIRE) with one central office in Paris. Germany has regional offices for each of the 16 Bundeslander and there is no central office.
- 5.3 The process to seek an ARA in either France or Germany is:
1. Locate a facility that offers an appropriate service and sufficient capacity and negotiate the cost and period of export;
  2. Establish transport routes and costs;
  3. Write to the head of the relevant DRIRE (France) or Bundeslander (Germany) to set up an ARA for the movement of waste to that specific facility; and,
  4. Seek renewal of the ARA each year.

The French and German regulators have been approached with a request for any standard documentation, guidance material etc in respect of filing an ARA. In the interim and with a view to expediting matters as far as possible, the Department has prepared a generic DMR, using the known UK standards. This will act as the template and be modified into the site-specific ARAs required in France and Germany.

- 5.4 In order to ensure that all export options within France and Germany are evaluated and in order to ensure that whatever export route that may be available offers best value, the Department placed an advert in the Official Journal of the European Community seeking expressions of interest to receive and dispose of Guernsey's waste up to the period 2010. The Department received no responses to that advert. However, the Department also wrote direct to the following corporate entities that had previously expressed an interest in receiving Guernsey's waste: Sevede Le Havre; Mindest SA; Sita Normandy; and, Stadtreinigung Hamburg. In each case the Department asked each organisation to identify: the type and amount of waste it would be willing to receive; the manner in which that waste would be transferred to the receiving plant, including any pre-shipment processing; the duration of any contract; and, the full costs, including any relevant taxes.
- 5.5 Following these contacts the Department has been asked to clarify its requirements and specifications in terms of the manner in which the waste will be shipped, the facilities to which the waste should be sent (including any environmental standards that might be specified) and how the waste will be

shipped/baled etc. This reflects the fact that the industry is used to pricing and providing services which deliver according to the customer's specifications rather than the customer asking the provider to specify the service. Nevertheless, within the spirit of the recommendations (as set out in paragraph 3.11 above), the Department is continuing to engage with these potential service providers. The Department is providing additional information and answering questions as appropriate, but without specifying the nature of the service required beyond the basic need to export Guernsey's waste. As soon as agreement can be reached on the cost and viability of potential export routes, then an ARA for each viable route will be submitted to the appropriate regulatory authority.

- 5.6 The key risk in adopting export to Europe as an interim strategy is the absence, due to the manner in which the ARAs operate, of any guarantee of an export route beyond one year (assuming that an ARA can be negotiated in the first instance). As such it is essential that any capital infrastructure required in support of a potential export route is kept to the absolute minimum. The Department has previously advised that export as a long-term strategy (whether to Jersey or some other facility) would require the procurement of a transfer station, the cost of which was predicted to be in the order of £6-8 million. Such capital expenditure, whilst justifiable as part of a long-term strategy, is not justifiable for an export route which may only have a life of one year. It should also be remembered that, at this time, there is still no guarantee that the relevant authorities in either France or Germany will approve an ARA.
- 5.7 If Guernsey could, first, be guaranteed an export route to Europe from 2007 until 2010 and to Jersey from 2010 until 2015 and, second, be certain that such an export arrangement could be accommodated within the life of Mont Cuet, whilst retaining a strategic landfill reserve of 5 years, then the States might consider that depreciating a capital investment of £6-8 million over that 8 year period was a viable option. However, such guarantees do not exist. Not only is the annual renewal of an ARA not guaranteed, but there is no guarantee that the Jersey plant will be procured and commissioned by 2010. In addition the ability of Mont Cuet to sustain such an export strategy is, as demonstrated in section 6 below, highly questionable.
- 5.9 In light of the above concerns, the Department cannot recommend procurement and construction of a transfer facility at a cost of £6-8 million in advance or the States determining its long-term waste management strategy. As a consequence any export that may be possible as an interim solution must rely on the most basic of on island processing facilities. The Department is of the view that procurement of those facilities should not proceed until a firm contract with an associated ARA has been negotiated with Europe. At that time, any necessary transfer facilities should be limited to open air shredding and baling at Mont Cuet land-fill followed by container shipment to the receiving jurisdiction.
- 5.10 The baler, loader and handling equipment required for such open air processing is anticipated to cost in the order of £1million with additional costs associated



with civil and site preparation costs. These costs are likely to be in the order of £8 per tonne based on the following assumptions.

40,000 tonnes of waste exported per annum

Cost of capital at 5% over 8 years	£5.00/tonne
Consumables	£3.50/tonne
Labour	£1.40/tonne
<b>SUB TOTAL</b>	<b>£9.90/tonne</b>

- 5.11 Discussions in early 2005 with shipping companies indicated a shipping cost of £32/tonne. In addition discussions with the Le Harvre facility operators indicated a dock to facility transport, disposal and taxes charge of £71/tonne.
- 5.12 Thus the total cost of temporary export using basic open air facilities depreciated over an 8 year period would be in excess of £110 per tonne. Depreciation over any lesser period or increasing costs by procuring more sophisticated facilities would of course increase the cost per tonne.

## 6. The role of Mont Cuet

- 6.1 If Guernsey is to commit to either a joint facility with Jersey as a long-term strategy or to commit to procuring Jersey's spare capacity as a medium-term solution then as noted in section 4.4. above significant and sustained interim export to Europe must be achieved pending the commissioning of the Jersey plant and the life of Mont Cuet sufficiently extended as a result. The importance of this is set out below and it can be readily seen that this presents a very high risk strategy.
- 6.2 Taking the best case scenario, an affordable export route would be negotiated with Europe, the transfer infrastructure would be procured and commissioned and export would commence in January, 2007. The ARA would be renewed without difficulty each year until commissioning of the Jersey plant in 2010. The Jersey plant would offer spare capacity for at least 5 years. Export would thus take place over an 8 year period. During this time Mont Cuet would need to accommodate that element of the waste that could not be exported or recycled whilst retaining a 5 year strategic reserve.
- 6.3 The future life of Mont Cuet can be predicted to be **605,000 meters cubed** (equivalent to 8.5 years as calculated in July 2005 and assuming continued infill at historic levels). Whilst it is arguable as to whether historic fill levels should be used in calculating future life it must be recognised that this is the only reliable data on which projections can currently be based. It is a fact that, with the exception of inert waste arisings (which have decreased due to the drop off in deep basement excavations associated with major building projects), the amount of waste generated continues to grow. It should be noted that the expectation

that waste arisings would decrease significantly with an increased gate fee in 2005 has not been realised. The average monthly Mont Cuet tonnage for 2005 is running slightly higher than the average for 2004 (being 4831 and 4759 respectively). This is despite an increase in the tonnage of waste recycled and a significant increase in the tonnage of waste processed at public and private waste segregation facilities. Whilst there remains scope to recycle more it should be recognised that this, in part, offsets the natural growth trend.

Year	Mont Cuet Tonnage
Predicted 2005	57972
2004	57108
2003	59817 (note 1)
2002	61147
2001	74894
2000	73650
1999	83757

*Note 1. Includes 1100 tonnes of contaminated soil from Admiral Park*

- 6.4 Maintaining a strategic reserve of 5 years at historic infill levels (71,411 meters cube per year) requires the “ring fencing “ of approximately **357,000 meters cubed**. Recognising that export could not commence prior to 2007 (a further 18 months from the July void calculation) means that a further **107,000 meters cubed** would be unavailable for landfill. Thus the void that would be available to support an export strategy (the available life of Mont Cuet) would be in the order of **141,000 meters cubed**. Thus, from 2007 until the start of 2015, (8 years) approximately 17,600 meters cubed of waste per annum could be land-filled. This, at a historic density of 0.9253 tonnes /meter cubed equates to not more than 16,500 tonnes of waste per annum. All other waste (in excess of 40,000 tonnes per annum at current rates) would need to be diverted from landfill and if this could not be achieved then the strategic reserve would be depleted.
- 6.5 Should there be any delay in commencing export resulting from, for example slippage in securing the necessary contracts, or should problems be encountered in renewing the ARA thus necessitating landfill or should there be any delay in the commissioning of the Jersey joint facility then Guernsey would either need to reduce its annual landfill accordingly or would need to utilise some of its strategic reserve. It should be born in mind that the purpose of the strategic reserve is to provide a waste disposal facility for Guernsey’s waste in the event of a failure either short-term or catastrophic, of Guernsey’s long-term waste disposal infrastructure. Using up the strategic reserve is, therefore, a high-risk option.
- 6.6 The above analysis demonstrates that committing to a long-term joint facility with Jersey or committing to procure Jersey’s spare capacity as a medium-term solution are only viable and sustainable options if landfill of waste at Mont Cuet

can be reduced to and constrained at 16,500 tonnes per annum from 2007 through to 2015. The Environment Department considers this target to be unrealistic and unachievable.

## **7. Summary**

- 7.1 The elements of the two key work streams and the interconnectivity of those work streams can be summarised as follows:

### Work stream A

- A.1 The Environment Department is continuing to negotiate with European operators to take Guernsey's waste as a short-term waste disposal solution pending resolution of the long-term strategy;
- A.2 Any proposals for export as a long-term strategy will be examined as part of the global search work stream;
- A.3 If a firm and viable offer from a European waste operator is received in respect of an interim short-term export route, an ARA will be submitted in respect of that export route;
- A.4 If an ARA can be negotiated; this would trigger the associated work stream to procure the necessary on-island (basic open air) pre-processing equipment and to amend the licensing requirements in respect of the operation of Mont Cuet;
- A.5 The above work streams would all need to be completed and export start by January 2007;

### Work stream B

- B.1 Bearing in mind the absence of any certainty in respect of the above, the States needs to decide whether it wishes to abandon the Jersey joint facility option, commit to the joint facility option, or enter into a contract now to export to Jersey's spare capacity for 5 years commencing 2010;
- B.2 If the decision is taken to commit now to the joint facility option, then the option exists to commence the work of procuring a purpose built transfer station at a cost in the order of £6-8 million, as such a facility will be needed for the long-term. However, the risks set out in sections 5 and 6 above should not be ignored and the States could elect to procure basic temporary facilities until such time as the delivery date of the joint facility was more certain;
- B.2a If the decision is taken to commit now to contract to export to Jersey's spare capacity (but not to commit to a joint facility) then procurement of basic temporary transfer facilities would be necessary.

- B.3 Whilst procuring of the aforementioned export infrastructure, the Department would continue to search for interim European export routes (see A.3 above);
- B.4 Export to Europe would take place whenever possible until January, 2010;
- B.5 In January, 2010, export would transfer to Jersey and continue until the end of 2014 (if the States contracted now to export to Jersey's spare capacity for 5 years commencing 2010) or until circa 2035 (if the States resolved to commit to the joint facility option now);
- B.6 If the States contracted now to export to Jersey's spare capacity for 5 years commencing 2010 then by January, 2015, the States would need to have determined and commissioned its long-term waste management solution;
- B.7 From January, 2007, until Dec, 2014, it would be necessary to landfill no more than 16,500 tonnes per annum each and every year in order to maintain the five-year strategic reserve at Mont Cuet.

## **8. Update on the further investigations on the joint report.**

- 8.1 The Ramboll/Babtie Fichtner feasibility study of a joint Channel Island EfW solution, published in January, 2005, suggested "...further investigative work should be carried out to eliminate potential showstoppers...". The works identified, along with a brief update of the current position, are set out below.
  - Is the proposed site at La Collette suitable and publicly acceptable for the construction of a joint solution Energy from Waste facility?

*The Jersey Public Services Department had indicated an intention to carry out an Environmental Impact Assessment on both Bellozanne and La Collette. The target date for submitting the EIA findings to the Jersey States is February 2006. Most recent developments indicate that Jersey is concentrating on La Collette site but with significant public opposition.*

- Carry out a confidence exercise to test the markets willingness to bid for a joint solution plant.

*Jersey has been in contact with potential suppliers for a Jersey only plant and all suppliers expressed an interest in bidding.*

- Recommend various financing scenarios and clarify what the implication to each Island would be.

*No work has been done.*

- Conduct a public consultation in both Islands to obtain confidence that the joint solution is publicly acceptable

*Beyond the public responses to the previous States Reports where the Joint option was publicised and debated, no specific work has been done.*

- Commence an Environmental / Health impact study for the La Collette site and compare this with the Bellozanne site.

*Expected to form part of the EIA*

- Liaise with the Regulator and the Planning authorities to improve certainty about the proposed EfW plant acceptability

*This is a matter for Jersey. The work stream would, in all likelihood, need to be carried out during and in the light of the findings of the EIA.*

- Confirm the required plant capacity based upon the waste arisings from both Islands.

*Consideration of Guernsey waste arisings is an element of the appointment brief for DEFRA's consultants Enviro.*

8.2 The report also identified risks associated with implementing the joint solution:

- Market risk. There are a limited number of bidders available for turnkey contracts for Energy from Waste plants and historically, the Channel Islands have struggled to make the necessary decisions and commitments. It is very expensive for the bidders to participate in such tender processes and there is a significant risk that it will be difficult to attract sufficient qualified bidders if a clear political will to build the plant is not apparent.

*The market has not been approached re a joint plant and it would be premature to approach the market before a degree of certainty on other issues is established.*

- Cost estimation. The estimate for the Jersey plant is based on a low cost solution and there appears to be a mismatch between the tendered price for the Guernsey plant and the estimate for the Jersey plants. There is a risk that the actual prices for the Jersey plants will exceed the estimate. No certainty can be established before tenders are in and negotiations have taken place.

*Tenders have not been issued therefore there remains price uncertainty.*

- Planning and licensing risk. There is a risk that the planning authorities and the Regulator in Jersey will require the plant (in the joint solution) to be more sophisticated than that, which is foreseen and costed so far.

*The licensing process has not commenced and will, in all probability follow on from the EIA.*

- Delay risk. If the joint solution is preferred the point in time where Guernsey will have access to an Energy from Waste facility will be delayed by a minimum of 2 years. Contracts will have to be put in place between the Islands and the contractors for the new solution in a relatively short period of time and it is possible that these negotiations will become protracted and further delay the process.

*Jersey are aiming at plant completion end 2009 which implies tendering early in 2006 and a decision on the plant supplier by mid 2006 at latest.*

- Residue disposal risk. No approved solution is available for disposal of the various residues generated by the joint solution plant.

*Residual disposal route may form part of the EIA process. Finalisation of the disposal route forms an integral part of the licensing workstream and could form an integral part of the procurement contract.*

- Site risk. The La Collette site in Jersey adjacent to the existing power station is made up of uncontrolled fill. To some extent the costing has taken this into account but whether or not this is adequate will depend on the result of further detailed ground investigations.

*Ground investigations have not yet been commissioned.*

- Public acceptability in Jersey for a new facility at La Collette.

*Some public consultation has been undertaken but see above.*

## **9. Consultations**

- 9.1 The export of waste and the use of Mont Cuet landfill as the export processing facility have the potential to severely impact on the operations at Mont Cuet. The Environment Department, therefore, consulted with the Public Services Department and that department's response is attached.
- 9.2 The Environment Department fully understands and concurs with the Public Services Department's concerns regarding the potential impacts at Mont Cuet and recognises that the very basic facilities and estimated costs quoted in section 5 above may well be exceeded. However, it should be born in mind the Department has previously submitted to the States a more detailed specification and costed export facility as part of its previous reports on a joint facility (see 5.6 above). In respect of those costs many statements and claims were made that the costs were excessive and that export could be delivered at significantly lower

prices. The Department maintains the view that short-term export cannot be delivered as a cheap option.

- 9.3 The Department is not convinced that the basic open air shredding and baling facilities proposed would occupy the same footprint as the fully specified enclosed version and it should be born in mind that if the facility can process and export a significant percentage of the islands waste (circa 40,000 tonnes), then the amount of waste actually being land-filled will dramatically reduce and hence the need to relocate the facility every 6 months, as suggested by the Public Services Department, may not be realised.
- 9.4 The Department fully accepts the complications and potential additional costs that will arise with windblown litter, licensing requirements etc. However, the only alternative currently available would be to construct the more expensive export facility as an enclosed facility at Longue Hougue.
- 9.5 On the issue of time running out this is, of course, a matter for the States. But it is a very real concern that the Environment Department has stressed on several occasions. In its June 2004 report in its response to Deputy Ogier's Requete and in its April 2005 report on the future of waste disposal the Environment Department made the following statements.

*"However, what would appear to be clear from the figures is that it is highly unlikely that waste arisings could be reduced below the starting capacity of 50,000 tonnes per annum."*

*"It can clearly be seen from the figures that if Guernsey was to achieve this same recycling rate, that is, to equal the best in Britain, then only an additional 1,615 tonnes of material would be recycled per annum."*

*"It is clear, therefore, that any suggestion that increased recycling through kerbside collection or other waste reduction methods can achieve a significantly smaller and cheaper Energy from Waste facility, is in conflict with the evidence."*

*"Of equal importance to the financial cost of any delay in commissioning the construction of the Energy from Waste facility is the cost of lost space at Mont Cuet. As stated above, the States agreed strategy is that Mont Cuet will be the Island's last putrescible landfill site. Because of the 10 fold volume reduction that results from the commissioning of an Energy from Waste facility, each year of landfill life lost now equates to 10 years of lost life once the site is being operated alongside the Energy from Waste facility. In September 2003 the Board of Administration advised that the remaining life of the site at the time of commissioning the Energy from Waste facility would only be 7 years which taking into account the 10 fold volume reduction factor would give a future landfill life of 70 years. Every year of delay reduces that life by 10 years."*

*“The question of whether Guernsey can afford to wait before committing to a long-term waste strategy has been given consideration by the Environment Department. The overriding factors determining this issue are:*

- *the date on which it is anticipated that the alternative technology could be commissioned and operating on island (2016 see para 3.5 above);*
- *the extent to which the decision maker is prepared to allow the landfill at Mont Cuet to be depleted (retain 5 years life until after the plant is commissioned); and*
- *the extent to which landfill life can be prolonged through waste diversion policies.*

*This latter point is a complex consideration and the following must be taken into account:*

- *The current rate at which landfill life is used up*
- *The theoretical and practical extent to which that rate can be reduced*
- *The extent to which the diversion policies are publicly acceptable and, consequently, the extent to which they receive public take up*
- *The additional life that can thus be generated*
- *The infrastructure needed to generate that additional life*
- *The programming (time lines) for procuring that infrastructure and hence the date from which the savings can be realised*
- *The extent to which the presence of that infrastructure may hinder subsequent development of infrastructure required for the long-term strategy”*

*“At present rates of infill and allowing for a domed final profile, Mont Cuet is expected to be full in 2014. If a decision to procure a plant could be taken towards the end of 2008, as suggested by The Report, then following procurement, construction and commissioning, only approximately two years life would remain for long term future needs. The Department does not consider this to be a realistic proposition. Any margin for delay in the project or for plant failure or outages is so small as to constitute a very high risk. The Department does not believe that the landfill reserve should be allowed to fall below five years before full commissioning of the preferred long-term solution.”*

- 9.6 Whilst the above comments were made in respect of the then proposed Energy from Waste facility they are equally valid in respect of procuring any other waste



solution. **The Environment Department is fully aware of the urgency and has clearly stressed this to the States at the appropriate times.** Nevertheless, the Department is grateful to the Public Services Department for once again stressing this point.

- 9.7 The Department would, however, stress that awareness of an urgency does not in itself resolve an issue. The problem can only be addressed by dedicating the required resources in terms of manpower, land, capital and revenue. The Department is doing the best it can with the resources available to it.
- 9.8 It must be recognised, as previously advised by the Department, that the time to procure an alternative waste strategy and the desire to retain a five year strategic reserve at Mont Cuet are in conflict with each other. This conflict can only be resolved by extending the three years of usable landfill life to at least five years. This means reducing the amount of waste entering Mont Cuet from 58,000 tonnes per annum to 35,000 tonnes (3yrs @ 58,000tonnes ~ 5yrs @ 35,000 tonnes ). This reduction equates to roughly 100% of the waste arising from households. Recycling alone cannot achieve this degree of saving in the short or medium term.
- 9.9 The only potential route to divert the necessary quantity of waste and to retain the strategic reserve whilst searching for an alternative waste strategy is the interim export of waste as set out in this report.
- 9.10 Whilst the Environment Department can understand the Public Services Department's concerns the Department cannot endorse a call for the identification of a further landfill site. Landfill is the least sustainable and least environmentally acceptable of the available options.

## **10. Conclusions**

- 10.1 The European method for licensing export of waste is based on a yearly annual renewable agreement. This licensing method does not provide any guarantee of export beyond the initial one year. Procurement of purpose built export infrastructure suitable for long-term export would require capital expenditure in the order of £6-8 million. The expenditure would have to be committed in the full knowledge that the export route could not be guaranteed beyond the initial one year ARA. This option presents unacceptable risks and cannot be recommended.
- 10.2 A long-term export route could be provided and guaranteed through export to Jersey. Such a long-term route requires Guernsey to commit now to a Joint Channel Islands Facility as the long-term waste management solution and to abandon the work of investigating alternatives. The Environment Department is of the view that the States wishes to explore, through a global search and through working with DEFRA's consultants Enviros, the potential alternatives to

incineration. The Department cannot, therefore, recommend committing to a joint Channel Island facility prior to completing those investigations.

- 10.3 A medium-term export route could be provided through export to Jersey to utilise the spare capacity that a new plant would initially have, provided that plant had been sized for the upper end of Jersey's probable waste arisings. Such a medium-term route requires Guernsey to commit now to contracting for the spare capacity of the Jersey plant. This spare capacity would be realised from the beginning of 2010 to the end of 2014. To adopt this option Guernsey would have to be certain that it could accommodate its waste arisings from now until 2010, and also that from 2010 until 2014 it could accommodate that fraction that can not be exported to Jersey. This option would require Guernsey to landfill no more than 16,500 tonnes per year every year from January 2007 until the end of 2014. As a consequence, at current landfill levels, Guernsey would have to export in excess of 40,000 tonnes of waste annually. This is a very high-risk strategy and failure to meet this most ambitious target would deplete Guernsey's five-year strategic reserve. In light of the States consideration of the Independent Panel's report, the Department has formed the view that, in terms of waste management, the States is very risk adverse. As such the Department cannot recommend this strategy.
- 10.4 If the States was minded to commit to the high risk medium-term export route to Jersey described above, the capital expenditure on a transfer facility would have to be paid back over an 8 year period. The estimated tonnage costs of this option are: £5:00 capital repayment, £4.90 consumables and labour, £35 shipping, plus the incineration cost charged by Jersey which is expected to be at least £75. i.e. a total charge of at least £110/tonne.
- 10.5 If Guernsey adopts this high risk, basic, temporary, process to export over the medium-term period there is a real risk that the required level of quality and efficiency of the waste transfer system would not be achieved with the risk that the 40,000 tonnes diversion target would not be met. As a consequence this would deplete the five-year strategic reserve.
- 10.6 A short-term export route (one year with possible renewal) to Europe might exist. Such an export route would be supported by the basic on island shredding and baling equipment operated in the open air at Mont Cuet. The full export and disposal costs of such a short-term option are being explored through an expressions of interest and tendering exercise. The costs will need to be considered against the extent to which the life of Mont Cuet is extended. The Department recommends that these investigations continue.

## **11 Recommendations**

The Environment Department recommends the States to:

- 1.) Agree that a joint Channel Island incineration facility does not present an acceptable long-term strategy for Guernsey.
- 2.) Agree that to contract now for Jersey's spare capacity between 2010 and 2014 is a high risk strategy that should not be adopted
- 3.) Continue to investigate short-term export to Europe under the provisions of an Annual Renewable Agreement and to report back to the States before entering into a contract for export

Yours faithfully

B M Flouquet  
Minister

**APPENDIX****PUBLIC SERVICES DEPARTMENT**

24 November 2005

The Minister  
Environment Department  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

Dear Deputy Flouquet

**WASTE DISPOSAL – JOINT FACILITY WITH JERSEY**

The Public Services Department is grateful for the opportunity to comment on the draft States Report.

Its prime concern is that the Report fails to emphasise the urgency of the problem. At current rates of fill the Island will run out of landfill capacity in just eight years time.

The Island will always need to have some form of landfill site, and the only acceptable facility at this time is Mont Cuet. It is essential to preserve the five year strategic reserve for landfill and therefore tipping, at the current rates, must end in 2008.

In this respect it is noted that despite the various recycling initiatives the Environment Department has been pursuing and the increased gate fees, the volume of waste entering Mont Cuet is not falling. In fact, in each of the last five months, the tonnages of waste being delivered to Mont Cuet is greater than the corresponding months in the previous year. Firm and positive action is needed in the very near future.

Any waste disposal solution will require major capital investment, be it for an incinerator or an export transfer station and it will take years to secure all the planning and environmental health approvals, as well as carry out the necessary public consultation.

Clearly time is running out – fast!

Turning to the option of siting an open-air shredding and baling facility at Mont Cuet, there are many practical issues to be addressed. The facility would require substantial working and storage areas. It is understood that a permanent transfer station/baling plant would require a 'footprint' of approximately the same size as had been set aside for the original Energy from Waste plant at Longue Hougue. Whilst this could fit within Mont Cuet, it would have to be moved every six months as the level of the site rises with the landfilling activities. Furthermore, the ground at Mont Cuet is relatively unstable. By its very nature it is a mass of degrading waste and there are any number of situations, including underground fires, which could necessitate the plant and facilities

to be moved at short notice. It should be recognised that the baling/shredding activities will require a firm base, possibly concrete, and each relocation within the site will be a costly exercise.

The operation of Mont Cuet is also subject to strict environmental health conditions. It would be essential to know at an early stage whether the shredding, baling and export arrangements would be acceptable from an environmental health perspective.

By 2007, the landfill level will have risen to the point that the operation will no longer be within the shelter of the quarry. As everyone is aware the Chouet headland is a windy place and there will as a result be significant challenges in managing blown litter.

It is also noted that the Report expresses the view that the States of Guernsey, in terms of waste management, is "very risk averse". Considering the risks the States are taking with regard to the extremely short life of Mont Cuet and the time which is being taken to find alternatives to incineration as a method of waste disposal, the question must be raised whether the States is truly acting in a risk averse way.

There are numerous other issues that would need to be addressed ranging from power supplies to staffing, but at this stage the Board has limited its comments to the main strategic issues.

The Board appreciates that your recommendations, if approved, will narrow down the number of options to be considered. The Island will however remain bereft of any clear strategy or solution. This is a major concern as time is simply not on our side.

The Report seeks to reject the option of export to Jersey, because of the uncertainties, but amidst it all there is no better solution on offer, nor any date when one will be provided.

The debate on this matter will be helpful, as it will provide a further opportunity for everyone to understand the gravity of the situation and the urgent need to implement some form of solution.

Whatever that solution might be, the associated approvals and procurement processes will take years to complete and so it is almost inconceivable that an alternative to landfill will be in operation by 2008. The essential, five-year, strategic reserve will therefore be eroded. This is neither wise nor responsible and the Board is of the firm view that the States should immediately commence work to identify the next landfill site, to ensure the essential strategic reserve is maintained for the current and future generations.

I should be grateful if you would include the Board's comments as part of your Report.

Yours sincerely

**William M Bell (signed)**

William M Bell  
Minister

**(NB The Policy Council does not underestimate the size of the task given to the Environment Department by the States in progressing further research on solid waste disposal across broad fronts, and it acknowledges the plethora of work which the Department has in progress in this regard.**

**The Council supports the first two propositions.**

**However, bearing in mind the urgency in finding the best waste disposal solutions for the Island, given the rate of fill of Mont Cuet Landfill Site, the Policy Council does have reservations about the third proposition. It is appreciated that this effectively repeats an existing States Resolution, but Members believe that the Department would be better to concentrate its limited resources on progressing the global search for a complete solution and working with DEFRA on this matter, rather than diverting resources to further research into the possibility of exporting the Island's waste to Europe (which can only ever be guaranteed on a year by year basis)).**

**(NB The Treasury and Resources Department has no comment on the proposals)**

The States are asked to decide:-

VII.- Whether, after consideration of the Report dated 25<sup>th</sup> November, 2005, of the Environment Department, they are of the opinion:-

1. That a joint Channel Island incineration facility does not present an acceptable long-term strategy for Guernsey.
2. That to contract now for Jersey's spare capacity between 2010 and 2014 is a high risk strategy that should not be adopted.
3. To direct the Environment Department to continue to investigate short-term export to Europe under the provisions of an Annual Renewable Agreement and to report back to the States before entering into a contract for export.

## **PUBLIC SECTOR REMUNERATION COMMITTEE**

### **PUBLIC SERVANTS' PENSION SCHEME – ELIGIBILITY FOR MEMBERSHIP AND FLEXIBILITY FOR TRANSFER PAYMENTS**

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

25<sup>th</sup> November 2005

Dear Sir

#### **Executive Summary**

1. The Public Sector Remuneration Committee (the Committee) is seeking ratification from the States of amendments to the Rules of the Public Servants' Pension Scheme (the Scheme) to allow for membership by a Judge of the Royal Court and direct employees of the Guernsey Training Agency (the Agency). The Committee is also seeking approval to provide greater flexibility for members in respect of transfer payments both into and out of the Scheme. None of the changes would result in any additional cost for the Superannuation Fund.

#### **Membership**

2. The Rules of the Scheme make provision for membership by States employees and
  - holders of certain specified posts (Rule 6); and
  - employees of specified "admitted bodies" (Rule 7)as detailed on Appendix I to this report.
3. The Rules also make provision for the Treasury and Resources Department to establish separate "actuarial accounts" within the Superannuation Fund in respect of any of the member groupings identified in Rule 7. In essence this arrangement is intended to ensure there is no cross subsidy between general revenue and the separate bodies or, indeed, between any such now separate bodies. In recent years separate actuarial accounts have been established for the States Trading Companies and the Guernsey Financial Services Commission (GFSC).

### **Judge of the Royal Court**

4. Rule 6 provides for membership for the Crown Officers, H M Greffier and Magistrates. The position of Judge of the Royal Court has been created recently and the former Magistrate has been appointed to the position with effect from 22 November 2005.
5. A simple addition to Rule 6 is required specifying that the holder of this post is eligible for membership with the same provisions as the Crown Officers and Magistrates.

### **The Guernsey Training Agency**

6. The Agency was established in 1999 through a merger of the Finance Training Agency (which was staffed by employees of the GFSC) and the Guernsey Training Agency (which was staffed by States employees under the control of the then Board of Industry and Education Council).
7. The Agency is currently staffed by twelve employees of the GFSC who are eligible for membership of the Scheme as specified under Rule 7(h) and one direct employee of the Agency who is employed on a fixed term non-pensionable contract.
8. Now that the Agency is recognised as an established part of the Island's education and training infrastructure, it is considered appropriate for arrangements to be in place which would assist in the employment of its own staff. As an important part of this process, the Committee has been requested to recommend to the States that the Rules of the Scheme be amended to permit membership for direct employees of the Agency.
9. The Committee has noted that:
  - the Agency receives financial assistance from the States through an annual grant from the Commerce and Employment Department;
  - the States has its interests represented in the governance of the Agency;
  - as the Agency would determine the pay of the employees the relevant funds would remain separate from those relating to general revenue within the Superannuation Fund

and, therefore, supports the request.

### **Transfer Values**

10. At present the Interchange Arrangements make provision for the Scheme to accept the payment of transfer values in respect of benefits members have



accrued in other public sector or private sector employers' schemes. However, it is not possible to accept transfer values from personal pension schemes.

11. Under recent changes to Income Tax legislation, occupational pension schemes may accept transfer values from personal pension schemes and the Committee believes it appropriate to introduce this option for members of the Scheme.
12. Amongst the options available for Scheme members who leave employment before reaching normal retirement age is the transfer of accrued benefits to other pension arrangements including UK public sector schemes, private employers' schemes and personal pension schemes.
13. However, it has come to the attention of the Committee that there are certain "anomalies" under the present arrangements, namely:
  - a transfer value may be paid to an overseas personal pension scheme but not to an overseas private employer's scheme; and
  - the arrangements for a transfer from the Scheme to overseas personal pension schemes are more restrictive than those which apply to transfers from private sector schemes to overseas personal pension schemes.
14. The Committee believes it appropriate to remove these anomalies, which would provide increased flexibility for Scheme members and not result in any cost to the Fund.

### **Summary and Recommendations**

15. In summary, the Committee is recommending minor amendments to the Rules of the Scheme to allow for membership by a Judge of the Royal Court and direct employees of the Guernsey Training Agency. The Committee is also recommending amendments to the Interchange Arrangements to provide greater flexibility for members in respect of transfer payments both into and out of the Scheme.
16. To achieve the above the Committee recommends the States:
  - (a) to approve the draft States of Guernsey (Public Servants) (Pensions and other Benefits) (Amendment) Rules, 2006, which are attached as Appendix II of this report;
  - (b) to amend Resolution IX.2 of 10 December 1992 by adding to paragraph 1 (1):
 

"or the Scheme is a Scheme which the Administrator of Income Tax is satisfied is situated in a place outside Guernsey and is approved or exempted by the competent authority in that place under laws relating to income tax there and is a scheme to which the Administrator of

Income Tax would approve the payment of transfer values from a Guernsey pension arrangement.”

- (c) to repeal Resolution IX.3 of 10 December 1992 and substitute the following therefor:

- “1. To authorise the States Public Sector Remuneration Committee to pay to a retirement annuity scheme or a retirement annuity trust a transfer value in respect of a former employee of the States of that employee’s pension rights calculated on the same basis as transfers paid to authorities under the provisions of the United Kingdom public sector transfer arrangements provided that:
- (1) the retirement annuity scheme or retirement annuity trust scheme is either:
    - (a) a scheme approved by the Administrator of Income Tax under section 157A of the Income Tax (Guernsey) Law, 1975; or
    - (b) the Scheme is a Scheme which the Administrator of Income Tax is satisfied is situated in a place outside Guernsey and is approved or exempted by the competent authority in that place under laws relating to income tax there and is a scheme to which the Administrator of Income Tax would approve the payment of transfer values from a Guernsey pension arrangement; and
  - (2) the former employee left States employment on or after 1 August 1988 and has not subsequently received a refund of contributions or a transfer value to another occupational pension scheme.
2. To authorise that Committee to accept the payment of transfer values from a retirement annuity scheme or a retirement annuity trust on such terms as an actuary shall advise are consistent with those adopted for the purpose of paragraph 1 above.”

Yours faithfully

J P Le Tocq  
Chairman

**APPENDIX I****EXTRACT FROM RULES**

6. (1) Any person who is for the time being occupying any of the following offices, that is to say:

The Bailiff  
 The Deputy Bailiff  
 Her Majesty's Procureur  
 Her Majesty's Comptroller  
 Her Majesty's Greffier

and who is a member of the Scheme shall be a person to whom the provisions of these Rules shall apply for the purposes of providing pensions and other benefits to or in respect of that person subject to the modifications set out in the First Schedule to these Rules.

- (2) Any person who is for the time being occupying the office of Magistrate and who is a member of the Scheme shall be a person to whom the provisions of these Rules shall apply for the purposes of providing pensions and other benefits to or in respect of that person subject to the modifications set out in the Second Schedule to these Rules.

7. A person of any of the following descriptions, that is to say:-

- (a) a member of the salaried or waged staff of His Excellency the Lieutenant-Governor who is paid wholly out of the Official Expenses Allowance made annually to the Lieutenant-Governor by the States;
- (b) a member of the staff of the Royal Court who is paid wholly out of the Royal Court Fund;
- (c) a member of the teaching and non-teaching staff of the Ladies College;
- (d) Her Majesty's Sheriff;
- (e) Her Majesty's Sergeant;
- (f) a member of the staff of the Guille-Alles Library and Museum;
- (g) a member of the staff of the Priaulx Library;
- (h) a member of the staff of the Guernsey Financial Services Commission;
- (i) an employee of a States Trading Company,

- (j) a member of the teaching staff of Elizabeth College;
- (k) a member of the teaching and non teaching staff of Blanchelande Girls' College;
- (l) Existing Members of the Teachers Scheme who have elected to transfer to the Scheme pursuant to the Teachers Regulations 2005.

may be a member of the Scheme and the provisions of these Rules shall apply for the purposes of providing pensions or other benefits to or in respect of that person as if he were in the employment of the States subject, in the case of employees falling within Rule 7(i), to the modifications set out in the Third and Fourth Schedules to these Rules.

## APPENDIX II

**The States of Guernsey (Public Servants) (Pensions and Other Benefits) (Amendment) Rules, 2006**

THE STATES, in pursuance of their Resolution of 25 January 2006, have approved the following Rules:

**Amendments to 1972 Rules.**

1. The States of Guernsey (Public Servants) (Pensions and other Benefits) Rules, 1972, as amended (in these Rules referred to as “the 1972 Rules”) are further amended as follows:-

**Rule 6**

In Rule 6 (2) insert the following immediately before the word ‘Magistrate’:

“a Judge of the Royal Court or”

**Rule 7**

In Rule 7 insert the following as new paragraph (m):

“(m) an employee of the Guernsey Training Agency”

In the penultimate line of Rule 7 delete the words:

“ , in the case of employees falling within Rule 7(i),”

***Second Schedule***

In the *title* to the Second Schedule to the 1972 Rules insert the words ‘a Judge of the Royal Court or’ immediately before the word ‘Magistrate’

In *Rule 1* of the Second Schedule delete the word ‘the’ immediately before the word ‘Magistrate’ and insert before the word ‘Magistrate’ the words ‘a Judge of the Royal Court or’

In *Rules 2 - 7* (inclusive) of the Second Schedule insert the words before the word ‘Magistrate’ wherever it appears ‘a Judge of the Royal Court or’

**Commencement**

2. The amendment to Rule 6 and the Second Schedule shall be treated as having come into effect on 22<sup>nd</sup> November 2005 and the remainder of the Rules shall come into force on 1<sup>st</sup> February 2006.

**Construction, citation and collective title**

3.
  - (1) These Rules and the 1972 Rules shall be construed as one.
  - (2) These Rules may be cited as the States of Guernsey (Public Servants) (Pensions and other Benefits) (Amendment) Rules, 2006.
4. These Rules, and the States of Guernsey (Public Servants) (Pensions and other Benefits) Rules, 1972 to 2005, may be cited together as the States of Guernsey (Public Servants) (Pensions and other Benefits) Rules, 1972 to 2006.

**(NB The Policy Council supports the proposals)**

**(NB The Treasury and Resources Department supports the proposals)**

The States are asked to decide:-

VIII.- Whether, after consideration of the Report, dated 25<sup>th</sup> November, 2005, of the Public Sector Remuneration Committee, they are of the opinion:-

1. To approve the draft States of Guernsey (Public Servants) (Pensions and other Benefits) (Amendment) Rules, 2006, which are attached as Appendix II of that Report.
2. To amend Resolution IX.2 of 10 December 1992 by adding to paragraph 1 (1):
 

“or the Scheme is a Scheme which the Administrator of Income Tax is satisfied is situated in a place outside Guernsey and is approved or exempted by the competent authority in that place under laws relating to income tax there and is a scheme to which the Administrator of Income Tax would approve the payment of transfer values from a Guernsey pension arrangement.”.
3. To repeal Resolution IX.3 of 10 December 1992 and substitute the following therefor:
  - “1. To authorise the States Public Sector Remuneration Committee to pay to a retirement annuity scheme or a retirement annuity trust a transfer value in respect of a former employee of the States of that employee’s pension rights calculated on the same basis as transfers paid to authorities under the provisions of the United Kingdom public sector transfer arrangements provided that:
    - (1) the retirement annuity scheme or retirement annuity trust scheme is either:
      - (a) a scheme approved by the Administrator of Income Tax under section 157A of the Income Tax (Guernsey) Law, 1975; or
      - (b) the Scheme is a Scheme which the Administrator of Income Tax is satisfied is situated in a place outside Guernsey and is approved or exempted by the competent authority in that place under laws relating to income tax there and is a scheme to which the Administrator of Income Tax would approve the

payment of transfer values from a Guernsey pension arrangement; and

- (2) the former employee left States employment on or after 1 August 1988 and has not subsequently received a refund of contributions or a transfer value to another occupational pension scheme.
2. To authorise that Committee to accept the payment of transfer values from a retirement annuity scheme or a retirement annuity trust on such terms as an actuary shall advise are consistent with those adopted for the purpose of paragraph 1 above.”.



***ORDINANCE LAID BEFORE THE STATES*****THE BIRDS AND ANIMAL HEALTH (MISCELLANEOUS PROVISIONS)  
(AMENDMENT) ORDINANCE, 2005**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Birds and Animal Health (Miscellaneous Provisions) (Amendment) Ordinance, 2005, made by the Legislation Select Committee on the 17<sup>th</sup> October, 2005, is laid before the States.

***STATUTORY INSTRUMENTS LAID BEFORE THE STATES*****THE INCOME TAX (GUERNSEY) (VALUATION OF BENEFITS IN KIND)  
REGULATIONS, 2005**

In pursuance of Section 8 (2) (b) of the Income Tax (Guernsey) Law, 1975, as amended, the Income Tax (Guernsey) (Valuation of Benefits in Kind) Regulations, 2005 made by the Treasury and Resources Department on 6<sup>th</sup> December, 2005, are laid before the States.

**EXPLANATORY NOTE**

These Regulations are substantially the same as the 2004 Regulations.

**THE INCOME TAX (PENSIONS) (CONTRIBUTION LIMITS AND  
TAX-FREE LUMP SUMS) REGULATIONS, 2005**

In pursuance of Sections 153 (2), 157A (2) (b) (vi), 157A (5B) and 159 of the Income Tax (Guernsey) Law, 1975, as amended, the Income Tax (Pensions) (Contribution Limits and Tax-Free Lump Sums) Regulations, 2005 made by the Treasury and Resources Department on 6<sup>th</sup> December, 2005, are laid before the States.

**EXPLANATORY NOTE**

These Regulations are substantially the same as the 2004 Regulations; the only material changes being the tax-free lump sums payable from an approved occupational pension scheme or an approved annuity scheme increasing to £142,000 and the exclusion, from the calculation of the limit of the tax-free element of the lump sum, of any part of the lump sum which arises from an inward transfer payment from an overseas pension scheme.

**THE SOCIAL INSURANCE (BENEFITS) (AMENDMENT) (NO. 2)  
REGULATIONS, 2005**

In pursuance of section 117 of the Social Insurance (Guernsey) Laws, 1978 – 2004, the Social Insurance (Benefits) (Amendment) (No. 2) Regulations, 2005, made by the Social Security Department on 14<sup>th</sup> December, 2005, are laid before the States.

EXPLANATORY NOTE

These Regulations correct an error whereby the reduced rates of Invalidity Benefit payable from 2nd January 2006 had been wrongly prescribed.

*APPENDIX*

**EDUCATION DEPARTMENT**

ST ANNE'S SCHOOL, ALDERNEY: VALIDATION REPORT

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

11<sup>th</sup> November 2005

Dear Sir

I enclose a copy of the summary of the validation report and the Education Department Board's response for the above school. I shall be grateful if you will arrange for this to be published as an appendix to a Billet d'État.

Copies of the full report will be made available for any member of the public to inspect at both the school and the Education Department.

Yours faithfully

M A Ozanne  
Minister

## SUMMARY OF THE VALIDATION REPORT

### ST ANNE'S SCHOOL, ALDERNEY

St. Anne's is a one site non-selective school for boys and girls aged 4 - 16 on the island of Alderney, within the Bailiwick of Guernsey

There are 209 students on roll, 122 in the primary phase and 87 in the secondary phase. They are taught by 18 full time staff, including the headteacher

#### **Background**

The validation team consisted of eight experienced Ofsted inspectors from the UK, all of whom had completed the Islands' Federation for the Evaluation of Schools (IFES) training course. The team was led by a former senior HMI and Ofsted Registered Inspector.

The team was introduced to the staff at an informal meeting on Monday, and then spent four days inspecting the school.

The school provided a range of documentation and information in advance of the visit, having spent a year working on its self-evaluation activities. The headteacher and a number of staff had attended the Education Department's IFES Internal Evaluator training course on how to carry out a self-review.

The evidence base to validate the school's findings was collected through:

- \* observation of 90 whole or part lessons;
- \* scrutiny of a wide range of whole school and departmental documentation from the last three years, including School Improvement Plans, minutes of meetings and examination results;
- \* examination and discussion of teachers' planning;
- \* attendance at assemblies, form tutor periods and some extra-curricular activities;
- \* examination of pupils' current and previous work;
- \* approximately 18 hours of planned discussions with teachers and other staff, pupils and parents;
- \* observation of pupils on arrival and departure from the school and at other times around the buildings and grounds;
- \* scrutiny of 35 letters and 140 returns from the parental questionnaire.

At the end of the week, subject co-ordinators received an oral feedback on their subject area from the specialist inspector. The team leader and deputy leader reported the main findings of the inspection team to the headteacher and her two deputies at the school. This was followed by verbal reports to the Assistant Director and then to the Director of Education.

### **Main Findings**

- \* The headteacher has successfully led the school through a comprehensive review of its current provision. The internal report is commendably thorough, honest and accurate, and provides a valuable basis for future planning and progress.
- \* A number of staffing difficulties and temporary appointments in recent years impacted adversely on the school's rate of progress, and some issues arising from the 1998 inspection have yet to be fully resolved. However, many advances have been made over the past year, and the school is benefiting from the recent appointments of able and experienced staff at deputy head (primary) and Foundation Stage levels.
- \* Successful appointments of new staff, and a renewed focus upon lesson planning and raising standards, have led to improvements in the quality of teaching, learning and attainment throughout the school.
- \* The inspection team observed 90 lessons during the week, 46 in the secondary phase and 44 in the Foundation Stage and primary phase. Of these, 91% were judged to be of satisfactory standard or better. This is a marked improvement upon the figures for past inspections of 60% in 1994 and 78% in 1998. Of particular note is the improvement in the number of good or excellent lessons observed which has risen from 22% (1998) to 53% in 2005.
- \* The best lessons are well planned, learning objectives are clearly explained to pupils, and effective use is made of plenary sessions. Relationships are good, pupils are suitably encouraged and discipline is firm. Activities are suitably resourced and steady progress is made when work is differentiated to take account of pupils' different levels of ability. All subject areas provided examples of good practice in some lessons. Particular strengths were observed in science, English, art, business studies, history, PSHE, RE and PE.
- \* Teaching assistants are making a valuable contribution to the quality of provision in the Foundation Stage and the primary phase. The purposeful use of interactive whiteboards and ICT is increasing, and learning support is well organised for children with special educational needs (SEN).
- \* The number of unsatisfactory lessons has declined from 40% in 1994 to 22% in 1998 and 9% in 2005. Weaker lessons would be strengthened by better classroom and time management, greater subject knowledge, more stretching of able pupils, and more effective assessment and target setting practices. There

are currently no specialists for the teaching of music and ICT.

- \* The returns from the parental questionnaire (Appendix A) reveal good levels of support for the headteacher and her staff in many aspects of the school's work.
- \* The school seeks to provide a broad curriculum at each key stage, underpinned by improved short, medium and long term planning. In the primary phase, advancements have been made in the provision for DT, ICT and music. Similarly, the secondary phase now meets the requirements for the National Curriculum (Guernsey), with the exception of music at KS3. Careers education and citizenship are appropriately delivered within the PSHE programme, and two GCSE vocational courses have also been introduced.
- \* Suitable pastoral arrangements are made for pupils' support, guidance and welfare. Attendance and behaviour are good, with only a few instances observed of low level disruption. The staff are working hard to establish secure and supportive ethos for effective teaching and learning.
- \* Despite the observations of a significant minority of parents in the returns from the parental questionnaire, a good range of extra-curricular activities is offered in both primary and secondary phases.
- \* The school has correctly identified the need to update a number of schemes of work and policies, such as for ARR and homework. More attention to gifted and able pupils is planned. A promising start has been made in the production of class and subject portfolios.
- \* Attainment levels have improved steadily in English, mathematics and science at both primary and secondary levels, although there has been some under achievement by more able pupils. A start has been made on the detailed analysis of SATs tests and examination results. Assessment data needs to be used more effectively in the setting of targets for individual pupils.
- \* Children are receiving an excellent introduction to school life through well planned and organised activities in the Foundation Stage, where good progress is being made in the six areas of learning.
- \* The school makes good provision for the spiritual, moral, social and cultural development of its pupils, and school councils have been introduced in both phases.
- \* There are appropriate arrangements for school assemblies and acts of worship, with some well prepared and lively contributions from pupils. The more active participation of older pupils is planned.
- \* The high staff turnover has led to a lack of continuity in school planning and development. The headteacher has wisely introduced a short term School

Improvement Plan (SIP), pending the production of a full post-VSSE SIP from September 2005.

- \* Internal management and communication is supported by an appropriate range of minuted meetings at senior management and whole staff levels. It is rightly intended to clarify SMT and subject co-ordinator roles and responsibilities once all the impending staff appointments have been made.
- \* The school is working hard to strengthen its partnership with parents and the local community. The returns from the parental questionnaire express appreciation for the headteacher's efforts and determination to raise expectations of work, behaviour and dress, and to improve systems of communication. The school benefits from several parent and other adult helpers, and from the support of the PTA which raises additional funds annually for the benefit of the pupils, such as for school trips and playground improvements.
- \* The school office is efficiently run and financial systems are well organised and supervised. The site and accommodation are well cleaned and maintained. An audit of resources is being carried out to assist future planning. Resources at all stages are adequate to meet the demands of the NC(Guernsey).
- \* The school's self-evaluation report identifies twelve key issues for attention, and these are endorsed by the validation team.

### **Key Issues that the School Needs to Address**

- \* In order to sustain the improvement which the school has made over the past year, the headteacher and her SMT should :
  - continue to raise expectations of work and behaviour;
  - ensure the full participation of staff in the production of a strategic School Improvement Plan from September 2005 which addresses the issues raised in both the internal and external VSSE reports;
  - determine and communicate the new roles and responsibilities of the SMT and subject , once impending appointments have been made; ensure that monitoring arrangements and cross-phase liaison and expectations are clear and that staff are mutually supportive;
  - strengthen the analysis and use of available test and examination data to set targets for pupils at all levels; address the needs of higher ability pupils;
  - ensure that teaching and support staff training needs are met through a planned programme of in-house and externally provided professional development; establish a flexible induction programme for new staff;

- update relevant school policies and schemes of work, and ensure their consistent application;
- continue to monitor the breadth and quality of curriculum provision, and the continuity and progression of learning across the key stages.

*The school is responsible for drawing up an action plan after receiving the Report, showing what it is going to do about the issues raised and how it will incorporate them in the school's Improvement Plan.*

*A follow-up visit to the school will be made in summer/autumn 2006 in order to monitor and discuss the progress the school has made, and a written report will be made to the Director of Education.*



## **EDUCATION DEPARTMENT**

### **Response to the Validation Report on St Anne's School**

The Board of the Education Department is pleased with the school's very good Validation Report of March 2005 where the self evaluation exercise was said to have been "well organised and efficiently conducted".

The Board is pleased to note that there has been a significant improvement in the overall standards of teaching and learning since the last school inspection in November 1998. It was particularly commendable that 91% of lessons were deemed to be satisfactory or better with 53% of lessons either good or excellent in the quality of teaching, learning and attainment with all subject areas providing examples of good practice. These statistics were recognised as being "a significant improvement" on the 1998 figures. St Anne's was described as a school where "pupils are keen to learn, behave well and respond positively to well planned activities, encouragement and praise from teachers who have high expectations of them". Attainment levels have continued to improve in both SATs and GCSE results and it was confirmed that "there is a clear trend of improving attainment that is now above the national average". Provision for special educational needs is said to be "coordinated with commitment and enthusiasm". The library was seen as a particular strength being efficient, well organised and innovative in providing resources for learning.

The school is described as "a very close, caring community, a happy school which has a relaxed but purposeful atmosphere", where "relationships can be characterised as being based on mutual respect and trust", where "senior school pupils adopt a caring attitude for the younger ones". Provision for spiritual, moral, social and cultural development is identified as a significant development with the introduction of a set of values that now impact positively on the pupils' personal development. Pupils distinguish right from wrong and know clearly what is expected of them with regard to their behaviour. Pupils show respect for school property and equipment and the building is very clean and free of graffiti and litter. There was a high and supportive response from parents by means of the questionnaire which showed that there is considerable support and respect for the work being done by the headteacher and her staff. The School is at the forefront of positive change and "the strong sense of purpose and desire to bring about change within the school" was evident. A particular strength in leadership and management of the school was the high expectations of the standards of pupils' work, behaviour and dress. Also it improved planning, the updating of School Policies and the strengthening of communication with parents. The Inspection Team commented that "throughout the primary and secondary phases, the increased focus on planning is paying dividends in the quality of lessons". The school office was praised for being well organised and efficient and providing a welcoming point of entry for parents and visitors to the school.

The Inspection Team commented that the Self Evaluation Report provided by the school was commendably thorough, honest and accurate and hence it provided a valuable basis for future planning and progress. The key areas the School will be continuing to address are listed below:

- Continue to raise expectations of work and behaviour.
- All staff to contribute and participate in the production of a strategic school plan which addresses the issues raised in the self evaluation report.
- Strengthen the analysis and use of available test and examination data to set targets for pupils at all levels, address the needs of higher ability pupils.
- Provide a planned programme of professional development to meet all staff needs and establish a flexible induction programme for new staff.
- Update relevant school policies and schemes of work and ensure their consistent application.
- Continue to monitor the breadth and quality of curriculum provision and the continuity and progression of learning across the key stages.

The School is in the process of developing an improvement plan that will identify the strategies needed to build on the good progress that it is making and so continue to raise achievement.

**IN THE STATES OF THE ISLAND OF GUERNSEY**

**ON THE 25<sup>th</sup> DAY OF JANUARY 2006**

The States resolved as follows concerning Billet d'État No II  
dated 6<sup>th</sup> January, 2005

**THE TRADE MARKS (BAILIWICK OF GUERNSEY) ORDINANCE, 2006**

I.- To approve, subject to the following amendment, the draft Ordinance entitled “The Trade Marks (Bailiwick of Guernsey) Ordinance, 2006” and to direct that the same shall have effect as an Ordinance of the States

**AMENDMENT**

In section 106 of the Ordinance (printed on page 117 of the Brochure to the Billet) for “the 1<sup>st</sup> March, 2006” substitute “the 1<sup>st</sup> June, 2006”.

**THE EUROPEAN COURT OF HUMAN RIGHTS (PRIVILEGES AND IMMUNITIES) (BAILIWICK OF GUERNSEY) ORDINANCE, 2006**

II.- To approve the draft Ordinance entitled “The European Court of Human Rights (Privileges and Immunities) (Bailiwick of Guernsey) Ordinance, 2006” and to direct that the same shall have effect as an Ordinance of the States.

**PUBLIC SERVICES DEPARTMENT**

**VISITING MOORING CHARGES 2006-7**

III.- After consideration of the Report dated 14<sup>th</sup> November, 2005, of the Public Services Department:-

To approve the mooring charges, in respect of visiting yacht rates only, as set out in that Report, with effect from 1<sup>st</sup> April, 2006.

**HOME DEPARTMENT**

**PAROLE REVIEW COMMITTEE - CHAIRMAN**

V.- After consideration of the Report dated 25<sup>th</sup> November, 2005, of the Home Department:-

To appoint Mrs Judith Haslam as Chairman of the Parole Review Committee for a term of three years from 1<sup>st</sup> March, 2006.

***ORDINANCE LAID BEFORE THE STATES***

**THE BIRDS AND ANIMAL HEALTH (MISCELLANEOUS PROVISIONS)  
(AMENDMENT) ORDINANCE, 2005**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Birds and Animal Health (Miscellaneous Provisions) (Amendment) Ordinance, 2005, made by the Legislation Select Committee on the 17<sup>th</sup> October, 2005, was laid before the States.

***STATUTORY INSTRUMENTS LAID BEFORE THE STATES***

**THE INCOME TAX (GUERNSEY) (VALUATION OF BENEFITS IN KIND)  
REGULATIONS, 2005**

In pursuance of Section 8 (2) (b) of the Income Tax (Guernsey) Law, 1975, as amended, the Income Tax (Guernsey) (Valuation of Benefits in Kind) Regulations, 2005 made by the Treasury and Resources Department on 6<sup>th</sup> December, 2005, were laid before the States.

**THE INCOME TAX (PENSIONS) (CONTRIBUTION LIMITS AND  
TAX-FREE LUMP SUMS) REGULATIONS, 2005**

In pursuance of Sections 153 (2), 157A (2) (b) (vi), 157A (5B) and 159 of the Income Tax (Guernsey) Law, 1975, as amended, the Income Tax (Pensions) (Contribution Limits and Tax-Free Lump Sums) Regulations, 2005 made by the Treasury and Resources Department on 6<sup>th</sup> December, 2005, were laid before the States.

**THE SOCIAL INSURANCE (BENEFITS) (AMENDMENT) (NO. 2)  
REGULATIONS, 2005**

In pursuance of section 117 of the Social Insurance (Guernsey) Laws, 1978 – 2004, the Social Insurance (Benefits) (Amendment) (No. 2) Regulations, 2005, made by the Social Security Department on 14<sup>th</sup> December, 2005, were laid before the States.

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

# **IN THE STATES OF THE ISLAND OF GUERNSEY**

## **ON THE 26<sup>th</sup> DAY OF JANUARY 2006**

(Meeting adjourned from 25<sup>th</sup> January 2006)

The States resolved as follows concerning Billet d'État No II  
dated 6<sup>th</sup> January, 2005

### **PUBLIC SERVICES DEPARTMENT**

#### **REVISION TO WATER CHARGES**

IV.- After consideration of the Report dated 15<sup>th</sup> November, 2005, of the Public Services Department:-

1. To note the report on Guernsey Water's progress since it increased water charges.
2. To support the proposed mechanism to allow increases to water charges by up to the annual increase in RPI each year as at the previous September, from 2007 onwards.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

### **SOCIAL SECURITY DEPARTMENT**

#### **REFORM OF THE OFFICE OF PROCUREUR OF THE POOR**

VI.- After consideration of the Report, dated 25<sup>th</sup> November, 2005, of the Social Security Department:-

1. That each Parish may, by a simple majority of the Douzaine, determine from time to time whether or not to elect up to two Procureurs.
2. That a Procureur, if elected, shall hold office for two years, and shall be eligible for re-election.
3. That any election shall be held in accordance with the provisions of the Reform (Guernsey) Law, 1948, as amended.
4. That the office of Procureur may be held concurrently with any other parochial office.
5. That each Procureur shall be accountable to the Douzaine and his Parish and shall annually submit for audit his accounts by two parishioners appointed at the Parish Meeting for that purpose.

6. That legislative provision be made to create the office of Procureur in line with the contents of that Report.
7. That the Public Assistance (Guernsey) Law, 1955, shall be repealed.
8. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **ENVIRONMENT DEPARTMENT**

### **WASTE DISPOSAL – JOINT FACILITY WITH JERSEY**

VII.- After consideration of the Report dated 25<sup>th</sup> November, 2005, of the Environment Department:-

1. That a joint Channel Island incineration facility does not present an acceptable long-term strategy for Guernsey.
2. That to contract now for Jersey's spare capacity between 2010 and 2014 is a high risk strategy that should not be adopted.
3. To direct the Environment Department to continue to investigate short-term export to Europe under the provisions of an Annual Renewable Agreement and to report back to the States before entering into a contract for export.
4. To direct the Environment Department to proceed with assessing the responses to the global search using the criteria agreed by the Environment and the Treasury & Resources Departments, following consideration of the recommendations of the waste procurement panel – criteria setting, and to report back to the States as soon as possible at the end of that process

## **PUBLIC SECTOR REMUNERATION COMMITTEE**

### **PUBLIC SERVANTS' PENSION SCHEME – ELIGIBILITY FOR MEMBERSHIP AND FLEXIBILITY FOR TRANSFER PAYMENTS**

VIII.- After consideration of the Report, dated 25<sup>th</sup> November, 2005, of the Public Sector Remuneration Committee:-

1. To approve the draft States of Guernsey (Public Servants) (Pensions and other Benefits) (Amendment) Rules, 2006, which were attached as Appendix II of that Report.
2. To amend Resolution IX.2 of 10 December 1992 by adding to paragraph 1 (1):  

“or the Scheme is a Scheme which the Administrator of Income Tax is satisfied is situated in a place outside Guernsey and is approved or

exempted by the competent authority in that place under laws relating to income tax there and is a scheme to which the Administrator of Income Tax would approve the payment of transfer values from a Guernsey pension arrangement.”.

3. To repeal Resolution IX.3 of 10 December 1992 and substitute the following therefor:

“1. To authorise the States Public Sector Remuneration Committee to pay to a retirement annuity scheme or a retirement annuity trust a transfer value in respect of a former employee of the States of that employee’s pension rights calculated on the same basis as transfers paid to authorities under the provisions of the United Kingdom public sector transfer arrangements provided that:

(1) the retirement annuity scheme or retirement annuity trust scheme is either:

(a) a scheme approved by the Administrator of Income Tax under section 157A of the Income Tax (Guernsey) Law, 1975; or

(b) the Scheme is a Scheme which the Administrator of Income Tax is satisfied is situated in a place outside Guernsey and is approved or exempted by the competent authority in that place under laws relating to income tax there and is a scheme to which the Administrator of Income Tax would approve the payment of transfer values from a Guernsey pension arrangement; and

(2) the former employee left States employment on or after 1 August 1988 and has not subsequently received a refund of contributions or a transfer value to another occupational pension scheme.

2. To authorise that Committee to accept the payment of transfer values from a retirement annuity scheme or a retirement annuity trust on such terms as an actuary shall advise are consistent with those adopted for the purpose of paragraph 1 above.”.

K. H. TOUGH  
HER MAJESTY’S GREFFIER