

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 10TH DAY OF MARCH, 2004

The States resolved as follows concerning Billet d'État No. III  
dated 20th February, 2004

**PROJET DE LOI**

entitled

**THE ENVIRONMENTAL POLLUTION (GUERNSEY) LAW, 2004**

- I. To approve, subject to the following amendments, the Projet de Loi entitled “The Environmental Pollution (Guernsey) Law, 2004”, and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**AMENDMENTS**

1. In item 1. of the Arrangements of Sections the word “Purpose” was deleted and replaced by the word “Purposes”.
2. In clause 25 (1)(b) the words “point of law” were deleted and replaced by the words “question of law”.
3. In the headnote to clause 27 the words “points of law” were deleted and replaced by the words “questions of law”.

**PROJET DE LOI**

entitled

**THE SOCIAL INSURANCE (GUERNSEY) (AMENDMENT) LAW, 2004**

- II. To approve the Projet de Loi entitled “The Social Insurance (Guernsey) (Amendment) Law, 2004”, and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE POLICE POWERS AND CRIMINAL EVIDENCE (BAILIWICK OF  
GUERNSEY) LAW, 2003 (COMMENCEMENT) ORDINANCE, 2004**

- III. To approve the draft Ordinance entitled “The Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 (Commencement) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

**THE BAIL (BAILIWICK OF GUERNSEY) LAW, 2003 (COMMENCEMENT)  
ORDINANCE, 2004**

- IV. To approve the draft Ordinance entitled “The Bail (Bailiwick of Guernsey) Law, 2003 (Commencement) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

**THE MACHINERY OF GOVERNMENT (TRANSFER OF FUNCTIONS)  
(GUERNSEY) ORDINANCE, 2003 (COMMENCEMENT) ORDINANCE, 2004**

- V. On the application of H.M. Procureur, TO GRANT LEAVE TO WITHDRAW the draft Ordinance entitled “The Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (Commencement) Ordinance, 2004”.

**THE NOTICE OF SMOKING IN PUBLIC PLACES ORDINANCE, 2004**

- VI. To approve the draft Ordinance entitled “The Notice of Smoking in Public Places Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

**THE SALE OF TOBACCO (AMENDMENT) ORDINANCE, 2004**

- VII. To approve the draft Ordinance entitled “The Sale of Tobacco (Amendment) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

**THE EDUCATION (SCHOOLS COMMITTEES) (AMENDMENT)  
(GUERNSEY) ORDINANCE, 2004**

- VIII. To approve the draft Ordinance entitled “The Education (Schools Committees) (Amendment) (Guernsey) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

**THE HOUSING (CONTROL OF OCCUPATION) (EXTENSION)  
ORDINANCE, 2004**

- IX. To approve the draft Ordinance entitled “The Housing (Control of Occupation) (Extension) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

**THE HEALTH SERVICE (BENEFIT) (LIMITED LISTS) ORDINANCE, 2004**

- X. To approve the draft Ordinance entitled “The Health Service (Benefit) (Limited Lists) Ordinance, 2004”, and to direct that the same shall have effect as an Ordinance of the States.

**STATES ADVISORY AND FINANCE COMMITTEE**

**THE PUBLIC TRUSTEE**

- XI. After consideration of the Report dated the 5<sup>th</sup> February, 2004, of the States Advisory and Finance Committee:-

To appoint Mr. David Peter Trestain as Public Trustee for a period of five years.

### **STATES BOARD OF ADMINISTRATION**

#### **THE BOATS AND VESSELS (REGISTRATION, SPEED LIMITS AND ABATEMENT OF NOISE) ORDINANCE, 1970, AS AMENDED**

- XII. After consideration of the Report dated the 9<sup>th</sup> January, 2004, of the States Board of Administration:-

- 1(1) To approve the amendments to the Boats and Vessels (Registration, Speed Limits and Abatement of Noise) Ordinance, 1970, as set out in Part 1 of that Report.
- (2) To direct the preparation of a new map in respect of Herm and Jethou defining the coastal restricted zones as amended.
2. To approve the amendments to the Boats and Vessels (Registration, Speed Limits and Abatement of Noise) Ordinance, 1970, as set out in Part 2 of that Report.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

### **STATES BOARD OF HEALTH**

#### **PARKING AT THE PRINCESS ELIZABETH HOSPITAL RESOLUTION OF IMPASSE BETWEEN THE BOARD OF HEALTH AND THE ISLAND DEVELOPMENT COMMITTEE**

- XIII. After consideration of the Report dated the 4<sup>th</sup> February, 2004, of the States Board of Health:-

1. To approve the States Board of Health's proposal to build an above ground car park at La Corbinerie, as detailed in that Report, at a total cost not exceeding £800,000.
2. To authorise the States Advisory and Finance Committee to approve the acceptance of all tenders in connection with this project and to approve a capital vote, not exceeding £800,000, such sum to be charged to the capital allocation of the States Board of Health.
3. To authorise the States Advisory and Finance Committee to transfer an appropriate sum from the Capital Reserve to the capital allocation of the States Board of Health in respect of this project.

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

ON THE 11TH DAY OF MARCH, 2004

(Meeting adjourned from 10<sup>th</sup> March, 2004)

The States resolved as follows concerning Billet d'État No. III  
dated 20th February, 2004

**STATES HOUSING AUTHORITY**

**SCHEMES FOR THE PROVISION OF AFFORDABLE HOUSING:  
OPERATIONAL AND FUNDING ARRANGEMENTS**

XIV. After consideration of the Report dated the 5<sup>th</sup> February, 2004, of the States Housing Authority, they are of opinion:-

1. To approve the introduction of a Partial Ownership scheme, the principles of which are as set out in paragraphs 32 – 53 and Appendix 4 of that Report.
2. That a housing association or any other body may operate a scheme of Partial Ownership based on these principles, subject to them being approved to do so by the Housing Department.
3. Subject to the approval of the Policy Council, to authorise the Housing Department, in the circumstances set out in paragraphs 54 - 64 of that Report, to support any funding shortfalls suffered by a housing association or any other approved provider that have arisen specifically through reductions in the equity owned by successive owners or through the recovery of partially owned dwellings by the scheme provider; via the additional grant funding from the States Housing Association Fund.
4. To direct the Treasury and Resources Department to take due account of the funding requirements of the scheme when recommending additional capital allocations in 2004 and in subsequent years, subject to affordability, availability of funds and prioritisation.
5. To direct that the Housing Department investigate and report back to the States, as soon as possible, with proposals for an Assisted Purchase scheme along the lines of that set out in paragraphs 25 - 31 and Appendix 3 of that Report, having first considered the relationship between such a scheme and the existing States Home Loans scheme.
6. To direct that the States Housing Authority, and from May 2004 the Housing Department, continue investigations into the feasibility of a Self Build Scheme for Guernsey, and report to the States as soon as possible, but not later than their meeting in March 2005.
7. That the investigations and reports into Assisted Purchase and Self Build be included in the 2004/2005 Action Plans for the Corporate Housing Programme.

**STATES BOARD OF INDUSTRY AND STATES EDUCATION COUNCIL**

**GUERNSEY TRAINING AGENCY – FUTURE FUNDING**

XV. After consideration of the Joint Report dated the 27<sup>th</sup> January, 2004, of the States Board of Industry and States Education Council:-

1. To direct the States Advisory and Finance Committee (and subsequently the Treasury and Resources Department) to take account of the annual grant to the Guernsey Training Agency when recommending to the States, Revenue Allocations for the Commerce and Employment Department for 2005 onwards.
2. To agree that the States Education Council and States Board of Industry (and subsequently the Education Department and Commerce and Employment Department) shall determine how best to develop a comprehensive training policy for the Island that clearly defines the roles of the various providers.
3. To request that the Board of the Guernsey Training Agency undertake a review every three years of the work of the Agency by an external assessor; the report to be submitted to the Commerce and Employment Department and published as an Appendix to the Billet for information.
4. To endorse the working relationship between the Guernsey Training Agency and the Guernsey College of Further Education as set out in the agreed Strategic Alliance.

### **STATES INCOME TAX AUTHORITY**

#### **PENSION ARRANGEMENTS – INCOME TAX LEGISLATION**

XVI. After consideration of the Report dated the 28<sup>th</sup> January, 2004, of the States Incomer Tax Authority:-

1. That the Income Tax (Guernsey) Law, 1975, as amended, shall be further amended as set out in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

### **STATES TRANSPORT BOARD**

#### **GUERNSEY AIR TRANSPORT LICENSING – POLICY STATEMENT**

XVII. After consideration of the Report dated the 5<sup>th</sup> February, 2004, of the States Transport Board:-

To approve the revised Policy Statement as appended to that Report concerning the licensing of Guernsey Air Transport Services.

### **STATES OVERSEAS AID COMMITTEE**

#### **ARRANGEMENTS FOR THE DISTRIBUTION OF OVERSEAS AID**

XVIII. After consideration of the Report dated the 30<sup>th</sup> January, 2004, of the States Overseas Aid Committee:-

1. To establish a Guernsey Overseas Aid Commission, to operate under the new machinery of government, as set out in paragraph 36 of that Report.
2. That that Commission shall operate within policy guidelines set by the Policy Council having regard to recommendations from the Commission.
3. (1) To include in the budget of the Commission an annual amount for the purposes of providing aid in respect of specific emergency disasters;  
  
(2) that any part of this budget, which is not used by the end of the year in respect of which it is allocated, shall be retained for use by the Commission;
- (3) to rescind Resolution 11 of 15 July 1999.
4. To agree that the Policy Council shall provide administrative support to the Commission on request.

### **REQUÊTE**

#### **SPEECH AND LANGUAGE THERAPY SERVICES**

XIX. After consideration of the Requête dated the 8<sup>th</sup> January, 2004, signed by Deputy P. L. Derham and six other Members of the States:-

To direct the States Board of Health or its successor Department to report to the States as soon as may be, and in any case in not more than six months, on its

- (a) short-term plans for the provision of speech and language therapy for adults and children, and
- (b) long-term plans for the provision of speech and language therapy for adults and children.

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

ON THE 12TH DAY OF MARCH, 2004

(Meeting adjourned from 11<sup>th</sup> March, 2004)

The States resolved as follows concerning Billet d'État No. III  
dated 20th February, 2004

**REQUÊTE**

**TRIBUNAL OF INQUIRY: ISLAND DEVELOPMENT COMMITTEE  
ISSUE OF PRELIMINARY DECLARATION AND COURT OF APPEAL  
JUDGMENT**

XX. After consideration of the Requête dated the 28<sup>th</sup> January, 2004, signed by Deputy M. M. Lowe and seven other Members of the States:-

TO NEGATIVE THE PROPOSITION that it is expedient that a tribunal be established to inquire into exactly why (over and above that presented to the Court of Appeal) the Island Development Committee, acting as a responsible public body, was entitled on the information available to it to conclude that the proposed development was likely to comply with land use policies in the Rural Area Plan (Phase 2).

**REQUÊTE**

**CONSTRUCTION OF NEW AIRPORT TERMINAL BUILDING**

XXI. After consideration of the Requête dated the 2<sup>nd</sup> February, 2004, signed by Deputy E. W. Walters and seven other Members of the States:-

1. To request the Public Accounts Committee (having taken advice from the Law Officers on the risk of prejudice to the States in any litigation or arbitration which may arise out of the project) to review, together with the States Treasurer, the process leading to the award by the States of the contract for construction of the new terminal building at the States Airport to Hochtief, with particular attention to the adequacy of any financial checks carried out on Hochtief on behalf of the States, and to report to the States thereon.
2. TO NEGATIVE THE PROPOSITION to request the Department of Commerce and Employment (having taken advice from the Law Officers on the legal consequences) to report to the States on the possible financial and commercial consequences to the States, of the States inserting a condition into future construction contracts to be entered into by the States such as to require main contractors to carry out financial checks on sub contractors engaged by main contractors.
3. TO NEGATIVE THE PROPOSITION to request the Department of Commerce and Employment (having taken advice from the Law Officers on the legal consequences) to report to the States on the possible financial and commercial consequences to the States, of the States inserting a condition

into future construction contracts to be entered into by the States such as to require main contractors to use written contractual conditions for all contracts entered into by main contractors with their sub contractors.

4. TO NEGATIVE THE PROPOSITION to request the Department of Commerce and Employment (having taken advice from the Law Officers on the legal consequences) to report to the States on the possible financial and commercial consequences to the States, of the States inserting a condition into future construction contracts to be entered into by the States such as to reserve to the States, in the absence of nominations, the right to make payments to sub contractors in the event of main contractors defaulting in making payments.

***STATUTORY INSTRUMENT LAID BEFORE THE STATES***

THE SOCIAL INSURANCE (BENEFITS) (TRANSITIONAL) REGULATIONS,  
2004

In pursuance of the provisions of section 117 of the Social Insurance (Guernsey) Law, 1978, as amended, the Social Insurance (Benefits) (Transitional) Regulations, 2004, made by the Guernsey Social Security Authority on the 4<sup>th</sup> February, 2004 were laid before the States.

D. R. DOREY  
HER MAJESTY'S DEPUTY GREFFIER