

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 24TH DAY OF NOVEMBER, 2004

The States resolved as follows concerning Billet d'État No XX
dated 5th November, 2004

PROJET DE LOI

entitled

THE INCOME TAX (BUSINESS PROFITS) (GUERNSEY) LAW, 2004

- I.- (1) To approve the Projet de Loi entitled “The Income Tax (Business Profits) (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.
- (2) Considering it expedient in the public interest so to do, to declare, pursuant to section 1 of the Taxes and Duties (Provisional Effect) (Guernsey) Law, 1992, that the said Projet de Loi shall have effect from the 1st January, 2005, as if it were a Law sanctioned by Her Majesty in Council and registered on the records of the Island of Guernsey.

PROJET DE LOI

entitled

**THE CRIMINAL JUSTICE (SUPERVISION OF OFFENDERS) (BAILIWICK OF
GUERNSEY) LAW, 2004**

- II.- To approve the Projet de Loi entitled “The Criminal Justice (Supervision of Offenders) (Bailiwick of 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.

PROJET DE LOI

entitled

THE CRIMINAL INJURIES COMPENSATION (BAILIWICK OF GUERNSEY) LAW, 2004

III.- To approve the Projet de Loi entitled “The Criminal Injuries Compensation (Bailiwick of 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.

HOUSING DEPARTMENT

AFFORDABLE HOUSING - LEASEHOLD INTERESTS

IV.- After consideration of the Report dated 21st September, 2004, of the Housing Department:-

1. To approve the inclusion in the draft legislation regarding leaseholds of enabling provisions as set out in that Report.
2. To approve the Projet de Loi entitled “The Real Property (Housing Schemes, Leaseholds and Miscellaneous Provisions) (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.

HOME DEPARTMENT

PROTECTION FROM HARASSMENT LAW

V.- After consideration of the Report dated 23rd September, 2004, of the Home Department:-

- 1 That legislation be enacted to protect people from harassment 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.

HOUSING DEPARTMENT

PROPOSALS FOR A NEW STATES RENT AND REBATE SCHEME

VI.- After consideration of the Report dated 24th September, 2004, of the Housing Department:-

1. That a new States Rents and Rebate Scheme as set out in that Report, shall come into force with effect from 7 May 2005.
2. That the States Rents and Rebate Scheme shall continue to apply primarily to tenants of the Housing Department, to the tenants of the Guernsey Housing Association, and to occupants of the NCH Youth Housing Project premises at 17 Havilland Street, but may also apply to such other persons as may be prescribed by the States or agreed by the Housing Department.
3. That the formula to be applied for the setting of Standard Rents for Housing Department properties be as described in paragraph 45 of that Report.
4. That the Standard Rents to be applied from the inception of the Scheme be as set out in Appendix 3 to that Report, save that the transitional rules set out in paragraphs 146 - 150 of that Report shall apply to their implementation in respect of years 1, 2 and 3 of the new Scheme.
5. That Standard Rents shall be applied for 52 weeks per year.
6. That the rules for the assessment of a Rent Rebate and the disregard of income shall be as set out in Appendix 3 of that Report.
7. That, as part of the rules of assessment:
 - the rate of weekly child allowance be increased to £5.00 per week;
 - the single parent employment allowance be withdrawn to be replaced by a variety of childcare allowances payable to employed tenants in cases where they incur childcare costs associated with employment, the rates of those allowances and the circumstances in which they are payable being as set out in paragraph 105 of that Report;
 - the charges for non-dependents be as set out in paragraphs 127 and 129 of that Report;

all such allowances and charges coming into effect from 7 May 2005 and being reviewed annually thereafter.

8. That the gross income ceiling for eligibility for a Rent Rebate be removed completely.
9. That the assessed rent to be paid by a tenant (i.e. after a rebate, if appropriate) shall never exceed the Standard Rent of the property occupied.
10. That the Income Related Rents Scheme (surcharges) be discontinued with effect from 7 May 2005, whereupon;
 - Tenants currently paying Income Related Rents shall be assessed in accordance with the rules as set out in Appendix 3 of that Report;
 - Tenants who have paid an Income Related Rent will still be entitled to reclaim the surcharge element of rent paid before that date if entitled to do so in accordance with paragraph 162 of that Report.
11. To approve the enactment of legislation enabling implementation of the Rent and Rebate Scheme and the general regulation of the terms and conditions of occupation of States' residential housing as outlined in that Report.
12. That the Housing Department be directed to carry out a fundamental review of the Rent and Rebate Scheme every five years and report the outcome of such reviews to the States.
13. That, between five yearly reviews, the Housing Department be empowered to increase Standard Rents and rebate assessment factors by Order.
14. To direct the Treasury and Resources Department to make provision for the Housing Department to be reimbursed, in whole or in part, for the income foregone in rebating rents, through the annual allocation of funds to the Housing Department to fulfil its Corporate Housing Programme commitments funded by the States Houses Fund.
15. To direct the Treasury and Resources Department to make provision for the Housing Department to receive sufficient funds to meet the States' commitment to pay to the Guernsey Housing Association, from the States Housing Association Fund, the full value of rent rebates granted to Association tenants, through the annual allocation of funds to the Housing Department as part of the Corporate Housing Programme.
16. To direct the Treasury and Resources Department to have due regard to the staffing implications for implementation of the new Rents and Rebates Scheme when administering the Staff Number Limitation Policy.
17. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

HEALTH AND SOCIAL SERVICES DEPARTMENT

JOHN HENRY COURT AND SITE DEVELOPMENT PLAN UPDATE

VII.- After consideration of the Report dated 19th October, 2004, of the Health and Social Services Department:-

1. To note the progress made by the Department in implementing its site development plan since its last report on this matter in 2003.
2. (a) To approve the construction of new accommodation at John Henry Court at a total cost of £7 million (including consultants fees etc already approved of £1.1million.).
(b) To authorise the Treasury and Resources Department to loan the Health and Social Services Department a sum of £3 million, repayable over 25 years with interest to be charged at the States Treasurer's rate.
(c) To authorise the Treasury and Resources Department to approve the acceptance of all tenders in connection with the construction of new accommodation at John Henry Court.
(d) To vote the Health and Services Department a credit of £2.9 million such sum to be charged to the capital allocation of that Department.
(e) To authorise the Treasury and Resources Department to transfer an appropriate sum from the Capital Reserve to the capital allocation of the Health and Social Services Department.
3. To authorise the Treasury and Resources Department to negotiate a long term ground lease of the new day centres from the Trustees of Les Cotils, subject to the final approval of the Law Officers of the Crown and States approval of the construction of the centres.
4. To direct that, under the Corporate Housing Programme, the Health and Social Services Department and the Housing Department investigate the feasibility of introducing a key worker housing association to the Island to manage John Henry Court and other similar accommodation for key workers employed by the States.

ORDINANCE LAID BEFORE THE STATES

THE HEALTH SERVICE (BENEFIT) (RATES OF MEDICAL BENEFIT) ORDINANCE, 2004

In pursuance of the provisions of the proviso to Article 66(3) of the Reform (Guernsey) Law, 1948, the Health Service (Benefit) (Rates of Medical Benefit) Ordinance, 2004 made by the States Legislation Committee on the 26th February, 2004, was laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE RABIES ORDER, 2004

In pursuance of Section 4 of the Rabies (Bailiwick of Guernsey) Law, 1975, the Rabies Order, 2004, made by the Commerce and Employment Department on 29th September, 2004, was laid before the States.

**THE SOCIAL INSURANCE (CLASSIFICATION)
(AMENDMENT) REGULATIONS, 2004**

In pursuance of Section 117 of the Social Insurance (Guernsey) Laws, 1978-2003, the Social Insurance (Classification) (Amendment) Regulations, 2004, made by the Social Security Department on 1st October, 2004, were laid before the States.

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