

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 24TH DAY OF NOVEMBER 2010

**The States resolved as follows concerning Billet d'État No XXIII
dated 15th October 2010**

PROJET DE LOI

entitled

THE TOBACCO PRODUCTS (ENABLING PROVISIONS) (GUERNSEY) LAW, 2010

I.- To approve, subject to the following amendment, the Projet de Loi entitled “The Tobacco Products (Enabling Provisions) (Guernsey) Law, 2010” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

AMENDMENT

In section3(5)(c) for “10 years” (printed at page 7 of the Brochure) substitute “2 years”.

THE MISUSE OF DRUGS (BAILIWICK OF GUERNSEY) LAW, 1974 (AMENDMENT) ORDINANCE, 2010

II.- To approve the draft Ordinance entitled “The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 (Amendment) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

THE INCOME TAX (GUERNSEY) (APPROVAL OF AGREEMENT WITH PORTUGAL) ORDINANCE, 2010

III.- To approve the draft Ordinance entitled “The Income Tax (Guernsey) (Approval of Agreement with Portugal) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

THE ATTENDANCE AND INVALID CARE ALLOWANCES ORDINANCE, 2010

IV.- To approve the draft Ordinance entitled “The Attendance and Invalid Care Allowances Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

**THE SUPPLEMENTARY BENEFIT (IMPLEMENTATION)
(AMENDMENT) ORDINANCE, 2010**

V.- To approve the draft Ordinance entitled “The Supplementary Benefit (Implementation) (Amendment) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

THE HEALTH SERVICE (BENEFIT) (AMENDMENT) ORDINANCE, 2010

VI.- To approve the draft Ordinance entitled “The Health Service (Benefit) (Amendment) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

**THE SOCIAL INSURANCE (RATES OF CONTRIBUTIONS AND
BENEFITS, ETC.) ORDINANCE, 2010**

VII.- To approve the draft Ordinance entitled “The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

THE FAMILY ALLOWANCES ORDINANCE, 2010

VIII.- To approve the draft Ordinance entitled “The Family Allowances Ordinance, 2010” and to direct that the same shall have effect as an Ordinance of the States.

TREASURY AND RESOURCES DEPARTMENT

**AMENDMENTS TO INCOME TAX LEGISLATION
RELATING TO RELIEF FOR PENSION CONTRIBUTIONS
AND TAXATION OF BENEFITS ARISING FROM PENSION SCHEMES**

IX.- After consideration of the Report dated 24th August, 2010, of the Treasury and Resources Department:-

1. To note the proposals in paragraphs 4.2, 4.5, 4.6, 4.7, 4.9 and 4.13 of that Report.
2. To direct that legislation is enacted as set out in paragraphs 4.1, 4.3, 4.4, 4.8, 4.10, 4.11, 4.12 and 4.14 of that Report as follows.
 - (1) To remove the need for occupational pension schemes, when seeking approval under section 150 of the Income Tax (Guernsey) Law, 1975, as amended, to submit the constitutive documents and accounts as a matter of course, whilst retaining the right of the Director to request said documents if he thinks fit (4.1).
 - (2) To determine the maximum lump sum which may be taken from a personal pension arrangement at 30% of the fund value (4.3).

- (3) To remove the requirement for the right to elect for part commutation of annuity payable under a personal pension arrangement to be exercised at the same time as the annuity commences, provided that such exercise should not be prior to age 50 (except where the Director agrees it is appropriate, for specific occupations) (4.4).
 - (4) To allow contributions to an occupational pension scheme to qualify for tax relief to the extent that they do not exceed the lower of 100% of the individual's income or an amount to be set by the Department by regulation (4.8).
 - (5) To ensure that contributions by an employer to an employee's personal pension arrangement do not constitute an emolument in the employee's hands (4.10).
 - (6) To allow unused tax relief in any year of charge to be carried forward and added to available relief in a later year of charge, subject to a maximum carry forward period of six years after the end of the year of charge in which the excess arises (4.11).
 - (7) To allow full commutation of an annuity or pension in the circumstances described in paragraph 3.6.3 of that Report, and to introduce a tax charge as also outlined therein (4.12).
 - (8) To allow the Director to approve an occupational pension scheme or personal pension arrangement whether or not the member is resident in Guernsey, and/or, the sponsoring employer is resident or carrying on business in Guernsey (4.14).
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

TREASURY AND RESOURCES DEPARTMENT

PROPOSAL FOR THE ABOLITION OF RETENTION TAX

X.- After consideration of the Report dated 7th September, 2010, of the Treasury and Resources Department:-

1. That Guernsey paying agents shall be able to cease to deduct Retention Tax from interest payments made to beneficial owners resident in EUMS from 1 January 2011, but must do so no later than 30 June 2011, after which all Guernsey paying agents must automatically exchange information in accordance with the EUSD equivalent agreements.
2. That any Retention Tax which is deducted by a Guernsey paying agent from interest payments made to beneficial owners resident in EUMS, in the period 1 January 2011 – 30 June 2011 inclusive, to be paid over to the Director of Income Tax no later than

30 September 2011.

- 3 To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

TREASURY AND RESOURCES DEPARTMENT

SALE OR LEASE OF STATES PROPERTIES OF HISTORIC IMPORTANCE

XI.- After consideration of the Report dated 13th September, 2010, of the Treasury and Resources Department:-

1. To delegate to the Treasury and Resources Department the authority to approve such transactions involving the sale or lease of historic properties exceeding 21 years subject to the prior agreement of the Environment Department.
2. To note that in the event of agreement not being reached between the Treasury and Resources Department and Environment Department on whether or not a property merits consideration by the States of Deliberation then the matter will be referred to the States of Deliberation for the decision on its future.
3. To note the Treasury and Resources Department's intention to report annually to the States, through the States Accounts, on any properties of historic importance that have been disposed of through sale or lease exceeding 21 years.

EDUCATION DEPARTMENT

THE REORGANISATION OF SECONDARY EDUCATION STAGE 2: THE REBUILDING OF LES BEAUCAMPS HIGH SCHOOL

XV.- After consideration of the Report dated 8th September, 2010, of the Education Department:-

1. To approve the construction of secondary school facilities at Les Beaucamps High School as set out in that Report.
2. To approve a capital vote totalling £36,800,000 for the construction of secondary school facilities at Les Beaucamps High School as set out in that Report.
3. To approve an increase of £1,950,000 to the existing Education Development Plan Programme One Project Implementation Costs capital vote.
4. To transfer a sum of £37,050,000 from the Capital Reserve to fund the above costs as set out in paragraph 9.11.
5. To direct the Treasury and Resources Department to take account of the additional revenue costs associated with Les Beaucamps High School when recommending Cash

Limits for the Education Department for 2012 and subsequent years.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE POLICE (PROPERTY) REGULATIONS, 2010

In pursuance of section 2 (7) of the Police Property and Forfeiture (Bailiwick of Guernsey) Law 2006, the Police (Property) Regulations 2010 made by the Home Department on 10th August, 2010, were laid before the States.

THE TOBACCO ADVERTISING (GUERNSEY) REGULATIONS, 2010

In pursuance of section 3(2)(c) of the Tobacco Advertising (Guernsey) Law, 1997, the Tobacco Advertising (Guernsey) Regulations, 2010 made by the Health and Social Services Department on 10th August, 2010, were laid before the States.

THE MISUSE OF DRUGS (MODIFICATION NO 3) ORDER, 2020

In pursuance of section 30 of the Misuse of Drugs (Bailiwick of Guernsey) Law 1974, the Tobacco Misuse of Drugs (Modification No 3) Order, 2020 made by the Health and Social Services Department on 10th August, 2010, was laid before the States.

THE FINANCIAL SERVICES COMMISSION (BAILIWICK OF GUERNSEY) (AMENDMENT) REGULATIONS, 2010

In pursuance of section 21 (4) of the Protection of Investors (Bailiwick of Guernsey) Law, 1987, section 60 (1) of the Banking Supervision (Bailiwick of Guernsey) Law, 1994, section 86 of the Insurance Business (Bailiwick of Guernsey) Law, 2002, section 63 of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002 and section 31 of the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008, the Financial Services Commission (Bailiwick of Guernsey) (Amendment) Regulations, 2010 made by the Guernsey Financial Services Commission and the Policy Council on 3rd September, 2010, were laid before the States.

THE POLICE POWERS AND CRIMINAL EVIDENCE (REVISED CODE OF PRACTICE E) (BAILIWICK OF GUERNSEY) ORDER, 2010

In pursuance of section 74 (4) of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003, the Police Powers and Criminal Evidence (Revised Code of Practice E) (Bailiwick of Guernsey) Order, 2010 made by the Home Department on 20th September 2010 was laid before the States.

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 25TH DAY OF NOVEMBER 2010

(Meeting adjourned from 24th November 2010)

**The States resolved as follows concerning Billet d'État No XXIII
dated 15th October 2010**

COMMERCE AND EMPLOYMENT DEPARTMENT

DEPOSIT COMPENSATION SCHEME AMENDMENT

XII.- After consideration of the Report dated 31st August, 2010, of the Commerce and Employment Department:-

1. To approve the recommendations to remove the pre-funding element from the Deposit Compensation Scheme and implement a wholly post-funded scheme; but to direct the Commerce and Employment Department to: -
 - (a) ensure that the Deposit Compensation Scheme Board maintains vigilant monitoring of relevant international developments concerning the funding of schemes elsewhere, and advises that Department regularly thereon,
 - (b) report back to the States with appropriate recommendations as soon as it appears to that Department necessary or expedient to effect alterations concerning the funding of the Guernsey Scheme.
2. To approve the amendments to the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance 2008 as set out in section 11 and 14 of that Report.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

HOME DEPARTMENT

THE FUTURE OF LAW ENFORCEMENT – ESTABLISHMENT OF A LAW ENFORCEMENT COMMISSION

XIII.- After consideration of the Report dated 7th September, 2010, of the Home Department:-

To direct the preparation of such legislation as may be necessary to establish the Law

Enforcement Commission and its functions and to make any necessary consequential amendments to existing legislation as outlined in that Report and in the Report of the Home Department, dated 31st July 2008 concerning the future of law enforcement.

HEALTH AND SOCIAL SERVICES DEPARTMENT

THE CHILDREN (GUERNSEY AND ALDERNEY) LAW, 2008 CHILDREN AND YOUNG PEOPLE'S PLAN 2011 - 2013

XIV.- After consideration of the Report dated 8th September, 2010, of the Health and Social Services Department:-

To approve the Children and Young People's Plan for Guernsey and Alderney 2011-2013 as set out in that Report.

SCRUTINY COMMITTEE

'INVESTIGATING VANDALISM' MONITORING REPORT

XVI.- After consideration of the Report dated 15th September, 2010, of the Scrutiny Committee:-

1. To note the Scrutiny Committee's review entitled "*Investigating Vandalism*" as Appendix C to that Report.
2. To note the monitoring report including Departments' initial responses to the recommendations, as set out in Appendix A to that Report.

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