

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

**ON THE 26<sup>th</sup> DAY OF OCTOBER 2005**

The States resolved as follows concerning Billet d'État No XV  
dated 7<sup>th</sup> October, 2005

**PROJET DE LOI**

entitled

**THE COMPANIES (GUERNSEY) (AMENDMENT) LAW, 2005**

I.- To approve the Projet de Loi entitled "The Companies (Guernsey) (Amendment) Law, 2005", 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 UNCERTIFICATED SECURITIES (ENABLING PROVISIONS) (GUERNSEY)  
LAW, 2005**

II.- To approve the Projet de Loi entitled "The Uncertificated Securities (Enabling Provisions) (Guernsey) Law, 2005", and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for her Royal Sanction thereto.

**THE DATABASE RIGHTS (BAILIWICK OF GUERNSEY) ORDINANCE, 2005**

III.- To approve the draft Ordinance entitled "The Database Rights (Bailiwick of Guernsey) Ordinance, 2005" and to direct that the same shall have effect as an Ordinance of the States.

**THE PROTECTED CELL COMPANIES (AMENDMENT) ORDINANCE, 2005**

IV.- To approve the draft Ordinance entitled "The Protected Cell Companies (Amendment) Ordinance, 2005" 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, 2005**

V.- To approve, subject to the following amendment, the draft Ordinance entitled "The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2005" and to direct that the same shall have effect as an Ordinance of the States.

**AMENDMENT**

In Part III of the First Schedule to the draft Ordinance entitled "The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2005" (on p.86 of the Brochure), for "£1,333" substitute "£1,330".

**THE HEALTH SERVICE (BENEFIT) (AMENDMENT)  
(NO.2) ORDINANCE, 2005**

VI.- To approve the draft Ordinance entitled “The Health Service (Benefit) (Amendment) (No.2) Ordinance, 2005” and to direct that the same shall have effect as an Ordinance of the States.

**THE FAMILY ALLOWANCES ORDINANCE, 2005**

VII.- To approve the draft Ordinance entitled “The Family Allowances Ordinance, 2005” and to direct that the same shall have effect as an Ordinance of the States.

**THE SUPPLEMENTARY BENEFIT (IMPLEMENTATION) (AMENDMENT) (NO.2)  
ORDINANCE, 2005**

VIII.- To approve, subject to the following amendment, the draft Ordinance entitled “The Supplementary Benefit (Implementation) (Amendment) (No.2) Ordinance, 2005” and to direct that the same shall have effect as an Ordinance of the States.

AMENDMENT

In the Schedule to the draft Ordinance entitled “The Supplementary Benefit (Implementation) (Amendment) No.2) Ordinance, 2005 (on pp. 95 – 96 of the Brochure):

(a) for Table 2 substitute:

“Table 2 (Paragraph 5(1))

Short-term Weekly Requirements as from week commencing 6 January 2006

<i>Description</i>	<i>Amount</i>
Husband and wife or other persons falling within paragraph 2(1) (“ <b>Couple</b> ”)	£151.60
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (“ <b>Single householder</b> ”)	£104.60
Person who is not a householder (“ <b>Non-householder</b> ”)	£80.40
Member of a household -	
Aged 16 years or over;	£68.10
Aged 12 years but less than 16;	£42.10
Aged 5 years but less than 12;	£30.55
Aged less than 5 years	£22.55

(b) for Table 3 substitute:

Table 3

(Paragraph 5(2))

Long-term Weekly Requirements as from week commencing 6 January 2006

<i>Description</i>	<i>Amount</i>
Husband and wife or other persons falling within paragraph 2(1) (“ <b>Couple</b> ”)	£187.55
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (“ <b>Single householder</b> ”)	£129.55
Person who is not a householder (“ <b>Non-householder</b> ”)	£100.45
Member of a household -	
Aged 16 years or over;	£85.10
Aged 12 years but less than 16;	£52.65
Aged 5 years but less than 12;	£38.15
Aged less than 5 years	£28.20"

**THE LONG-TERM CARE INSURANCE (GUERNSEY) (RATES)  
ORDINANCE, 2005**

IX.- To approve the draft Ordinance entitled “The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2005” and to direct that the same shall have effect as an Ordinance of the States.

**THE ATTENDANCE AND INVALID CARE ALLOWANCES  
ORDINANCE, 2005**

X.- To approve the draft Ordinance entitled “The Attendance and Invalid Care Allowances Ordinance, 2005” and to direct that the same shall have effect as an Ordinance of the States.

**POLICY COUNCIL**

**CONSTITUTION OF THE GUERNSEY FINANCIAL SERVICES COMMISSION**

XI.- After consideration of the Report dated 19<sup>th</sup> September, 2005 of the Policy Council:-

1. To enact legislation 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.

## **POLICY COUNCIL**

### INTERNATIONAL CONVENTIONS AFFECTING CHILDREN, YOUNG PEOPLE AND THEIR FAMILIES

XII.- After consideration of the Report dated 19<sup>th</sup> September, 2005, of the Policy Council:-

That the Policy Council should request Her Majesty's Government to seek the extension, in respect of Guernsey, of the Government's ratification of the provisions of:-

- (a) the United Nations Convention on the Rights of the Child, at the first most convenient opportunity;
- (b) the Hague Convention on the Civil Aspects of Child Abduction (1980), the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children (1980) and the Hague Convention on Protection of Children and Co-operation in respect of Inter-Country Adoption (1993), once all necessary domestic legislation is in place; and
- (c) the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (1996) (known as the Hague Convention for the Protection of Children) and the Council of Europe Convention on Contact Concerning Children (2003), if and when Her Majesty's Government has ratified those Conventions in respect of the United Kingdom and the necessary domestic legislation is in place.

## **HOUSING DEPARTMENT**

### THE FEASIBILITY OF A SELF BUILD SCHEME IN GUERNSEY

XIII.- After consideration of the Report dated 3<sup>rd</sup> August, 2005, of the Housing Department: -

1. That the Housing Department has discharged its obligation to investigate the feasibility of a self build scheme in Guernsey notwithstanding propositions 4 and 5 below.
2. That public resources should not be committed to the introduction of a self build scheme based on the current self build proposal put forward by the Self Build Group as described in pages 24 - 26 of the appended report (Annex 2).
3. That public resources should not be committed at this time to the introduction of a self build scheme based on the proposed pilot self build project put forward by Jon Broome Architects in pages 27 - 54 of the appended report (Annex 2).
4. That the development of a feasible self build scheme should remain a part of the Corporate Housing Programme (CHP).

5. That the relative priority for the provision of funds and land for such a scheme be assessed as part of the States annual review of the complete package of CHP action plans.

## **HOUSING DEPARTMENT**

### **SOCIAL HOUSING UNDER THE CORPORATE HOUSING PROGRAMME: TOWARDS A PLAN FOR THE PERIOD 2006-2008**

XIV.- After consideration of the Report dated 18<sup>th</sup> August, 2005, of the Housing Department:-

1. To accept the statements of fact set out in paragraph 113 of that Report.
2. To note that the Housing Department will report back to the States, as soon as possible, with a detailed asset management and development plan to address the issues covered in that Report.
3. To approve the sale of the sites of Baubigny Cottages and the Petit Bouet estate, either as individual properties or as entire estates, as set out in paragraphs 55 and 56 of that Report.
4. To agree that the proceeds of these sales be credited to the Corporate Housing Programme Fund for the purpose of funding new development of properties required to meet current and future social housing needs as identified through the Corporate Housing Programme.
5. To agree that the Treasury and Resources Department be empowered to approve the Housing Department's proposals for the demolition and redevelopment of the Victoria Avenue estate as soon as they are finalised.
6. To direct the Treasury and Resources Department to liaise with the Housing Department regarding the future funding of the Corporate Housing Programme in particular regarding: (a) the maintenance and development of social housing; and (b) the implementation of existing States' resolutions regarding the funding of rebates for both States' tenants and Guernsey Housing Association nominated tenants; and to report back to the States with the outcome of those discussions as part of the Interim Financial Report for 2006, or sooner if feasible.
7. To direct the Treasury and Resources Department to make recommendations to the States as part of the 2006 Budget Report, regarding the funding of the social housing elements of the Corporate Housing Programme for the period 2006-2008, based on the estate improvements and development programmes referred to in that Report.

**(Resolutions on Billet d'Etat XV of 2005  
Corrected pages 86 and 86A issued on 11<sup>th</sup> October 2007)**

**SCRUTINY COMMITTEE**

**SCRUTINY REVIEW OF COMPLAINTS POLICIES AND  
APPEALS PROCEDURES**

XV.- After consideration of the Report dated 26<sup>th</sup> August, 2005, of the Scrutiny Committee:-

1. To note that Report.
2. To recommend Departments to review their complaints policies and appeals procedures in response to this report and to request the Scrutiny Committee to monitor such action taken by Departments and report back when appropriate.

**REQUÊTE**

**REVIEW OF ADMINISTRATIVE DECISIONS AND  
CREATION OF OFFICE OF OMBUDSMAN**

XVI.- After consideration of the Requête, dated 26<sup>th</sup> August, 2005, signed by Deputy C D Brock and seven other Members of the States:-

TO NEGATIVE THE PROPOSITION to direct the Policy Council

- (a) to review the operation of the Administrative Decisions (Review) Law, 1986, as amended, and to consider what, if any, amendments might beneficially be made to it, including the power to award compensation;
- (b) to investigate the provision of alternative methods of reviewing administrative decisions which are informal, independent of the States, and inexpensive, and which provide remedial or compensatory powers outside the political process, including assessing the creation of the post of Ombudsman in Guernsey, based on best practice in the United Kingdom and elsewhere; and
- (c) to report back to the States on the foregoing with recommendations as soon as possible.

**(Resolutions on Billet d'Etat XV of 2005  
Corrected pages 86 and 86A issued on 11<sup>th</sup> October 2007)**

*STATUTORY INSTRUMENTS LAID BEFORE THE STATES*

**THE INCOME TAX (BUSINESS PROFITS) (COMMENCEMENT AND  
TRANSITIONAL PROVISIONS) (GUERNSEY) REGULATIONS, 2005**

In pursuance of Section 19 (3) of the Income Tax (Business Profits) (Guernsey) (Amendment) Law, 2004, the Income Tax (Business Profits) (Commencement and Transitional Provisions) (Guernsey) Regulations, 2005, made by the Treasury and Resources Department on 6<sup>th</sup> September, 2005, were laid before the States.

**THE LIMITED PARTNERSHIP (APPLICATION  
OF AUDIT REQUIREMENTS) REGULATIONS, 2005**

In pursuance of Section 44 (3) of the Limited Partnership (Guernsey) Law, 1995, the Limited Partnerships (Application of Audit requirements) Regulations, 2005, made by the Commerce and Employment Department on 6<sup>th</sup> September, 2005, were laid before the States.

K. H. TOUGH  
HER MAJESTY'S GREFFIER