

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 30th DAY OF NOVEMBER 2005

The States resolved as follows concerning Billet d'État No XX
dated 11th November, 2005

PROJET DE LOI

entitled

**THE TAXATION OF REAL PROPERTY (ENABLING PROVISIONS)
(GUERNSEY AND ALDERNEY) LAW, 2005**

I.- To approve the Projet de Loi entitled ""The Taxation of Real Property (Enabling Provisions) (Guernsey and Alderney) 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 INCOME TAX (SURCHARGES AND SUPPLEMENTS)
(GUERNSEY) (AMENDMENT) LAW, 2005**

II.-

1. To approve the Projet de Loi entitled "The Income Tax (Surcharges and Supplements) (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.
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, 2006, as if it were a Law sanctioned by Her Majesty in Council and registered on the records of the Island of Guernsey.

**THE UNREGISTERED DESIGN RIGHTS
(BAILIWICK OF GUERNSEY) ORDINANCE, 2005**

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

**THE INTELLECTUAL PROPERTY (OFFICE OF REGISTRAR)
(BAILIWICK OF GUERNSEY) ORDINANCE, 2005**

IV.- To approve the draft Ordinance entitled “The Intellectual Property (Office of Registrar) (Bailiwick of Guernsey) Ordinance, 2005” and to direct that the same shall have effect as an Ordinance of the States.

**THE EMPLOYMENT AND DISCRIMINATION TRIBUNAL
(GUERNSEY) ORDINANCE, 2005**

V.- To approve the draft Ordinance entitled “The Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005” and to direct that the same shall have effect as an Ordinance of the States.

**THE SEX DISCRIMINATION (EMPLOYMENT)
(GUERNSEY) ORDINANCE, 2005**

VI.- To approve the draft Ordinance entitled “The Sex Discrimination (Employment) (Guernsey) Ordinance, 2005” and to direct that the same shall have effect as an Ordinance of the States.

POLICY COUNCIL

**EUROPEAN CONVENTION FOR THE PROTECTION OF
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**

VII.- After consideration of the Report dated 17th October, 2005, of the Policy Council:-

That Her Majesty’s Government be requested to make a further declaration under the European Convention for Human Rights and Fundamental Freedoms making the right of individual petition permanent and mandatory with effect from 14th January, 2006, in the Bailiwick of Guernsey.

TREASURY AND RESOURCES DEPARTMENT

SUPERANNUATION FUND: REVIEW AND ACTUARIAL REPORT

The States are asked to decide:-

VIII.- After consideration of the Report dated 30th September, 2005, of the Treasury and Resources Department:-

1. To note the Actuarial Valuation for the States of Guernsey Superannuation Fund as at 31 December 2004.
2. To agree that, except for Guernsey Electricity Limited and Guernsey Post Limited, the employer and additional employer contribution rates in respect of the States of Guernsey Superannuation Fund shall remain at the present levels.

3. To agree that the employer contribution rates for Guernsey Post Limited be increased from 9.0% to 14.0% with effect from 1 January 2006 and for Guernsey Electricity Limited be increased from 8.35% to 16.3% with effect from 1 April 2006.
4. To direct the Public Sector Remuneration Committee and the Treasury and Resources Department to review the present arrangements for providing pensions for public sector employees and to report back jointly to the States with their proposals, by no later than September 2006.

COMMERCE AND EMPLOYMENT DEPARTMENT

APPOINTMENT OF THE INDUSTRIAL DISPUTES OFFICER AND THE DEPUTY INDUSTRIAL DISPUTES OFFICER

IX.- After consideration of the report dated 20th September, 2005, of the Commerce and Employment department:-

1. To note the intention of the Commerce and Employment Department to report back to the States during 2006 following a review of the Industrial Disputes and Conditions of Employment (Guernsey) Law 1993.
2. To appoint Mr Richard Stanton Taylor (the current Industrial Disputes Officer) for a period of two years with effect from 1st January 2006 and ending 31st December 2007.
3. To approve the appointment of Mr Michael Allen Fooks as Deputy Industrial Disputes Officer for the same period.

COMMERCE AND EMPLOYMENT DEPARTMENT

DIRECTOR GENERAL – OFFICE OF UTILITY REGULATION

X.- After consideration of the Report dated 26th September, 2005, of the Commerce and Employment Department:-

To appoint Mr John Curran as Director General of Utility Regulation in accordance with the provisions of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 for a period of one year commencing 1st February 2006.

HEALTH AND SOCIAL SERVICES DEPARTMENT

MEDIATION AND CONCILIATION IN PRIVATE LAW FAMILY DISPUTE

XI.- After consideration of the Report dated 30th September, 2005, of the Health and Social Services Department:-

1. To support the proposal that mediation and conciliation services be provided by the new Safeguarder Service.
2. To request the Royal Court to consider the introduction of such Court Rules as may be necessary to implement the proposed mediation and conciliation services.

HOME DEPARTMENT

COMMUNITY SERVICE A NEW SENTENCING OPTION FOR THE CRIMINAL COURTS

The States are asked to decide:

XII.- After consideration of the Report dated 4th October, 2005, of the Home Department:-

1. To approve a three year pilot scheme to be set up through an outsourcing process under the management and supervision of the Probation Service to provide a Community Service Scheme adequate to respond to the sentencing policy and practice of the Courts and to note the Department's intention to report back to the States towards the end of 2008 on the results of the three year pilot.
2. To enact legislation to enable the courts to:
 - (a) make a Community Service order in respect of a person aged 16 or more who is found guilty of an offence punishable by imprisonment;
 - (b) designate the number of hours that a person may be required to work which should normally be not less than 40 hours and not more than 180 hours for an order made in the Magistrate's or Juvenile Courts and not more than 240 hours where the order is made in the Royal Court;
 - (c) require the hours to be worked within a specified period not exceeding 12 months of the order being made; and
 - (d) provide that proven failure to comply with an order may be dealt with by means of continuation of the order with or without a fine, or by revoking the order and dealing again with the original offence.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

ENVIRONMENT DEPARTMENT

INERT WASTE DISPOSAL

XIII.- After consideration of the Report dated 7th October, 2005, of the Environment Department:-

1. To confirm their previous resolutions in respect of the reclamation of Longue Hougue by placement of inert waste.
- 2 To direct the Public Services Department to continue to direct inert waste arisings to Longue Hougue

COMMERCE AND EMPLOYMENT DEPARTMENT

ELECTRICITY GENERATION INVESTMENT OPTIONS FOR GUERNSEY

XIV.- After consideration of the Report dated 17th October, 2005, of the Commerce and Employment:-

1. To confirm their commitment to the existing policy of retaining sufficient sources of electricity to meet requirements, in any circumstances where two such sources (on-Island generators or the CIEG cable link to France) were unavailable at the same time (the n-2 policy).
2. To agree that electricity pricing policies should be based on the assumption that, over the coming 25 years, generation requirements will be met by a combination of replacing on-Island generation plant and re-enforcement of the existing CIEG cable link to France via Jersey.
3. To agree that the above assumptions should be reviewed prior to any decision being taken on major expenditure on generating plant and/or re-enforcement of the existing CIEG cable link to France via Jersey.
4. To agree that the Policy Council should initiate an Energy Policy Review Group to assess energy policy in general and possible future sources of renewable energy, including tidal power and that at least two members of the Group should be sitting members (other than Ministers) of the States.
5. To agree that the Policy Council should report back to the States on energy policy, including what investment should be made to assess renewable energy sources and how such investment should be funded.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE MILK (RETAIL PRICES) (GUERNSEY) (REVOCATION) ORDER, 2005 and THE MILK (RETAIL PRICES) (GUERNSEY) (REVOCATION) (NO.2) ORDER, 2005

In pursuance of Section 8 (4) of the Milk (Control) (Guernsey) Ordinance, 1958, as amended, The Milk (Retail Prices) (Guernsey) (Revocation) Order, 2005, made by the Commerce and Employment Department on 20th September, 2005, and The Milk (Retail Prices) (Guernsey) (Revocation) (No.2) Order, 2005 made by the Commerce and Employment Department on 18th October, 2005 were laid before the States.

**THE SOCIAL INSURANCE (CONTRIBUTIONS) (AMENDMENT)
REGULATIONS, 2005**

In pursuance of Section 117 of the Social Insurance (Guernsey) Laws 1978-2004, The Social Insurance (Contributions) (Amendment) Regulations, 2005, made by the Social Security Department on 6th October 2005, were laid before the States.

**THE SOCIAL INSURANCE (BENEFITS) (TRANSITIONAL) (AMENDMENT)
REGULATIONS, 2005**

In pursuance of Section 117 of the Social Insurance (Guernsey) Laws 1978-2004, The Social Insurance (Benefits (Transitional) (Amendment) Regulations, 2005, made by the Social Security Department on 6th October, 2005, were laid before the States.

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL
BENEFIT) (AMENDMENT) (NO. 3) REGULATIONS, 2005**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 3) Regulations, 2005, made by the Social Security Department on 12th October 2005, were laid before the States.

**THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT) (NO. 3)
REGULATIONS, 2005**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Medical Appliances) (Amendment) (No. 3) Regulations, 2005, made by the Social Security Department on 12th October 2005, were laid before the States.

**THE DRIVING LICENCES (GUERNSEY) THEORY TEST
REGULATIONS, 2005**

In pursuance of section 4A (6) (c) of the Driving Licences (Guernsey) Ordinance, 1995, as amended, The Driving Licences (Guernsey) Theory Test Regulations 2005, made by the Environment Department on 31st August, 2005, were laid before the States.

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