

# **Resolutions**

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 30<sup>th</sup> DAY OF MARCH, 2005

The States resolved as follows concerning Billet d'État No III  
dated 11<sup>th</sup> March, 2005

**POLICY COUNCIL**

**RESPONSIBILITY FOR EMERGENCY POWERS**

I.- After consideration of the Report dated 20<sup>th</sup> January, 2005, of the Policy Council:-

1. To establish The Emergency Powers Authority as an authority of the Policy Council.
2. That the mandate of the Emergency Powers Authority shall be as set out in Annex 1 to that Report.
3. To amend the Rules relating to the Constitution and Operation of States Departments and Committees made by the States on 30<sup>th</sup> October 2003 as follows:
  - (a) in Rule 3(2) before the full stop insert the words "other than the Emergency Powers Authority";
  - (b) after Rule 16 insert a new rule as follows:

"Emergency Powers Authority

17. (1) The Emergency Powers Authority shall be constituted as an authority of the Policy Council as follows:

A chairman who shall be the Chief Minister or, if he is absent, indisposed or otherwise unable to attend, the Deputy Chief Minister. If both the Chief Minister and Deputy Chief Minister are unable to act the senior Panel Member (or, if he is senior to any Panel Member, the Minister of the Home Department) shall be Chairman;

The Minister of the Home Department;

One other member of the Policy Council chosen by the Chief Minister or, if he is absent, indisposed or otherwise unable to act, the Deputy Chief Minister or, if both the Chief Minister and Deputy Chief Minister are unable to act, the senior Panel Member, (or, if he is senior to any Panel Member, the Minister of the Home Department), having regard to the

nature of the emergency drawn from a Panel of five Ministers appointed by the Policy Council.

- (2) Resolutions of the Authority shall not be subject to ratification or other review or approval by the Policy Council.
  - (3) The quorum of the Authority shall be any two members.
  - (4) One of the Law Officers shall be present at all meetings of the Authority.
  - (5) The Bailiff shall be given prior notice of all meetings of the Authority and shall be entitled to advise and warn the Authority with regard to any matter relevant to its deliberations.
  - (6) Rules 6 (casting votes), 7 (terms of office), 14(1) and 14(2) (presence of officers etc) and 15 (declarations of financial interest) shall apply where the context so permits to the Authority."
- (c) renumber existing Rules 17, 18 and 19 as 18, 19 and 20 respectively.
4. That The Emergency Powers (Bailiwick of Guernsey) Law, 1965, as amended, be further amended to provide appropriate oaths for members, ad hoc representatives (e.g. Alderney and Sark representatives) and officers of the Authority, to provide that emergency powers can be exercised for the purpose of protecting the economic interests of the Bailiwick or any part thereof, or where there is a threat to security, public order or public health within the Bailiwick or any part thereof arising from any actual or threatened act of terrorism, and to provide for the transfer of functions to the Authority.
  5. To approve, subject to the following amendment, the Projet de Loi entitled "The Emergency Powers (Bailiwick of 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.

#### AMENDMENT

1. After clause 6 of the draft Projet, on page 7 of the brochure, insert the following clause -

7. After section 3 of the Law insert the following section -

**"Extension of Law to territorial waters.**

**3A.** The provisions of this Law and of any order and regulations made under it extend to the territorial waters adjacent to the Bailiwick of Guernsey."

2. Renummer clauses 7 to 12 of the draft Projet as clauses 8 to 13.
6. To direct The Emergency Powers Authority to bring forward proposals to replace the Emergency Powers (Bailiwick of Guernsey) Law, 1965, as amended with new legislation on the lines of the UK Civil Contingencies Act 2004.

## **HOUSING DEPARTMENT**

### **STATES HOUSE TENANCIES**

II.- After consideration of the Report dated 27<sup>th</sup> January, 2005, of the Housing Department:-

1. To note that a new States Housing Tenancy Agreement, along the lines set out in Appendix 1 of that Report, shall come into effect from 7<sup>th</sup> May 2005.
2. (1) That all existing States' residential tenancies shall be terminated with effect from midnight, 6<sup>th</sup> May 2005.  
  
(2) To approve the draft Ordinance entitled "The States Housing (Termination of Tenancies) (Guernsey) Ordinance, 2005", and to direct that the same shall have effect as an Ordinance of the States.
3. To note that the Housing Department will shortly be publishing and implementing new policies and procedures dealing with tenancy and related matters (including the eligibility criteria and points system), as set out in Appendix 2 of that Report.
4. That, to make best use of the States housing stock, States' Housing tenancies shall be subject to review by the Housing Department at any time, such reviews to be undertaken as described in paragraphs 17 - 26 of that Report.
5. To note that a Housing Appeals Tribunal will be established to consider appeals from people who are aggrieved by decisions of the Housing Department on tenancy and related matters, as set out in paragraphs 27 - 28 of that Report.
6. To appoint the persons listed in Appendix 3 to that Report to the Housing Appeals Panel and to appoint, as Chairman and Deputy Chairman of the Panel, the persons respectively designated to those offices in Appendix 3.
7. That the Housing Appeals Tribunal be constituted as set out in paragraphs 29 - 30 of that Report.
8. That the States Tenancies Independent Review Tribunal shall be disbanded and that Resolutions 1 and 2 of article XXII on Billet d'Etat XVII of 1992 be rescinded.

## **HOUSING DEPARTMENT**

### **THE HOUSING (CONTROL OF OCCUPATION) (GUERNSEY) LAW, 1994**

III.- After consideration of the Report dated 17<sup>th</sup> January, 2005, of the Housing Department:-

1. That the Housing (Control of Occupation) (Guernsey) Laws, 1994 to 2001 shall remain in force for a further period of two years, i.e. until 30 June 2007
2. That the Housing (Control of Occupation) (Guernsey) Laws, 1994 to 2001 shall be amended along the lines set out in that Report.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **SOCIAL SECURITY DEPARTMENT**

### **MEDICAL BENEFIT PAYABLE AT THE PRINCESS ELIZABETH HOSPITAL AND THE MIGNOT MEMORIAL HOSPITAL**

IV.- After consideration of the Report dated 20<sup>th</sup> January, 2005, of the Social Security Department:-

1. That medical benefit shall be payable in respect of consultations with a doctor at the Accident and Emergency Department of the Princess Elizabeth Hospital, Guernsey and at the Casualty Department of the Mignot Memorial Hospital, Alderney.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

## **HEALTH AND SOCIAL SERVICES DEPARTMENT**

### **PROTECTING THE HEALTH OF WORKERS AND THE PUBLIC AGAINST ENVIRONMENTAL TOBACCO SMOKE**

V.- After consideration of the Report dated 20<sup>th</sup> January, 2005, of the Health and Social Services Department:-

1. (1) That legislation be enacted to provide a total ban on smoking in all enclosed public places, as summarised in paragraphs 98 and 99 of that Report.
- (2) That legislation be enacted to provide a total ban on smoking in all enclosed work places as summarised in paragraphs 98 and 99 of that Report.

- (3) That exemptions, as have been accepted in Ireland, such as residential and nursing homes, prisons and psychiatric hospitals be proposed to the States in an Ordinance and be varied in future by Ordinance.
- (4) That a reasonable 'lead in' period of at least one year be given to allow landlords and restaurateurs to provide non enclosed smoking areas if they so wish.
- (5) To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **HOUSE COMMITTEE**

### **RULES OF PROCEDURE OF THE STATES OF DELIBERATION**

VI.- After consideration of the Report dated 3<sup>rd</sup> February, 2005, of the House Committee:-

That the Rules of Procedure of the States of Deliberation be amended, as follows, with immediate effect:-

1. Delete Rule 1(3)(c) and substitute therefore:  

“not less than 30 clear days in the case of a Billet d’État containing:

  - (i) a Detailed Development Plan or a proposal for alteration or addition thereto and the report of an Inspector which is laid before the States in accordance with section 12 of the Island Development (Guernsey) Law, 1966 (other than a case where the procedure envisaged by Rule 13 (9) has already been followed);
  - (ii) a Policy and Resource Plan; or
  - (iii) a Strategic and Corporate Plan or a proposal for alteration or addition thereto,”.
2. In Rule 14(1) after the words “A Member” insert the words “who has not already spoken in the debate, otherwise than in pursuance of Rule 12(1) or 12(6),”.
3. (i) Delete Rule 17(3) and substitute therefor:  

“When a requête is laid before the States, the Chief Minister and the Minister or Chairman of each of the Departments or Committees referred to in the preceding paragraph shall be entitled to speak

  - (a) immediately after the mover of the requête has opened the debate, and

- (b) immediately before the mover of the requête replies to the debate.”;
  - (ii) In Rule 12(3) after the word “debate” insert the words “or pursuant to Rule 17(3)(b)”.
4. Delete Rule 20(5) and in Rule 20(4) after the words “elect a Minister” insert the words “or a Deputy Chief Minister”.
  5. In Rule 20(6) replace the words “the Presiding Officer shall invite the proposers to speak for not more than 5 minutes each before voting takes place” with “the Presiding Officer shall invite each proposer to speak, for not more than 5 minutes in respect of each candidate proposed by him, before voting takes place”.
  6. After Rule 20(4) add
 

“(5) On a proposition to elect a Chairman of a Committee the Presiding Officer shall invite Members to propose eligible candidates. Nobody shall speak about a candidate at that stage; and if only one candidate is proposed and seconded the Presiding Officer shall put the election of that candidate to the vote, without speeches. If there is more than one candidate the Presiding Officer shall invite the proposers and the candidates to speak for not more than 5 minutes each before voting takes place; and no other member other than a proposer or candidate shall be entitled to speak.”.
  7. After Rule 20 add
 

“21. (1) This rule applies to any report of a Department or Committee published as an appendix to a Billet d’État.

(2) Every motion to debate an appendix report must be in writing and must state the names of its proposer and seconder.

(3) A Member who proposes to move a motion to debate an appendix report must furnish the proposed motion to the Presiding Officer and copies thereof to –

    - (a) the Chief Minister,
    - (b) the Minister or Chairman of the Department or Committee concerned with the appendix report to which the motion relates,
    - (c) H. M. Procureur, and
    - (d) the Greffier

not later than 5 clear days (excluding Saturdays, Sundays and Public Holidays) before the meeting of the States at which the

motion is proposed to be moved. Immediately after the closing date for the receipt of such motions the Greffier shall cause a copy thereof to be delivered to every member.

- (4) When notice of a motion to debate an appendix report has been given in accordance with paragraph (3), the Presiding Officer shall, immediately after the conclusion of the ordinary business listed for debate in the Billet d'État containing the appendix report to which the motion relates, invite

- (a) the proposer of the motion to speak thereon;
- (b) the seconder to second the motion, but not speak thereon;
- (c) the Minister or Chairman of the Department or Committee concerned to speak on the matter

following which, without further debate, the Presiding Officer shall immediately put the said motion to the vote.

- (5) If the motion to debate an appendix report is carried –

- (a) the Minister or Chairman of the Department or Committee concerned shall open the debate on the appendix report concerned and he shall reply to the debate;
- (b) the proposer and seconder of the motion to debate an appendix report shall not speak more than once in the debate;
- (c) the proposition shall be “To take note of the Report”;
- (d) no Member shall propose a sursis of the debate or amendment of the proposition.”.

8. Re-number Rules 21 to 27 as 22 to 28 respectively and in Schedule 1 replace the word and figures “Rule 22” with “Rule 23”.

### ***ORDINANCE LAID BEFORE THE STATES***

#### **THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (FREEZING OF FUNDS AND ECONOMIC RESOURCES OF INDICTEES) (GUERNSEY) ORDINANCE, 2005**

In pursuance of the provisions of the proviso to Article 66(3) of the Reform (Guernsey) Law, 1948, as amended, the International Criminal Tribunal for the Former Yugoslavia



(Freezing of Funds and Economic Resources of Indictées) (Guernsey) Ordinance, 2005 made by the Legislation Select Committee on 14<sup>th</sup> February, 2005, was laid before the States.

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

**THE DRIVING TESTS AND DRIVING LICENCES  
(INCREASE OF FEES) REGULATIONS, 2004**

In pursuance of section 2B (e) of the Motor Taxation and Licensing (Guernsey) Law, 1987, The Driving Tests and Driving Licences (Increase of Fees) Regulations, 2004, made by the Environment Department on 23<sup>rd</sup> December, 2004, were laid before the States.

S. M. D. ROSS  
HER MAJESTY'S DEPUTY GREFFIER