

# **Resolutions**

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 26<sup>th</sup> DAY OF JANUARY, 2005

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

**ENVIRONMENT DEPARTMENT**

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

I.- After consideration of the Report dated 26<sup>th</sup> November, 2004, of the Environment Department: -

- 1 To approve the proposals relating to the application of the Law to Herm and Jethou and the territorial waters set out in Section 5 of that Report.
- 2 To approve the proposals relating to the posting of site notices set out in Section 6 of that Report.
- 3 To approve the proposals relating to strategically essential development set out in Section 7 of that Report.
- 4 To approve, subject to the following amendments, the Projet de Loi entitled "The Land Planning and Development (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.

**AMENDMENTS**

1. In clause 5(1)(a) (on page 13 of the Brochure) for "strategic, economic and social objectives" substitute "strategic, economic, social and environmental objectives".
2. In clause 20(5)(b)(i), (on page 34 of the Brochure) immediately after "permission," insert "except to the extent of any consideration paid by the complainant in good faith for the conveyance of the land to him since the permission was granted,".
3. In clause 45 (on pages 67 to 68 of the Brochure):
  - (a) In the heading, for "**protected trees**" substitute "**trees etc**";
  - (b) for sub-clause (3) substitute:

“(3)The States may by Ordinance under this section make provision (including general restrictions and requirements and/or provision for the imposition of specific requirements by notice or otherwise) in relation to any, or any description of, trees, shrubs, hedging or plant growth, which impair, or which threaten to impair, the amenity or enjoyment of any neighbouring property or locality; and an Ordinance under this section may make any such provision as might be made by an Ordinance under section 46, and such incidental, consequential and transitional provision as the States consider appropriate.”.

4. For clause 80(1)(a), on page 114 of the brochure, substitute the following -

"(a) a subcommittee composed of not less than two members of the Department, at least two of whom shall be voting members thereof,".

## **POLICY COUNCIL**

### **GUERNSEY FINANCIAL SERVICES COMMISSION – NEW CHAIRMAN AND NEW MEMBER**

II.- To re-elect

1. Mr. Mel Gerard Carvill, FCA, ACII as an ordinary member of the Guernsey Financial Services Commission for three years with effect from 2<sup>nd</sup> February, 2005.
2. Mr. John Edward Hallam, FCA as Chairman of the Guernsey Financial Services Commission for one year with effect from the 2<sup>nd</sup> February, 2005.

## **ELIZABETH COLLEGE BOARD OF DIRECTORS**

### **NEW MEMBER**

III.- To elect Deputy D A Grut as a member of the Elizabeth College Board of Directors to fill the vacancy that arose on 6<sup>th</sup> January, 2005, by reason of the expiration of the term of office of Deputy A H Adam, who is not eligible for re-election.

## **SOCIAL SECURITY DEPARTMENT**

### **PAROCHIAL OUTDOOR ASSISTANCE BOARDS**

#### **NEW MEMBERS AND NEW PRESIDENT**

IV.- To elect -

- (1) Mr D J Harvey as a member of the St Sampson’s Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mrs S E Doggart who has ceased to be a Douzenier, namely, to the 31<sup>st</sup> May, 2005;

- (2) Mr L G Trigwell as a member of the Forest Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mr K S Blondel who has ceased to be a Douzenier, namely, to the 31<sup>st</sup> May, 2006;
- (3) Mre S G Ephgrave as a member of the Forest Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mr D Bienvenu who has ceased to be a Douzenier, namely, to the 31<sup>st</sup> May, 2008
- (4) Mr G C Loaring as a member of the Torteval Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mrs J E C Robilliard who has ceased to be a Douzenier, namely, to the 31<sup>st</sup> May, 2006
- (5) Mr C P Plant as a member of the Torteval Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mr J D A Le Maitre who has ceased to be a Douzenier, namely, to the 31<sup>st</sup> May, 2007;
- (6) Mr S G Park, as a States elected member of the St Sampson's Parochial Assistance Board, as President to complete the unexpired portion of the term of office of Mrs S E Doggart who has ceased to be a member of that Board, namely, to the 31<sup>st</sup> May, 2005.

## **TREASURY AND RESOURCES DEPARTMENT**

### **ALDERNEY HARBOUR – COMMERCIAL QUAY RENOVATION**

V.- After consideration of the Report dated 26<sup>th</sup> November, 2004, of the Treasury and Resources Department: -

1.
  - (a) To authorise the renovation of the Alderney Harbour Commercial Quay as set out in that Report.
  - (b) To authorise the Treasury and Resources Department to approve the acceptance of all tenders in connection with this project and to approve a capital vote, not exceeding £4,000,000, such sum to be charged to the capital allocation of the States of Alderney
  - (c) To authorise the Treasury and Resources Department to transfer an appropriate sum from the Capital Reserve to the capital allocation of the States of Alderney in respect of this project.
2. To note the States of Alderney's intention to investigate further the cost of constructing a spur on the Alderney Breakwater.

## **HOME DEPARTMENT**

### **POLICE COMPLAINTS COMMISSION**

VI.- After consideration of the Report, dated 10<sup>th</sup> November, 2004, of the Home Department: -

1. To approve the establishment of a Police Complaints Commission 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.

## **HOME DEPARTMENT**

### **THE INTRODUCTION OF THE POLICE POWERS AND CRIMINAL EVIDENCE (BAILIWICK OF GUERNSEY) LAW, 2003**

VII.- After consideration of the Report dated 19<sup>th</sup> November, 2004, of the Home Department: -

1. To rescind their Resolution XVI. 5. of the 29<sup>th</sup> October, 1997 (on Billet d'État XVI of 1997).
2. To approve the inclusion of search of person statistics within the Annual Reports of the Chief Officer of the Island Police Force and the Chief Officer of Customs and Excise required under the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 in relation to information regarding arrested persons.
3. To note the 2003 search of person statistics as laid out in Appendix A to that Report.

## **PUBLIC SERVICES DEPARTMENT**

### **ALDERNEY AIRPORT - DUES AND CHARGES 2005**

VIII.- After consideration of the Report, dated 22<sup>nd</sup> November, 2004, of the Public Services Department: -

To approve the adjustment in fees and charges for the use of Alderney Airport with effect from 1<sup>st</sup> April 2005 as set out in paragraph 2.1 of that Report.

## **PUBLIC SERVICES DEPARTMENT**

### **MONT CUET LANDFILL SITE – LANDFILL GAS MANAGEMENT SCHEME**

IX.- After consideration of the Report dated 25<sup>th</sup> November, 2004, of the Public Services Department: -

1. To approve the construction of a Landfill Gas Management Scheme at Mont Cuet as set out in that Report at a total cost not to exceed £830,000.
2. To authorise the Public Services Department to accept the tender from Biogas Technology Ltd in the sum of £784,170.90 (including contingencies) in respect of these works.
3. To vote the Public Services Department a credit of £830,000 to cover the cost of the above works, such sum to be charged to its capital allocation.

## **COMMERCE AND EMPLOYMENT DEPARTMENT**

### **DIRECTOR GENERAL – OFFICE OF UTILITY REGULATION**

X.- After consideration of the Report dated 3<sup>rd</sup> December, 2004, of the Commerce and Employment Department: -

1. 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 1 February 2005.
2. To note that further recommendations for the appointment of a Director General beyond this temporary period will be presented to the States in 2005 in the light of the findings of the review of commercialisation to be jointly undertaken by the Treasury and Resources and Commerce and Employment Departments

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

#### **THE BURMA (SALE, SUPPLY, EXPORT, TECHNICAL ASSISTANCE, FINANCING AND FINANCIAL ASSISTANCE AND SHIPMENT OF EQUIPMENT) (PENALTIES AND LICENCES) (GUERNSEY) (AMENDMENT) ORDINANCE, 2004**

In pursuance of the provisions of the proviso to Article 66(3) of the Reform (Guernsey) Law, 1948, as amended, the Burma (Sale, Supply, Technical Assistance, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) (Guernsey) (Amendment) Ordinance, 2004, made by the Legislation Select Committee on the 17<sup>th</sup> December, 2004 was laid before the States.

***STATUTORY INSTRUMENTS LAID BEFORE THE STATES***

**THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT)  
REGULATIONS, 2004**

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Medical Appliances) (Amendment) Regulations, 2004, made by the Social Security Department on 3<sup>rd</sup> November, 2004, were laid before the States.

**THE HEALTH SERVICE (PHARMACEUTICAL BENEFIT) (RESTRICTED  
SUBSTANCES) (AMENDMENT) REGULATIONS, 2004**

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Pharmaceutical Benefit) (Restricted Substances) (Amendment) Regulations, 2004, made by the Social Security Department on 4<sup>th</sup> November, 2004, were laid before the States.

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL  
BENEFIT) (AMENDMENT) REGULATIONS, 2004**

In pursuance of Section 35 of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) Regulations, 2004, made by the Social Security Department on 4<sup>th</sup> November, 2004, were laid before the States.

**THE SOCIAL INSURANCE (BACK TO WORK BENEFITS)  
REGULATIONS, 2004**

In pursuance of section 117 of the Social Insurance (Guernsey) Laws 1978 – 2004, the Social Insurance (Back to Work Benefits) Regulations, 2004, made by the Social Security Department on 24<sup>th</sup> November, 2004, were laid before the States.

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

In pursuance of section 117 of the Social Insurance (Guernsey) Laws 1978 – 2004, the Social Insurance (Benefits) (Amendment) Regulations, 2004, made by the Social Security Department on 24<sup>th</sup> November, 2004, were laid before the States.

**THE INCOME TAX (GUERNSEY) (VALUATION OF BENEFITS IN KIND)  
REGULATIONS, 2004**

In pursuance of Section 8(2)(b) of the Income Tax (Guernsey) Law, 1975, as amended, the Income Tax (Guernsey) (Valuation of Benefits in Kind) Regulations, 2004, made by the Treasury and Resources Department on 26<sup>th</sup> November, 2004, were laid before the States.

**THE INCOME TAX (PENSIONS) (CONTRIBUTION LIMITS AND TAX-FREE LUMP SUMS) REGULATIONS, 2004**

In pursuance of Sections 153(2), 157A(2)(b)(vi), 157A(5B) and 159 of the Income Tax (Guernsey) Law, 1975, as amended, the Income Tax (Pensions) (Contribution Limits and Tax-Free Lump Sums) Regulations, 2004, made by the Treasury and Resources Department on 26<sup>th</sup> November, 2004, were laid before the States.

**THE DATA PROTECTION (NOTIFICATION AND NOTIFICATION FEES) (AMENDMENT) REGULATIONS, 2004**

In pursuance of Section 6(2) of the Data Protection (Bailiwick of Guernsey) Law, 2001, the Data Protection (Notification and Notification Fees) (Amendment) Regulations, 2004, made by the Home Department on 15<sup>th</sup> December 2004, were laid before the States.

**THE DATA PROTECTION (PROCESSING OF SENSITIVE PERSONAL DATA) (ELECTED REPRESENTATIVES) ORDER, 2004**

In pursuance of Section 6(2) of the Data Protection (Bailiwick of Guernsey) Law, 2001, the Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order, 2004, made by the Home Department on 15<sup>th</sup> December 2004, was laid before the States.

K. H. TOUGH  
HER MAJESTY'S GREFFIER