

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 27TH DAY OF SEPTEMBER, 2006

The States resolved as follows concerning Billet d'État No. XVI
dated 8th September, 2006

INHERITANCE LAW REVIEW COMMITTEE

SUPPLEMENTARY REPORT

I.- After consideration of the Report dated 15th August, 2006, of the Inheritance Law Review Committee:-

1. That the legislation to reform the law of inheritance, the preparation of which was directed by the States on 24th February, 2005, shall be extended to include the issues set out in Section C of that Report.
- 2 To approve the Projet de Loi entitled "The Law Reform (Inheritance and Miscellaneous Provisions) (Guernsey) Law, 2006" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for her Royal Sanction thereto.
- 3 (1) To note the Inheritance Law Review Committee's indication of its future workload as set out in Section D of that Report.

(2) To add the following item to the mandate of the Inheritance Law Review Committee

"(v) the use of trusts, whether testamentary or *inter vivos*, for the purpose of estate protection and planning, and, in particular, whether the discrimination against Guernsey rules of forced heirship in Section 11A of the Trusts (Guernsey) Law, 1989, as amended, should be retained".

PROJET DE LOI

entitled

**THE ANIMAL WELFARE (ENABLING PROVISIONS)
(GUERNSEY) LAW, 2006**

II.- To approve the Projet de Loi entitled "The Animal Welfare (Enabling Provisions) (Guernsey) Law, 2006" 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 POLICE PROPERTY AND FORFEITURE (BAILIWICK OF GUERNSEY) LAW, 2006

III.- To approve the Projet de Loi entitled "The Police Property and Forfeiture (Bailiwick of Guernsey) Law, 2006" 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 ROAD TRAFFIC (DRINK DRIVING) (GUERNSEY) (AMENDMENT) LAW, 2006

IV.- To approve the Projet de Loi entitled "The Road Traffic (Drink Driving) (Guernsey) (Amendment) Law, 2006" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for her Royal Sanction thereto.

THE AVIAN INFLUENZA (PRECAUTIONARY MEASURES) AND MISCELLANEOUS PROVISIONS (AMENDMENT) ORDINANCE, 2006

V.- To approve the draft Ordinance entitled "The Avian Influenza (Precautionary Measures) and Miscellaneous Provisions (Amendment) Ordinance, 2006" and to direct that the same shall have effect as an Ordinance of the States.

THE BAR (AMENDMENT) (No. 2) ORDINANCE, 2006

VI.- To approve the draft Ordinance entitled "The Bar (Amendment) (No. 2) Ordinance, 2006" and to direct that the same shall have effect as an Ordinance of the States.

THE DRUG TRAFFICKING (DESIGNATED COUNTRIES AND TERRITORIES) (AMENDMENT) ORDINANCE, 2006

VII.- To approve the draft Ordinance entitled "The Drug Trafficking (Designated Countries and Territories) (Amendment) Ordinance, 2006" and to direct that the same shall have effect as an Ordinance of the States.

**THE INCOME TAX (EXEMPT BODIES)
(GUERNSEY) (AMENDMENT) ORDINANCE, 2006**

VIII.- To approve the draft Ordinance entitled “The Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2006” and to direct that the same shall have effect as an Ordinance of the States.

**THE MACHINERY OF GOVERNMENT (TRANSFER OF FUNCTIONS)
(GUERNSEY) (No. 2) ORDINANCE, 2006**

IX.- To approve the draft Ordinance entitled “The Machinery of Government (Transfer of Functions) (Guernsey) (No. 2) Ordinance, 2006” and to direct that the same shall have effect as an Ordinance of the States.

THE TRADE MARKS (BAILIWICK OF GUERNSEY) ORDINANCE, 2006

X.- To approve the draft Ordinance entitled “The Trade Marks (Bailiwick of Guernsey) Ordinance, 2006” and to direct that the same shall have effect as an Ordinance of the States.

PROJET DE LOI

entitled

**THE FINANCIAL SERVICES LEGISLATION
(BAILIWICK OF GUERNSEY) (AMENDMENT) LAW, 2006**

XI.- To approve the Projet de Loi entitled " The Financial Services Legislation (Bailiwick of Guernsey) (Amendment) Law, 2006" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for her Royal Sanction thereto.

SCRUTINY COMMITTEE

NEW MEMBER

XII.- To elect Deputy D Lewis as a member of the Scrutiny Committee to complete the unexpired portion of the term of office of Deputy B J Gabriel, who has resigned as a

member of that Committee, namely to serve until May 2008 in accordance with Rule 7 of the Constitution and Operation of States Departments and Committees.

HOME DEPARTMENT

DEFINITION OF “AGENT” IN PREVENTION OF CORRUPTION LAW

XIII.- After consideration of the Report dated 17th July, 2006, of the Home Department:-

1. To approve the Home Department's proposals to draft an appropriate Ordinance under the provisions of the Prevention of Corruption (Bailiwick of Guernsey) Law, 2003 as set out in Her Majesty's Procureur's letter.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

HOME DEPARTMENT

DATA PROTECTION

XIV.- After consideration of the Report dated 25th July, 2006, of the Home Department:-

1. To approve the Department's proposals for amending the data protection legislation, as detailed in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

PUBLIC SERVICES DEPARTMENT

REVIEW OF GRANTS AND LOANS FOR CONNECTION TO THE PUBLIC FOUL SEWER

XV.- After consideration of the Report dated 27th July, 2006, of the Public Services Department:-

1. To approve the phased suspension and limitation of financial assistance for connection to public foul sewer as set out in Sections 6.8 and 6.9 of that Report.
2. To rescind Resolutions 2, 6 and 7 on item 34 of Billet XIV, 1st October 1981 and substitute the following:

- (a) That financial assistance **may be** made by means of a grant not exceeding one third of the standard cost of connection and/or a loan, such that the total grant and loan shall not exceed the standard cost of connection; such loan to be for a maximum period of ten years at an interest rate of 2% per annum secured by a Bond against the property of the borrower, which loan may include the legal expenses of taking out the Bond;
 - (b) That the sum specified in Section 12 [2] (a) of the Sewerage [Guernsey] Law, 1974, shall be increased from £1,500 to £3,000;
 - (c) With reference to Section 12 [2] (b) of The Sewerage [Guernsey] Law, 1974, to confirm that loans for foul sewer connection fall within the Mandate of the Public Services Department;
3. To vote the Public Services Department a credit of £240,000 to cover the cost of foul sewer connection grants as set out in the report, such sum to be charged to its capital allocation.
4. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

ORDINANCE LAID BEFORE THE STATES

**THE MACHINERY OF GOVERNMENT (TRANSFER OF FUNCTIONS)
(GUERNSEY) ORDINANCE, 2006**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2006, made by the Legislation Select Committee on the 14th August, 2006, was laid before the States.

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

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 28TH DAY OF SEPTEMBER, 2006

(Meeting adjourned from 27th September 2006)

The States resolved as follows concerning Billet d'État No. XVI
dated 8th September, 2006

SOCIAL SECURITY DEPARTMENT

BENEFIT AND CONTRIBUTION RATES FOR 2007

XVI.- After consideration of the Report dated 23rd August, 2006, of the Social Security Department:-

1. That, with effect from 1st January, 2007, the standard rates of social insurance benefits shall be increased to the rates set out in paragraph 19 of that Report.
2. That, with effect from 1st January, 2007, for employed and self-employed persons the upper weekly earnings limit, the upper monthly earnings limit and the annual upper earnings limit shall be £1,032, £4,472 and £53,664 respectively.
3. That, with effect from 1st January, 2007, for employed and self-employed persons the lower weekly earnings limit, the lower monthly earnings limit and the annual lower earnings limit shall be £100, £433.33 and £5,200 respectively.
4. That, with effect from 1st January, 2007, for non-employed persons the upper and lower annual income limits shall be £53,664 and £13,000 respectively.
5. That, with effect from 1st January, 2007, the States grants to the contributory funds in respect of contributions falling due from 1st January, 2007, shall be as follows:

Guernsey Insurance Fund	36% of contribution income
Guernsey Health Service Fund	27% of contribution income
Long-term Care Insurance Fund	0% of contribution income

6. That the Social Insurance (Guernsey) Law 1978, as amended, shall be further amended as described in paragraph 56 of that Report.
7. That, with effect from 1st January, 2007, the prescription charge per item of

pharmaceutical benefit shall be £2.60.

8. That, with effect from 1st January, 2007, the contribution (co-payment) required to be made by the claimant of care benefit, under the long-term care insurance scheme, shall be £147 per week.
9. That, with effect from 1st January, 2007, care benefit shall be a maximum of £602 per week for persons resident in a nursing home or the Guernsey Cheshire Home and a maximum of £322 per week for persons resident in a residential home.
10. That, with effect from 1st January, 2007, respite care benefit shall be a maximum of £749 per week for persons receiving respite care in a nursing home or the Guernsey Cheshire Home and a maximum of £469 per week for persons receiving respite care in a residential home.
11. That, with effect from 5th January, 2007, the supplementary benefit requirement rates shall be as set out in paragraph 92 of that Report.
12. That, with effect from 5th January, 2007, the weekly benefit limitations for supplementary benefit shall be:
 - (a) £297 for a person living in the community;
 - (b) £410 for a person who is residing in a residential home; and
 - (c) £589 for a person who is residing as a patient in a hospital, nursing home or the Guernsey Cheshire Home.
13. That, with effect from 5th January, 2007, the amount of the personal allowance payable to persons in residential or nursing homes who are in receipt of supplementary benefit shall be £23 per week.
14. That a supplementary fuel allowance of £18.70 per week be paid to supplementary beneficiaries who are householders from 27 October 2006 to 20 April 2007.
15. That the rounding of supplementary benefit entitlements to the nearest 25 pence shall be abolished, with the result that benefit shall be paid in the amount calculated.
16. That, with effect from 1st January, 2007, family allowance shall be £13.20 per week.
17. That, with effect from 1st January, 2007, the rates of attendance allowance and invalid care allowance and the annual income limits shall be as set out in paragraph 106 of that Report
18. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

PUBLIC ACCOUNTS COMMITTEE

INDUSTRY SUPPORT SCHEMES IN GUERNSEY

XVII.- After consideration of the Report dated 28th July, 2006, of the Public Accounts Committee:-

1. To note the Report.
2. To note that the Public Accounts Committee will monitor and review the action taken by the Commerce and Employment Department in respect of their schemes' objectives and procedures and may report back to the States if appropriate.
3. To recommend that all Departments review the way in which they award schemes and grants to ensure that best value is achieved from States funds in accordance with the theories and procedures outlined in this report.
4. To note that the Public Accounts Committee will monitor and review such action taken by all Departments.

COMMERCE AND EMPLOYMENT DEPARTMENT

REVIEW OF INDUSTRY SUPPORT SCHEMES

XVIII.- After consideration of the Report dated 20th July, 2006, of the Commerce and Employment Department:-

1. To note the Commerce and Employment Department's intention to apply the principles detailed in paragraphs 10 and 11 of that Report to all existing and future incentive schemes.
2. That the policy basis for future schemes be agreed with the Policy Council and that the funding of such schemes be agreed with the Treasury and Resources Department as part of the budget process.
3. To approve the cessation of the Advisory Support Scheme, the Horticultural Interest Subsidy Scheme and the Market Development Scheme as described in paragraphs 17-20, 21-23 and 24-26 respectively of that Report.

HOUSE COMMITTEE

CODE OF CONDUCT FOR MEMBERS OF THE STATES OF DELIBERATION

XIX.- After consideration of the Report dated 28th July, 2006, of the House Committee:-

1. To adopt the Code of Conduct for Members of the States of Deliberation as set out in the brochure to Billet d'État No XVI of 2006, pursuant to Article 20F(1) of the Reform (Guernsey) Law, 1948, as amended.
2. To extend paragraph 9 of the States Resolution of 28th January, 2004 on Article IX of Billet d'État No I of 2004 to include members of the States Members' Conduct Panel.

HOUSE COMMITTEE

AMENDMENTS TO THE RULES OF PROCEDURE OF THE STATES OF DELIBERATION AND RULES RELATING TO THE CONSTITUTION AND OPERATION OF STATES DEPARTMENTS AND COMMITTEES

XX.- After consideration of the Report dated 28th July, 2006, of the house Committee:-

1. To amend the Rules of Procedure of the States of Deliberation with immediate effect as follows:
 - (1) in Rule 23:
 - (a) at the end of paragraph (2) add: "Current entries in the Register of Members' Interests shall also be published on the States website.";
 - (b) delete paragraphs (3), (4) and (5) and substitute therefor:

"(3) All Members shall, during the month of December, 2006 and subsequently within one month of being elected or re-elected as a Member, make and lodge with the Greffier a declaration of their financial interests.";

"(4) All Members shall make and lodge with the Greffier new declarations of their financial interests within one month of any material change to their financial interests or the acquisition of a new financial interest.";
 - (c) renumber paragraphs (6) and (7) as (5) and (6) respectively;

- (d) before the full-stop at the end of the paragraph currently numbered (7) add: “and shall be lodged with the Greffier in electronic format”;
- (2) in Rule 6:
 - (a) in paragraph (2) after the words “furnish a copy of the reply” add “in electronic format” and after the words “Presiding Officer” add “and the Greffier”;
 - (b) in paragraph (4) delete all the words from “to be made available” and substitute therefor: “to be sent as soon as reasonably practicable in electronic format to every Member who has furnished the Greffier with an e-mail address or, when no such address has been furnished, by such other means as shall be determined by the Greffier.”;
- 2. To amend the Rules relating to the Constitution and Operation of States Departments and Committees with immediate effect, as follows:

delete Rule 17(1) and substitute therefor:

“A Chairman who shall be the Chief Minister

The Minister of the Home Department (or in the absence of the said Minister another Minister chosen by the Chief Minister)

One other member of the Policy Council chosen by the Chief Minister having regard to the nature of the emergency, drawn from a Panel of five Ministers appointed in that regard by the Policy Council

(In the foregoing reference to “Chief Minister” includes, in the Chief Minister’s absence, the Deputy Chief Minister and, in the absence of both, the Senior Panel Member or Minister of the Home Department, if he is senior to any Panel Member.)”.

HOUSE COMMITTEE

SIMULTANEOUS ELECTRONIC VOTING IN THE STATES OF DELIBERATION

XXI.- After consideration of the Report dated 28th July, 2006, of the House Committee:-

That a system for simultaneous electronic voting NOT be introduced in the States of Deliberation at this time.

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

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 29TH DAY OF SEPTEMBER, 2006

(Meeting adjourned from 28th September 2006)

The States resolved as follows concerning Billet d'État No. XVI
dated 8th September, 2006

REQUÊTE

CIVIL PARTNERSHIPS

XXII.- After consideration of the Requête, dated 30th June, 2006, signed by Deputy P J Rofey and seven other Members of the States:-

To direct the Policy Council to initiate an investigation into the desirability of the enactment of legislation –

- (a) enabling people to enter into legally recognised and binding civil partnerships in Guernsey;
- (b) addressing all issues that might be associated with, or arise out of, the creation of such partnerships; and
- (c) enabling the recognition for the purposes of Guernsey law of similar civil partnership arrangements entered into under the laws of other jurisdictions.

STATUTORY INSTRUMENT LAID BEFORE THE STATES

THE HUMAN RIGHTS (AMENDMENT) ORDER, 2006

In pursuance of Section 16(1)(c) of the Human Rights (Bailiwick of Guernsey) Law, 2000, as amended, the Human Rights (Amendment) Order, 2006, made by the Policy Council on 5th June, 2006, by the Policy and Finance Committee of the States of Alderney on 22nd June, 2006 and by the General Purposes and Finance Committee of the Chief Pleas of Sark on 22nd June, 2006, was laid before the States.

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