

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 25th DAY OF JANUARY 2006

The States resolved as follows concerning Billet d'État No II
dated 6th January, 2005

THE TRADE MARKS (BAILIWICK OF GUERNSEY) ORDINANCE, 2006

I.- To approve, subject to the following amendment, 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

AMENDMENT

In section 106 of the Ordinance (printed on page 117 of the Brochure to the Billet) for "the 1st March, 2006" substitute "the 1st June, 2006".

THE EUROPEAN COURT OF HUMAN RIGHTS (PRIVILEGES AND IMMUNITIES) (BAILIWICK OF GUERNSEY) ORDINANCE, 2006

II.- To approve the draft Ordinance entitled "The European Court of Human Rights (Privileges and Immunities) (Bailiwick of Guernsey) Ordinance, 2006" and to direct that the same shall have effect as an Ordinance of the States.

PUBLIC SERVICES DEPARTMENT

VISITING MOORING CHARGES 2006-7

III.- After consideration of the Report dated 14th November, 2005, of the Public Services Department:-

To approve the mooring charges, in respect of visiting yacht rates only, as set out in that Report, with effect from 1st April, 2006.

HOME DEPARTMENT

PAROLE REVIEW COMMITTEE - CHAIRMAN

V.- After consideration of the Report dated 25th November, 2005, of the Home Department:-

To appoint Mrs Judith Haslam as Chairman of the Parole Review Committee for a term of three years from 1st March, 2006.

ORDINANCE LAID BEFORE THE STATES

**THE BIRDS AND ANIMAL HEALTH (MISCELLANEOUS PROVISIONS)
(AMENDMENT) ORDINANCE, 2005**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Birds and Animal Health (Miscellaneous Provisions) (Amendment) Ordinance, 2005, made by the Legislation Select Committee on the 17th October, 2005, was laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**THE INCOME TAX (GUERNSEY) (VALUATION OF BENEFITS IN KIND)
REGULATIONS, 2005**

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, 2005 made by the Treasury and Resources Department on 6th December, 2005, were laid before the States.

**THE INCOME TAX (PENSIONS) (CONTRIBUTION LIMITS AND
TAX-FREE LUMP SUMS) REGULATIONS, 2005**

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, 2005 made by the Treasury and Resources Department on 6th December, 2005, were laid before the States.

**THE SOCIAL INSURANCE (BENEFITS) (AMENDMENT) (NO. 2)
REGULATIONS, 2005**

In pursuance of section 117 of the Social Insurance (Guernsey) Laws, 1978 – 2004, the Social Insurance (Benefits) (Amendment) (No. 2) Regulations, 2005, made by the Social Security Department on 14th December, 2005, were laid before the States.

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

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 26th DAY OF JANUARY 2006

(Meeting adjourned from 25th January 2006)

The States resolved as follows concerning Billet d'État No II
dated 6th January, 2005

PUBLIC SERVICES DEPARTMENT

REVISION TO WATER CHARGES

IV.- After consideration of the Report dated 15th November, 2005, of the Public Services Department:-

1. To note the report on Guernsey Water's progress since it increased water charges.
2. To support the proposed mechanism to allow increases to water charges by up to the annual increase in RPI each year as at the previous September, from 2007 onwards.
3. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

SOCIAL SECURITY DEPARTMENT

REFORM OF THE OFFICE OF PROCUREUR OF THE POOR

VI.- After consideration of the Report, dated 25th November, 2005, of the Social Security Department:-

1. That each Parish may, by a simple majority of the Douzaine, determine from time to time whether or not to elect up to two Procureurs.
2. That a Procureur, if elected, shall hold office for two years, and shall be eligible for re-election.
3. That any election shall be held in accordance with the provisions of the Reform (Guernsey) Law, 1948, as amended.
4. That the office of Procureur may be held concurrently with any other parochial office.
5. That each Procureur shall be accountable to the Douzaine and his Parish and shall annually submit for audit his accounts by two parishioners appointed at the Parish Meeting for that purpose.

6. That legislative provision be made to create the office of Procureur in line with the contents of that Report.
7. That the Public Assistance (Guernsey) Law, 1955, shall be repealed.
8. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

ENVIRONMENT DEPARTMENT

WASTE DISPOSAL – JOINT FACILITY WITH JERSEY

VII.- After consideration of the Report dated 25th November, 2005, of the Environment Department:-

1. That a joint Channel Island incineration facility does not present an acceptable long-term strategy for Guernsey.
2. That to contract now for Jersey's spare capacity between 2010 and 2014 is a high risk strategy that should not be adopted.
3. To direct the Environment Department to continue to investigate short-term export to Europe under the provisions of an Annual Renewable Agreement and to report back to the States before entering into a contract for export.
4. To direct the Environment Department to proceed with assessing the responses to the global search using the criteria agreed by the Environment and the Treasury & Resources Departments, following consideration of the recommendations of the waste procurement panel – criteria setting, and to report back to the States as soon as possible at the end of that process

PUBLIC SECTOR REMUNERATION COMMITTEE

PUBLIC SERVANTS' PENSION SCHEME – ELIGIBILITY FOR MEMBERSHIP AND FLEXIBILITY FOR TRANSFER PAYMENTS

VIII.- After consideration of the Report, dated 25th November, 2005, of the Public Sector Remuneration Committee:-

1. To approve the draft States of Guernsey (Public Servants) (Pensions and other Benefits) (Amendment) Rules, 2006, which were attached as Appendix II of that Report.
2. To amend Resolution IX.2 of 10 December 1992 by adding to paragraph 1 (1):

“or the Scheme is a Scheme which the Administrator of Income Tax is satisfied is situated in a place outside Guernsey and is approved or

exempted by the competent authority in that place under laws relating to income tax there and is a scheme to which the Administrator of Income Tax would approve the payment of transfer values from a Guernsey pension arrangement.”.

3. To repeal Resolution IX.3 of 10 December 1992 and substitute the following therefor:

“1. To authorise the States Public Sector Remuneration Committee to pay to a retirement annuity scheme or a retirement annuity trust a transfer value in respect of a former employee of the States of that employee’s pension rights calculated on the same basis as transfers paid to authorities under the provisions of the United Kingdom public sector transfer arrangements provided that:

(1) the retirement annuity scheme or retirement annuity trust scheme is either:

(a) a scheme approved by the Administrator of Income Tax under section 157A of the Income Tax (Guernsey) Law, 1975; or

(b) the Scheme is a Scheme which the Administrator of Income Tax is satisfied is situated in a place outside Guernsey and is approved or exempted by the competent authority in that place under laws relating to income tax there and is a scheme to which the Administrator of Income Tax would approve the payment of transfer values from a Guernsey pension arrangement; and

(2) the former employee left States employment on or after 1 August 1988 and has not subsequently received a refund of contributions or a transfer value to another occupational pension scheme.

2. To authorise that Committee to accept the payment of transfer values from a retirement annuity scheme or a retirement annuity trust on such terms as an actuary shall advise are consistent with those adopted for the purpose of paragraph 1 above.”.

K. H. TOUGH
HER MAJESTY’S GREFFIER