

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 24th DAY OF SEPTEMBER, 2008

**The States resolved as follows concerning Billet d'État No XII
dated 5th September 2008**

THE HOUSE COMMITTEE (TRANSFER OF FUNCTIONS) ORDINANCE, 2008

I.- To approve, subject to the following amendment, the draft Ordinance entitled "The House Committee (Transfer of Functions) Ordinance, 2008" and to direct that the same shall have effect as an Ordinance of the States.

AMENDMENT

In clause 3 (printed at page 2 of the Brochure) the word "States" was inserted before the words "Assembly and Constitution Committee".

THE FORFEITURE OF MONEY, ETC IN CIVIL PROCEEDINGS (BAILIWICK OF GUERNSEY) LAW, 2007 (COMMENCEMENT) ORDINANCE, 2008

II.- To approve subject to the following amendment, the draft Ordinance entitled "The Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007 (Commencement) Ordinance, 2008" and to direct that the same shall have effect as an Ordinance of the States.

AMENDMENT

For clause 1 (printed at page 3 of the Brochure) substitute the following clause -

"Commencement of Law of 2008.

1. The Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007 shall come into force on the 24th September 2008."

GUILLE-ALLÈS LIBRARY COUNCIL

NEW MEMBER

III.- To elect Deputy M J Fallaize as a member of the Guille-Allès Library Council to fill the unexpired portion of the term of office of Deputy A H Adam, who has ceased to be a member of the Education Department, namely to serve until 31st May, 2009.

LEGISLATION SELECT COMMITTEE

ELECTION OF NON-VOTING MEMBER

IV.- To elect as a non-voting member of the Legislation Select Committee, Advocate Simon William Francis Howitt, who has been nominated in that behalf by that Committee, to serve until May 2012 in accordance with Rule 5 (1) (c) of the Constitution and Operation of States Departments and Committees.

POLICY COUNCIL

BETHANIE CHAPEL

V.- After consideration of the Report dated 11th August, 2008, of the Policy Council:-

1. That legislation be enacted 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.

TREASURY AND RESOURCES DEPARTMENT

A. THE ADMINISTRATION OF INCOME TAX

B. CAPITAL EXPENDITURE – ANNUAL AND INITIAL ALLOWANCES

VI.- After consideration of the Report dated 2nd July, 2008, of the Treasury and Resources department:-

1. That legislation is enacted as set out in paragraph 2.A of that Report
 - (1) to revise The Income Tax (Guernsey) Law, 1975, as amended, (“the Law”) to provide that notices of assessment, penalty orders and similar documents issued by the Administrator may be served by hand, facsimile or electronically, as set out in subparagraph (1)(a) .
 - (2) to provide that a notice of assessment, penalty order or other similar document issued by the Administrator is not invalidated notwithstanding that it may not have been received by the person concerned, as set out in subparagraph (1)(b).
 - (3) to allow, in appropriate circumstances, for the Administrator to issue notices of assessment, penalty orders and similar documents to an address other than a persons usual or last known place of residence or, in the case of a company, its principal place of business, as set out in subparagraph (1)(c).
 - (4) to provide that notices, directions or orders issued by the Administrator are not invalidated by reason of errors, defects or omissions if, in

substance, they are otherwise correct and conform with the Law, as set out in subparagraph (1)(d).

- (5) to place the same responsibility on a person making a payment, on his own behalf, directly to a non-resident, as would apply to an agency, under the provisions of section 48 of the Law, and to provide a mechanism for the Administrator to serve a notice of liability on the occupant of a Guernsey property, in relation to tax due on rent, irrespective of whether payment of the rent passed through that person's hands, as set out in subparagraph (2).
 - (6) to provide for charges to be imposed in connection with initial and renewal applications for an Employees Tax Instalment Scheme Exemption Certificate as set out in subparagraph (3).
 - (7) to prohibit a deduction, for income tax purposes, in respect of payments which would constitute a criminal offence in Guernsey, or would if the payment had been made in Guernsey (including payments induced by blackmail or payments made for corrupt purposes), as set out in subparagraph (4).
 - (8) to permit the swearing of an Oath of Secrecy, in relation to members of Income Tax Office staff, auditors, consultants etc., to be sworn before the Administrator, if considered expedient to do so or, at the Administrator's discretion, for the oath to be made by written declaration, and to provide for an oath to be taken by affirmation (and, for the avoidance of doubt, to provide that it has always been permissible for an affirmation to be taken) in place of an oath that is sworn, as set out in subparagraph (5).
 - (9) to exempt from income tax bereavement payments made under the Social Insurance (Guernsey) (Amendment) Law, 2003, as set out in subparagraph (6).
 - (10) to provide that all taxpayers have at least 30 days from the date of issue of a notice of assessment before payment of tax charged in that assessment becomes due, as set out in subparagraph (7).
 - (11) to change the titles of "Administrator of Income Tax" and "Assistant Administrator of Income Tax" to "Director of Income Tax" and "Deputy Director of Income Tax" respectively, as set out in subparagraph (8).
2. To approve, as proposed in paragraph 2.B of that Report, the amendment of Parts IX and X of the Law by the insertion of a section empowering the Department to amend (that is, to modify, add to, repeal and replace) all or any of the provisions of those parts by Regulation and to note that any such Regulation would in the normal way be laid before the States who, under section 203 of the Law, would have power to resolve to annul them

3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

TREASURY AND RESOURCES DEPARTMENT

STATES OF ALDERNEY – POTABLE WATER PROJECT

VII.- After consideration of the Report dated 5th August, 2008, of the Treasury and Resources Department:-

1. To approve Phase One of the Alderney Potable Water project as set out in that Report at a total cost not to exceed £349,000.
2. To authorise the States of Alderney to accept the tender from IC Tugby in the sum of £169,413.94.
3. To vote the States of Alderney a credit of £349,000 to cover the cost of the above works, such sum to be charged to the capital allocation of the States of Alderney.
4. To delegate authority to the Treasury and Resources Department to approve the acceptance of tenders and a capital vote in respect of Phase Two of the Alderney Potable Water project.

TREASURY AND RESOURCES DEPARTMENT

APPOINTMENT OF NON-EXECUTIVE DIRECTOR GUERNSEY POST LIMITED

VIII.- After consideration of a Report dated 5th August, 2008, of the Treasury and Resources Department:-

In accordance with section 3 (1) of the States Trading Companies (Bailiwick of Guernsey) Ordinance, 2001, to appoint Dame Mary Perkins, DBE as a non-executive director of Guernsey Post Limited.

HOME DEPARTMENT

AMENDMENT TO THE FIRE SERVICES (GUERNSEY) LAW, 1989, AS AMENDED

IX.- After consideration of the Report dated 2nd July, 2008, of the Home Department:-

1. To approve the Department's proposals for amending Fire Services (Guernsey) Law, 1989, as amended, 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.

COMMERCE AND EMPLOYMENT DEPARTMENT

EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) (GUERNSEY) LAW, 1993

X.- After consideration of the Report dated 22nd July, 2008, of the Commerce and Employment Department:-

1. To enact an Ordinance under the provisions of the Employers' Liability (Compulsory Insurance) (Guernsey) Law, 1993, in order to exempt any employer which is a company that has only one employee – and that employee also owns fifty per cent or more of the issued share capital in that company – from any requirement to take out Employers' Liability Compulsory Insurance.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

SOCIAL SECURITY DEPARTMENT

BENEFIT AND CONTRIBUTION RATES FOR 2009

XI.- After consideration of the Report dated 25th July, 2008, of the Social Security Department:-

1. That, with effect from 5th January, 2009, the standard rates of social insurance benefits shall be increased to the rates set out in paragraph 16 of that Report.
2. To note that the increases in the rates of old age pension for incomplete contribution records will be below the headline rate, as the second part of the approved two year plan to restore the strict proportionality in the rates of old age pension is completed.
3. That, with effect from 1st January, 2009, for employed persons, the upper weekly earnings limit, the upper monthly earnings limit and the annual upper earnings limit shall be £1,329, £5,759 and £69,108 respectively.
4. That, with effect from 1st January, 2009, for employers, the upper weekly earnings limit, the upper monthly earnings limit and the annual upper earnings limit shall be £2,214, £9,594 and £115,128 respectively.
5. That, with effect from 1st January, 2009, for employed persons and employers, the lower weekly earnings limit, the lower monthly earnings limit shall be £112 and £485.33 respectively.

6. That, with effect from 1st January, 2009, for self-employed persons, the upper earnings limit and lower earnings limit shall be £69,108 per year and £5,824 per year, respectively.
7. That, with effect from 1st January, 2009, for non-employed persons the upper and lower annual income limits shall be £69,108 per year and £14,560 per year respectively.
8. That, with effect from 1st January, 2009, the prescription charge per item of pharmaceutical benefit shall be £2.80.
9. That, with effect from 5th January, 2009, the contribution (co-payment) required to be made by the claimant of care benefit, under the long-term care insurance scheme, shall be £162.40 per week.
10. That, with effect from 5th January, 2009, care benefit shall be a maximum of £672.00 per week for persons resident in a nursing home or the Guernsey Cheshire Home and a maximum of £359.94 per week for persons resident in a residential home.
11. That, with effect from 5th January, 2009, respite care benefit shall be a maximum of £834.40 per week for persons receiving respite care in a nursing home or the Guernsey Cheshire Home and a maximum of £522.34 per week for persons receiving respite care in a residential home.
12. That, with effect from 9th January, 2009, the supplementary benefit requirement rates shall be as set out in paragraph 114 of that Report;
13. That, with effect from 9th January, 2009, the weekly benefit limitations for supplementary benefit shall be:
 - (a) £387 for a person living in the community;
 - (b) £454 for a person who is residing in a residential home; and
 - (c) £651 for a person who is residing as a patient in a hospital, nursing home or the Guernsey Cheshire Home.
14. That, with effect from 9th January, 2009, the amount of the personal allowance payable to persons in Guernsey and Alderney residential or nursing homes who are in receipt of supplementary benefit shall be £26.50 per week.
15. That, with effect from 9th January, 2009, the amount of the personal allowance payable to persons in UK hospitals or care homes who are in receipt of supplementary benefit shall be £44.60 per week.
16. That a supplementary fuel allowance of £22.70 per week be paid to supplementary beneficiaries who are householders from 24 October 2008 to 24 April 2009.

17. That, with effect from 5th January, 2009, family allowance shall be £14.60 per week.
18. To note that the Social Security Department will not be pursuing further a system of income-related family allowances.
19. That, with effect from 5th January, 2009, the rates of attendance allowance and invalid care allowance and the annual income limits shall be as set out in paragraph 160 of that Report.
20. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

ORDINANCES LAID BEFORE THE STATES

THE EDUCATION (COMPULSORY SCHOOL AGE) (GUERNSEY) (NO.2) ORDINANCE, 2008

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Education (Compulsory School Age) (Guernsey) (No.2) Ordinance, 2008, made by the Legislation Select Committee on the 11th August, 2008, was laid before the States.

THE ALDERNEY (APPLICATION OF LEGISLATION) (EDUCATION) (NO.2) ORDINANCE, 2008

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Alderney (Application of Legislation) (Education) (No.2) Ordinance, 2008, made by the Legislation Select Committee on the 11th August, 2008, was laid before the States.

THE FORFEITURE OF MONEY, ETC IN CIVIL PROCEEDINGS (BAILIWICK OF GUERNSEY) LAW, 2007 (AMENDMENT) ORDINANCE, 2008

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007 (Amendment) Ordinance, 2008, made by the Legislation Select Committee on the 29th July, 2008, was laid before the States.

THE PROTECTION OF INVESTORS (BAILIWICK OF GUERNSEY) LAW, 1987 (AMENDMENT) ORDINANCE, 2008

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Protection of Investors (Bailiwick of Guernsey) Law, 1987 (Amendment) Ordinance, 2008, made by the Legislation Select Committee on the 29th July, 2008, was laid before the States.

**THE REGISTRATION OF NON-REGULATED FINANCIAL SERVICES
BUSINESSES (BAILIWICK OF GUERNSEY) LAW, 2008
(AMENDMENT) ORDINANCE, 2008**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008 (Amendment) Ordinance, 2008, made by the Legislation Select Committee on the 29th July, 2008, was laid before the States.

STATUTORY INSTRUMENT LAID BEFORE THE STATES

THE WATER CHARGES (AMENDMENT) REGULATIONS, 2008

In pursuance of Article 17 (5) of the Law entitled “Loi ayant rapport à la Fourniture d’Eau par les États de cette Île aux Habitants de la dite Île” registered on 7th May, 1927, as amended, and “The Fees, Charges and Penalties (Guernsey) Law, 2007” registered on 19th May, 2008, The Water Charges (Amendment) Regulations, 2008, made by the Public Services Department and signed by the Department’s Minister on 17th July 2008, were laid before the States.

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 25th DAY OF SEPTEMBER, 2008

(Meeting adjourned from 24th September 2008)

**The States resolved as follows concerning Billet d'État No XII
dated 5th September 2008**

HOME DEPARTMENT

THE FUTURE OF LAW ENFORCEMENT

XII.- After consideration of the Report dated 31st July, 2008, of the Home Department:-

1. To approve the creation of a statutory Law Enforcement Commission in accordance with section 4 of that Report.
2. To approve the creation of a statutory Cross Border Crime Agency in accordance with section 4 of that Report.
3. To direct the Home Department to submit a Report to the States at the earliest opportunity on the necessary legislation.
4. That the Law Enforcement Commission and Cross Border Crime Agency shall be established by the Department on a "shadow" basis until they are constituted in law.
5. To note the intention of the Home Department to submit a Report to the States on the future status of officers and staff of the Police and Customs and Immigration Service.

REQUÊTE

GRANTS AND LOANS FOR STUDENTS ATTENDING COURSES OF HIGHER AND FURTHER EDUCATION OFF-ISLAND

XIII.- After consideration of the Requête, dated 23rd June, 2008, signed by Deputy M J Fallaize and twenty-two other Members of the States:-

1. That the system of States financial assistance towards the tuition and maintenance costs of students attending courses of higher and further education off-island shall continue as at present until the end of the academic year commencing in September 2011.
2. To approve the additional funds required for the Education Department's total revenue budget in order that the ring-fenced Higher Education Budget be

increased annually in line with demand until the end of the academic year commencing in September 2011.

3. To direct the Education Department to review the existing scheme and report back on it to the States in 2011, or sooner if there is significant change in the funds needed for the existing scheme.
4. To rescind Resolution 3 on Article XI of Billet d'État XXII of 2007.

S M D ROSS
Her Majesty's Deputy Greffier