

# **IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 12<sup>th</sup> DECEMBER, 2007**

**The States resolved as follows concerning Billet d'État No XXVI  
dated 23<sup>rd</sup> November 2007**

## **HOME DEPARTMENT**

### **AMENDMENTS TO DISCLOSURE PROVISIONS IN THE TERRORISM AND CRIME (BAILIWICK OF GUERNSEY) LAW, 2002**

I.- After consideration of the Report dated 15<sup>th</sup> October, 2007, of the Home Department:-

To approve the draft Ordinance entitled “The Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Ordinance, 2007” and to direct that the same shall have effect as an Ordinance of the States.

### **PROJET DE LOI**

entitled

### **THE GUERNSEY BAR (BAILIWICK OF GUERNSEY) LAW, 2007**

II.- To approve the Projet de Loi entitled “The Guernsey Bar (Bailiwick of Guernsey) Law, 2007” 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 PROTECTION OF INVESTORS (BAILIWICK OF GUERNSEY) (AMENDMENT) LAW, 2007**

III.- To approve, subject to the following amendment, the Projet de Loi entitled “The Protection of Investors (Bailiwick of Guernsey) (Amendment) Law, 2007” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

## AMENDMENT

1. For clause 25(a) of the Projet (printed at page 92 of the Brochure) substitute the following paragraph -

“(a) in subsection (1) for the words "it was ultra vires or was an unreasonable exercise of the powers of the Commission" substitute -

- (a) the decision was ultra vires or there was some other error of law,
- (b) the decision was unreasonable,
- (c) the decision was made in bad faith,
- (d) there was a lack of proportionality, or
- (e) there was a material error as to the facts or as to the procedure.”

## PROJET DE LOI

entitled

### **THE COMPANY SECURITIES (INSIDER DEALING) (BAILIWICK OF GUERNSEY) (AMENDMENT) LAW, 2007**

IV.- To approve the Projet de Loi entitled “The Company Securities (Insider Dealing) (Bailiwick of Guernsey) (Amendment) Law, 2007” and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

### **THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (BAILIWICK OF GUERNSEY) (AMENDMENT) ORDINANCE, 2007**

V.- To approve the draft Ordinance entitled “The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2007” and to direct that the same shall have effect as an Ordinance of the States.

**THE CUSTOMS AND EXCISE (GENERAL PROVISIONS)  
(AMENDMENT) ORDINANCE, 2007**

VI.- To approve, subject to the following amendment, the draft Ordinance entitled “The Customs and Excise (General Provisions) (Amendment) Ordinance, 2007” and to direct that the same shall have effect as an Ordinance of the States.

**AMENDMENT**

In the Table in clause 1(d) of the Draft Ordinance (printed at pages 133 - 134 of the Brochure) for “27p”, wherever appearing, substitute “29p”, and for “13p” substitute “15p”.

**THE HOUSING (CONTROL OF OCCUPATION)  
(AMENDMENT OF HOUSING REGISTER) ORDINANCE, 2007**

VII.- To approve the draft Ordinance entitled “The Housing (Control of Occupation) (Amendment of Housing Register) Ordinance, 2007” and to direct that the same shall have effect as an Ordinance of the States.

**THE ELECTIONS ORDINANCE, 2007**

VIII.- To approve the draft Ordinance entitled “The Elections Ordinance, 2007” and to direct that the same shall have effect as an Ordinance of the States.

**HOUSING DEPARTMENT**

**NEW MEMBER**

IX.- To elect Deputy B.M. Flouquet as a member of the Housing Department to complete the unexpired portion of the term of office of Deputy B L Brehaut, who has resigned as a member of that Department, namely to serve until May 2008 in accordance with Rule 7 of the Constitution and Operation of States Departments and Committees.

**ELIZABETH COLLEGE BOARD OF DIRECTORS**

**NEW MEMBER**

X.- To elect Merise Wheatley as a member of the Elizabeth College Board of Directors to fill the vacancy which will arise on 6<sup>th</sup> January, 2008, by reason of the expiration of the term of office of Mr M B Riley, who is not eligible for re-election.

## **PRIaulx LIBRARY COUNCIL**

### **NEW MEMBER**

XI. To re-elect Deputy W M Bell as a Member of the Priaulx Library Council.

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

# **IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 13<sup>th</sup> DECEMBER, 2007**

(Meeting adjourned from 12<sup>th</sup> December 2007)

**The States resolved as follows concerning Billet d'État No XXVI  
dated 23<sup>rd</sup> November 2007**

## **POLICY COUNCIL**

### **ENERGY POLICY**

XII.- After consideration of the Report dated 5<sup>th</sup> November, 2007, of the Policy Council:-

1. To note the Energy Policy Group's Energy Policy Report.
2. To note that the Policy Council is undertaking a full eight-week public consultation on the Energy Policy Group's Energy Policy Report, running to Friday 18<sup>th</sup> January, 2008, before finalising a States Report (including detailed recommendations) for submission and debate by the States in the normal manner in 2008.

## **TREASURY AND RESOURCES DEPARTMENT**

### **STAFF NUMBER LIMITATION POLICY**

XIII.- After consideration of the report dated 30<sup>th</sup> October, 2007, of the Treasury and Resources Department:-

1. To confirm that the existing SNLP shall be replaced with effect from 1 January 2008 with a new policy based upon capping Departments' Revenue Budgets as described in that Report.
2. That the key Strategic Objectives of the States replacement Staff Number Limitation Policy shall be as set out in section 6(i) of that Report.
3. That the proposed statement in respect of its replacement Staff Number Limitation Policy shall be as set out in section 6(ii) of that Report.
4. That the proposed monitoring arrangements and checks and balances should be as described in sections 6(iii) and 6(iv) of that Report.

5. To direct that any increase in staffing numbers shall be sanctioned by the respective political 'Boards' of Departments, be the subject of a proper business case, and be transparent and auditable.
6. To direct Departments, including States Trading Operations, to submit to the Treasury and Resources Department, in a timely manner, such monitoring information on staffing and financial matters as is required in order to provide comprehensive and relevant information to the States.
7. To direct the Treasury and Resources Department to include in the annual Interim Financial Report, the monitoring information submitted by Departments together with such other relevant information that it believes should be included.

## **PUBLIC SERVICES DEPARTMENT**

### **PILOTAGE DUES AND EXAMINATION FEES AND INTRODUCTION OF FEES FOR MAN IN CHARGE LICENCES – MINOR AMENDMENTS TO LEGISLATION**

XIV.- After consideration of the Report dated 11<sup>th</sup> October, 2007, of the Public Services Department:-

1. To approve the proposals set out in paragraphs (a), (b) and (c) of that Report, to take effect from 1<sup>st</sup> January 2008.
2. To direct the preparation of such legislation as may be necessary to ensure that an examination fee authority is introduced in relation to 'Man-in-Charge' licences as proposed in paragraph (d) of that Report.

## **HEALTH AND SOCIAL SERVICES DEPARTMENT**

### **ST JULIAN'S HOUSE**

XV.- After consideration of the Report dated 18<sup>th</sup> October, 2007, of the Health and Social Services Department:-

1. To approve that St Julian's House continue to be used as accommodation for homeless people, including those identified in paragraphs 58 to 61, 63 and 64 of that Report.
2. To approve that a unit for those who are drunk and incapable be developed at St Julian's House.
3. To approve the continued expansion of outreach services for drug and alcohol abusers at St Julian's House.

4. To approve that minor alterations be made to the premises to facilitate the development of the services, as outlined in paragraphs 71 to 76 of that Report.
5. To approve, in principle, that further modifications be made to the premises, when resources allow, in order to provide all single room accommodation in the residential areas.

## **COMMERCE AND EMPLOYMENT DEPARTMENT**

### **REGISTRATION OF UNREGULATED FINANCIAL SERVICE BUSINESSES**

XVI.- After consideration of the Report dated 8<sup>th</sup> November, 2007, of the Commerce and Employment Department:-

1. To approve the proposals to introduce a Law on the registration of unregulated financial services businesses outlined in that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

## **PUBLIC SECTOR REMUNERATION COMMITTEE**

### **REVIEW OF PUBLIC SECTOR PENSION SCHEMES**

XVII.- After consideration of the Report dated 2<sup>nd</sup> November, 2007, of the Public Sector Remuneration Committee:-

To approve the draft States of Guernsey (Public Servants) (Pensions and other Benefits) (Amendment) Rules, 2007 which are attached as an Appendix to that Report, subject to the following modifications:

1. In the definition of “pensionable pay” (found on page 2754 of the Billet) lines 3-6 of that definition shall be replaced by the following:

“ ... this is greater, (and subject to (ii) below), the average of the annual remuneration paid to him over the highest three consecutive years of reckonable service within the last ten years each of the three years remuneration being revalued (before...”
2. Also in that definition, subparagraphs (ii) (a), (b) and (c) (found on pages 2755 and 2756 of the Billet respectively) shall be deleted and replaced by the following:
  - (a) In respect of an event that has occurred at any time on or before 31<sup>st</sup> December 2007 there shall be no change to the definition of pensionable

pay adopted at that time, whether in relation to any decision or calculation or payment as at the date of the event or at any time subsequently ('the old rule')

- (b) In respect of any event occurring between 1<sup>st</sup> January 2008 and 31<sup>st</sup> December 2008 (both dates inclusive) the definition set out in (i) above shall apply with the deletion of the word 'highest' and replacing it with 'last';
- (c) In respect of any event occurring between 1<sup>st</sup> January 2009 and 31<sup>st</sup> December 2009 (both dates inclusive) the definition set out in (i) above shall apply with the addition of the words

'last four years of reckonable service as may fall within the'

immediately before the words 'last ten years...' and thereafter in respect of each subsequent year the word 'four' shall be substituted incrementally by 'five' then 'six' and so on until the 1<sup>st</sup> January 2015 whereupon the definition in (i) shall apply un-amended

- (d) Provided that if at any time between 1<sup>st</sup> January 2008 and 31<sup>st</sup> December 2009 (both dates inclusive) the total amount of remuneration paid to a member would have been greater if calculated under the old rule than under the transitional provisions set out in this paragraph (ii) then the higher calculation shall apply.
3. In Rule 4 of the Rules (Commencement) the words 'be treated as having' shall be deleted".



## **REQUÊTE**

### **VEHICLE EXHAUST NOISE**

XVIII.- After consideration of the Requête, dated 10<sup>th</sup> October, 2007, signed by Deputy D B Jones and twenty-three other Members of the States:-

1. That it shall be an offence under the law of Guernsey:
  - (a) to use on a public highway, or to cause or permit the use on a public highway of, a vehicle not fitted with an exhaust system which complies with the same standards as are prescribed in the UK and Jersey (according to year of the vehicle's manufacture);
  - (b) to sell or supply such a vehicle, or to sell, supply or fit an exhaust system which does not comply with those standards, by way of trade or business;
  - (c) to alter any exhaust system so as to increase the noise made by the escape of exhaust gases;
  - (d) to fail to maintain any exhaust system in good and efficient working order.
2. To instruct the Home Department to report back to the States as soon as possible with detailed recommendations concerning the implementation of those standards and related provisions

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