

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 25TH DAY OF SEPTEMBER, 2002

The States resolved as follows concerning Billet d'Etat No. XX
dated 6th September, 2002

STATES ADVISORY AND FINANCE COMMITTEE

ABOLITION OF TREIZIÈME

- I. After consideration of the Report dated the 10th July, 2002 of the States Advisory and Finance Committee:-
1. To approve the abolition of treizième and its replacement by additional document duty, including the transitional arrangements in relation to transactions presently exempt from liability to treizième as set out in that Report.
 2. To approve the Projet de Loi entitled "The Feudal Dues (General Abolition of Congé) (Guernsey) Law, 2002", and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.
 3. To direct the preparation of an Ordinance making comprehensive provision as to the incidence and rates of document duty, including the provision for the remaining matters referred to in that Report, such Ordinance to be laid before the States at the same time as the Ordinance bringing the Projet de Loi into force.
 4. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

PROJET DE LOI

entitled

THE PUBLIC TRUSTEE (BAILIWICK OF GUERNSEY) LAW, 2002

- II. To approve the Projet de Loi entitled "The Public Trustee (Bailiwick of Guernsey) Law, 2002", 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 INCOME TAX (RELIEF ON MAINTENANCE PAYMENTS) (GUERNSEY) Law, 2002

- III. To approve the Projet de Loi entitled "The Income Tax (Relief on Maintenance Payments) (Guernsey) Law, 2002", and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council Praying for Her Royal Sanction thereto.

THE SUNDAY TRADING ORDINANCE, 2002

- IV To approve subject to the following amendment, the draft Ordinance entitled "The Sunday Trading Ordinance, 2002", and to direct that the same shall have effect as an Ordinance of the States.

AMENDMENT

In clause 34 (1) of the draft Ordinance, in the definition of "small shop" (on page 100 of the Brochure), for "220 square metres" substitute "400 square metres".

THE STATES TRADING COMPANIES (BAILIWICK OF GUERNSEY) (AMENDMENT) ORDINANCE, 2002

- V. To approve the draft Ordinance entitled "The States Trading Companies (Bailiwick of Guernsey) (Amendment) Ordinance, 2002", and to direct that the same shall have effect as an Ordinance of the States.

STATES TRAFFIC COMMITTEE

LA ROUTE DE CARTERET 25 MPH SPEED LIMIT

- VI. After consideration of the Report dated the 19th August, 2002 of the States Traffic Finance Committee:-
1. That the experimental extension of the 25 mph speed limit zone in place in the Route de Carteret shall be made permanent.
 2. That the States Traffic Committee shall, in future, be enabled to make provision for amendments to Island speed limits by Order, providing that any measure being considered has been introduced beforehand on an experimental basis for a period of between nine and twelve months.
 3. To approve the draft Ordinance entitled "The Vehicular Traffic (Speed Limits) (Amendment) Ordinance, 2002", and to direct that the same shall have effect as an Ordinance of the States.

STATES BOARD OF ADMINISTRATION

NEW MEMBER

- VII. To elect Mr. R. H. Barneby as a member of the States Board of Administration, who need not be a sitting member of the States, to complete the unexpired portion of the term of office of Mr. M. W. Collins, who has resigned as a member of that Board, namely, to the 31st May, 2004.

STATES HERITAGE COMMITTEE

NEW MEMBER

- VIII. To elect Advocate M. J. S. Eades as a member of the States Heritage Committee, who need not be a sitting member of the States, to complete the unexpired portion of the term of office of Mr. A. B. Dyke, who has resigned as a member of that Committee, namely, to the 31st May, 2004.

STATES ADVISORY AND FINANCE COMMITTEE

REFORM OF MATRIMONIAL LAW

- IX. After consideration of the Report dated 22nd August, 2002 of the States Advisory and Finance Committee:-
1. That the Matrimonial Causes Law, 1939 shall be amended so as-
 - (a) to empower the Matrimonial Causes Division of the Royal Court to make interim occupation orders where appropriate;
 - (b) to give the Matrimonial Causes Division of the Royal Court specific statutory power to make wage arrest orders; and
 - (c) to give the Matrimonial Causes Division of the Royal Court statutory power to remit arrears of maintenance and other relevant payments.
 2. To defer consideration of issues relating to the appointment of guardians ad litem and Advocate child representatives until such time as the Children Board concludes its child care legislation and makes any recommendations it then considers appropriate.
 3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 26TH DAY OF SEPTEMBER, 2002

(Meeting adjourned from the 25th September, 2002)

The States resolved as follows concerning Billet d'Etat No. XX
dated 6th September, 2002

STATES SOCIAL SECURITY AUTHORITY

BENEFIT AND CONTRIBUTION RATES FOR 2003

X. After consideration of the Report dated the 22nd August, 2002, of the States Social Security Authority:-

1. That, with effect from the 6th January, 2003, the standard rates of social insurance benefits shall be increased to the rates set out in paragraph 20 of that Report.
2. That, with effect from the 6th January, 2003, the standard rate of survivor's grant shall be £1,160.
3. That maternity grant shall be increased to £236.00 in respect of confinements which take on or after the 6th January, 2003.
4. That the full rate amount of death grant payable in respect of the death of a person on or after 6th January, 2003 shall be £367.00.
5. That, with effect from the 1st January, 2003, for employed and self employed persons the upper weekly earnings limit, the upper monthly earnings limit and the annual upper earnings limit shall be £591, £2,561 and £30,732 respectively.
6. That, with effect from the 1st January, 2003, for non-employed persons the upper and lower annual income limits shall be £30,732 and £10,790 respectively.
7. That the Social Insurance (Guernsey) Law, 1978, as amended, be further amended:
 - (a) to replace the provisions of the Law relating to 'waiting days' and the number of days in a benefit week with enabling powers for similar provisions to be made by Regulations of the Authority;
 - (b) to provide for decisions concerning entitlement to widow's benefits, where questions of cohabitation arise, to be determined by the Administrator;
 - (c) to provide for a right of appeal against findings of the extent of loss of faculty in the award of industrial disablement benefit.

8. That, with effect from the 1st January, 2003, the prescription charge per item of pharmaceutical benefit shall be £2.20.
9. That the definitions of 'approved dentist' and 'approved medical practitioner', for the purposes of the Health Benefit (Guernsey) Law, 1990, be amended to exclude dentist and medical practitioners who have access to Board of Health radiology and pathology departments on a private basis only.
10. That, with effect from the 7th April, 2003, subject to the coming into force of the Long-term Care Insurance (Guernsey) Law, 2002;
 - (a) the contribution (co-payment) required to be made by the claimant of care benefit shall be £119 per week;
 - (b) (b) 'care benefit' shall be a maximum of £518 per week for persons resident in a nursing home or the Guernsey Cheshire Home and a maximum of £280 per week for persons resident in a residential home;
 - (c) 'respite care benefit' shall be a maximum of £638 per week for persons receiving respite care in a nursing home or the Guernsey Cheshire Home and a maximum of £399 per week for persons receiving respite care in a residential home.
11. That, with effect from the 10th January, 2003, the normal requirements of a person for the purposes of paragraph 5 of Part II of the First Schedule to the Supplementary Benefit (Implementation) Ordinance, 1971, shall be the appropriate amount set out in paragraph 93 of that Report.
12. That, with effect from the 10th January, 2003, the limit of the weekly income for the purposes of paragraph 3 of Part 1 of the First Schedule to the Supplementary Benefit (Implementation) Ordinance 1971 shall be:
 - (a) £250 for a person whose requirements are in accordance with paragraph 5 of the Schedule;
 - (b) £346 for a person who is residing in a residential home and whose requirements are in accordance with paragraph 7 of the Schedule;
 - (c) £497 for a person who is residing as a patient in a hospital, nursing home or the Guernsey Cheshire Home, whose requirements are in accordance with paragraph 7 of the Schedule.
13. That, with effect from the 10th January, 2003, the amount of the personal allowance payable to persons in residential or nursing homes who are in receipt of supplementary benefit shall be £17 per week.
14. That a supplementary fuel allowance, for supplementary beneficiaries who are householders, of £12 per week be paid, for 31 weeks, from 25th October, 2002.
15. (a) That, with effect from the 7th January, 2003, the allowance payable under the Family Allowances (Guernsey) Law, 1950, as amended, shall be increased from £10.80 to £11.25 per week; and

- (b) that, with effect from the 7th January, 2003, the cost of providing for a child (for the purposes of determining in whose family a child not living with his parents is to be included under the Law), shall be increased from £10.80 to £11.25.
16. That, with effect from the 6th January, 2003 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.
 17. That the Attendance and Invalid Care Allowances Law, 1984, as amended, be further amended:
 - (a) to provide for questions concerning entitlement to attendance allowance to be determined by the Administrator;
 - (b) to delete the provisions of the Law relating to the payment of attendance allowance in cases of terminal illness and replace with enabling powers for similar provisions to be made by Regulations of the Authority.
 18. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

STATES PUBLIC ASSISTANCE AUTHORITY

PUBLIC ASSISTANCE RATES FOR 2003

PROPOSED AMENDMENTS TO THE CENTRAL OUTDOOR ASSISTANCE BOARD REGULATIONS

- XI After consideration of the Report dated the 20th August, 2002, of the States Public Assistance Authority:-
1. That, with effect from the 10th January, 2003, the ordinary maximum rates of public assistance for the purposes of paragraph 10 of the Schedule to the Central Outdoor Assistance Board Regulations, as amended, shall be those set out in paragraph 3 of that Report;
 2. That, with effect from the 10th January, 2003, the limitation of weekly income in paragraph 2 (2) of the Schedule to the Regulations shall be £250.00.
 3. That, with effect from the 10th January, 2003, capital not exceeding £2000 shall be wholly disregarded.
 4. That a winter fuel allowance at a maximum of £12.00 per week shall be payable at the discretion of the Relieving Official to a person in receipt of public assistance in the period 1st November, 2002 to 28th March, 2003, inclusive.

5. That, with effect from the 1st January, 2003, the Central Outdoor Assistance Board Regulations, as amended, be further amended:
- (a) to remove reference to persons who are absent from work through sickness;
 - (b) to allow the President of a Parochial Public Assistance Board to nominate a member of that Board to act as a Relieving Official in the absence of the incumbent officials;
 - (c) to provide that applications for public assistance be made in a prescribed manner;
 - (d) to provide that an application for public assistance is made only in respect of the week in which the application is received; and not, unless at the discretion of the States Public Assistance Authority, more than seven days after the expiration of that week;
 - (e) to empower the Relieving Official to demand the production of any documents likely to contain evidence of an applicant's means;
 - (f) to allow the States Public Assistance Authority to recover overpayments of public assistance as a civil debt.
6. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

REQUÊTE

DEATH WITH DIGNITY

- XII. After consideration of the Requête dated the 28th June, 2002, signed by Deputy Mrs. P. Mellor and thirteen other Members of the States:-

To instruct the States Advisory and Finance Committee to carry out appropriate investigations and consultations with whomever it deems fit; and thereafter, but at the earliest opportunity, to bring a report to the States of Deliberation, on the implications of allowing Doctor Assisted Death or some other similar Death with Dignity Legislation to be implemented within Guernsey, and containing that Committee's recommendation in connection with that matter.

REQUÊTE

USE OF MOBILE TELEPHONES WHILST DRIVING

- XIII. After consideration of the Requête dated the 31st May, 2002, signed by Deputy P. L. Derham and eight other Members of the States:-

To direct the States Committee for Home Affairs:-

- (a) to report to the States of Deliberation as soon as may be and, in any event, within six months on the measures it proposes should be taken to control the use of hand-held mobile telephones by drivers of vehicles in motion; and
- (b) if such measures involve the creation of a new offence, to consider in due course making that offence a fixed penalty offence.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**THE DATA PROTECTION (BAILIWICK OF GUERNSEY) LAW, 2001
(COMMENCEMENT) ORDER 2002**

THE DATA PROTECTION (PUBLIC INFORMATION DESIGNATION) ORDER, 2002

THE DATA PROTECTION (CREDIT REFERENCE AGENCY) (STATEMENT OF RIGHTS) REGULATIONS, 2002

THE DATA PROTECTION (MISCELLANEOUS SUBJECT ACCESS EXEMPTIONS) ORDER, 2002

THE DATA PROTECTION (SUBJECT ACCESS MODIFICATION) (EDUCATION) ORDER, 2002

THE DATA PROTECTION (SUBJECT ACCESS MODIFICATION) (HEALTH) ORDER, 2002

THE DATA PROTECTION (SUBJECT ACCESS MODIFICATION) (SOCIAL WORK) ORDER, 2002

THE DATA PROTECTION (PROCESSING OF SENSITIVE PERSONAL DATA) ORDER, 2002

THE DATA PROTECTION (FURTHER CONDITIONS CONCERNING FAIR PROCESSING) ORDER, 2002

THE DATA PROTECTION (NON-DISCLOSURE EXEMPTION) ORDER, 2002

THE DATA PROTECTION (CORPORATE FINANCE EXEMPTION) ORDER, 2002

THE DATA PROTECTION (FUNCTIONS OF DESIGNATED AUTHORITY) ORDER, 2002

THE DATA PROTECTION (FEES UNDER SECTION 19(7)) REGULATIONS, 2002

THE DATA PROTECTION (SUBJECT ACCESS) (FEES AND MISCELLANEOUS PROVISIONS) REGULATIONS, 2002

THE DATA PROTECTION (NOTIFICATION AND NOTIFICATION FEES) REGULATIONS, 2002

In pursuance of the provisions of section 66(4) of the Data Protection (Bailiwick of Guernsey) Law, 2001, the above Orders and Regulations made by the States Advisory and Finance Committee on the 9th July, 2002, were laid before the States.

**THE DATA PROTECTION (TRANSFER IN THE SUBSTANTIAL PUBLIC INTEREST)
ORDER, 2002**

In pursuance of the provisions of section 66(4) of the Data Protection (Bailiwick of Guernsey) Law, 2001, the Data Protection (Transfer in the Substantial Public Interest) Order, 2002, made by the States Advisory and Finance Committee on the 14th August, was laid before the States.

**THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (BAILIWICK OF GUERNSEY)
REGULATIONS, 2002**

In pursuance of the provisions of section 54(1)(c) of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Regulations, 2002, made by the States Advisory and Finance Committee on the 14th August, 2002, were laid before the States.

**THE DRIVING LICENCES (AMENDMENT) (GUERNSEY)
REGULATIONS, 2002**

In pursuance of the provisions of section 2B(e) of the Motor Taxation and Licensing (Guernsey) Law, 1987, as amended, the Driving Licences (Amendment) (Guernsey) Regulations, 2002 made by the States Traffic Committee on the 25th July, 2002, were laid before the States.

**D. R. DOREY
HER MAJESTY'S DEPUTY GREFFIER**