

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 31ST DAY OF JULY, 2002

The States resolved as follows concerning Billet d'Etat No. XIX
dated 12th July, 2002

PROJET DE LOI

entitled

THE INSURANCE BUSINESS (BAILIWICK OF GUERNSEY) LAW, 2002

- I. To approve the Projet de Loi entitled "The Insurance Business (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 INSURANCE MANAGERS AND INSURANCE INTERMEDIARIES
(BAILIWICK OF GUERNSEY) LAW, 2002**

- II. To approve the Projet de Loi entitled "The Insurance Managers and Insurance Intermediaries (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 CRIMINAL JUSTICE (FRAUD INVESTIGATION)
(BAILIWICK OF GUERNSEY) (AMENDMENT) LAW, 2002**

- III. To approve the Projet de Loi entitled "The Criminal Justice (Fraud Investigation) (Bailiwick of Guernsey) (Amendment) 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 CRIMINAL JUSTICE (PROCEEDS OF CRIME)
(BAILIWICK OF GUERNSEY) (AMENDMENT) ORDINANCE, 2002**

- IV. To approve the draft Ordinance entitled "The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2002", and to direct the same shall have effect as an Ordinance of the States.

**THE HOTEL CASINO CONCESSION (GUERNSEY) LAW, 2001 (COMMENCEMENT
AND CONSEQUENTIAL AMENDMENT) ORDINANCE, 2002**

- V. To approve the draft Ordinance entitled "The Hotel Casino Concession (Guernsey) Law, 2001 (Commencement and Consequential Amendment) Ordinance, 2002", and to direct the same shall have effect as an Ordinance of the States.

STATES GAMBLING CONTROL COMMITTEE

NEW MEMBER

- VI. To elect Mr. Richard Cann as a member of the States Gambling Control Committee, who need not be a sitting member of the States, to complete the unexpired portion of the term of office of Mr. L. A. de la Mare, who has resigned as a member of that Committee, namely, to the 31st May, 2004.

STATES PUBLIC THOROUGHFARES COMMITTEE

NEW MEMBER

- VII. To elect Deputy F. Quinn as a member of the States Public Thoroughfares Committee to complete the unexpired portion of the term of office of Deputy D. A. Barrett, who has resigned as a member of that Committee, namely, to the 31st May, 2003.

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 1ST DAY OF AUGUST, 2002

(Meeting adjourned from 31st July, 2002)

The States resolved as follows concerning Billet d'Etat No. XIX
dated 12th July, 2002

STATES ADVISORY AND FINANCE COMMITTEE

POLICE POWERS AND CRIMINAL EVIDENCE

VIII. After consideration of the Report dated the 18th June, 2002 of the States Advisory and Finance Committee:-

1. That legislation shall be enacted along the lines set out in that Report regarding Police Powers and Criminal Evidence.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

ESTABLISHMENT OF THE OFFICE OF PUBLIC TRUSTEE

IX. After consideration of the Report dated 20th June, 2002, of the States Advisory and Finance Committee:-

1. That an office of Public Trustee shall be established 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.

STATES ADVISORY AND FINANCE COMMITTEE

REFERENDUMS

X. After consideration of the Report dated 27th June, 2002, of the States Advisory and Finance Committee:-

1. That steps shall be taken to make provision for the holding of referendums in Guernsey in the manner detailed in paragraphs 18, 19 and 24 of that Report, SUBJECT to the modifications that:-
 - (i) referendums shall not be confined to questions of Guernsey's constitutional relationship with other jurisdictions;
 - (ii) requests to hold a referendum shall not be limited to cases in which the States Advisory and Finance Committee has so recommended; and

- (iii) the enabling legislation should provide that a referendum may be binding or consultative and that the States when resolving that a referendum shall be held shall resolve whether it shall be binding or consultative and that the necessary secondary legislation be prepared.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES ADVISORY AND FINANCE COMMITTEE

EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

- XI. After consideration of the Report dated the 26th June, 2002, of the States Advisory and Finance Committee:-

To request Her Majesty's Government to make a further declaration under the European Convention for the Protection of Human Rights and Fundamental Freedoms making the right of individual petition mandatory for a further period of five years with effect from the 14th January, 2001 in the Bailiwick of Guernsey.

STATES ADVISORY AND FINANCE COMMITTEE

NEW NON-EXECUTIVE DIRECTORS OF GUERNSEY POST LIMITED AND GUERNSEY ELECTRICITY LIMITED

- XII. After consideration of the Report dated the 25th June, 2002, of the States Advisory and Finance Committee:-

1. To appoint Mr. Terry Holder to serve as a non-executive director of Guernsey Post Limited.
2. To appoint Advocate Ian Beattie to serve as a non-executive director of Guernsey Electricity Limited.

STATES COMMITTEE FOR HOME AFFAIRS

THE INTRODUCTION OF ROADSIDE ALCOHOL & DRUG TESTING DEVICES AND AMENDMENTS TO CURRENT 'DRINK DRIVING' LEGISLATION

- XIII. After consideration of the Report dated the 30th May, 2002, of the States Committee for Home Affairs:-

1. To approve the use of roadside breath testing for alcohol by approved devices, as described in that Report.
2. That the provisions of the Road Traffic (Drink Driving) (Guernsey) Law, 1989 shall be extended to:-
 - (a) include the requirement for a specimen of breath to be provided at the roadside and that it will be unlawful for a person to refuse or fail to provide without reasonable excuse;

- (b) to extend the requirement to obtain blood or urine samples following a rejected sample of breath by the latest approved breath testing device currently used at police headquarters;
 - (c) to include a power of entry for an officer of police, for the purpose of requiring a person to provide a specimen of breath in a case where a road traffic accident involved injury to another person or for arresting a person whom he suspects of, committing an offence under that Law, or providing a positive breath test or has failed to do so.
3. That the provisions of the Road Traffic (Drink Driving) (Guernsey) Law, 1989, shall be extended to:-
- (a) include a clause to permit the States, by way of Ordinance, to approve a device or devices for the testing of drivers for drugs;
 - (b) enable police officers to require a person who may be suspected of driving or being in charge of a vehicle on a road whilst unfit to drive through drugs, to provide a sample for testing, and that it would be unlawful for a person to refuse or fail to provide without reasonable excuse.
4. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

STATUTORY INSTRUMENT LAID BEFORE THE STATES

**THE DRIVING TESTS AND DRIVING LICENCES
(INCREASE OF FEES) REGULATIONS, 2002**

In pursuance of the provisions of section 2B(e) of the Motor Taxation and Licensing (Guernsey) Law, 1987, as amended, the above Regulations made by the States Traffic Committee on the 20th June, 2002, were laid before the States.

K. H. TOUGH
HER MAJESTY'S GREFFIER