

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 29TH DAY OF JANUARY, 2003

The States resolved as follows concerning Billet d'Etat No. I
dated 10th January, 2003

PROJET DE LOI

entitled

**THE PROTECTION OF INVESTORS
(BAILIWICK OF GUERNSEY) (AMENDMENT) LAW, 2003**

- I. To approve, subject to the following amendment, the Projet de Loi entitled "The Protection of Investors (Bailiwick of Guernsey)(Amendment) Law, 2003", and to authorise the Bailiff to present a most humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE STATES AUDIT COMMISSION (GUERNSEY)
(AMENDMENT) ORDINANCE 2003**

- II. To approve the draft Ordinance entitled "The States Audit Commission (Guernsey) (Amendment) Ordinance, 2003", and to direct the same shall have effect as an Ordinance of the States.

**THE EUROPEAN COMMUNITIES (IMPLEMENTATION OF COUNCIL REGULATION
FOR CONTROL OF EXPORTS OF DUAL-USE ITEMS)
(GUERNSEY) ORDINANCE 2003**

- III. To approve the draft Ordinance entitled "The European Communities (Implementation of Council Regulation for Control of Exports of Dual-Use Items) (Guernsey) Ordinance, 2003, and to direct that the same shall have effect as an Ordinance of the States.

PRIAULX LIBRARY COUNCIL

NEW MEMBER

- IV. To re-elect Douzaine Representative W. Le R. Robilliard as a member of the Priaulx Library Council.

STATES PUBLIC ASSISTANCE AUTHORITY

ST. PIERRE-DU-BOIS PAROCHIAL OUTDOOR ASSISTANCE BOARD

NEW MEMBER

- V
- (1) To elect Mr. Michael C. Jeffreys as a member of the St. Pierre-du-Bois Parochial Outdoor Assistance Board to complete the unexpired portion of the term of office of Mr. R. J. Tostevin, who has ceased to be a Douzenier, namely, to the 31st May, 2005;
 - (2) To elect Mr. Anthony Lloyd Bougourd as President of the St. Pierre-du-Bois Parochial Assistance Board to complete the unexpired portion of the term of office of Mr. R. J. Tostevin, who has ceased to be a member of that Board, namely, to the 31st May, 2005.

STATES ADVISORY AND FINANCE COMMITTEE

GUERNSEY FINANCIAL SERVICES COMMISSION

NEW CHAIRMAN AND NEW MEMBERS

- VI.
1. To re-elect Mr. Leslie William Priestley, TD, FCIB, CCMI, FCIM, FRSA and Advocate Nigel Thomas Carey as ordinary members of the Guernsey Financial Services Commission for three years with effect from 2nd February, 2003.
 2. To elect Mr. David John Mallett, BA, ACA as an ordinary member of the Guernsey Financial Services Commission for three years with effect from 2nd February, 2003.
 3. To elect Mr. John Edward Hallam, FCA as Chairman of the Guernsey Financial Services Commission for one year with effect from the 2nd February, 2003.

STATES ADVISORY AND FINANCE COMMITTEE

THE REMUNERATION OF STATES MEMBERS AND NON-STATES MEMBERS

- VII. After consideration of the Report dated the 26th November, 2002, of the States Advisory and Finance Committee:-
1. An Independent Pay Review Board shall be established as set out in that Report to 'review and make recommendations for the future remuneration of States Members, non-States Members and former States Members'.
 2. That the terms of reference for that Board shall be as set out in paragraph 17 of that Report.
 3. That the Board shall be constituted as set out in paragraphs 19 and 20 of that Report.
 4. That the Members of that Board shall be entitled to receive payments in accordance with paragraph 24 of that Report.

STATES ADVISORY AND FINANCE COMMITTEE

THE ROYAL COURT TRUST FUNDS – AMALGAMATION

VIII. After consideration of the Report dated the 10th December, 2002, of the States Advisory and Finance Committee:-

1. That legislation shall be enacted along the lines set out in that Report concerning the amalgamation of Trust Funds administered by the Royal Court.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

STATES BOARD OF ADMINISTRATION

FORMER CHURCH OF ST. JAMES THE LESS-EXTERNAL CONSERVATION WORKS

IX. After consideration of the Report dated 13th December, 2002, of the States Board of Administration:-

1. To approve the essential conservation works to the former Church of St. James the Less as set out in that Report at a total cost not exceeding £770,000, including professional fees.
2. To authorise the States Board of Administration to accept the tender in the sum of £689,805.55 submitted by Nimbus Conservation Limited for the carrying out of that project.
3. To vote the States Board of Administration a credit of £770,000 to cover the cost of the above works, which sum shall be taken from that Board's allocation for capital expenditure.

STATES EDUCATION COUNCIL

BLANCHELANDE GIRLS' COLLEGE FUNDING PROPOSALS

X. After consideration of the Report dated the 18th December, 2002, of the States Education Council:-

1. To confirm their previous approval in principle that Blanchelande Girls' College receives grant and subsidy funding from the States to a similar level as that given to Elizabeth College and the Ladies' College.
2. That the interim funding arrangement for Blanchelande Girls' College shall be as follows:
 - (a) that grant aid be approved from 1 September, 2001 as set out in that Report and for the budgets of the States Education Council for 2002 and 2003 to be increased accordingly;

- (b) that grant aid is subject to the condition that Blanchelande Girls' College shall allow all reasonable access to inspection by the States Internal Audit Department in common with other organisations receiving States grants;
- (c) that grant aid is subject to the condition that Blanchelande Girls' College agrees to the inclusion of two States Education Council members on its governing body, such members to be recommended by the Council and submitted to the Board of Governors in accordance with the articles of governance as amended;
- (d) that the States Education Council shall present a progress report to the States on the new funding arrangements for Blanchelande Girls' College after receipt of the accounts for 2003/2004, in the event that the planned review of the College's development, funding and accountability is not concluded at that time;
- (e) to agree that the States Advisory and Finance Committee, when recommending to the States revenue expenditure allocations for the States Education Council for 2004 and subsequent years, shall increase the budget of the States Education Council to take account of the annual grant to Blanchelande Girls' College.

STATES BOARD OF INDUSTRY

REVIEW OF GUERNSEY'S RETAIL AND GENERATION ELECTRICITY MARKETS

- XI. After consideration of the Report dated the 20th December, 2002, of the States Board of Industry:-
1. To prepare for the potential introduction of retail competition in future by amending the licensing regime within the Electricity (Guernsey) Law 2001 to reflect a functional split (Retail, Network, and Generation) as outlined in the Office of Utility Regulation report.
 2. To issue a States Direction to the Director General of Utility Regulation that an exclusive licence be issued to Guernsey Electricity for supply activities subject to any exemptions granted by the Director General under Section 1(2) of the Electricity (Guernsey) Law 2001 for the period ending 31st January 2012.
 3. To issue a States Direction to the Director General of Utility Regulation to issue to Guernsey Electricity an exclusive licence for conveyance activities, subject to any exemptions granted by the Director General under Section 1(2) of the Electricity (Guernsey) Law 2001 for the period ending 31st January 2012.
 4. To direct the Director General of Utility Regulation that the exclusive licences set out in Propositions 2 and 3 above shall be replaced with exclusive licences for retail and network activities respectively when new legislation consistent with Proposition 1 is enacted.
 5. To direct the States Board of Industry to monitor the development of the energy sector in the Channel Islands and bring forward a review of these arrangements by 31st January 2011 or sooner in the event of any material changes to the structure of the sector.

6. To endorse the diverse generation source approach to security of supply as set out in that Report.
7. To remove any reference to security of supply in the States guidance to the States Advisory and Finance Committee in exercising on behalf of the States its role as shareholder of Guernsey Electricity Limited.
8. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

STATES PUBLIC THOROUGHFARES COMMITTEE

SURFACE WATER SEPARATION AND REHABILITATION PROGRAMME

- XII. After consideration of the Report dated the 3rd December, 2002, of the States Public Thoroughfares Committee:-
1. To endorse the action of the States Public Thoroughfares Committee in accelerating the Surface Water Separation and Rehabilitation Programme for the period 2000 to 2003.
 2. To authorise the States Public Thoroughfares Committee to continue with its Surface Water Rehabilitation and Separation programme under a term contract to be funded by the General Revenue Budget of the States Public Thoroughfares Committee and subject to the approval of the States Advisory and Finance Committee.
 3. To direct the States Advisory and Finance Committee to take account of the programme of works in respect of surface water separation and rehabilitation proposed by the States Public Thoroughfares Committee in its annual Policy and Resource Planning submissions in recommending to the States revenue allocations for 2004 and in subsequent years.

STATES PROCEDURES AND CONSTITUTION COMMITTEE

SUNDRY AMENDMENTS TO THE REFORM (GUERNSEY) LAW, 1948, AS AMENDED AND THE LOI RELATIVE AU SCRUTIN SECRET OF 1899, AS AMENDED

- XIII. After consideration of the Report dated the 18th December, 2002, of the States Procedures and Constitution Committee:-
1. By a majority of more than two thirds of the members present and voting, that the Reform (Guernsey) Law, 1948, as amended, be further amended to provide that:
 - (a) a Jurat shall not be eligible to hold office as a Member of the States of Deliberation or as a Douzenier;
 - (b) the requirement that a candidate for the office of People's Deputy and the parochial offices be a British subject be rescinded;

- (c) all persons in prison, whether serving a sentence or on remand, be entitled to exercise a postal vote and that such persons be entitled to vote in person only when it has not been possible in the time allowed to enter the voter's name on the absent voters' register and subject to security and similar considerations at the discretion of the Prison Governor;
 - (d) the power to make Defence Regulations be vested in the States Emergency Council and that such Regulations be laid before the States as soon as possible after they have been made;
 - (e) the provision debarring Advocates from serving as Parish Constables be rescinded;
 - (f) the penalties provided be revised as deemed appropriate by the Law Officers;
2. By a unanimous decision, that the Loi relative au Scrutin Secret of 1899, as amended, be further amended to provide that ballot papers be marked with a cross but that Returning Officers be given the discretion to treat papers not marked but which, nonetheless clearly show the voter's intention as valid.
 3. By a unanimous decision, to direct the preparation of such legislation as may be necessary to give effect to their above decisions.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

THE SUNDAY TRADING (TRANSITIONAL PROVISIONS) REGULATIONS, 2002

In pursuance of the provisions of section 33(3) of the Sunday Trading Ordinance, 2002, the Sunday Trading (Transitional Provisions) Regulations, 2002, made by the States Board of Industry on the 15th November, 2002, were laid before the States.

**THE HEALTH SERVICE (MEDICAL APPLIANCES) (AMENDMENT)
REGULATIONS, 2002**

In pursuance of the provisions of section 35(4) of the Health Service (Benefit) (Guernsey) Law, 1990, the Health Service (Medical Appliances) (Amendment) Regulations, 2002, made by the Guernsey Social Security Authority on the 20th November, 2002, were laid before the States.

**THE INCOME TAX (PENSIONS) (CONTRIBUTION LIMITS AND TAX-FREE
LUMP SUMS) REGULATIONS, 2002**

**THE INCOME TAX (GUERNSEY) (VALUATION OF BENEFITS IN KIND)
REGULATIONS, 2002**

In pursuance of the provisions of section 203 of the Income Tax (Guernsey) Law, 1975, as amended, the above Regulations made by the States Income Tax Authority on the 21st November, 2002, were laid before the States.

**THE HEALTH SERVICE (PAYMENT OF AUTHORISED SUPPLIERS)
(AMENDMENT) REGULATIONS, 2002**

**THE HEALTH SERVICE (PAYMENT OF AUTHORISED APPLIANCE
SUPPLIERS (AMENDMENT) REGULATIONS, 2002**

In pursuance of the provisions of section 35(4) of the Health Service (Benefit) (Guernsey) Law, 1990, the above Regulations made by the Guernsey Social Security Authority on the 27th November, 2002, were laid before the States.

**THE SOCIAL INSURANCE (BENEFITS) (MISCELLANEOUS PROVISIONS)
(AMENDMENT) REGULATIONS, 2002**

**THE SOCIAL INSURANCE (CONTRIBUTIONS)(AMENDMENT)
REGULATIONS, 2002**

**THE SOCIAL INSURANCE (INCREASE OF BENEFITS)
(AMENDMENT) REGULATIONS, 2002**

**THE SOCIAL INSURANCE (INDUSTRIAL INJURIES BENEFITS)
(AMENDMENT) REGULATIONS, 2002**

**THE SOCIAL INSURANCE (RESIDENCE AND PERSONS
ABROAD)(GUERNSEY) (AMENDMENT) REGULATIONS, 2002**

In pursuance of the provisions of section 117 of the Social Insurance (Guernsey) Law, 1978, as amended, the above Regulations made by the Guernsey Social Security Authority on the 28th November, 2002, were laid before the States.

THE WATER CHARGES ORDER 2002

In pursuance of the provisions of Article 17(6) 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 the 7th May, 1927, as amended, the Water Charges Order, 2002 made by the States Water Board on the 19th December, 2002, was laid before the States.

THE NOTIFIABLE ANIMAL DISEASES ORDER, 2002

In pursuance of the provisions of section 33(1) (c) of the Animal Health Ordinance, 1966, the Notifiable Animal Diseases Order, 2002, made by the States Agriculture and Countryside Board on the 15th November, 2002, was laid before the States.

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