



**XII
2012**

BILLET D'ÉTAT

WEDNESDAY 30th MAY 2012

1. Parochial Ecclesiastical Rates Review Committee – New Chairman and Members, p. 1975
2. Administrative Decisions (Review) (Guernsey) Law, 1986 - New Chairman and Deputy Chairman of Panel of Members, p. 1975
3. Guille- Allès Library Council – New Member, p. 1975
4. States Assembly and Constitution Committee – Declaration of Members' Interests, p. 1976

B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **30th May, 2012**, at **9 30 am**, pursuant to Rule 1 (4) of the Rules of Procedure of the States of Deliberation, to consider the items contained in this Billet d'État which has been submitted for debate.

R. J. COLLAS
Bailiff and Presiding Officer

The Royal Court House
Guernsey
27 April 2012

PAROCHIAL ECCLESIASTICAL RATES REVIEW COMMITTEE

NEW CHAIRMAN AND MEMBERS

The States are asked:-

I.- To elect

1. a sitting member of the States as Chairman of the Parochial Ecclesiastical Rates Review Committee to replace Deputy T M Le Pelley, who has ceased to have a seat in the States.
2. a sitting member of the States as a member of that Committee to replace Deputy Shane Langlois, who has ceased to have a seat in the States.
3. a sitting member of the States as a member of that Committee to replace Deputy Bernard Flouquet, who has ceased to have a seat in the States.

ADMINISTRATIVE DECISIONS (REVIEW) (GUERNSEY) LAW, 1986

NEW CHAIRMAN AND DEPUTY CHAIRMAN OF PANEL OF MEMBERS

The States are asked:-

II.- To elect, in accordance with the provisions of section 4 (2) of the Administrative Decisions (Review) (Guernsey) Law, 1986:-

1. a Chairman of the Panel of Members, who shall be a sitting member of the States of Deliberation and who has held a seat in the States for a period of three years or more, to fill the vacancy from 1st June, 2012, by reason of the expiry of the term of office of Deputy R R Matthews, who is not eligible for re-election.
2. a Deputy Chairman of that Panel, who shall be one of the Deans of the Douzaines but who shall not have a seat in the States, to fill the vacancy which will arise on 1st June, 2012, by reason of the expiry of the term of office of Douzenier R L Heaume, M.B.E, who is eligible for re-election.

GUILLE - ALLÈS LIBRARY COUNCIL

NEW MEMBER

The States are asked:-

III.- To elect a sitting member of the States as a member of the Guille - Allès Library Council to replace Deputy J M Tasker, who has ceased to have a seat in the States.

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

DECLARATION OF MEMBERS' INTERESTS

The Presiding Officer
The States of Guernsey
Royal Court House
St. Peter Port

12th April 2012

Dear Sir

EXECUTIVE SUMMARY

This report lays before the States for approval a new form for the Declaration of Members Interests with Explanatory Notes annexed thereto and consequential minor amendments to the Rules of Procedure of the States of Deliberation and the Code of Conduct for Members of the States of Deliberation, in accordance with the resolution of the States of the 9th March 2012.

REPORT

1. On the 9th March 2012 the States resolved¹ as follows:
 - (1) *To direct the Committee to draft amendments to the Rules of Procedure of the States of Deliberation to provide that Members shall be required to make annual declarations stating:*
 - (a) *if (i) employed; or (ii) the holder of any office; or (iii) a director of any company; or (iv) a partner in a partnership or firm, whether or not they are in receipt of remuneration, the name and address of every employer/partnership/firm, in each case giving a brief description of the business or work;*
 - (b) *any consultancy, trade, profession, vocation or other work not declared in (a) above together with the name and address of any person from whom they receive payment or benefit which forms a significant portion of either their total income or their income from that work;*

¹ Resolution on Article 19 of Billet d'État No. V of 2012, p. 1725

- (d) *the name and address of all limited liability companies or firms of which they are directors, whether paid or not;*
 - (e) *the address of all real property situated in the Bailiwick, whether owned or leased or held in trust in each case with a brief statement setting out the purpose for which the property is held;*
 - (f) *the name and address of all limited liability companies in which they, or his or her spouse or cohabitee, or both of them, whether jointly or separately, own shares which exceed 1% of the issued share capital and, if the holding is over 10% of the issued share capital, a brief statement setting out –*
 - (i) *what the company does, and*
 - (ii) *what real property situated in the Bailiwick is held, whether directly or indirectly, by the company;*
 - (g) *the name and address of all trusts of which the Member is either a beneficiary or a trustee (excluding professional trusteeships);*
 - (h) *payments received for public speaking;*
 - (j) *gifts, benefits and hospitality which are presently declared pursuant to Schedule 1 to the Code of Conduct for Members of the States of Deliberation;*
 - (l) *any other interest or benefit received which, whilst not required to be registered under other headings, might reasonably be perceived by other persons to influence actions as an elected member;*
 - (m) *any interests specified in (a) to (l) of which he is aware which relate to the Member's spouse, co-habiting partner or infant children.*
- (2) *To direct the Committee to draft consequential amendments to the Rules of Procedure of the States of Deliberation, the Rules relating to the Constitution and Operation of States Departments and Committees and the Code of Conduct for Members of the States of Deliberation.*
- (3) *To direct the Committee to draft Explanatory Notes regarding the proposed declaration of interests, for the guidance of Members, which Explanatory Notes shall be laid before the States at the same meeting as the proposed amendments set out above.*
- (4) *To agree that Rule 23(3) of the Rules of Procedure of the States of Deliberation shall be amended with immediate effect by deleting the words "December 2006" and substituting therefor "June 2012";*

TO NEGATIVE THE PROPOSITION to direct the Committee to draft amendments to the Rules of Procedure of the States of Deliberation to provide that members shall be required to make annual declarations stating:

- (c) *any entitlement (whether present or future) to benefit from a superannuation scheme;*
 - (i) *membership of, or other relationship with, any trade union, professional society, political grouping, charitable, religious or sporting organisation or other body;*
 - (k) *the cost of overseas travel and accommodation, excluding travel and accommodation paid for by the States of Guernsey or States of Alderney, the Member or spouse, co-habiting partner or other close relative and excluding brief leisure trips within the Islands or adjacent French and British coasts.”.*
2. In the report considered by the States on the 9th March 2012 the Committee had stated that its intention was that draft Rules and draft Explanatory Notes would be placed before the States at their meeting on the 30th May 2012 and that, if approved, they would take immediate effect.
 3. The draft Declaration of Interests, with Explanatory Notes annexed thereto is appended to this report. The draft Declaration embraces every matter set out in paragraph (1) of the resolution of the 9th March 2012.
 4. The Committee was also directed to draft consequential amendments to the Rules of Procedure, the Rules relating to the Constitution and Operation of States Departments and Committees and the Code of Conduct for Members of the States of Deliberation.
 5. The declaration to be made by States Members now goes beyond purely financial interests. Rule 12(8) requires Members who have “*a direct or special financial interest in the subject matter of a proposition*” to declare that interest in the States. Consequently the Committee recommends the States to amend that Rule by deleting the word “financial”.
 6. Rule 23 makes specific provision with regard to the Register of Members’ Interests. It is proposed that the existing Rule be deleted in its entirety and the following substituted:
 - “23. (1) The Greffier shall maintain (whether electronically or otherwise) a Register to be known as the Register of Members’ Interests in which he shall keep all declarations of interests lodged with him in accordance with paragraph (3).
 - (2) The Register of Members’ Interests shall be available at the Greffe for public inspection whenever the Greffe is open for normal business. Current entries in the Register of Members’ Interests shall also be published on the States’ website.
 - (3) All Members shall

- (a) during the month of June 2012 or, if elected after the 1st June 2012 within one month of being elected;
and
 - (b) subsequently during the month of May annually;
make and lodge with the Greffier a Declaration of Interests.
 - (4) All Declarations of Interest required to be lodged with the Greffier under paragraph (3) shall be in the form set out in Schedule 1 to these Rules.”.
7. It is further proposed that the draft Declaration of Interests and the Explanatory Notes be substituted in place of the existing text in Schedule 1.
 8. The provisions which require Members to make an annual declaration regarding gifts, benefits and hospitality received have now been incorporated into the Declaration of Interests referred to above. At present separate provision is made in this regard within the Code of Conduct. A minor amendment is therefore required to the Code.
 9. It is proposed that paragraph 13 thereof be replaced with:
 - “13. Members must comply with the requirements of the Rules of Procedure of the States of Deliberation concerning declaration of interests in respect of gifts and hospitality. Any money or tangible gifts received by a Member which are required to be declared must not be retained but must be transferred or delivered into the ownership of the States.”;
 and that Schedule 1 to the Code be deleted in its entirety.
 10. Rule 15 of the Rules relating to the Constitution and Operation of States Departments and Committees sets out the procedure for the declaration of interests at meetings of States departments and committees. These Rules are not specifically related to the provisions in the Rules of Procedure although the latter Rules may well assist Members in identifying interests which they need to declare at meetings of departments and committees. The Committee does not consider that any amendments are required to the Rules relating to the Constitution and Operation of States Departments and Committees

CONSULTATION / RESOURCES / NEED FOR LEGISLATION

11. The Presiding Officer and H. M. Greffier have been consulted pursuant to Rule 14(6) of the Rules relating to the Constitution and Operation of States Departments and Committees. The Law Officers have not identified any reason in law why the proposals set out in this Report cannot be implemented.

12. The approval of the recommendations would have no implications for the manpower resources of the States nor do they require any legislation.

PRINCIPLES OF GOOD GOVERNANCE

13. The Committee is of the view that the proposed changes to the declaration of interests by Members of the States would provide a substantial improvement in openness and transparency. Consequently the proposals contained in this report are in accordance with the principles of good governance.

RECOMMENDATIONS

14. The States Assembly and Constitution Committee recommends the States to agree –
- (1) that Rule 20 of the Rules of Procedure of the States of Deliberation be amended with immediate effect as follows:
 - (i) in Rule 12(8) delete the word “financial”;
 - (ii) delete Rule 23 and substitute therefor:
 - “23.(1) The Greffier shall maintain (whether electronically or otherwise) a Register to be known as the Register of Members’ Interests in which he shall keep all declarations of interests lodged with him in accordance with paragraph (3).
 - (2) The Register of Members’ Interests shall be available at the Greffe for public inspection whenever the Greffe is open for normal business. Current entries in the Register of Members’ Interests shall also be published on the States’ website.
 - (3) All Members shall
 - (a) during the month of June 2012 or, if elected after the 1st June 2012 within one month of being elected;
 - and
 - (b) subsequently during the month of May annually;
 make and lodge with the Greffier a Declaration of Interests.
 - (4) All Declarations of Interest required to be lodged with the Greffier under paragraph (3) shall be in the form set out in Schedule 1 to these Rules.”;

- (iii) delete Schedule 1 and substitute therefor the Declaration of Interests and Explanatory Notes set out in the Appendix to this report;
- (2) that the Code of Conduct for Members of the States of Deliberation be amended with immediate effect as follows:
 - (i) delete paragraph 13 and substitute therefor:
 - “13. Members must comply with the requirements of the Rules of Procedure of the States of Deliberation concerning declaration of interests in respect of gifts and hospitality. Any money or tangible gifts received by a Member which are required to be declared must not be retained but must be transferred or delivered into the ownership of the States”;
 - (ii) delete Schedule 1.

Yours faithfully

I. F. RIHOY

Chairman
States Assembly and Constitution Committee

Members of the Committee are
Deputy I. F. Rihoy (Chairman)
Deputy M. M. Lowe (Vice-Chairman)
Deputy T. M. Le Pelley
Deputy S. L. Langlois
Deputy M. J. Fallaize



DECLARATION OF INTERESTS
MADE PURSUANT TO RULE 23 OF THE RULES OF PROCEDURE
OF THE STATES OF DELIBERATION

<i>Surname:</i>	<i>Forenames in full:</i>
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I hereby certify that, to the best of my knowledge and belief, this Declaration of Interests gives full and complete particulars, as at the date of this declaration, of all matters which I am required to declare, as a Member of the States of Deliberation, pursuant to Rule 23 of the Rules of Procedure of the States of Deliberation.

I understand that I am required to declare interests or benefits of which I am aware received by my spouse, co-habiting partner or infant children.

I further understand that this form is a public document and will be published on the States website.

<i>Signature:</i>	<i>Date:</i>
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**This form must be returned to Her Majesty's Greffier
not later than the 30th June 2012 [and thereafter 31st May 20^{**}].**

For use by H. M. Greffier:

Date return received:

PART 1 Employment

Enter 'none' in box if there
is no interest to declare

<i>Name and address of each Employer</i>	<i>Brief description of the business/work</i>

PART 2 Directorships

Enter 'none' in box if there
is no interest to declare

<i>Name and address of each Company</i>	<i>Brief description of the business/work</i>

PART 3 Partnerships

Enter 'none' in box if there
is no interest to declare

<i>Name and address of each Partnership</i>	<i>Brief description of the business/work</i>

**PART 4
Offices Held**

<i>Enter 'none' in box if there is no interest to declare</i>	
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<i>Name and address of each Office held</i>	<i>Brief description of the business/work</i>

**PART 5
Self-Employment and any other Consultancy, Profession, Trade, Vocation or other work not declared in Parts 1-4**

<i>Enter 'none' in box if there is no interest to declare</i>	
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<i>Brief description of the business/work</i>	<i>Name and address of any person or entity from whom you receive payment or benefit which forms a significant portion of either your income from this work or your total income</i>

**PART 6
Real Property situated in the Bailiwick**

<i>Enter 'none' in box if there is no interest to declare</i>	
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<i>Address of each Property</i>	<i>State whether owned Leased or held in trust</i>	<i>Purpose for which Property is held</i>

PART 7
Company Shareholdings

Enter 'none' in box if there is no interest to declare

Name and address of each Company

In respect of companies listed above where the holding is over 10% of the issued share capital, give a brief description of their business/work and state whether they hold (either directly or indirectly) any real property in the Bailiwick.

PART 8
Trusts (excluding Professional Trusteeships)

Enter 'none' in box if there is no interest to declare

Name and address of each Trust

State whether as beneficiary or trustee

PART 9 Payments received for Public Speaking

Enter 'none' in box if there is no interest to declare	
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<i>Name and address of each organisation from which a payment was received in the period from 1st May 20** to 30th April 20** §</i>	<i>Brief description of the function at which the speech was made</i>

§ This section does not apply to Members who were not in office during the relevant period.

PART 10 Other Gifts, Benefits and Hospitality Received

Enter 'none' in box if there is no interest to declare	
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<i>Declare all gifts and material benefits received by you, a close family member or associate in the period from 1st May 20** to 30th April 20** § which are of a value greater than 1% of basic allowance payable to States Members</i>	
<i>Nature of gift or benefit:</i>	
<i>By whom received:</i>	
<i>Name of donor or benefactor:</i>	
<i>Value of gift or benefit:</i>	
<i>If gift was money or a tangible item state date that money or item was transferred or delivered to the States</i>	

§ This section does not apply to Members who were not in office during the relevant period.

PART 11
Any Other Interests

Enter 'none' in box if there is no interest to declare	
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Declare here any other interest or benefit received which, whilst not required to be registered under Parts 1-10 might reasonably be perceived by other persons to influence actions as an elected Member of the States.

CONTINUATION SHEETS

If there was insufficient space provided in any Part of this form please add a continuation sheet.

<i>Are any continuation sheets attached?</i>	YES / NO If yes, specify number of sheets
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EXPLANATORY NOTES

Applicability of Declaration to Interests of the Member's spouse, co-habiting partner and infant children

Throughout this form, in addition to those matters which relate directly to you, you are also required to declare any interests of which you are aware which relate to your spouse, co-habiting partner and infant children. An infant child is one who has not yet attained the age of 18 years.

PART 1 Employment

If you are currently employed, whether or not you are in receipt of remuneration, state the name and address of every employer and give a brief description of the main business activities of each of those employers.

Do **not** include your position as a Member of the States of Deliberation.

You are **not** required to declare the amount of any remuneration or benefit received.

PART 2 Directorships

State the name and address of every company of which you are a director, whether or not you are in receipt of remuneration, and give a brief description of the main business activities of each of those companies.

You are **not** required to declare the amount of any remuneration or benefit received.

PART 3 Partnerships

State the name and address of every partnership or firm of which you are a partner, whether or not you are in receipt of remuneration, and give a brief description of the main business activities of each of those partnerships or firms.

You are **not** required to declare the amount of any remuneration or benefit received.

PART 4 Offices Held

State the name and address of every organisation in which you are the holder of any office, whether or not you are in receipt of remuneration, and give a brief description of the main activities of each of those organisations.

An office-holder is someone who by virtue of that office is able to take part in the making of executive decisions on behalf of the organisation.

You are **not** required to declare the amount of any remuneration or benefit received. Similarly you are **not** required to declare any general membership or similar relationship with those organisations. The following two examples are offered as illustrations:

- X is an ordinary member of a natural history society – this is **not** declarable but if X were a member of the Society's Council it would be declarable.
- Y is member of a church congregation – this is **not** declarable but if Y were a Churchwarden it would be declarable.

PART 5 Self-Employment and any other Consultancy, Profession, Trade, Vocation or other work not declared in Parts 1-4

Give a brief description of the main business activities relating to any business in which you are self-employed, consultancies, professions trades or vocations or other work not otherwise declared.

If you receive a payment or other benefit from any person or entity which forms either a significant portion of your total income or your income from that particular work, then you must also declare the name and address of such person or entity.

“Significant” in this regard means more than one-third.

You are **not** required to declare the amount of any payment or benefit received.

PART 6 Real Property situated in the Bailiwick

List all real property – including your principal place of residence – which you own either in your own name or jointly with others, or lease, or which is held in trust on your behalf.

A brief statement declaring the purpose for which the property is held is also required, for example – “principal residence”; investment property for letting”, agricultural land let to farmer”, etc.

PART 7 Company Shareholdings

List the name and registered office of every limited liability company in which you own shares which exceed 1% of the issued share capital. A declaration must also be made when the aggregate of the shareholdings of one or more of yourself, your spouse, co-habiting partner and infant children exceeds 1% of the issued share capital.

In addition, if the shareholding, or aggregate shareholding, exceeds 10% of the issued share capital you must also give a brief description of the main business activities of each of those companies and state whether any real property situated in the Bailiwick is held, either directly or indirectly, by the company.

PART 8 Trusts (excluding Professional Trusteeships)

List any trust of which you are either a trustee or a beneficiary. This includes family trusts but **excludes** any trust of which you are trustee in a professional capacity. In such cases an appropriate declaration should be made in Part 5.

You are **not** required to declare the value of the trust or the value or nature of any beneficial interest which you may have therein.

PART 9 Payments received for Public Speaking

Give the name and address of each organisation from which you received for your personal benefit a payment for public speaking during the year ending 30th April 20^{**}, together with a brief description of the function at which the speech was made. You are **not** required to declare public speeches where the payment received was wholly for the benefit of a charitable organisation.

You are **not** required to declare the amount of any remuneration or other benefit received.

PART 10

Other Gifts, Benefits and Hospitality Received

1. Any gift or material benefit received by a Member, or to the Member's knowledge by his spouse, co-habiting partner or infant children, must be declared if it:
 - (a) in any way relates to membership of the States; and
 - (b) is of a value greater than 1% of the basic remuneration for the time being payable to ordinary States Members (*i.e. the rate payable to Members who are not Chief Minister, Ministers, Chairmen, Deputy Ministers or vice-Chairmen*) – hereafter referred to as the “qualifying value”.
2. Gifts of money or tangible items (e.g. jewellery, glassware), or other benefits (e.g. hospitality, tickets to sporting and cultural events, relief from indebtedness, loan concessions, provision of services, etc.) must be declared if they exceed the qualifying value. The Code of Conduct for States Members requires that any such money or tangible gifts received by a Member must not be retained but must be transferred or delivered into the ownership of the States.
3. This means that any gift, or other benefit, which in any way relates to membership of the States and which is given gratis, or at a cost below that generally available to members of the public, shall be declared whenever the value of the gift or benefit is greater than the qualifying value. Any similar gift or benefit which is received by any company or organisation in which the Member, his spouse, co-habiting partner or infant children have a controlling interest must also be declared.
4. Gifts and other benefits from the same or associated sources in the course of the relevant 12 months which cumulatively are of greater value than the qualifying value must be registered, even if each single gift or benefit is of lesser value.
5. Benefits, such as tickets to sporting or cultural events, received by another person together with or on behalf of a Member must be declared as if they had been received by the Member.
6. Gifts or other benefits from another Member of the States are to be declared in the same way as those received from other persons.
7. Excepted from declaration:
 - a. are gifts and benefits known to be available to all Members of the States;
 - b. is attendance at a conference or a site visit within the Bailiwick, the United Kingdom, Jersey and the Isle of Man in the context of legitimate States business where the organiser meets reasonable travel and subsistence costs only;

- c. is hospitality provided in the context of legitimate States business by the States of Guernsey, States of Alderney, Chief Pleas of Sark or the governments the United Kingdom, Jersey or the Isle of Man or the devolved institutions in Scotland, Wales or Northern Ireland.
8. Gifts and material benefits are exempt from declaration if they do not relate in any way to membership of the States. Whether this exemption applies in any particular case is necessarily a matter of judgment. Both the possible motive of the giver and the use to which the gift is put have to be considered: if it is clear on both counts that the gift or benefit is entirely unrelated to membership of the States, and would not reasonably be thought by others to be so related, it need not be declared. If a Member has any doubt the gift or benefit must be declared.

PART 11

Any Other Interests

List any other interest or benefit received which you have not been required to declare in other parts of this form but which might reasonably be perceived by other persons to influence your actions as an elected Member of the States.

You are **not** required to declare the value of any interest or benefit received.

You may also use this section to record any interests or other matters that are not required to be registered but which, in your opinion, should be disclosed to the public.

WHAT HAPPENS TO THIS RETURN?

Declarations must be made annually between the 1st and the 31st May.

The information required in Parts 9 and 10 is in respect of the 12 months ending on the previous 30th April.

The declarations are available for public inspection at the Greffe during normal opening hours and are published on the States' website.

The States are asked to decide:-

IV.- Whether, after consideration of the Report dated 12th April, 2012, of the States Assembly and Constitution Committee, they are of the opinion:-

1. To amend, with immediate effect, Rule 20 of the Rules of Procedure of the States of Deliberation as follows:

(i) in Rule 12(8) delete the word “financial”;

(ii) delete Rule 23 and substitute therefor:

“23.(1) The Greffier shall maintain (whether electronically or otherwise) a Register to be known as the Register of Members’ Interests in which he shall keep all declarations of interests lodged with him in accordance with paragraph (3).

(2) The Register of Members’ Interests shall be available at the Greffe for public inspection whenever the Greffe is open for normal business. Current entries in the Register of Members’ Interests shall also be published on the States’ website.

(3) All Members shall

(a) during the month of June 2012 or, if elected after the 1st June 2012 within one month of being elected;

and

(b) subsequently during the month of May annually;

make and lodge with the Greffier a Declaration of Interests.

(4) All Declarations of Interest required to be lodged with the Greffier under paragraph (3) shall be in the form set out in Schedule 1 to these Rules.”;

(iii) delete Schedule 1 and substitute therefor the Declaration of Interests and Explanatory Notes set out in the Appendix to this report.

2. To amend, with immediate effect, the Code of Conduct for Members of the States of Deliberation as follows:

(i) delete paragraph 13 and substitute therefor:

“13. Members must comply with the requirements of the Rules of Procedure of the States of Deliberation concerning

declaration of interests in respect of gifts and hospitality. Any money or tangible gifts received by a Member which are required to be declared must not be retained but must be transferred or delivered into the ownership of the States”;

- (ii) delete Schedule 1.