

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 24TH DAY OF SEPTEMBER, 2014**

**The States resolved as follows concerning Billet d'État No XX  
dated 15<sup>th</sup> August 2014**

**PROJET DE LOI**

entitled

**THE FINANCIAL SERVICES OMBUDSMAN (BAILIWICK OF GUERNSEY)  
LAW, 2014**

- I.- To approve the draft Projet de Loi entitled “The Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014”, and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**THE BANKING DEPOSIT COMPENSATION SCHEME (BAILIWICK OF  
GUERNSEY) (AMENDMENT) ORDINANCE, 2014**

- II.- To approve the draft Ordinance entitled “The Banking Deposit Compensation Scheme (Bailiwick of Guernsey) (Amendment) Ordinance, 2014”, and to direct that the same shall have effect as an Ordinance of the States.

**THE INCOME TAX (GUERNSEY) (APPROVED INTERNATIONAL  
AGREEMENTS) (AMENDMENT) ORDINANCE, 2014**

- III.- To approve the draft Ordinance entitled “The Income Tax (Guernsey) (Approved International Agreements) (Amendment) Ordinance, 2014”, and to direct that the same shall have effect as an Ordinance of the States.

**THE ALDERNEY eGAMBLING (OPERATIONS IN GUERNSEY)  
(AMENDMENT) ORDINANCE, 2014**

- IV.- To approve the draft Ordinance entitled “The Alderney eGambling (Operations in Guernsey) (Amendment) Ordinance, 2014, and to direct that the same shall have effect as an Ordinance of the States.

***ORDINANCES LAID BEFORE THE STATES***

**THE CRIMEA AND SEVASTOPOL (RESTRICTIVE MEASURES)  
(GUERNSEY) ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Crimea and Sevastopol (Restrictive Measures) (Guernsey) Ordinance, 2014 made by the Legislation Select Committee on the 10<sup>th</sup> July, 2014, was laid before the States.

**THE AFGHANISTAN (RESTRICTIVE MEASURES) (GUERNSEY)  
(AMENDMENT) ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Afghanistan (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2014 made by the Legislation Select Committee on the 21<sup>st</sup> July, 2014, was laid before the States.

**THE UKRAINE (RESTRICTIVE MEASURES) (GUERNSEY) (AMENDMENT)  
ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Ukraine (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2014 made by the Legislation Select Committee on the 21<sup>st</sup> July, 2014, was laid before the States.

**THE TERRITORIAL INTEGRITY etc. OF UKRAINE (RESTRICTIVE  
MEASURES) (GUERNSEY) (AMENDMENT) ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Territorial Integrity etc. of Ukraine (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2014, made by the Legislation Select Committee on the 21<sup>st</sup> July, 2014, is laid before the States.

**THE CENTRAL AFRICAN REPUBLIC (RESTRICTIVE MEASURES)  
(GUERNSEY) (AMENDMENT) ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Central African Republic (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2014, made by the Legislation Select Committee on the 21<sup>st</sup> July, 2014, was laid before the States.

**THE SUDAN (RESTRICTIVE MEASURES) (GUERNSEY)  
ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Sudan (Restrictive Measures) (Guernsey) Ordinance, 2014, made by the Legislation Select Committee on the 21<sup>st</sup> July, 2014, was laid before the States.

**THE SOUTH SUDAN (RESTRICTIVE MEASURES) (GUERNSEY)  
ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The South Sudan (Restrictive Measures) (Guernsey) Ordinance, 2014, made by the Legislation Select Committee on the 21<sup>st</sup> July, 2014, was laid before the States.

***STATUTORY INSTRUMENTS LAID BEFORE THE STATES***

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL  
BENEFIT) (AMENDMENT NO. 4) REGULATIONS, 2014**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No. 4) Regulations, 2014 made by the Social Security Department on 27<sup>th</sup> May 2014, were laid before the States.

**THE AIR NAVIGATION (RESTRICTION OF FLYING) (BAILIWICK OF  
GUERNSEY) AIR DISPLAY REGULATIONS 2014**

In pursuance of Section 178(4) of Aviation (Bailiwick of Guernsey) Law, 2008, The Air Navigation (Restriction of Flying) (Bailiwick of Guernsey) Air Display Regulations 2014, made by the Director of Civil Aviation - Commerce and Employment Department on 17<sup>th</sup> June 2014, were laid before the States.

**THE ANIMAL WELFARE (GUERNSEY) ORDINANCE, 2012  
(COMMENCEMENT) ORDER, 2014**

In pursuance of section 79(1)(c) of the Animal Welfare (Guernsey) Ordinance, 2012, The Animal Welfare (Guernsey) Ordinance, 2012 (Commencement) Order, 2014, made by the Commerce and Employment Department on 20<sup>th</sup> May 2014, was laid before the States.

**THE ANIMAL WELFARE (SLAUGHTER, KILLING, EUTHANASIA ETC.)  
(PRESCRIBED ANIMALS) REGULATIONS, 2014**

In pursuance of section 79(1)(c) of the Animal Welfare (Guernsey) Ordinance, 2012, The Animal Welfare (Slaughter, Killing, Euthanasia Etc.) (Prescribed Animals) Regulations, 2014, made by the Commerce and Employment Department on 20<sup>th</sup> May 2014, were laid before the States.

**THE ANIMAL WELFARE (REQUIREMENTS FOR SLAUGHTER,  
KILLING, EUTHANASIA ETC.) ORDER, 2014**

In pursuance of section 79(1)(c) of the Animal Welfare (Guernsey) Ordinance, 2012, The Animal Welfare (Requirements for Slaughter, Killing, Euthanasia Etc.) Order, 2014, made by the Commerce and Employment Department on 17<sup>th</sup> June 2014, was laid before the States.

**THE ANIMAL WELFARE (PROHIBITED OPERATIONS) (AMENDMENT)  
REGULATIONS, 2014**

In pursuance of section 79(1)(c) of the Animal Welfare (Guernsey) Ordinance, 2012, The Animal Welfare (Prohibited Operations) (Amendment) Regulations, 2014, made by the Commerce and Employment Department on 20<sup>th</sup> May 2014, were laid before the States.

**THE ANIMAL WELFARE (DESIGNATION AND CONTROL OF PEST  
ANIMALS) ORDER, 2014**

In pursuance of section 79(1)(c) of the Animal Welfare (Guernsey) Ordinance, 2012, The Animal Welfare (Designation and Control of Pest Animals) Order, 2014, made by the Commerce and Employment Department on 17<sup>th</sup> June 2014, was laid before the States.

**THE ANIMAL WELFARE (WELFARE CODES) ORDER, 2014**

In pursuance of section 79(1)(c) of the Animal Welfare (Guernsey) Ordinance, 2012, The Animal Welfare (Welfare Codes) Order, 2014, made by the Commerce and Employment Department on 20<sup>th</sup> May 2014, was laid before the States.

## **THE COMPANIES (REGISTRAR) (FEES) REGULATIONS, 2014**

In pursuance of Section 537 of the Companies (Guernsey) Law, 2008, The Companies (Registrar) (Fees) Regulations, 2014, made by the Commerce and Employment Department on 1 July 2014, were laid before the States.

## **THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (LEGAL PROFESSIONALS ACCOUNTANTS AND ESTATE AGENTS) (BAILIWICK OF GUERNSEY) (AMENDMENT) REGULATIONS, 2014**

In pursuance of sections 49A and 54 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, the Criminal Justice (Proceeds of Crime) (Legal Professionals, Accountants and Estate Agents) (Bailiwick of Guernsey) (Amendment) Regulations, 2014, made by the Policy Council on 28<sup>th</sup> July 2014, were laid before the States.

## **THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (FINANCIAL SERVICES BUSINESSES) (BAILIWICK OF GUERNSEY) (AMENDMENT) REGULATIONS, 2014**

In pursuance of sections 49 and 54 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, the Criminal Justice (Proceeds of Crime) (Financial Services Businesses) (Bailiwick of Guernsey) (Amendment) Regulations, 2014, made by the Policy Council on 28<sup>th</sup> July 2014, were laid before the States.

## **POLICY COUNCIL**

### **THE CO-ORDINATION OF RELATED ECONOMIC AND SOCIAL POLICY PROJECTS**

V.- After consideration of the Report dated 28<sup>th</sup> July, 2014, of the Policy Council:-

1. To note that, although the Policy Council was making concerted efforts to coordinate them effectively, it would be impractical to synchronise fully the timetables for reporting of the various policy projects referred to in section 3 of the Report.
2. To acknowledge that, arising from any one of the policy projects referred to in section 3 of the Report, decisions were likely to need to be made by the States before they have had the opportunity to consider and fully debate the entire suite of related reports.
3. To note that a lack of resourcing was hindering progress on the development of a Government Service Plan.

## **POLICY COUNCIL**

### **REVIEWING THE FUNDING MECHANISM FOR THE GUERNSEY FINANCIAL SERVICES COMMISSION**

- VI.- After consideration of the Report dated 28<sup>th</sup> July, 2014, of the Policy Council:-
1. To agree that the Guernsey Financial Services Commission's existing funding mechanism remain broadly unchanged.
  2. To agree that fees regulations currently made by the Guernsey Financial Services Commission be made by the Policy Council (in the case of fees charged under the regulatory laws specified in items 1 to 7 of section 5 entitled "Legislative Regime" in the Report) and the Commerce & Employment Department (in the case of fees charged under the Companies (Guernsey) Law, 2008 and the Limited Liability Partnerships (Guernsey) Law, 2013).
  3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **POLICY COUNCIL**

### **PROPOSED AMENDMENTS TO THE CHARITIES AND NON PROFIT ORGANISATIONS (REGISTRATION) (GUERNSEY) LAW 2008**

- VII.- After consideration of the Report dated 28<sup>th</sup> July, 2014, of the Policy Council-
1. To agree that The Charities and Non Profit Organisations (Registration) (Guernsey) Law 2008 be amended to:
    - a. remove the exemption for manumitted organisations, so that they become subject to all existing and any future requirements in connection with registration;
    - b. amend the definition of NPOs to clarify its scope;
    - c. widen the regulation-making powers to permit the making in due course of regulations to cover all necessary matters regarding internal governance issues;
    - d. make criminal sanctions for failing to comply with the different requirements imposed on NPOs explicit and consistent;

- e. permit disclosures relating to NPOs to be made by the Registrar of NPOs to the Director of Income Tax and to corresponding authorities inside the Bailiwick as well as outside.
2. To agree that the Income Tax (Guernsey) Law, 1975 be amended to permit information on NPOs (charities and non-profit organisations) to be disclosed to the Registrar of NPOs.

## **TREASURY AND RESOURCES DEPARTMENT**

### **MISCELLANEOUS AMENDMENTS TO THE INCOME TAX LAW**

VIII.- After consideration of the Report dated 3<sup>rd</sup> July, 2014, of the Treasury and Resources Department:-

1. That section 172(1) of the Income Tax (Guernsey) Law, 1975, as amended, be revised to put it beyond doubt that arrangements made between the States of Guernsey and the government of another country, may include any arrangements such as, but not limited to, the apportionment of taxing rights, variations in the rates of tax and methods of computing a person's liability to tax in relation to, and the exemption from tax of, particular sources of income, and other ancillary provisions, provided that the main purpose, or one of the main purposes, of the arrangements or provisions is that they are made with a view to affording relief from double taxation.
2. That sections 43(2)(ii) and 51(5) of the Income Tax (Guernsey) Law, 1975, as amended, be revised to restrict an entitlement to claim personal and other allowances to an entitlement to the allowances applicable to single persons, in the circumstances set out in paragraphs 2.2.2. and 2.2.6.
3. That sections 51 and 51A of the Income Tax (Guernsey) Law, 1975, as amended, be revised to restrict an entitlement to claim personal allowances for individuals who are non-resident, or resident but not solely or principally resident, respectively, in the circumstances set out in paragraphs 2.3.5., 2.3.9. and 2.3.10.
4. That amendments be made to the information powers in sections 75D(4), 75D(5), 75L(2)(c), 75F and 75I of the Income Tax (Guernsey) Law, 1975, as amended, as set out in paragraphs 2.4.4., 2.4.5., 2.4.7., 2.4.9. and 2.4.12.
5. That section 209(1) of the Income Tax (Guernsey) Law, 1975, as amended, be amended to put it beyond doubt that compensatory awards made by the Employment and Discrimination Tribunal under the Employment Protection (Guernsey) Law 1998 and other relevant legislation, when made by the Tribunal in consequence of the termination of an individual's employment, fall within the definition of "emoluments".

6. That the Income Tax (Guernsey) (Employees Tax Instalment Scheme) Regulations, 2007, be amended to increase the amount of unpaid tax that the Director may collect through the issue of a direction notice to an employee's employer, without prior consent, from amounts of less than £1,000 to amounts of less than £3,000.
7. That section 193A of the Income Tax (Guernsey) Law, 1975, as amended, be revised to enable the Director to impose penalties on employers who submit incorrect or incomplete forms, schedules or lists that they are required to submit by regulations made under section 81A, without prejudice to the existing enhanced penalties that may be imposed under section 193(2) where a return is incorrect or incomplete in any material particular and the employer has acted negligently or fraudulently.

## **COMMERCE AND EMPLOYMENT DEPARTMENT**

### **RE-APPOINTMENT OF EMPLOYMENT AND DISCRIMINATION TRIBUNAL PANEL MEMBERS**

XVI.- After consideration of the Report dated 17<sup>th</sup> June, 2014, of the Home Department:-

1. To re-appoint, in accordance with the requirements of Section 1 of the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005, Mrs. Joanne Antonia de Garis, as a member of the Employment and Discrimination Tribunal Panel, until 28 February 2015.
2. To re-appoint, in accordance with the requirements of Section 1 of the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005, Ms. Christine Diane Le Lievre, as a member of the Employment and Discrimination Tribunal Panel, until 28 February 2015.

**S M D ROSS**  
**HER MAJESTY'S DEPUTY GREFFIER**



**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 25TH DAY OF SEPTEMBER, 2014**

Adjourned from 24<sup>th</sup> September, 2014

**The States resolved as follows concerning Billet d'État No XX  
dated 15<sup>th</sup> August 2014**

**COMMERCE AND EMPLOYMENT DEPARTMENT**

**REVIEW OF THE DAIRY INDUSTRY**

IX.- After consideration of the Report dated 1<sup>st</sup> July, 2014, of the Commerce and Employment Department:-

1. To agree that the long-term future of the dairy industry is best secured through:
  - a) effective statutory control on the importation of milk along the lines set out in paragraphs 3.1 to 3.10 of that report;
  - b) a continuing commitment to the Guernsey breed along the lines set out in paragraphs 3.11 to 3.16 of that report;
  - c) an independent, but still States'-owned dairy along the lines set out in paragraphs 3.17 to 3.34 of that report;
  - d) a firm commitment from farmers to a year-round supply of milk for the island along the lines set out in paragraphs 3.35 to 3.47 of that report;
  - e) a simpler approach to milk pricing in the industry along the lines set out in paragraphs 3.48 to 3.64 of that report;
  - f) the continuation of dairy farm management contracts along the lines set out in paragraphs 3.65 to 3.81 of that report;
  - g) support for farm business development and new entrants along the lines set out in paragraphs 3.82 to 3.86 of that report;
  - h) protection for agricultural land and flexibility for ancillary uses along the lines set out in paragraphs 3.87 to 3.91 of that report;
  - i) modernised arrangements for milk distribution and retailing; and
  - j) a new Milk Ordinance along the lines set out in paragraphs 3.114 to 3.118 of that report.
2. To direct the Commerce & Employment Department to submit to the States as expeditiously as possible, but in any event no later than July, 2015, a report on the distribution and retailing of milk and milk products which shall: set out

what in the opinion of the Department are the optimum distribution and retailing arrangements for the long-term sustainability and success of the island's dairy industry; make recommendations for the adoption of such arrangements at the earliest possible opportunity; examine and make recommendations upon whether it would be appropriate to put in place measures, financial or otherwise, to mitigate any likely adverse consequences upon existing milk distributors of moving to such arrangements.

3. To direct the preparation of any legislation necessary to give effect to their above decisions, including the repeal of the Milk Control (Guernsey) Ordinance, 1958, as amended, and the making of a new Ordinance under the provisions of the Milk and Milk Products (Guernsey) Law, 1955 along the lines set out in paragraphs 3.114 to 3.118 of that report.

## **TREASURY AND RESOURCES DEPARTMENT**

### **GUERNSEY ELECTRICITY LIMITED – ANNUAL REPORT AND ACCOUNTS**

- X.- After consideration of the Report dated 2<sup>nd</sup> July, 2014, of the Treasury and Resources Department, to note the Annual Report and Accounts for Guernsey Electricity Ltd for the year-ending 31<sup>st</sup> March, 2014.

## **HEALTH AND SOCIAL SERVICES DEPARTMENT**

### **EMERGENCY MEDICINE CONSULTANT (CHARGING)**

- XI.- After consideration of the Report dated 7<sup>th</sup> July, 2014, of the Health and Social Services Department, to agree that, notwithstanding the 2002 States Resolution referred to in the Report, or any other States Resolution to the contrary, the Department is authorised to charge for the services of States-employed doctors (e.g. the Emergency Medicine Consultant) provided within the Accident and Emergency Service.

## **COMMERCE AND EMPLOYMENT DEPARTMENT**

### **CULL CATTLE COMPENSATION SCHEME**

- XII.- After consideration of the Report dated 1<sup>st</sup> July, 2014, of the Commerce and Employment Department, to agree that the Cull Cattle Compensation Scheme, approved on 29<sup>th</sup> May 1996, shall end on 1<sup>st</sup> January 2015.

J TORODE  
HER MAJESTY'S GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 26TH DAY OF SEPTEMBER, 2014**

Adjourned from 25<sup>th</sup> September, 2014

**The States resolved as follows concerning Billet d'État No XX  
dated 15<sup>th</sup> August 2014**

**CULTURE AND LEISURE DEPARTMENT**

**CHANNEL ISLANDS LOTTERY – ADMINISTRATION ARRANGEMENTS,  
FORFEITED PRIZE ACCOUNT AND 2011 - 2013 REPORTS AND  
ACCOUNTS**

XIII.- After consideration of the Report dated 12<sup>th</sup> May, 2014, of the Culture and Leisure Department:-

1. To agree that the proceeds from the annual Christmas Draw be donated to registered, local charitable bodies as authorised by the Treasury and Resources Department upon the recommendation of the Culture and Leisure Department.
2. To confirm that the annual proceeds of the Channel Islands Lottery, aside from the annual Christmas Draw, continue to be transferred to the Beau Sejour Centre up to the level of the Centre's operating deficit for that same calendar year.
3. To direct that any Channel Islands Lottery proceeds exceeding the operating deficit of the Beau Sejour Centre, excluding the Christmas Draw, is to be retained within the Appropriation Account to be used either for major projects that will enhance the Department's properties or for the funding of events which have a particularly special significance to the Island's heritage and unique cultural identity.
4. To delegate authority to the Treasury and Resources Department to approve use of the Appropriation Account.
5. To approve the closure of the Forfeited Prizes Account, with effect from 1st January 2014 and for its balance as of 31st December 2013 to be distributed proportionately to the Association of Guernsey Charities, Alderney, Sark and the Appropriation Account.
6. To direct the preparation of an Ordinance under the Gambling (Guernsey) Law, 1971 to enable additional public lotteries to be conducted by the Culture and Leisure Department in support of such community, sporting or other events, or

such public purposes for the benefit of Guernsey and its inhabitants, as the Department may determine with the approval of the Treasury and Resources Department, without necessitating the involvement of the States of Jersey and the banner of the Channel Islands Lottery.

7. To direct that the operating surplus from any such additional public lotteries be transferred to the Appropriation Account.
8. To direct the Culture and Leisure Department to continue to work closely with the Home Department in respect of initiatives designed to help and support individuals experiencing gambling problems locally and that any required funding for those initiatives may be met from operating surpluses.
9. To direct the amendment of the Gambling (Channel Islands Lottery) (Bailiwick of Guernsey) to extend the deadline by which a report on the Channel Islands Lottery must be submitted to the States to the 30th June in each year.

## **TREASURY AND RESOURCES DEPARTMENT**

### **GUERNSEY POST LIMITED – ANNUAL REPORT AND ACCOUNTS**

- XIV.- After consideration of the Report dated 2<sup>nd</sup> July, 2014, of the Treasury and Resources Department, to note the Annual Report and Accounts for Guernsey Post Ltd for the year-ending 31<sup>st</sup> March, 2014.

## **HOME DEPARTMENT**

### **THE NOISE ABATEMENT ORDINANCE, 1962 – TRANSFER OF FUNCTIONS**

- XV.- After consideration of the Report dated 7<sup>th</sup> July, 2014, of the Home Department:-
1. To agree to transfer the function of issuing permissions under section 2 of the Noise Abatement Ordinance, 1962, as amended, from the ‘Chief Officer of Police’ to the ‘Director of Environmental Health and Pollution Regulation’.
  2. To direct the preparation of legislation to give effect to their above decision.

**S M D ROSS**  
HER MAJESTY’S DEPUTY GREFFIER