

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 26TH DAY OF SEPTEMBER 2013

**The States resolved as follows concerning Billet d'État No XVIII
dated 16th August 2013**

THE INCOME TAX (GUERNSEY) (APPROVAL OF AGREEMENTS WITH BOTSWANA, BRITISH VIRGIN ISLANDS, HONG KONG, LESOTHO, LITHUANIA AND LUXEMBOURG) ORDINANCE, 2013

- I.- To approve the draft Ordinance entitled “The Income Tax (Guernsey) (Approval of Agreements with Botswana, British Virgin Islands, Hong Kong, Lesotho, Lithuania and Luxembourg) Ordinance, 2013”, and to direct that the same shall have effect as an Ordinance of the States.

POLICY COUNCIL

GREATER AUTONOMY IN THE LEGISLATIVE PROCESS AND INTERNATIONAL AFFAIRS

- II.- After consideration of the Report dated 1st July, 2013, of the Policy Council:-
1. To direct that at their January 2014 meeting, and in accordance with Rule 18 of the Rules relating to the Constitution and Operation of States Departments and Committees, the States shall form the Constitutional Investigation Committee as a Special States Committee, the membership of which shall be:-
 - a. The Chief Minister (as chairman);
 - b. Four sitting members of the States elected by the States (one of whom the Committee shall elect as vice-chairman); and
 - c. Two non-voting persons who are not sitting members of the States, elected by the States.
 - 1A. One of the Law Officers must be invited to be present at all meetings of the Constitutional Investigation Committee for the purposes of giving advice.
 2. That a mandate of the Constitutional Investigation Committee shall be:
 - to review Guernsey's relationships with the government in the United Kingdom. Initially, but not exclusively, the following will be considered-
 - The method of granting Royal Sanction of primary legislation,
 - The method of extension of Acts of UK Parliament to the Island,
 - The extension of the United Kingdom's ratification of treaties,
 - The Island's own treaty making ability;

- to make recommendations in respect of other relationships with the government of the United Kingdom as identified by the Committee;
 - to liaise directly with the States of Alderney, the Chief Pleas of Sark, the States of Jersey and the Government of the Isle of Man;
 - to bring forward to the States of Deliberation the results of the investigation as to whether or not greater autonomy in legislative affairs and international representation should be sought and if so what proposals they would recommend for the States of Deliberation to consider;
 - to review the constitutional, administrative and resource implications of proposed changes in legislative process or international representation;
 - to take into consideration how any proposals might impact the current machinery of government or any proposals from the States Review Committee;
 - to review any other relationship that is identified by the Panel and make recommendations to the States.
3. To direct the Policy Council to report to the States with a request for approval for funding the expenditure that will be incurred by the Constitutional Investigation Committee in discharging its role.

J TORODE
HER MAJESTY'S GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 26TH DAY OF SEPTEMBER 2013**

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POLICY COUNCIL

ARMED FORCES LEGISLATION

- III.- After consideration of the Report dated 15th July, 2013, of the Policy Council:-
1. To approve proposals to implement on a Bailiwick-wide basis in local legislation provisions corresponding to those in the Armed Forces Act 2006 pertaining directly to the criminal law, the courts and the civilian authorities of the Bailiwick, and to make any necessary related provision relating to other United Kingdom armed forces legislation.
 2. To approve proposals to seek the extension of such other provisions of the Armed Forces Act 2006 as require legislative force in the Bailiwick by way of Order in Council.
 3. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

TREASURY & RESOURCES DEPARTMENT

**DOUBLE TAXATION ARRANGEMENTS WITH THE GOVERNMENT OF THE
HONG KONG ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF
CHINA AND THE GRAND DUCHY OF LUXEMBOURG**

- IV.- After consideration of the Report dated 13th May, 2013, of the Treasury and Resources Department to ratify the Agreements made with the Government of the Hong Kong Administrative Region of the People's Republic of China and the Grand Duchy of Luxembourg, as appended to that Report, so that they have effect in accordance with section 172(1) of the Income Tax (Guernsey) Law, 1975.

TREASURY AND RESOURCES DEPARTMENT

TAX ON REAL PROPERTY APPEALS PANEL – ADDITIONAL MEMBERS

- V.- After consideration of the Report dated 28th June, 2013, of the Treasury and Resources Department:-

1. To reconfirm the appointment of Mr. Legg as a member of the Tax on Real Property Appeals Panel.
2. To appoint Sir de Vic Carey as an additional member of the Tax on Real Property Appeals Panel.
3. To appoint Mr. Harry Gold as an additional member of the Tax on Real Property Appeals Panel.
4. To appoint Mr. Boyd Kelly as an additional member of the Tax on Real Property Appeals Panel.
5. To appoint Mrs. Shelagh Mason as an additional member of the Tax on Real Property Appeals Panel.
6. To appoint Advocate Julia White as an additional member of the Tax on Real Property Appeals Panel.
7. To note the resignation of Mr. Vaudin from the Panel with immediate effect and the resignation of Mrs. Evans with effect from 30th October 2013.

COMMERCE AND EMPLOYMENT DEPARTMENT

THE ELECTRICITY (GUERNSEY) LAW 2001 – SPECIAL AGREEMENTS

- VI. After consideration of the Report dated 18th June, 2013, of the Commerce and Employment Department:-
 1. To approve the proposals to amend the Electricity (Guernsey) Law, 2001 in order that the considerations set out in paragraph 5.10 of that Report shall be taken into account when determining the reasonableness or otherwise of requiring a supply of electricity to be provided by a public electricity supply licensee and to enable the considerations to be amended in future by regulations of the Commerce and Employment Department.
 2. To approve the recommendation in paragraph 5.12 that the Electricity Law be amended to make it clear that research and investigation costs are expenses that can be defrayed under the provisions of Section 13 (1) of the Law.
 3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

COMMERCE AND EMPLOYMENT DEPARTMENT

THE COMPETITION (GUERNSEY) ORDINANCE 2012 – AMENDMENT

VII.- After consideration of the Report dated 18th June, 2013, of the Commerce and Employment Department:-

1. To agree to amend the Competition (Guernsey) Ordinance, 2012 to enable the Guernsey Competition and Regulatory Authority to invoke investigatory powers to request and obtain information to comply with a request by the Commerce and Employment Department for a report, advice, assistance, or information.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

HOME DEPARTMENT

GUERNSEY POLICE CENTRAL IT SYSTEM REPLACEMENT – REQUEST FOR A CAPITAL VOTE

VIII.- After consideration of the Report dated 1st July, 2013, of the Home Department, to delegate authority to the Treasury and Resources Department to approve a capital vote of £1.5 million to be charged to the Capital Reserve, once the project for the replacement of the Guernsey Police Central IT System has achieved a green gateway review.

HEALTH AND SOCIAL SERVICES DEPARTMENT

AMENDMENTS TO THE TRANSFRONTIER SHIPMENT OF WASTE ORDINANCE, 2002

IX.- After consideration of the Report dated 3rd July, 2013, of the Health and Social Services Department:-

1. To approve the transfer of functions currently conferred on the Health and Social Services Department under the Transfrontier Shipment of Waste Ordinance, 2002 to the Environment Department for policy matters and to the Director of Environmental Health and Pollution Regulation for regulatory, operational and administrative functions.
2. To approve the removal of the current prohibition, in the Transfrontier Shipment of Waste Ordinance, 2002, on the export of waste for disposal to Jersey and replace the reference in that Ordinance to the Strategic and Corporate Plan with a reference to the Environmental Policy Plan part of the States Strategic Plan.
3. To take such action as is necessary to clearly implement the current 2006 EU Waste Shipment Regulation as amended or replaced from time to time.

1. To direct the Law Officers to prepare the necessary legislation to give effect to the above decisions including any necessary consequential amendments to any enactment.

ORDINANCE LAID BEFORE THE STATES

**THE LIBYA (RESTRICTIVE MEASURES) (GUERNSEY) (AMENDMENT)
ORDINANCE, 2013**

In pursuance to the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Libya (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2013, made by the Legislation Select Committee on the 17th June, 2013, was laid before the States.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**THE MERCHANT SHIPPING (CONVENTION ON LIMITATION OF
LIABILITY FOR MARITIME CLAIMS) (BAILIWICK OF GUERNSEY)
ORDINANCE, 2012 (COMMENCEMENT) ORDER, 2013**

In pursuance of section 289(1)(c) of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, the Merchant Shipping (Convention on Limitation of Liability for Maritime Claims) (Bailiwick of Guernsey) Ordinance, 2012 (Commencement) Order, 2013, made by the Public Services Department on 27th June, 2013, was laid before the States.

THE HEALTH AND SAFETY (FEES) ORDER, 2013

In pursuance of Section 3(1)(c) of the Health and Safety (Fees) (Guernsey) Law, 1993, the Health and Safety (Fees) Order, 2013, made by the Commerce and Employment Department on 4th June 2013, was laid before the States.

THE BOVINE SEMEN (IMPORTATION) ORDER, 2013

In pursuance of section 2A(2) of the Bovine Semen and Artificial Insemination Ordinance, 1957, as amended, the Bovine Semen (Importation) Order, 2013, made by the Commerce and Employment Department on 16th July, 2013, was laid before the States.

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL
BENEFIT) (AMENDMENT) (No. 3) REGULATIONS, 2013**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No. 3) Regulations, 2013 made by the Social Security Department on 23rd July, 2013, are laid before the States.

S M D ROSS
HER MAJESTY'S DEPUTY GREFFIER