



BILLET D'ETAT FOR 21-09-2011

Date: 9th September, 2011

STATES OF ALDERNEY

BILLET D'ETAT FOR WEDNESDAY 21ST SEPTEMBER 2011

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 5:30 pm on Wednesday 21st September 2011. This will be preceded by the People's Meeting, which will be held on Wednesday 14th September 2011 at 7:00 p.m. in the Island Hall.

W Stuart Trought
President

Item I Chief Pleas

Persons whose names are included on the Register of Voters and who have given due notice will address the States on matters of public interest.

Item II The Companies (Alderney) Law 1994 - Fees Ordinance 2011

The following letter was received by Mr Beaman, Chairman of the Policy and Finance Committee:-

The prescribed fees of the above Law have been reviewed on an annual basis since they were comprehensively reviewed in 2007 following an interval of several years. Although any revised fees are not effective until the next calendar year, fees are now reviewed earlier in the year in order to allow maximum notice for Company Administrators.

The tables below highlight the current fees, together with the proposed fees which have been increased by RPIX at 2.6% (rounded), as recommended by the Company Registrar and subsequently agreed by the Policy and Finance Committee.

Section 107(7) Late Filing Fees

Subsection Current Fee Proposed Fee

(a) First Month £57 £59

(b) Second Month £113 £116

(c) Every Month thereafter £169 £174

Section 108(4)(b) Fee for Restoration to Register

Current Fee £169

Proposed Fee £174

Section 159 (1) - Fees

Subsection

- (a) Application to Register - Current Fee £113, Proposed Fee £116
- (b) Issue of certificate of registration - Current Fee £36, Proposed Fee £37
- (c) Declaration of compliance by Public Company - Current Fee £36, Proposed Fee £37
- (d) Notice of new registered office - Current Fee £24, Proposed Fee £25
- (e) Order to remove company from Registered Office - Current Fee £24, Proposed Fee £25
- (f) Full Annual Return - Current Fee £57, Proposed Fee £59
- (g) Abbreviated Annual Return - Current Fee £57, Proposed Fee £59
- (h) Special Resolution to change company name - Current Fee £36, Proposed Fee £37
- (i) Notice of Strike Off - Current Fee £36, Proposed Fee £37
- (j) Failure to comply with direction to change registered office - Current Fee £24, Proposed Fee £25
- (k) Failure to comply with direction to change company name - Current Fee £24, Proposed Fee £25
- (l) Service of written demand to pay a debt - Current Fee £57, Proposed Fee £59
- (m) Issue Certificate of Good Standing - Current Fee £41, Proposed Fee £43

The Companies (Alderney) Law (Fees) Ordinance 1995

Section 2 of this Ordinance levies certain fees not covered in the above laws.

Subsection

- (a) Return of Allotment - Current Fee £31, Proposed Fee £32
- (b) Resolution altering share capital - Current Fee £31, Proposed Fee £32
- (c) Redemption of redeemable preference shares - Current Fee £31, Proposed Fee £32
- (d) Lodging Inspectors Report - Current Fee £31, Proposed Fee £32
- (e) Directors Certificate of shares with no par value - Current Fee £31, Proposed Fee £32
- (f) Filing of Court Order - Current Fee £31, Proposed Fee £32
- (g) Filing of Special Resolution - Current Fee £31, Proposed Fee £32
- (h) Company Search - Current Fee £11, Proposed Fee £12
- (i) Photocopying - Current Fee £1.15, Proposed Fee £1.20
- (j) Company Search by facsimile in addition to (h) - Current Fee £13, Proposed Fee £14
- (k) Change of Director or Company Secretary - Current Fee £24, Proposed Fee £25

I therefore enclose a draft Ordinance entitled The Companies (Alderney) Law (Fees) Ordinance 2011 and should be grateful if you would place this before the States with appropriate propositions.

J. Beaman
Chairman, Policy and Finance Committee

The States is asked to approve The Companies (Alderney) Law (Fees) Ordinance 2011.

Item III Sanctions

The following letter has been received from Mr Beaman, Chairman of the Policy and Finance Committee:-

The Belarus (Freezing of Funds) (Alderney) (Amendment) Ordinance, 2011

Following a decision by the European Council, Council Regulation (EU) No 588/2011 was passed on the 20th June 2011, concerning restrictive measures against President Lukashenko and certain officials of Belarus, who were responsible for the violations of international electoral standards in the Presidential elections in Belarus in March and the crackdown on civil society and democratic opposition. For information this Regulation differs from the Council Regulation (EC) No 765/2006 which was implemented by The Belarus (Freezing of Funds) (Alderney) Ordinance, 2006 as it includes an arms embargo. The Belarus (Freezing of Funds) (Alderney) (Amendment) Ordinance, 2011 has been drafted by Law Officers Chambers in order to ensure that Alderney financial institutions and other bodies comply with the sanction measures and do not maintain any accounts or otherwise hold any funds or economic resources for the entities and individuals named in the HM Treasury consolidated list. A copy of the draft legislation is attached for approval.

The Afghanistan (Restrictive Measures) (Alderney) Ordinance, 2011

On the 17th June 2011 the United Nations Security Council adopted resolution 1988. This created a new sanctions regime targeted at the Afghan insurgency, including the Taliban. The resolution transferred the list of designated individuals and entities associated with the Taliban, who were previously listed under the UN 1267 Al Qaida and Taliban Sanctions regime to the new Afghanistan regime. UN Security Council resolution 1988 imposes a travel ban, assets freeze and arms embargo against individuals and entities who the Security Council or Sanctions Committee decides present a threat to the peace, security and stability of Afghanistan including those associated with the Taliban. UN Security Council resolutions are legally binding upon all UN Member States. The Council Decision and Regulation give effect to the UN Security Councils decision to create a new Afghanistan sanctions regime and implement the travel ban, assets freeze and arms embargo in the EU. To implement the provision of these restrictive measures we have requested that Law Officers Chambers draft appropriate legislation in order to ensure that the Islands sanction regime is in line with international developments. I attach a copy of The Afghanistan (Restrictive Measures) (Alderney) Ordinance, 2011 for approval.

I would be grateful if you would place this matter before the next meeting of the States of Alderney with an appropriate proposition.

John Beaman
Chairman

The States is asked to approve:

- 1. The Belarus (Freezing of Funds)(Alderney) (Amendment) Ordinance, 2011;**
- and**
- 2. The Afghanistan (Restrictive Measures) (Alderney) Ordinance, 2011.**

Item IV The Fees (Alderney) Law, 2011

The following letter has been received from Mr Beaman, Chairman of the Policy and Finance Committee:-

When reviewing the annual fees prescribed by ordinance it became apparent that the Fees (Alderney) Law, 1989 required extensive amendment to enable fees to be charged for services provided, therefore for clarity and to avoid confusion, Law Officers Chambers were requested to draft a new Projet to clarify the powers of the States to prescribe fees annually by Ordinance.

The new Projet restates, with modifications, the existing powers to make provision to prescribe fees under the Fees Law as set out in the 1989 Law and also adds powers to prescribe fees under the Fees Law where the previous powers to prescribe fees were not as clear as is now provided in modern statutes.

I would be grateful if The Fees (Alderney) Law, 2011, is placed before the States at its next meeting together with an appropriate proposition.

John Beaman
Chairman

The States is asked to resolve to approve the Projet de Loi entitled The Fees (Alderney) Law, 2011 and to request the President to seek the Sanction of Her Most Excellent Majesty in Council for it to have the force of Law in the Island of Alderney.

Item V The Alderney Potable Water Project - Phase 3

The following letter has been received from Mr Walden, Chairman of the General Services Committee:-

At their meeting on 20th July 2011 the States resolved to approve phase three of the potable water project, which involves the purchase and erection of water tanks at La Marette.

The land at La Marette is in two parts; one part belongs to the estate of Jon Kay Mouat and the other to the heirs of Harriett Amelia Gaudion (deceased). Following discussions with the Kay Mouat family agreement has been reached for the sale and purchase of the land known as Parcel 178 S.1, 1Aie, La Grande Blaye, Alderney. Despite extensive searches the heirs of Harriett Amelia Gaudion, owner of the land known as Parcel 81 S.1, 1Aie, La Grande Blaye, Alderney have not been traced.

In order to progress this project the States is asked to approve the compulsory purchase of both parcels of land. While agreement has been reached with the Kay Mouat family for the purchase of the land, given the need to use the compulsory purchase process for the land belonging to Harriett Amelia Gaudion (deceased) the same process is being applied to all the land in the interests of fairness and to help speed the purchase. The project board have considered a number of sites for the new tanks and this site is deemed to be the most suitable because of its location, both from a technical and practical point of view.

The States is asked to decide:

Whether after consideration of the Report dated 30 August 2011, they are of the opinion:-

That it would be in the public interest for the purposes of carrying out of the following public purpose namely the siting of water tanks and ancillary equipment in connection with the States of Alderney Water Project to acquire by purchase:

- (a) all that freehold property registered on the Alderney Land Register under title number AY1482 and currently registered in the name of Jon Kay-Mouat (deceased) known as Parcel 178 S.1, 1Aie, La Grande Blaye Alderney, and
- (b) all that freehold property registered on the Alderney Land Register under title number AY1486 and currently registered in the name of Harriett Amelia Gaudion (deceased) known as Parcel 81 S.1, 1Aie, La Grande Blaye Alderney,

and for that purpose to serve a notice on the respective owners of the land pursuant to and in accordance with Section 1(2) of The Compulsory Purchase (Alderney) Law, 1986 prior to the matter being returned to the States of Alderney to consider, and if thought fit, to resolve to acquire the property by compulsory purchase.

W. Walden
Chairman

The States is asked to approve to acquire by purchase:

- (a) all that freehold property registered under title AY1482 (Parcel 178 S.1, LAie, La Grande Blaye) in the Alderney Land Registry; and**
- (b) all that freehold property registered under title AY1486 (Parcel 81 S.1, LAie, La Grande Blaye) in the Alderney Land Registry; and**
- (c) to serve notice on the respective owners of the land pursuant to and in accordance with section 1(2) of The Compulsory Purchase (Alderney) Law, 1986.**

Item VI Questions and Reports

A summary of the attached White Paper on Fisheries Management will be given by Mr John Beaman.

Issued: Friday 9th September 2011