

# STATES OF ALDERNEY



# BILLET D'ETAT

WEDNESDAY 18<sup>TH</sup> JULY 2012

Price: £1.90

**STATES OF ALDERNEY**  
**BILLET D'ETAT**  
**FOR WEDNESDAY 18<sup>TH</sup> JULY 2012**

Members of the States:

I have the honour to inform you that a Meeting of the States will be held at 5:30 pm on Wednesday 18<sup>th</sup> July 2012. This will be preceded by the People's Meeting, which will be held on Wednesday 11<sup>th</sup> July 2012 at 7:00 p.m. in the Island Hall.

Mr Ian Tugby  
Vice- President

**Item I Alderney Commission for Renewable Energy: Appointment of Commissioner**

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

*"The appointment of Professor John V Sharp as a Commissioner for the Alderney Commission for Renewable Energy was confirmed at the meeting of the States in June 2010; the Policy and Finance Committee has received a letter from the Chairman of the Alderney Commission for Renewable Energy advising that Professor Sharp's current contract expires on the 23<sup>rd</sup> June 2012. Professor Sharp has indicated that he would be prepared to undertake another two year contract as a Commissioner and the Chairman has stated that the renewal of his contract as Commissioner would be supported by the Commission, as he is an invaluable member of the team and has made significant contributions to the overall development of the Commission and its work.*

*The approval of the States to the appointment of Professor Sharp as a Member of the Commission is sought in accordance with the provisions of section 6 of the Renewable Energy (Alderney) Law, 2007. I will be obliged if this is placed before the States at its next meeting together with an appropriate proposition.*

*John Beaman  
Chairman"*

**The States is asked to approve, on the recommendation of the Policy and Finance Committee and in accordance with section 6 of the Renewable Energy (Alderney) Law, 2007, the appointment for a further period of two years of Professor John V Sharp a Member of the Alderney Commission for Renewable Energy.**

**Item II Compulsory Purchase of land at the Airport (AY 1619)**

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

*"The States of Alderney have been advised of the requirement to relocate the airport boundary fences as an action arising from a Civil Aviation Aerodrome audit. This action has been outstanding for several years. The audit found that the minimum*

*clearways around the grass runways did not comply with the requirements of the regulations and should be moved further away from the centre line of the runway in certain places to ensure that the clearways complied with CAP168 – which sets out the standards required at UK licensed aerodromes relating to management systems, operational procedures, physical characteristics, assessment and treatment of obstacles, visual aids, rescue and fire-fighting services and medical services.*

*All land purchase issues associated with the repositioning of the boundaries have taken some time to conclude. The person who owns the last plot of land to be purchased, plot AY1619, has declined the offer made to him to purchase the land. The States of Alderney have been trying to purchase this land since at least 2006.*

*Accordingly the only way to conclude the repositioning of the boundaries is through a compulsory purchase order.*

*In order to progress this project the States is asked to approve the compulsory purchase of this parcel of land. The States is asked to decide:*

*Whether after consideration of the above report, 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 relocation of the airport boundary fences as an action arising from a Civil Aviation Aerodrome audit in order to comply with CAP168 to acquire by purchase:*

*(a) all that freehold property registered on the Alderney Land Register under title number AY1619*

*and for that purpose to serve a notice on the owner 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 on the Alderney Land Register under title number AY1619; and**

**(b) to serve notice on the owner of the land pursuant to and in accordance with section 1(2) of The Compulsory Purchase (Alderney) Law, 1986.**

**Item III** **The Companies (Alderney) (Amendment) Law, 2012**

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

*“The Companies (Alderney) Law, 1994, modernised the Alderney Company Registry and made significant changes to the way companies were incorporated and the way officers and members had to administer their companies. The current law does not require either a director or company secretary to be resident on the Island; the only requirement is that the Company’s registered office is situated in Alderney. This encourages persons who wish to set up a company but trade outside of Alderney to do so without the need to either live here themselves or employ a person here to look after the company.*

*The subsequent anti-money laundering legislation and regulation by the Guernsey Financial Services Commission (GFSC) reduced the number of companies that could set up in Alderney under this kind of regime. Provision of Registered office facilities is now regulated and therefore anyone providing only those services is subject to careful inspection.*

*The Alderney Company Register contains information regarding those involved in a Company such as directors, company secretary and shareholders. The Law does not provide for the beneficial owners of companies to be made public and although the GFSC are provided with details of the beneficial owners, this information is not held on the Company Registry. At the present time, the GFSC check the beneficial owner details through the Control of Borrowing Order (COBO) legislation. All incorporations of Alderney Companies must be dealt with through a corporate service provider who provides the information for the GFSC and they consent (or not as the case may be) to the company being formed. However, with regards to gaming companies the GFSC have stated they will not consent to these companies and they are referred straight to the Policy Council. This action causes considerable delays in the incorporation process.*

*The 2012 Amendment Law has been drafted to provide that a 'resident agent' or corporate service provider be responsible for checking, recording and keeping details of beneficial owners and negating the need for approval under COBO by either GFSC or the Policy Council.*

*The new amendment requires each company to have either a resident agent or be serviced by a corporate service provider ('resident agent'). This is a change in emphasis in relation to the type of companies registered here at the present time and in the long term will make the Alderney company registry more competitive with the Guernsey company registry.*

*The Companies (Alderney) (Amendment) Law, 2012 is required to be implemented by Ordinance, therefore no change will occur to the current 1994 Law until the Commencement Ordinance is approved by the full States, providing time for all existing registered companies to comply with the new requirements. The interested parties on island have been consulted on the draft legislation and their comments taken into consideration.*

*I would be grateful if "The Companies (Alderney) (Amendment) Law, 2012", is placed before the States at its next meeting together with an appropriate proposition.*

*John Beaman  
Chairman"*

**The States is asked to approve the Projet de Loi entitled "The Companies (Alderney) (Amendment) Law, 2012" 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 IV      Roads Contract**

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

*"At their meeting on 26<sup>th</sup> June 2012 the Policy and Finance Committee resolved to approve the recommendation from the General Services Committee that the States be asked to approve the letting of a contract to facilitate the repair, reinstatement and resurfacing of the island's roads.*

*In early 2012, a search of potential contractors was undertaken to identify those who were able to provide the necessary services to maintain the island's road network. Five companies expressed an interest and tender documents were issued. One contractor in the UK, one contractor in France and one organisation from Guernsey declined to tender.*

*The remaining two tenders were opened on 20<sup>th</sup> June and following consideration of the tender documentation Ronez Ltd was recommended by the General Services Committee as the preferred bidder.*

*The estimated spend on this contract is £250,000 for 2012 and every other year from that point onwards. A schedule of rates has been provided to deliver a planned list of schemes for 2012. The contract has a presumption of extension for 2014 and 2016. This is a capital project which was envisaged in the 2012 budget. While historically this contract has been let annually as a charge on the revenue account, it has been decided, for economies of scale, to include in the capital program and undertake the work every two years.*

*The States are asked to decide:*

- a) That the biennial contract is offered to the Ronez Limited based on the tendered schedule of rates in accordance with the tender documents.*
- b) That works up to a value of £250,000 be undertaken in 2012.*

*W. Walden  
Chairman"*

**The States is asked to approve that the biennial contract is offered to Ronez Limited, based on the tendered schedule of rates in accordance with the tender documents, up to the value of £250,000 from the 2012 Capital Account.**

**Item V**

**Questions and Reports**

**Issued: 6<sup>th</sup> July 2012**