



## **BILLET D'ETAT FOR 18-03-2009**

**Date: 18th March, 2009**

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 18th March 2009. His Excellency Vice Admiral Sir Fabian Malbon, KBE, Lieutenant Governor of the Bailiwick of Guernsey will be in attendance. This will be preceded by the People's Meeting, which will be held on Wednesday 11th March 2009 at 7:00 p.m. in the Island Hall.

Sir Norman Browse  
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 Alderney Works Department Replacement Sewer Cart**

The following letter has been received from Mr Walden, Chairman of the General Services Committee:-  
For the past five years the cesspit emptying operation has been carried out utilising second hand vehicles obtained at low cost from the States of Guernsey, which have been replaced as part of its planned replacement program. They are considered to be at or near to the end of their useful life when purchased. Due to the age and mileage at which they have been made available to us they have proved to be mechanically unreliable and costly to maintain and over this five year period we have had to obtain four such vehicles. Parts have been cannibalised between vehicles in order to keep one in working order. No further such vehicles will become available to us for some time as Guernsey has reached the end of its current replacement cycle.

My Committee therefore believes that it is now important that a reliable vehicle is obtained in order to maintain this essential public service. The addition of a gulley emptier and jetter would increase the versatility of the vehicle and aid efficiency in maintaining public sewers.

As there are very few vehicles of the size suitable for use on Alderney on the second hand market quotations have been sought from two specialist firms for the supply of a purpose built vehicle. The lower of the two quotes is from Fuller Tankers, which for a 1000 litre tank on an Iveco 100E18 chassis, fitted with a gully emptier and jetter system would cost £63,635 delivered to Alderney. If a good second hand chassis unit could be found on which to build the tanker a saving of perhaps £10,000 could be made on the total cost and efforts will be made to locate a suitable chassis. This option may however not prove possible and my Committee therefore requests the approval of a sum not exceeding £64,000 to be allocated from the capital allocation to enable the purchase of the complete new unit if necessary.

Delivery time from placement of order is estimated to be seven months, during which time every effort will be made to maintain the service.

The Policy and Finance Committee has been consulted on this matter and has approved this proposal.

I would therefore be grateful if you could place this matter before the States with appropriate propositions.

W Walden

Chairman

The States is asked to agree: -

1. To accept the quotation from Fuller Tankers Ltd for the supply of the vehicle described above in the sum of £62,185.
2. To vote a total sum not exceeding £64,000.

### **Item III The Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008**

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

In March 2007 the States resolved to approve of the Projet de Loi entitled "The Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2007" 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.

Subsequently it transpired that lawyers in the Ministry of Justice had concerns with the use of the term enactment and requested changes to the wording of the Projet prior to its submission to the Privy Council for Royal Assent. Accordingly in April 2008 the States resolved to rescind the resolution of March 2007 and replace the Projet with The Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008. Details of the Billet item are attached at Appendix 1.

It now appears that the lawyers in the Ministry of Justice consider the powers contained in the revised 2008 Projet that enable it to be amended by ordinance, are too wide. Similar concerns have been raised with regard to other items of Bailiwick legislation. As a result H M Procureur wrote to the Guernsey Policy Council with recommendations to overcome the problem. This involved proposals to rescind some legislation, redrafting the offending clauses and resubmitting the amended legislation, and making changes to other pieces of legislation that had not yet been sent to the Ministry of Justice. The issue was the subject of debate in the February 2009 Guernsey States meeting and the relevant Billet item is included at Appendix 2. The recommendations put forward in the Billet were subsequently approved by the Guernsey States.

The situation now facing the Alderney States with regard to its much delayed legislation is what to do next. It can either request the Law Officers to redraft the legislation for submission to the Alderney States for a third time and for that amended legislation to be submitted to the Ministry of Justice as quickly as possible or it can request the Law Officers to submit the legislation approved by the States of Alderney in April 2008 to the Ministry of Justice in its current form without further delay.

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

R G Willmott

Chairman

The States is asked to resolve whether it wishes to either:

1. Request the President to request the Law Officers to submit the Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008 for Royal Assent without further delay and without further amendment; or
2. Request the Chief Executive to liaise with the Law Officers to agree a draft Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2009 incorporating changes advised by the Law Officers similar to those advised by HM Procureur in his letter to the Guernsey Policy Council contained in Appendix 2. This can then be submitted to the States of Alderney at its April 2009 meeting.

## **Item IV The Alderney Road Traffic and Public Highways (Amendment) (No.2) Regulations, 2008**

The following letter has been received from Mr Walden, Chairman of the General Services Committee:- I attach a copy of the above, which were made on 31st December 2008 in accordance with the decisions of the Committee at its meeting of 16th September and 14th October 2008, and which came into force on the 30th January 2009.

The new Schedule 1 includes the following amendments:

- a) designating the parking bays in Le Huret (in front of the Old Corner House and Old Forge) as a disc zone, limiting continuous parking there to forty eight hours;
- b) designating Connaught Square as a disc zone, limiting continuous parking there to forty eight hours;
- c) designating St Annes Church Car Park as a disc zone, limiting continuous parking there to twenty three hours (other than on any Sunday between 0700 hours and 1900 hours, when continuous parking is limited to two hours);
- d) extending the period of continuous parking permitted at Alderney Airport to forty eight hours; and
- e) increasing the available parking in Braye Street.

The following regulations have also been amended:

Regulation 7 (2) (30 cwt vehicle restriction) is extended to include all cobbled streets in St Anne; and Regulation 13 (a) (15 mph speed limit) is extended to include Butes Lane.

Section 35(2) of the Alderney Road Traffic and Public Highways Ordinance, 1966 provides that regulations made under the Ordinance be laid before the States as soon as may be after the making thereof and, if at that meeting or the next subsequent meeting, the States resolve that the regulations be annulled, the regulations shall cease to have effect. I will recommend that the States resolves not to annul them. I would be obliged if the Alderney Road Traffic and Public Highways (Amendment) (No.2) Regulations, 2008 are placed before the States at its next Meeting together with an appropriate proposition.

W Walden  
Chairman

The States is asked to resolve that "The Alderney Road Traffic and Public Highways (Amendment) (No.2) Regulations, 2008" not be annulled.

# **Item V Questions and Reports**

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