



BILLET D'ETAT FOR 19-03-2008

Date: 19th March, 2008

Members of the States:

I have the honour to inform you that a Meeting of the States will be held at 5:30pm on Wednesday 19th March 2008 in the Island Hall. 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 12th March 2008 at 7:00pm in the Island Hall.
Sir Norman Browse
President

Item I Chief Pleas

Item II Government of Alderney Law, 2004

The following letter has been received from the Chairman of the Policy and Finance Committee: -
"Following a series of discussions held throughout 2007 by a working group, comprising the President, the Greffier, Mr C Main and Mr B Pengilley, followed by discussions in the States in Committee, a public meeting and in the Policy and Finance Committee, the Policy and Finance Committee wish the States to consider submitting the proposed changes to the Government of Alderney Law 2004, as set out below, for consideration and drafting by the Law Officers, final approval by the States and then consideration by Her Majesty's Privy Council.

Each proposal is followed by the current law and the reason for making the change.

Each change will require a separate vote. Any change must be supported by a least 7 Members.

Please note in legal documents, he means he or she, him means him or her.

R. G. Willmott

Chairman"

Proposal 1.

Add a new section (c) to Section 1. The States of Alderney to provide facilities for the Court and Executive.

Current Law Section 1 Legislative and executive functions.

Purpose To clarify the financial responsibilities of the States - see also section 24(1), (2)(b) and section 58(2).

Proposal 2.

Change to the Lieutenant Governor, rather than the Secretary of State being the person giving final approval for the appointment of a Jurat and Chairman of the Court.

Current Law Section 5(a) The Court consists of such persons as the Secretary of State may, by an instrument under his hand, appoint as Jurats; Section 6(1)(a) such person as the Secretary of State may,

by an instrument under his hand, appoint as Chairman.

Purpose To expedite the process.

Proposal 3.

Change to increase the 6 months maximum term of imprisonment to 12 months.

Current Law Section 13(1) The maximum penalty which the Court has jurisdiction to impose in respect of any one offence is, subject to subsections (2) and (3), imprisonment for a term not exceeding 6 months, or a fine not exceeding level 5 on the Alderney uniform scale, or both.

Purpose To make the penalties applicable in the Court of Alderney similar to those of the equivalent court in Guernsey and expedite justice.

Note: Section 13(2) will have to be deleted if this proposal is accepted.

Proposal 4.

Add a requirement (c) to Section 24(2)(b) that the statement of proposed expenditure prepared by the Treasurer and Greffier, referred to in section 58, be included in the following year's statement of expenditure required by section 58.

Current Law Section 24(2)(b) When he (the Treasurer) publishes the statement referred to in section 59, he publish with it a statement or an epitome of a statement of the moneys received by him under section 23 and the expenditure defrayed by him under this section during the previous calendar year.

Purpose To improve the clarity and prediction of Court expenditure.

Proposal 5a.

Change Section 28(1) to enable an election of all members to be held every four years rather than half the members every two years.

Purpose Debatable.

Proposal 5b.

Change Section 28(1) to enable the elections to be held in April/May rather than November/December.

Purpose Debatable.

Current Law Section 28(1) The States shall in the year 2004 and in every second year thereafter appoint a day, not earlier than the 14th November and not later than the 14th December in that year (or such other dates as the States may appoint by Ordinance) on which an ordinary election shall be held for the purpose of electing members of the States in place of the members whose terms of office expire in that year.

Proposal 6a.

Include in Section 28(3) permission to hold a second or further by-elections until the Membership is full.

Purpose To ensure a full Membership.

Proposal 6b.

Include in Section 28(3) a provision for a special election should, as a result of a disaster the Membership fall below 7 and the States become non-quorate and unable to legislate.

Purpose To provide emergency provisions to recover full Membership and a functioning government.

Current Law Section 28(3) If a casual vacancy occurs among the members, the States shall appoint a day not later than 3 months after the vacancy occurs on which there shall be held a by-election, unless the vacancy occurs on or after the 1st July in the final year of office of the member whose office has become vacant, in which case the vacancy shall remain unfilled until the next ordinary election.

Proposal 7.

Change Section 31(1)(f) to Level 5 (£10,000).

Current Law Section 31(1)(f) Provide that a contravention of the Ordinance is to be an offence punishable, on conviction, by a fine not exceeding level 4 on the Alderney uniform scale or less.

Purpose To agree with section 32.

Proposal 8.

Change Section 33(1) to allow a person to be included on the electoral roll, if entitled to have his name

inscribed, at any time (except 14 days before an election) and vote at any subsequent election.

Current Law Section 33(1) A person is entitled to vote at an election if on the date appointed for the election he is entitled to have his name inscribed, and his name is inscribed, in the register of electors then in force; but a person whose name is added to the register pursuant to section 34(2) is not entitled to vote at an election held on or before the 15th October of the year in which his name is so added.

Purpose Democracy.

Proposal 9a.

Change Section 33(2)(b) concerning eligibility to be elected as President or a Member to:-

(a). has been ordinarily resident, after the age of 16 years, for at least 3 years in the preceding 20 years.

(b). add after reaching the age of 21 years

Current Law Section 33(2) A person is eligible to be elected as a Member or President of the States at an election held for that purpose if

(b) he has been ordinarily resident in Alderney throughout the 36 months immediately preceding the date appointed for the election.

Purpose Debatable.

Proposal 9b.

Expand the list of reasons in Section 33(2)(b) that allow a person to stand as President or a Member and the list of those reasons that prohibit a person standing so that they include the list of reasons that requires the resignation of the President or a Member as set out in section 38(3).

Purpose Conformity.

Proposal 10.

Reduce the age of eligibility for entry on to the electoral roll from 18 to 16 years.

Current Law Section 33(3)(a) A person is entitled to have his name inscribed in the register of electors if:-

(a) he has attained, or will attain by the 15th October in the year in which he applies for his name to be inscribed, the age of 18 years;

Purpose Similar decisions have been made in Guernsey, Jersey & Isle of Man. To be debated.

Proposal 11.

Introduce in to Section 34(1) a requirement to revise the electoral roll by 15th October before each bi-annual election or before a 4 yearly election.

Current Law Section 33(3)(a) The Chief Executive of the States shall, in 2005 and in each third year thereafter, by the 15th October of that year, prepare a register of electors containing the names and addresses of all persons entitled to have their names inscribed in it, and that register shall be the register of electors in force throughout the 36 months immediately following the 15th October of that year.

Purpose To keep the roll up to date.

Note: The dates and months of this proposal will depend upon the decisions made on proposals 5a and 5b.

Proposal 12.

Remove the requirement that the appointment of a qualified auditor at the Annual Meeting should come "before any other business is transacted".

Current Law Section 41(2) The first meeting of the States in every year shall be held as soon as practicable after the 1st January and shall be called the "annual meeting"; and at the annual meeting, before any other business is transacted, the States shall (elect a Vice-President) and appoint a qualified auditor.

Purpose Convenience.

Proposal 13.

Add to section 42(2) "and such other persons at the discretion of the convenor".

Current Law Section 42(2) Only a member of the electorate may speak at a people's meeting.

Purpose Debatable.

Proposal 14.

In Section 44(2) change the words "discussion" to "debate" and the words "to be exercised" to "which may be exercised".

Current Law Section 44(2) At a meeting of the States the President may take part in discussion, but has no vote except a casting vote, to be exercised in the event of an equality of votes.

Purpose The words "to be" suggest that the President is obliged to use his casting vote.

Proposal 15.

Change the quorum referred to in Section 45(2) at a States Meeting, from 7 Members in addition to the person presiding to 2/3rd of the total number of elected Members at the time, (in addition to the person presiding) i.e. if 10 Members are present the quorum is 7, if 9 are present-6, if 8 are present-5, if 7 are present-5. If less than 7 are present the States will be non quorate.

Current Law Section 45(2) The quorum at a meeting of the States is 7 members in addition to the person presiding.

Purpose A requirement of changing section 27.

Proposal 16.

Prescribe if possible which matters referred to in Section 46(3), related to good rule and government may be enacted by Ordinance and which by Projet de Loi.

Current Law Section 46(3) An Ordinance for good rule and government under this section shall be read as subject to any Order in Council having force of law in Alderney and is void to the extent that it is repugnant to any such Order in Council.

Purpose Clarification and acceleration of enactment of Laws.

Proposal 17.

In Section 50(4) after the words "casting vote" add the words "which he may use, or refer the matter to the Policy and Finance committee".

Current Law Section 50(4) A person presiding at a meeting of a committee has an original and a casting vote.

Purpose Flexibility and widening participation in deciding important matters. Debatable.

Proposal 18.

In Section 58(2) change "during October" to "no later than the end of October in each year".

Current Law Section 58(2) During October in each year the States shall -

Purpose Convenience.

Proposal 19.

Add to Section 62 Interpretation, a definition of Ordinarily Resident identical to that included in the Building and Development Control Law, 2002.

In Section 62 Interpretation, define "States Employee" to ensure that it only covers full time or a proportion of full time or established staff of the States of Alderney.

The States is asked to approve Proposals 1 to 19 as set out in the above proposal letter and request the Law Officers to prepare such legislation as is necessary to bring them into effect, for final approval by the States and subsequent submission to the Privy Council.

Item III The States Water Supply (Rates of Charge) (Amendment) (Alderney) Ordinance, 2008

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

"In September 2007 the States agreed to the annual increase in Water Rates, which would bring the revised rates into effect from the quarter commencing 30th September 2007.

The basis used for calculating rates at the time was Tax on Rateable Value (TRV). However as you are aware with effect from January 2008 TRV has been replaced by Tax on Rateable Property (TRP) as assessed by the Guernsey Cadastre Department.

In order to collect Water Rates in 2008 a further amendment to the Ordinance would have been required in order to base the calculation on TRP. However at the time of preparing the submission the Alderney data has not been completely entered onto the system, leaving us no option but to continue basing Water Rates on TRV until such time as this information is available.

In view of the above the General Services Committee agreed at its meeting on 14th February 2008 that for the transitional period, and until such time as the Alderney Register is complete, Water Rates will continue to be based on TRV as at 26th December 2007. It should be noted that the schedule of rates will remain for the time being as approved in September.

I therefore enclose a draft Ordinance entitled "The States Water Supply (Rates of Charge)(Amendment)(Alderney) Ordinance 2008 and should be grateful if you could place this before the States with the appropriate propositions.

W. Walden
Chairman"

The States is asked to approve "The States Water Supply (Rates of Charge) (Amendment) (Alderney) Ordinance, 2008".

Item IV The Alderney eGambling (Amendment) (No 2) Regulations, 2007

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

"I attach a copy of the above, made by the Alderney Gambling Control Commission in exercise of the powers conferred on it by sections 14(3) and 25 of the Alderney eGambling Ordinance, 2006 ("the Ordinance").

You will see that the Regulations were made on 14th December 2007. Their purpose is to extend the period allowed for an eGambling licensee to obtain approval for modifications to their Internal Control Systems (ICS"s) to cover the way in which it will make charitable contributions to fund research and education relating to gambling and the treatment of problem gamblers. This was originally set at 31st December 2007 but is extended by regulation 1 to 29th February 2008. This was to allow more discussions with the industry concerning the basis of such contributions.

As Members are aware, compliance with section 25(i)(c) of the Ordinance requires that the Regulations be placed before the States at its March meeting. It will then be open to the States to annul them at this or its next meeting (although I am not aware of any reason why it should do so and will recommend that the States resolves not to annul them).

In accordance with agreed practice the Chief Executive has informed the Department for Culture, Media and Sport of these Regulations and any observations from the Department will be circulated prior to the meeting.

I would be grateful if The Alderney eGambling (Amendment) (No 2) Regulations, 2007 are placed before the States when it next meets together with an appropriate proposition.

R G Willmott
Chairman"

The States is asked to resolve that "The Alderney eGambling (Amendment) (No 2) Regulations, 2007" not be annulled.

Item V The Children (Guernsey and Alderney) Law, 2008

The following letter has been received from Sir Norman Browse, President of the States of Alderney:-
"Please find enclosed a letter from the Bailiff, dated 11th February 2008 seeking approval of the above law.

I would therefore be obliged if you would debate this matter at your meeting on 19th March 2008 and give your approval as set out in the letter.

Sir Norman Browse
President"

The States is asked to approve of "The Children (Guernsey and Alderney) Law, 2008".

(Note: A copy of the States Report dated 27th August 2004 and the Projet de Loi may be seen in the States Office, Island Hall and the Library.)

Item VI The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008

The following letter has been received from Sir Norman Browse, President of the States of Alderney:-
"Please find enclosed a letter from the Bailiff, dated 28th February 2008 seeking approval of the above law.

I would therefore be obliged if you would debate this matter at your meeting on 19th March 2008 and give your approval as set out in the letter.

Sir Norman Browse
President"

The States is asked to approve of "The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008"

(Note: A copy of the Projet de Loi may be seen in the States Office, Island Hall and the Library.)

Item VII The Magistrate's Court (Guernsey) Law, 2008

The following letter has been received from Sir Norman Browse, President of the States of Alderney:-
"Please find enclosed a letter from the Bailiff, dated 25th February 2008 seeking approval of the above law.

I would therefore be obliged if you would debate this matter at your meeting on 19th March 2008 and give your approval as set out in the letter.

Sir Norman Browse
President"

The States is asked to approve of "The Magistrates Court (Guernsey) Law, 2008".

(Note: A copy of the Projet de Loi may be seen in the States Office, Island Hall and the Library.)

Item VIII Questions and Reports

Issued Friday 7th March 2008
