



## DELIBERATIONS OF 10-11-2008

**Date: 10th November, 2008**

DELIBERATIONS OF THE MEETING HELD ON 10TH NOVEMBER 2008 AT 17:30 HOURS

Present:

Sir Norman Browse

Mr B Pengilley

Mrs L Maurice

Mr R Willmott

Miss B Benfield

Mr B Walden

Mr C Williams

Mr I Tugby

Mrs E Bennett

Mr F Dean

Mr A Llewellyn

Mr J Richards represented His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey.

### Item I Alderney Tidal Energy Project

1. The States resolved to approve of The Renewable Energy (Alderney) Law, 2007 (Commencement) Ordinance, 2008.

(Proposed by Mr Willmott and seconded by Mr Williams.)

(Approved by a majority, all in favour except Miss Benfield who abstained and Mr Dean who voted against.)

2. The States resolved to approve of The Renewable Energy (Alderney) (Ordinance), 2008.

(Proposed by Mr Willmott and seconded by Mr Williams.)

(Approved by a majority, all in favour except Miss Benfield who abstained and Mr Dean who voted against.)

17:44 The States recessed to convene as the Policy and Finance Committee.

17:47 The States reconvened.

3. The States on the recommendation of the Policy and Finance Committee and in accordance with section 6 of the Renewable Energy (Alderney) Law, 2007, resolved to make the following appointments:

- Mr Gordon Fitton as Chairman of the Alderney Commission for Renewable Energy,
- Ms Pamela Dixon as a member of the Alderney Commission for Renewable Energy,
- Dr John Antill as a member of the Alderney Commission for Renewable Energy.

(Proposed by Mr Willmott and seconded by Mr Williams.)

(Approved by a majority, all in favour except Mr Dean who voted against.)

4. The States resolved to approve of the Terms and Conditions of an Agreement and Licence under Part II, Section 9 of the Renewable Energy (Alderney) Ordinance, 2008 (including the appendices to that document) (the Agreement and Licence) to be made between the Alderney Commission for Renewable Energy and Alderney Renewable Energy Limited a copy of which having been initialled by way of identification by the President of the States of Alderney.

(Proposed by Mr Willmott and seconded by Mr Williams.)

(Approved by a majority, all in favour except Miss Benfield and Mr Pengilley who abstained and Mrs Maurice and Mr Dean who voted against.)

5. The States resolve to approve of:-

- (a) conferring upon the Alderney Commission for Renewable Energy the power to enter into the Agreement and Licence referred to in resolution 4 (but for the avoidance of doubt the Licence which is incorporated into that Agreement will be issued by the Commission under its powers under Section 9 of The Renewable Energy (Alderney) Ordinance, 2008 and not pursuant to this Resolution);
- (b) the granting to the Commission of all the necessary rights, obligations and powers, that it needs to grant the rights to ARE set out in the Agreement and Licence (including without limitation the rights and restrictions set out in clause 2 of the Agreement and Licence as if they applied to the Commission as opposed to ARE); and
- (c) the granting of the power to grant the rights, undertake and exercise the obligations and powers contained in the Agreement and Licence which will create contractual obligations for the Commission and which therefore the States will be required to take into account subsequently when exercising its functions of Government and which are contained in that document.

(Proposed by Mr Willmott and seconded by Mr Williams.)

(Approved by a majority, all in favour except Miss Benfield, Mr Pengilley and Mrs Maurice who abstained and Mr Dean who voted against.)

6. The States resolved to approve of the terms of a side letter to be issued by the States of Alderney in connection with the Agreement and Licence a copy of which having been initialled by way of identification by the President of the States of Alderney and to authorise the Chief Executive to sign and issue it on behalf of the States of Alderney.

(Proposed by Mr Willmott and seconded by Mr Williams.)

(Approved by a majority, all in favour except Miss Benfield, Mr Pengilley and Mrs Maurice who abstained and Mr Dean who voted against.)

7. The States resolved to approve of the Heads of Terms, a copy of which having been initialled by way of identification by the President of the States of Alderney, giving preference in the use of the connection to the Cotentin grid to electricity generated in Alderneys Territorial Waters and to authorise the Chief Executive to sign and issue it on behalf of the States of Alderney.

(Proposed by Mr Willmott and seconded by Mr Williams.)

(Approved by a majority, all in favour except Miss Benfield, Mr Pengilley and Mrs Maurice who abstained and Mr Dean who voted against.)

## **Item II Questions and Reports**

The President, on behalf of the States, offered his condolences on the death of Mr S T Simon, MBE.

Meeting ended: 18:50

Issued: 12th November 2008

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