STATES OF ALDERNEY



RULES OF PROCEDURE

Made on 17th March 2010

Amended by States Resolution on:-
21st July 2010
11th January 2012
18th September 2013
13th September 2017
14th March 2018
13th June 2018
12th September 2018
19 December 2018
16th October 2019
21st July 2021

STATES OF ALDERNEY RULES OF PROCEDURE

THE STATES, in exercise of the powers conferred upon them by section 45(1) of the Government of Alderney Law, 2004 hereby prescribe the following Rules of Procedure applicable to meetings of the States:-

Billet

1. Meetings of the States shall be convened by the President, in Accordance with section 41(1) of the Law, by means of a Billet d'Etat Containing particulars of the matters to be debated therein together with Propositions designed to enable the States to take Resolutions thereon.

Billet Issue

2. Subject to Rule 3, the Billet d'Etat shall be available to each Member of the States, including in the case of the Annual Meeting or where there has been a by-election, the Members-elect, not later than the 8th day before the day fixed for the meeting.

3-Day Billet

3. Notwithstanding Rule 2, where, in the opinion of the President, a decision of the States is urgently required in any matter, (except for a letter to which Rule 4A applies) he may issue a Billet d'Etat dealing with that matter only, which shall be available to each Member of the States not later than the 4th day before the day fixed for the meeting.

Matters for inclusion in the Billet

4. The matters to be included in a Billet d'Etat for a meeting of the States are:-

1. **(a)** any letter to the President, except for a letter to which Rule 4A applies, signed by the Chairman of a Committee of the States and referring to a matter which falls within the mandate of that Committee and the preparation of which has been approved by electronic recording means of a quorate meeting of that Committee (whether unanimously or by a majority), and received by the President at least 16 days before that meeting or within such other lesser time as the President may notify to Members of the States.

(b) notwithstanding Rule I and by letter to the President signed by the Chairman of a Committee of the States, any policy proposals upon which a committee requires debate and consultation prior to final decision, without the need for formal Resolutions thereon;

President's power to defer

PROVIDED THAT the President may, if he gives notification to the Chairman of that Committee of the reason before the Billet d'Etat is prepared, defer inclusion of the matter until the Billet d'Etat convening the next meeting of the States;

2. Any proposal contained in a requête pursuant to section 45 (4) of the Law;

3. Any matter which the President wishes the States to note or debate and which is set out in a letter signed by the President

Other matters for inclusion in the Billet and related President's power to defer

4A. **1.** This Rule applies to a letter to the President signed by the Chairman of the Policy and Finance Committee which refers to a resolution of the Policy and Finance Committee, approved by a quorate meeting of that Committee (whether unanimously or by a majority), to recommend to the States that they resolve that development or other work is of strategic importance under paragraph 13(1) of Schedule 1 to the Building and Development Control (Alderney) Law, 2002.

2. The President shall publish –

(a) a letter to which this Rule applies; and

(b) any other matter required to be laid before the States, under section 12A(3)(a) of the Building and Development Control (Alderney) Law 2002,

as soon as reasonably practicable after he has received all such matters from the Policy and Finance Committee and in such manner as the President considers appropriate to bring them to the attention of Members of the States and the public.

3. A letter to which this Rules applies and any other matter required to be laid before the States, under section 12A(3)(a) of the Building and Development Control (Alderney) Law, 2002 shall, subject to paragraph (4), be included in a Billet d'Etat for the first meeting of the States occurring after –

(a) the letter and other matters referred to in paragraph (2) have been published by the President for a period of 28 days in accordance with this Rule; and

(b) the Policy and Finance Committee has published the evidence and other documents required to be published in accordance with section 12A(3)(b) of the Building and Development Control (Alderney) Law, 2002, for the period of 28 days required by that section.

4. The President may, if he gives notification to the Chairman of the Policy and Finance Committee of the reason before the Billet d'Etat is prepared, defer inclusion of a letter to which this Rule applies until the Billet d'Etat convening the second meeting of the States occurring after the requirements of paragraph (3) are met.

5. The period of 28 days referred to in paragraph (3)(a) shall start from the date of publication under paragraph (2) and shall not include the day of the meeting of the States.

6. In this Rule "**development**" and "**other work**" shall be construed in accordance with the Building and Development Control (Alderney) Law, 2002."

Legislation made in Guernsey

4B. Regulations and Ordinances that apply in Alderney may be made by a Committee of the States of Guernsey or enacted by the States of Deliberation (as the case may be), typically under a Bailiwick-wide Law. Where the relevant Law provides that such legislation is subject to disapplication in Alderney by resolution of the States, it shall be included in a Billet d'Etat for a meeting of the States (within any time-limit for disapplication specified in the Law), together with a motion not to annul the legislation."

Billet to Bailiff

5. Copies of the Billet d'Etat shall be sent to the Bailiff, to the Crown Officers and to the person appointed to represent His Excellency the Lieutenant-Governor, at the same time as they are issued to Members of the States.

Billet to public and a record of States meeting

6. Copies of the Billet d'Etat and a record of States Meetings shall be available to the public upon such terms as the Policy and Finance Committee may from time to time prescribe.

Procedure for amendment to proposition

7. Any Member may solicit an amendment to any proposition contained in a Billet d'Etat by delivering, in writing, signed copies thereof to the President and the Greffier four clear working days before the matter is due to be debated in the States;

PROVIDED THAT the President may, in his discretion, dispense with this requirement by permitting it to be moved either with lesser notice or without notice.

President's powers to maintain order

8. **1.** The President shall be responsible for maintaining order in the States and, subject to the provisions of these Rules, shall regulate the conduct of business therein.

2. The President shall be assisted in the preservation of order by such officers of the States as may be available.

3. The President, after having called the attention of the States to the conduct of a Member who persists in irrelevance or tedious repetition of his own or other Members' arguments in the debate, may direct the said Member to discontinue his speech.

4. The President may order a Member of the States or a member of the public whose conduct is grossly disorderly to withdraw from the precincts of the States for the remainder of the meeting.

Naming of a Member

5. If, on any occasion, the President considers that his powers under the previous paragraph of this Standing Order are inadequate to deal with a States Member, having regard to the nature of the offence, he may forthwith put the question in relation to the offending Member of the States *"That Mr/Mrs….(naming him/her) be suspended from the service of the States"*, no debate or amendment being allowed but (for the avoidance of doubt) subject to an affirmative vote of members to that question. A Member suspended under this paragraph shall be forthwith directed to withdraw from the precincts of the States and his suspension shall last for the remainder of that meeting and the next following meeting of the States.

6. Where a case of grave disorder arises in a meeting, the President may - if he thinks it necessary - adjourn the meeting without putting a proposition.

7. It shall be the duty of every Member and person attending a States Meeting to observe due decorum in the States and, in particular, to observe the rulings of the President.

Prayers

9. **1.** The Greffier shall repeat the Lord's Prayer in French at the beginning of a meeting. He shall then call the roll of Members. The Convener shall then report the numbers and composition of people attending the People's Meeting.

2. At the close of a meeting, the Greffier shall pronounce the Grace in French.

Late arrivals

3. Members who arrive late at a meeting may be admitted at any time by the President.

Greffier to read proposition

10. The Greffier shall read aloud the propositions and such portions of the matters included in the Billet d'Etat as the President may direct.

Report by Convenor

11. After the reading of each item as in Rule 10, the President shall call upon the Convener of the People's Meeting for a report. The Convener shall then report such comments made at the meeting that are relevant.

Proposition of items

12. After the report on each item at the People's Meeting, the Member who signed the subject matter, or his deputy, shall move the adoption of the proposition and this motion shall be seconded by another Member.

Right to reply

The matter shall then be open for general debate and, when no other Member wishes to address the States, the mover shall have a right to reply, after which the vote shall be taken without further debate.

Not to speak more than once except with permission of President

No other Member shall speak more than once on each matter, except that with the permission of the President, a Member may speak for a second time if, and only if, that Member has new matters to debate and does not repeat previous arguments. Further, where a Member persists in tedious repetitions, the President shall require that Member to forth-with bring his speech to a close.

Amendment to Proposition

13. **1.** A Member may, after any proposition has been moved and seconded, and subject to Rule 7, move an amendment to that proposition or part thereof. If such amendment is seconded, the amendment shall be debated in the same manner as the original motion.

2. The President may, at his discretion, rule that an amendment is out of order because it goes further than the original proposition.

14. After an amendment has been debated, it shall be put to the vote and, if carried, the original motion shall be put as amended if need be. An amendment may be, or include, a proposition to postpone the matter, to withdraw it, or to refer it back to a Committee.

15. Unless the States otherwise agree, the President shall direct that where there is more than one proposition put down for any matter, each such proposition or part thereof may be debated or voted upon separately, in which case Rules 10 to 14 shall apply to each such part.

Points of Order and interruption of a speaker

16. A Member may interrupt another Member who is addressing the States by rising and stating “A point of order Mr President” only for the following purposes:

1. To draw attention to a breach of any of these rules (including those for questions and reports); or

2. To correct an inaccurate or misleading statement made by that speaker; or

3. To explain any statement previously made by him (the Interrupter), in the course of the debate, which is being misconstrued.

The President’s decision on the validity of and any action on the points raised shall be final.

Questions for verbal reply

17. **1.** At any States meeting a Member may put a question concerning States’ business to the Chairman of any States Committee or to one or more of the Alderney Representatives in the Guernsey States of Deliberation for a verbal reply provided that he has given notice thereof in writing, at least seven days prior to the date of the meeting, to the President and to the Chairman of the Committee or Alderney Representative to whom the question is to be put.

2. No discussion shall arise out of a question put under this Rule.

3. Where a question has been put to a Chairman of a Committee or to an Alderney Representative under this Rule, the President may allow a supplementary question to be put by any member if it arises from the reply to the original question; but the Chairman of the Committee concerned or Alderney Representative may decline to answer if, in his opinion any answer given by him might be inaccurate or misleading

Questions for written reply

4. A member may at least fourteen days prior to the meeting, place a question on any subject in accordance with this Rule for Written Reply by addressing the same to the Chairman of the States Committee concerned or to one or more of the Alderney Representatives in the Guernsey States of Deliberation and by furnishing a copy thereof to the President.

5. Where a question is placed in accordance with paragraph (4) of this Rule, the Chairman of the States Committee concerned or Alderney Representative shall, subject to paragraph 7 of this Rule, furnish a written reply thereto by addressing the same to the Member who placed the question and he shall furnish a copy of the reply to the President, who shall cause a copy of the question and of the reply thereto to be printed in the Deliberations of the meeting at which the question was put.

6. The placing of a question in accordance with paragraph (4) of this Rule or the receipt of a reply thereto shall not preclude the Member who placed the question or any other member from addressing a question on the same subject at any meeting in accordance with paragraph (1) of this Rule.

President's power to direct that Questions not be answered

7. The President may, on the grounds of public interest, rule that a Question placed in accordance with this Rule shall not be answered by the Chairman of the States Committee concerned *or Alderney Representative* or that the Question need not be answered by him.

8. An Alderney Representative may decline to answer a question, whether verbal, written or supplementary, put to him under this Rule if, in his opinion, he is precluded from so doing by any provision of a code of conduct to which he is subject by virtue of section 20F of the Reform (Guernsey) Law, 1948 or by any other duty attaching to his position as an Alderney Representative, including (for the avoidance of doubt) his membership of any Committee of the States of Deliberation of the Island of Guernsey.

9. In this Rule, "Alderney Representative" means a member elected in accordance with section 3(a) or (b) of the States of Guernsey (Representation of Alderney) Law, 1978 as a representative or alternative representative of Alderney in the States of Deliberation of the Island of Guernsey."

18. The putting by a Member of any Question and an interruption by a Member under Rule 16, shall be permissible notwithstanding that that Member has already spoken on the matter then under debate, and shall not prejudice the right of a Member who has not exhausted his right to speak in that debate to speak therein.

Reports

19. **1.** A report may be presented to the States by a Committee Chairman, Vice-Chairman or a Member with a designated area of responsibility, for the purpose of informing the States of the progress of a project or as an introduction to a project which may require future consideration. Reports must be:

(a) Informative and based on facts but may express the opinions of a Committee, the Chairman of a Committee or others, including consultants, providing opinions are clearly delineated from facts, and the persons expressing them are clearly identified;

(b) Succinct and to the point

(c) Whenever possible, submitted in writing to the President and the Greffier not less than 4 clear days before the States meeting.

2. Reports under paragraph (1) are statements and not proposals so may not be debated.

3. After a report under paragraph (1) is presented, any member may offer a personal opinion on the report and may ask a question relating to the content of that report.

4. If there are developments after the submission of a report in writing to the Greffier and President in accordance with paragraph (1.(c)) that are material to that report, the Member who submitted the report may seek leave of the President to add supplementary material into the report.

5. Reports presented under paragraph (1) and any supplementary material submitted under paragraph (4) and any other documentation presented as part of a report shall be published in the Deliberations.

Elections in the States by ballot

20. In any election by the States, if the number of candidates proposed and seconded exceeds the number of vacancies, voting shall - unless the States otherwise resolve - be carried out by written ballot. Otherwise, no voting shall be needed.

Members' Interests – Declaration thereof

21. **1.** Members must fully declare and register any interest to ensure that Members act in conformity with the Seven Principles of Public Life (as set out in the Code of Conduct). Members should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. An interest of a spouse is an interest of a Member and should be declared. Interests which must be declared are as follows:

(a) Personal interests include those which do not have a direct financial or other material component but should be declared openly to avoid perceptions of improper motive or influence. They include memberships of organisations, societies, campaigning and lobbying groups, hobbies and friendships. A personal interest may not be obvious until a particular issues arises for decision, and therefore a Member must be vigilant and willing to declare that interest at the time where it becomes relevant.

(b) Pecuniary interests are those which relate specifically to the pecuniary interest of a particular Member, his or her spouse, or a corporate body over which s/he or his spouse has a controlling interest. Disclosable pecuniary interests are set out in in the Appendix to the Rules of Procedure on Disclosable Pecuniary Interests.

2. Where a Member or his spouse has an interest in the subject matter of any proposition submitted to a meeting of the States at which he or she is present, he or she shall act as follows:-

(a) On issues which apply as a generality to members of the public e.g. setting occupiers' rates, fees and charges etc., a Member is under no obligation to declare an interest and may,according to conscience, participate fully in the debate and vote.

(b) On issues which relate to the personal interest of a Member, he or she should declare an interest but may participate or abstain from debate and voting according to his or her conscience.

(c) On issues which relate to a pecuniary interest the Member should declare his or her interest, leave the meeting for the

duration of the discussion, take no part in the debate, and not vote.

Committees to follow rules re the declaration of interests

3. Committees of the States are required to observe the same rules in respect of the declaration of Members' interests as required of the full States under the Rules of Procedure.

Power of President to deal with matters where interests not declared

4. The Chairman of a Committee or the Greffier should report to the President, occasions where a Member declines to observe the procedure, and the President should take such action as appropriate, including the reporting of the matter to the States and referral to a Members Conduct Hearing Panel.

Register of Members' Interests

22. **1.** The Greffier shall maintain a Register to be known as the Register of Members' Interests in which he shall enter all declarations of interests lodged with him in accordance with paragraphs (3) and (4).

2. The Register of Members' Interests shall be available at the Courthouse for public inspection whenever the Courthouse is open for normal business and shall be published on the States website.

3. The President and all Members shall, within one month of the commencement of their term of office and by the 31st January in each year thereafter, make and lodge with the Greffier a declaration consisting of all of their personal interests, and all of their pecuniary[1] interests including those relating to their spouse[2].

4. The President and all Members shall make and lodge with the Greffier a declaration of any material change to their personal and pecuniary interests within one month of the change.

5. The President and all Members may, upon ceasing to have a personal or pecuniary interest about which an entry has been made in the Register of Members' Interests, require the Greffier to record in the register the date that the entry ceased to become a declarable interest. The Greffier shall delete the record relating to the personal or pecuniary interest from the Register on 31st January after twelve months has passed following the entry ceasing to become a declarable interest. After a period of office comes to an end, the Greffier will maintain the records in the Register at that time for a minimum of twelve months and, on the 31st January following the expiration of the twelve month period, will delete the entries relating to that office-holder in the Register of Members' Interests..

6. The President and all Members must, when making a declaration in respect of any pecuniary interest, provide sufficient information to clearly describe the specific nature of the interest but are not required to disclose the value of the interest.

7. All declarations of pecuniary interests required to be lodged with the Greffier under paragraphs (3) and (4) shall be in the form set out in Schedule 1 to these Rules.

Recording

23. No recording by electronic means may be made of States Meetings except by the States and by members of the Press whose accreditation is accepted by the President or by the States itself.

[1] See Appendix to the Rules of Procedure on Disclosable Pecuniary Interests.

[2] A pecuniary interest of a spouse is a disclosable interest of **the Member** and the name of the spouse does not need to appear in the Register.

Suspension of Standing Orders

24. Any one or more of these Standing Orders may be suspended for a stated purpose upon a proposition moved either after notice or without notice with the leave of the President.

PROVIDED THAT when the purpose for which a Standing Order was suspended has been fulfilled, such suspension shall forthwith cease to have effect.

25. In these Rules, unless the context otherwise requires,

"Chairman" includes a Deputy Chairman;

"the Law" means the Government of Alderney Law, 2004;

"President" includes the Vice President at any time when the Vice President is lawfully discharging the functions of the office of the President or in the absence of the President or Vice President, except under Rule 1, 3, 4, 4A, 7 and 17, a person elected under Section 44(1) of The Government of Alderney Law, 2004 to preside over a meeting of the States;

""**spouse"** includes a civil partner and any person with whom the Member is living as if they were husband or wife;"

and other words and expressions have the same meanings as in the Law.

Appendix to the Rules of Procedure on Disclosable Pecuniary Interests

If any Member has any of the following pecuniary interests, they are his or her **disclosable pecuniary interests**. A pecuniary interest of a spouse is a pecuniary interest of a Member and should be declared. Any reference to 'spouse' includes any person with whom a Member is living as husband or wife.

- Employment. Any employment, office, trade, profession, consultancy or vocation carried on for profit or gain, which is undertaken by the Member or his or her spouse.

- Any directorships, partnerships or offices held by the Member or his or her spouse.

- Trusts. Any involvement with any Trust whether as a beneficiary or a trustee.

- Expenses paid. Any payment or provision of any other financial benefit (other than from the States) made or provided during a Member's relevant period in respect of any expenses incurred in carrying out his or her duties as a Member, or towards his or her election expenses. The relevant period is the 12 months ending on the day when the Member informs the Greffier about his or her disclosable pecuniary interests following his or her election or re-election.

- Contracts with the States of Alderney. Any contract which is made between a Member or his or her spouse (or a body in which a Member or his or her spouse has a beneficial interest), and the States of Alderney, under which goods or services are to be provided or works are to be executed and which has not been fully discharged.

- Land and property ownership. Any beneficial interest in land and property which a Member or his or her spouse has.

- Licences. Any licence (alone or jointly with others) which a Member, or his or her spouse, holds to occupy land for a month or longer.

- Tenancies. Any tenancy where the landlord is the States of Alderney; and the tenant is a body in which a Member, or his or her spouse, has a beneficial interest.

- Shareholdings. Any interest which a Member, or his or her spouse, has in shares in a company where the total nominal value of the shares exceeds £25,000 or one hundredth of the total issued share capital of that body; or if the share capital of that company is of more than one class, the total nominal value of the shares of any one class in which a Member or his or her spouse has a beneficial interest which exceeds one hundredth of the total issued share capital of that class. For the avoidance of doubt, a declaration should be made when the aggregate of the shareholdings of a Member and his or her spouse exceeds the limits above.

SCHEDULE 1

Declaration of Interests

To: The Greffier

In accordance with Rule 22 of the States of Alderney Rules of Procedure

I (name)…….....

of (address) …….....

hereby furnish you with the following declaration of:-

* (a) my (or my spouse) immovable property interests and/or business interests; or

* (b) a material change to my (or my spouse) immovable property interests or business interests.

Note: This form must be completed within one month of the commencement of your term of office, by the 31st January in each year and within one month of a material change to your interests.

1. **Immovable Property Interests**

I (or my spouse or a company in which I have a controlling interest on my own on or their behalf) have a material interest in the following real property situated in Alderney or any other islands within the Bailiwick or elsewhere in the world.

Address or description of real property

……
……..……..
……..……..

2. **Employment**

* (a) I am self-employed in the following trade, profession or vocation in Alderney or any other islands within the Bailiwick or elsewhere in the world:-

……

* (b) I have the following remunerated employment or offices in Alderney or any other islands within the Bailiwick or elsewhere in the world:-

Name and Address of Employer

……
……..……..
……..……..

Nature of Employment or Office

……
……..……..
……..……..

* (c) I am non-employed or retired

3. **Directorships**

Apart from my employment set out in paragraph 2 above, I (or my spouse or a company in which I have a controlling interest on my own on their behalf) am a director of the following limited companies in Alderney or any other islands within the Bailiwick or elsewhere in the world:-

Name and Registered Officers of Companies

……
……..……..
……..……..

4. **Shareholdings/Material Interests in Companies**

I (or my spouse or a company in which I have a controlling interest on my own or on their behalf) am beneficially entitled to the issued share capital of, or otherwise have a material interest in, the following limited companies in Alderney or any other islands within the Bailiwick or elsewhere in the world:-

……
……
……

5. **Spouse Interests**

Except as mentioned above and except as set out below, I know of no immovable property interest or business interest held or enjoyed by my spouse or by any company in which I have a controlling interest on my own or on their behalf which might influence or be thought to influence my conduct as a member of the States of Alderney.

Description of immovable property interest or business interest:-

……
……
……..……..
……..……..

Dated ……

Signed ……..

* Delete as appropriate

Note: Members are not required to disclose the monetary value of any interest