

# **STATES OF ALDERNEY**



## ***CODE OF CONDUCT FOR STATES MEMBERS***

Approved by Resolution of the States of Alderney 10<sup>th</sup> June 2020  
pursuant to section 48A of the Government of Alderney Law, 2004  
Commencement date: 11<sup>th</sup> June 2020

## **PART I**

### **1. Purpose and role of the Code of Conduct**

1.1 The public's trust in its representatives is a fundamental aspect of good governance and an open, transparent society. Politicians enhance public trust if they demonstrate high standards of ethics which are consistent with their important public interest roles. Good conduct is crucial, not only because it helps to build trust, but also because it helps to uncover and deter unethical behaviour and corruption. Democracy is at its best when there are trusting relationships between people, politicians, government and public institutions.

1.2 The purpose of the Code of Conduct is to set out the obligations of the elected President and Members of the States of Alderney (hereinafter referred to as "Members" and the "States") to the States, the electorate and the population of Alderney.

1.3 All Members are required to comply with the provisions of this code in all aspects of their public life. Whilst it does not seek to regulate what Members do in their purely private and personal lives they must, however, be aware that some private and personal matters may impinge on their public roles.

### **2. Public Duty**

2.1 Members, before entering office, take an oath or affirm allegiance to be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to law. (Section 36(1) of the Government of Alderney Law 2004). They also take an oath of office or make an affirmation in which they promise that "well and faithfully" they will perform the duties attaching to membership of the States of Alderney.

2.2 The primary duty of Members is to act in the public interest. In so doing so they should act in accordance with their oaths, and in accordance with the public trust placed in them.

2.3 Members have a duty to respect the rule of law and the administration of justice. In this context "law" includes such international law and treaty obligations as are for the time being applicable.

2.4 This Code shall, where the context so permits, also apply to unelected appointees to States Committees, Action Groups and Working Parties, other than civil servants who are subject to the Civil Service Code, and the term "Members" shall be construed accordingly. Unelected appointees to States Committees will be required to affirm their commitment to abide by the Code of Conduct.

### **3. Personal Conduct**

3.1 Members must observe the following Seven Principles of Public Life for conduct for holders of public office:

- **Selflessness**

In their public role, Members must act solely in terms of the public interest.

- **Integrity**

Members must avoid placing themselves under any financial or other obligation to people or organisations that might try to inappropriately influence them in their work. They must not act or take decisions in order to gain financial or other material benefits for themselves, their family or friends. They must declare any interests or relationships.

- **Objectivity**

Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

- **Accountability**

Members are accountable for their decisions and actions to the public and must submit themselves to the scrutiny necessary to ensure this.

- **Openness**

Members must be as open and transparent as possible about decisions and actions that they take. They should not knowingly deceive or mislead. Information should not be withheld from the public unless there a clear and lawful reason for doing so.

- **Honesty**

Members must be truthful. They must declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest as indicated in the States of Alderney 'Rules of Procedure 2010 (as amended)'.

- **Leadership**

Members must exhibit these principles in their behaviour and should lead by example, promoting, supporting and robustly defending these principles. They should be willing to challenge poor behaviour where it occurs.

#### **4. The Principles in Practice**

4.1 Members are expected to act in good conscience, demonstrating respect for each other and for the community. They are expected to abide by the letter and spirit of the Government of Alderney Law, 2004 and the Rules of Procedure. They should hold themselves accountable for their own conduct and exercise their duties with civility, dignity, care and honour.

#### **4.2 Disclosure of Interests**

4.2.1 Members must fully disclose every interest which may create a perception of conflict between an interest and their public duties and responsibilities. Rule 22 of the States of Alderney 'Rules of Procedure 2010 (as amended)' sets out the requirement to register and update interests in the Register of Members Interests or the Gifts and Hospitality Register. Interests which must be registered include:

- Land and property assets
- Shareholdings
- Sources of income including any remunerated employment
- Directorships
- Affiliations
- Gifts, hospitality, sponsorship or other non-monetary rewards

4.2.2 Provisions for the disclosure of interests apply to the interests of Members and their spouses (the term spouse includes a civil partner and any person with whom the Member is living as if they were husband or wife). The details provided by a Member in registering an interest must be specific, detailed and sufficient to enable a member of the public to understand the nature of the interest.

4.2.3 Interests of Members must be declared and registered to ensure that Members act in conformity with the Seven Principles of Public Life. Members should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. There are two types of interest that must be disclosed; personal and pecuniary.

4.2.4 **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.

4.2.5 **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 he or his spouse has a controlling interest; e.g. planning permission, contracts, purchases, etc.

4.2.6 Members will have interests in common with much of the community which can be considered as inconsequential in the context of their public duties. For example, individual members may stand to gain or lose personally as a result of decisions in setting local taxes or fees. Or they may have a hobby or interest which is affected by a particular decision under consideration. In many cases, such interests would be nugatory and it would not be necessary for a Member to make or act on a declaration.

4.2.7 However, where a member has an interest as described in paragraph 4.2.6, the obligation is on each Member to consider and decide on whether to declare and act on an interest and in doing so they should give weight to:

- Public perception
- Whether they can demonstrate that they are placing public interest ahead of any personal interest
- Whether any pecuniary interest is significant or would be perceived as significant.

4.2.8 If in doubt, declare an interest.

### 4.3 **Acting on Disclosure of Interests**

4.3.1 Members must act to disclose any conflict between an interest they have and a matter being considered or decided in any proceedings of the States, its Committees or other meetings. Where a conflict of interest exists, this should be declared at the beginning of a meeting or as soon as the Member is aware that a perceived conflict of interest exists.

4.3.2 Where a Member declares a personal interest, he or she may participate or abstain from debate and voting according to his or her conscience. Where a pecuniary interest is declared, the Member should leave the meeting for the duration of the discussion, take no part in the debate, and not vote.

### 4.4 **Register of Members' Interests**

4.4.1 A Register of Members' Interests is maintained by the Greffier and includes all declarations of interests lodged with him. The Register of Members' Interests is available at the Courthouse for public inspection whenever the Courthouse is open for normal business and is published on the States website.

4.4.2 After an election and within one month of commencing their term of office, the President and all Members must make and lodge with the Greffier a declaration consisting of all of their personal interests, and all of their pecuniary interests (including those relating to their spouse). If there are any material changes to their personal and pecuniary interests, the President and all Members must inform the Greffier within one month of the change.

4.4.3 The President and all Members may, upon ceasing to have a personal or pecuniary interest, of 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 pecuniary interest from the Register on 31<sup>st</sup> January after twelve months has passed following the entry ceasing to become a declarable interest.

4.4.4 After a period of office comes to an end, the Greffier will maintain the records in the Register for a minimum of twelve months and, on the 31<sup>st</sup> January following the expiration of the twelve month period, will delete the entries relating to that office-holder in the Register of Members' Interests.

4.4.5 When a declaration in respect of any pecuniary interest is made, sufficient information to clearly describe the specific nature of the interest must be provided but disclosure of the value of the interest is not required.

4.4.6 All declarations of personal and pecuniary interests must be set out on a specific form provided by the Greffier.

## **5. Gifts and Hospitality**

5.1 The acceptance by a Member of a material benefit to influence his or her conduct as a Member, (including any fee, compensation or reward in connection with the promotion of, or opposition to, any matter submitted or intended to be submitted to the States, or any Department or Committee of the States), is a criminal offence (The Prevention of Corruption (Bailiwick of Guernsey) Law 2003). Members must not accept, from a third party, any payment or gift in respect of their participation in any proceedings of the States, its Departments or Committees.

5.2 The acceptance of hospitality is permitted in limited circumstances as a means of effecting States business. However, Members must not accept gifts, hospitality or services that might appear to place the recipient under any obligation to the giver. In considering whether to accept any gift or hospitality Members should take into account the likely perceptions of the public.

5.3 Members must comply with the detailed provisions regarding gifts and hospitality set out in Schedule 1 to this Code.

## **6. Confidentiality**

6.1 Members must not use confidential information received in undertaking their public duties for personal gain, for any purpose other than their public duties, or in the interests of their family, friends, business associates or any voluntary/charitable organisation in which they are involved.

6.2 Members must not disclose confidential information received in undertaking their public duties to anyone else and must abide by such practices as are agreed from time to time by the States or its Committees to maintain confidentiality. For the avoidance of doubt, "confidential information" includes, but is not limited to, Committee minutes and other Committee papers circulated to Members (except where a Committee has resolved that a report or minute may be disclosed).

6.3 When a pecuniary interest has been declared and registered, the Chief Executive, acting as Clerk of the States, should exclude any papers relating to the disclosed pecuniary interest from any Agenda Papers provided to the Member in question.

6.4 Members must not disclose publicly, including to the media, or to any third party, personal information about named individuals which they receive in the course of their duties, unless it is both lawful and in the wider public interest to do so. Members must, at all times, understand and act according to all current data protection, human rights and other legislation when dealing with confidential information.

## **7. Use of States facilities**

7.1 Public funds, property, services or facilities (including ICT) belonging to the States may only be used in the public interest and in undertaking the public duties of a Member and not for private or other purposes except where published arrangements for electoral purposes apply.

## **8. Paid work**

8.1 Members must not engage in paid work which involves advice, lobbying or advocacy on matters relating to the governmental responsibilities of the States of Alderney. Members should not use their position to seek or secure future employment involving advocacy, consultancy or lobbying in relation to the governmental responsibilities of the States of Alderney.

## **9. Members' Conduct**

9.1 Members must at all times conduct themselves in a manner which will maintain and strengthen the public's trust and confidence in the integrity of the States and never undertake any action which might bring the States, or its Members, into disrepute.

9.2 Members must at all times treat other Members with respect and courtesy, notwithstanding the disagreements on issues and policy which are a normal part of the political process.

9.3 Members must at all times treat civil servants and members of the public with respect and courtesy.

9.4 Members must uphold the political impartiality of the Civil Service and must not ask civil servants to act in a manner which would conflict with the Civil Service Code. Members should familiarize themselves with the contents of that Code. In reaching decisions they must give fair consideration and due weight to informed and impartial advice from civil servants.

9.5 Members must act with civility in undertaking their public duties and must not assault, harass or intimidate another person.

9.6 Members should attend meetings of the States and Committees or other meetings to which they are appointed. Where they are unable to attend for appropriate reasons, they should ensure that their apologies are tendered in advance of the meeting.

9.7 Part III of this Code sets out the mechanism for the investigation of allegations of breach of this Code of Conduct and, where such an allegation is found to be substantiated, the penalties which may be imposed on the Member concerned.

## **PART II**

### **10. Qualified Privilege for States Proceedings**

10.1 The Government of Alderney Law confers *qualified* privilege on Members in respect of statements made in the course of the proceedings of a meeting of the States. This will cover any words spoken in, or in any report to the States or any Department or Committee thereof and includes requêtes, amendments, questions, reports and other written documents so long as these are connected with the course of proceedings of a States meeting. Qualified privilege can be used as a defence to any legal proceedings arising as a result of what a Member has said or has been published provided the Member is acting in good faith and without any improper motive or malice when making any statement which is untrue and/or defamatory. It cannot be used as a defence in its own right.

10.2 Members are afforded this protection to enable them to air any matter, regardless of the power, wealth or status of those criticised. The counter-balance to privilege, however, is responsibility; Members may not abuse their qualified privilege. Part III of this Code sets out the mechanism for the investigation of allegations of abuse of privilege and, where such an allegation is found to be substantiated, the penalties which may be imposed on the Member concerned.

## **PART III**

### **11. Making the Code of Conduct work effectively**

11.1 A breach of the Code of Conduct including an allegation of abuse of privilege are serious matters and any complaint must be taken seriously. A complaint may be made by anyone in writing and should be addressed to the President and the Greffier. A complaint should contain the name and address of the complainant and clearly set out the detail of the alleged breach or abuse, the complainant's view on why this should be considered a breach or abuse and be accompanied by supporting evidence.

11.2 Where a Member is aware that s/he may have breached the Code of Conduct or abused qualified privilege, s/he should report her/himself to the President and Greffier so that a Conduct Review Panel may be convened to consider the breach. If any Member becomes aware that another Member may have breached the Code of Conduct or abused qualified privilege, s/he should report that Member to the President and Greffier so that a Conduct Review Panel can be convened to consider the breach. Failure of a Member to report her/himself or another Member in circumstances where a breach or abuse is known is, itself, a serious breach of the Code of Conduct.

### **12. The Members' Conduct Review Panel**

12.1 A Conduct Review Panel will be established for the purpose of investigating any complaint, provided it has been made in accordance with the procedure set out in this Code.

12.2 The **Members Conduct Review Panel** shall comprise the President, as Chairman, and at least five members of the population on the electoral roll appointed by the States on the recommendation of the President. Members of the States and their spouses shall not be eligible to serve on this Panel. A person so appointed may at any time resign his/her appointment by notice in writing delivered to the President.

12.3 The term of office of those appointed to a Conduct Review Panel shall end on the third anniversary of the date of their appointment.

12.4 A person asked to serve on a Conduct Review Panel, who has any direct or indirect personal or pecuniary interest in the matter referred to the Panel shall immediately declare that interest to the Chairman of the Panel and may not serve. The President may, in the event that there are insufficient members of a Panel to conduct a review or an appeal, in consultation with the Chairman of the Policy & Finance Committee or the Vice Chairman of the Policy & Finance Committee, make temporary additional appointments to the Panel in order to discharge its business.

### **13. Procedure for considering complaints concerning Members Conduct**

#### **13.1 Receipt of complaint and preliminary investigation**

13.1.1 On receipt of a complaint which complies with section 11.1 about a breach of the Code of Conduct, including an abuse of privilege, the President will, taking such advice as s/he considers necessary, inform the Member who is the subject of the complaint and consider whether:

- i) the matter is a matter which can be considered under the Code of Conduct and
- ii) there is sufficient information to indicate that the case requires further investigation.

13.1.2 In determining whether a complaint can be considered by a Members Conduct Review Panel, the President may call upon the Chief Executive, or if the Chief Executive is unable to act another senior civil servant, to carry out a preliminary investigation to establish the facts and advise on whether there is sufficient information for a Hearing Panel to review.



13.1.3 On completion of any preliminary investigation, the President may decide to take no further action where a complaint is unsubstantiated, frivolous, vexatious or falls outside the scope of the Code of Conduct or procedures for dealing with abuse of privilege. The President will inform any Member about the fact that s/he has determined to take no further action.

### **13.2 Convening of a Members Conduct Hearing Panel**

13.2.1 A Members Conduct Hearing Panel (the "Hearing Panel"), made up of at least three members drawn from the total Members Conduct Review Panel Membership will be convened by the President to consider a complaint where the President has determined that further action is required. The President will appoint one member of the Hearing Panel to be its Chairman<sup>1</sup> who will:

1. Inform the Member concerned and provide her/him with complete details about the complaint.
2. Conduct any further investigation (and the Chairman may, if necessary, appoint an investigator to carry out an investigation and report back rather than conduct the investigation himself) and
3. request any documentation, papers or records that may be required (including those in possession of the Member) or the attendance of any person before the Hearing Panel.

13.2.2 Members are required to co-operate fully and promptly with the Hearing Panel during any investigation or Hearing even if the Member concerned considers that the alleged breach of the code or abuse of privilege is unsubstantiated or untrue. Failure to co-operate in any investigation will, in itself, be regarded as a breach of the Code of Conduct.

13.2.3 On completion of an investigation, the Hearing Panel will receive a draft report of any investigation and may decide:

(i) that the complaint has not been substantiated and no further action will be taken

or

(ii) that the complaint has been substantiated but is of a minor nature and the offer of a caution will suffice

or

(iii) that the complaint has been substantiated and a Hearing should be held.

13.2.4 If it is decided that no further action should be taken, a letter setting out the Panel's decision together with its reasons for the decision will be sent by the Chairman to the complainant and the subject of the complaint. Copies of the letter will be provided to the Greffier who will make them available to the public during normal office hours and the Chief Executive for publication on the States of Alderney website.

13.2.5 If it is decided that a Hearing should be held, a confidential copy of the draft investigation report will be sent by the Chairman to the Member who is the subject of the complaint and to the complainant and they will be given up to 7 days to make any comments. Comments will then be considered by the investigator and any changes s/he considers appropriate will be made in order to produce a final investigation report.

### **13.3 Convening a hearing**

13.3.1 The Chairman of the Members Conduct Hearing Panel will request the President's Office to arrange the date, time and place of a Hearing, giving at least five clear working days' notice.

13.3.2 Each Member of the Hearing Panel, the investigator, if one has been appointed, and the Member who is the subject of the complaint will receive notification of the Hearing and a copy of the

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<sup>1</sup> For the avoidance of doubt, the President may appoint himself as Chairman

Final Investigation Report which will be confidential until such time as the Panel has published its findings. The Panel Members will be present throughout the Hearing, and able to draw on advice from the Law Officers and the Civil Service as necessary. The Member who is the subject of the complaint, together with his/her representative if required, and the Investigator will be present for the first part of the Hearing. The Panel may allow other witnesses to appear as part of the Investigator's Report or the Member's Reply.

13.3.3 The Hearing Panel will be quorate if at least three Panel members are present. If the Member who is subject to the complaint or his/her representative is absent, the Panel will consider whether it is appropriate to continue or postpone the Hearing. The Hearing will normally be held in private but the Panel may consider at the outset, taking into account any representations made by the Member who is the subject of the complaint, whether the public and press should be present for all or any part of the Hearing. The Panel's decision on this matter is final.

13.3.4 The Panel will conduct the Hearing in the following order:

1. Introductions, apologies, declarations of interest
2. Explanation of the order of business
3. Presentation of the Chairman or investigator's report,
4. Questions of the Panel to the Chairman or investigator
5. Any questions or queries (through the Chairman) from the Member who is the subject of the complaint about the Investigator's Report. (No cross-examination of the Investigator or any witnesses shall be permitted).
6. The Member's Reply. (The Member or his/her representative may reply to the complaint, and may, having sought the permission of the Panel prior to the Hearing, present witnesses in support of his/her reply).
7. Questions of the Panel to the Member.
8. Any questions or queries (through the Chairman) from the Investigator to the Member who is the subject of the complaint about the Member's Reply. (No cross-examination of the Member or any witnesses shall be permitted).
9. Any questions or clarifications of the Panel prior to adjournment.
10. Any concluding remarks of the Investigator and the Member who is the subject of the complaint.
11. Adjournment. The Investigator, the Member who is the subject of the complaint and his/her representatives will leave the Hearing.
12. Determination. The Members of the Hearing Panel will consider whether a breach of the Code of Conduct has taken place and reach their determination including any sanction to be imposed.
13. Reporting. Following a Hearing, the Panel will set out its findings in a report, copies of which will be provided to the complainant, the subject of the complaint, the President's Office, the Greffier and the Chief Executive. The Report of the Panel will be published on the States website and made available by the Greffier for public inspection during normal Court opening hours.

13.3.6 The Panel may request

- a) the production of papers and records
- b) the attendance of any person before it, and
- c) specific documents in the possession of a Member relating to its inquiries be laid before it.

13.3.7 If the President, when considering the initial evidence, or the Panel, in the course of its investigation, has cause to believe that a criminal offence may have been committed, s/he or the panel (as the case may be) shall immediately suspend the proceedings, consult the Greffier and if so advised refer the matter to the Chief Officer of Police. The investigation shall not be resumed until either any criminal investigation and consequent prosecution have been concluded or the Chief Officer of Police has informed the Chairman that he has no further interest in the matter.

## 13.4 Convening an Appeal

13.4.1 The findings of a Members Conduct Hearing Panel may be subject to appeal by a Member within a seven day period of the determination of an appeal, giving reasons for the appeal in writing to the Greffier. It must be made (1) on the grounds that the Members Conduct Hearing Panel made an error in the process which demonstrably impacted on the outcome, and/or (2) that the decision of the Members Conduct Hearing Panel was not reasonable or justified given the evidence available to them in the Hearing.

13.4.2 The Greffier will consider and determine whether the appeal is presented on valid grounds and, if it is, will convene a Members Conduct Appeal Panel consisting of two members drawn from the Members Conduct Review Panel who were not members of the Hearing Panel in this case.

13.4.3 Any appeal will be dealt with as a review of the determination, not a re-hearing. The Appeal Panel will i) consider the reasons for the appeal set out by the Member who is the subject of the complaint in writing ii) consider the determination made by the Members Conduct Hearing Panel and their approach to reaching their determination iii) reach a determination about whether the appeal is to be dismissed or upheld.

13.4.4 In carrying out their review, the Appeal panel will have access to the Complaint, the Investigation Report, and the matters considered at the Hearing and such legal advice as they may require. If an appeal is upheld, the Appeal Panel may reach a conclusion that the appeal is upheld in full and the complaint is dismissed or they may consider that the complaint is upheld in part and an element of the complaint is dismissed. They may change the sanction which has been imposed.

## 14. Penalties for breach of the Code of Conduct

14.1 A Members Conduct Hearing Panel will, having decided that a breach of conduct or abuse of privilege has occurred, impose a penalty on the Member. A penalty may be in the form of a caution for a minor breach, a suspension from office for a more serious breach or repeated minor breaches, and disqualification from office in the most serious cases.

14.2 Where the Panel finds that a complaint has been substantiated but is of the view that the breach of conduct or abuse of privilege was of a minor nature it may dispose of the matter by cautioning the Member concerned. A record of the Panel's decision and any reasoning or explanation for that decision which it considers appropriate shall be forwarded to the Member under investigation and to the Greffier (who shall make the said report available for public inspection whenever the Greffier is open for normal business) and to the Chief Executive for publication on the States of Alderney website.

14.3 Where the Panel finds that a complaint has been substantiated and decides that the Member should be suspended a report of the investigation and the Panel's decision shall be forwarded to the Member under investigation, to the Greffier (who shall make the report available for public inspection whenever the Greffier is open for normal business) and to the Chief Executive for publication on the States of Alderney website.

14.4 A suspension may be for a period determined by the Conduct Review Panel, but not exceeding six months. The Conduct Review Panel will have regard to the seriousness of the breach and the previous conduct of a Member when considering the term of a suspension. A Member who is suspended from office may not, during the period of her/his suspension:

- attend or take any part in official or unofficial meetings of the States;
- enter the States Chamber or its precincts when the States are meeting;
- enter the offices of the States, other than to transact any personal business that s/he has as an ordinary citizen with the States;
- sign any report, requête or other document relating to the business of the States;
- ask any question pursuant to Rule 18 of the States of Alderney 'Rules of Procedure 2010 (as amended)'.

14.5 Any allowances payable to the Member pursuant to the Rules for Payments to States Members will cease for the period of suspension.

14.6 Disqualification from office is a penalty reserved for the most serious breaches of the Code of Conduct. The Conduct Review Panel may, in considering disqualification, take into account repeated and persistent breaches of the Code. Allowances payable to a Member shall cease immediately on disqualification.

## **15. Convening of a remote Members Conduct Hearing Panel**

### **15.1 Application of this section**

15.1.1 This section shall apply only in the circumstances set out in paragraph 15.2 and despite any other provision of this Code.

15.1.2 The circumstances are that the President has made a determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in the Island, which make it appropriate for this paragraph to apply.

15.1.3 This paragraph shall cease to apply if the President makes a further determination, upon representations from the Civil Contingencies Authority, in the light of circumstances prevailing in the Island, that it is appropriate for it to cease to apply.

### **15.2 Remote Members Conduct Hearing Panel**

15.2.1 A Members Conduct Hearing Panel ("the Hearing Panel") may hold a hearing remotely.

15.2.2 A member of the Hearing Panel, the Member who is the subject of the complaint and his or her representative (if any), any Investigator and any person who the Hearing Panel permits or requires to appear shall be treated for all purposes of this Code as present at a hearing of the Hearing Panel, (including, but not limited to, the purpose of the members of the Hearing Panel forming a quorum in accordance with paragraph 13.3.3), if by means of electronic communications or telecommunications, or otherwise –

- (i) the member of the Hearing Panel or other person has declared that he or she is present, and
- (ii) in the case of a person other than the Chairman of the Hearing Panel, the Chairman has declared that the person shall be treated as present.

15.2.3 For the purposes of this section, a hearing of the Hearing Panel is a remote hearing if the members of the Panel, and any other person required or permitted to be present at the hearing, communicate during the hearing solely, or primarily, by means of electronic communications or telecommunications.

15.2.4 The Chairman of the Hearing Panel may issue directions as to the conduct of a remote hearing concerning in particular the matters set out in paragraph 13.3.4.

### **15.3 Consequential modifications to provisions of this Code etc.**

15.3.1 Any requirement in this Code for the Greffier or another person to make a register or document available to the public, or for public inspection, at the Courthouse or other premises (however worded) shall not apply so that such document or register need only be made available on the States of Alderney website.

15.3.2 The penultimate sentence of paragraph 13.3.3 shall apply as if the words following "subject of the complaint," to the end of the sentence were substituted by "whether a record or recording of all or part of the hearing should be made available to the public and the press".

15.3.3 For the avoidance of doubt, any requirement for a document to be laid before the Hearing Panel is satisfied by being sent to the Panel by electronic communications.

## **Definitions**

In this Code:

"Civil Contingencies Authority" means the body of that name established under section 1 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012

"Investigator" is construed in accordance with subparagraph 2 of paragraph 13.2.1.

"qualified privilege" has the meaning assigned to it by section 41(3) of the Government of Alderney Law, 2004

"abuse of privilege" means abuse of qualified privilege

"Member" means a member of the States of Alderney and includes the President of the States of Alderney.

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

## Schedule 1

### Gifts, Benefits and Hospitality

**Any gift or material benefit or offers of gifts or material benefit, received by a Member, or to the Member's knowledge by his spouse, must be declared.**

1. Gifts, benefits or hospitality, other than those of a token value, may undermine the integrity of public decision-making. Careful consideration must be given by Members when a gift, benefit or hospitality is offered to avoid corruption or the suspicion of corruption.

All offers of gifts, benefits or hospitality to a Member, or to the Member's knowledge to his or her spouse, must be declared and entered on the Gifts, Benefits and Hospitality Register, regardless of whether or not they are accepted, if the offered gift or benefit:

- a) in any way relates to membership of the States, and
- b) is of more than nominal value, that is to say worth £40 or more.

2. Gifts, benefits or hospitality of a nominal value are considered to be items of under £40 in value. The might include gifts of a token value such as inexpensive pens, diaries and calendars. Hospitality may include meals or functions which are relevant to some aspect of States business

3. Offers of gifts, benefit or hospitality above the nominal value should be refused. In circumstances where a refusal might cause offence or in other ways undermine States business a gift may be accepted and transferred to the ownership of the States.

4. Members should exercise caution in relation to multiple offers of gifts and other benefits from the same or associated sources and take into account and declare the cumulative value of such gifts.

5. Benefits, such as tickets to sporting or cultural events, received by another person together with or on behalf of a Member must be registered as if they had been received by the Member.

6. Gifts or other benefits from another Member of the States are to be registered in the same way as those received from other persons.

7. The following benefits do not need to be declared:

- a) attendance at a conference or a site visit within the Bailiwick, the United Kingdom, Jersey and the Isle of Man in the context of legitimate States business where the organiser meets reasonable travel and hospitality costs only, and
- b) hospitality provided in the context of legitimate States business by the States of Guernsey, States of Alderney, Chief Pleas of Sark or the governments the United Kingdom, Jersey or the Isle of Man or the devolved institutions in Scotland, Wales or Northern Ireland.

8. Gifts and material benefits are exempt from registration if they do not relate in any way to membership of the States or could not be perceived to relate to membership of the States. Whether this exemption applies in any particular case is necessarily a matter of judgment. Both the possible motive of the giver and the use to which the gift is put have to be considered: if it is clear on both counts that the gift or benefit is entirely unrelated to membership of the States, and would not reasonably be thought by others to be so related, it need not be registered. If there is any doubt it shall be registered.