

**STATES OF ALDERNEY**

**BILLET D'ETAT FOR WEDNESDAY 13<sup>TH</sup> JANUARY 2010**

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 13<sup>th</sup> January 2010. This will be preceded by the People's Meeting, which will be held on Wednesday 6th January 2010 at 7:00 p.m. in the Island Hall.

Sir Norman Browse  
President

**Item I**      Opening of the States.

**Item II**      **Presentation of Warrant**

The representative of His Excellency the Lieutenant-Governor of the Bailiwick of Guernsey will present his warrant of appointment.

**Item III**      **Election Procedure**

The States is asked to decide whether the following elections should be by open vote, otherwise Rule 20 of the Rules of Procedure of the States Alderney, shall come into operation.

**Item IV**      **Vice President**

To elect a Vice President for 2010.

**Item V**      **Appointment Of Auditors**

The States is asked to appoint KPMG Channel Islands Limited to be the States Auditors for 2010.

**Item VI**      **To approve the mandate of the Policy and Finance Committee as follows:-**

To formulate and make recommendations to the States on all policy matters.

To be accountable for the financial management of the States.

To operate within the policies, guidelines and resolutions of the States.

To liaise and negotiate with the States of Guernsey on all matters relating to the provision of transferred services and finance.

To be responsible for all external affairs.

To liaise with the General Services Committee and the Building and Development Committee in relation to their budget and legislative requirements.

To perform the following functions:

**Finance**

To present to the States the annual budget and audited accounts and, where necessary, report to the States thereon.

To monitor the income and expenditure of the States, its Committees and Trust Funds and, where appropriate, to add comment and recommendation to all applications to the States for money, votes and/or submissions to the States where public income and expenditure is involved.

To deal with all borrowings as authorised by the States, loans and the administration of all monies accruing to the States for specific purposes under the terms of various Trusts and Funds.

To be responsible for recommending to the States, whether by Ordinance or otherwise, the fees, dues and charges levied by the States for the provision of any service required to be provided under legislation and to approve the rents payable for States' land and properties.

To be responsible for recommending to the States the level of Occupier's Rates.

To advise on the rents, premiums (if any) and duration of leases to be granted by the General Services Committee for all other States properties.

To submit leases to the States for approval in accordance with the Budget Rules and Procedures.

To be responsible for all States' insurances.

**The Economy:**

To initiate, pursue and report to the States upon matters relating to the economy of the Island, including immigration, population, social services (financial aspects only), the development of an economic plan, employment, industry and e-commerce.

To deal with external authorities in fiscal and commercial matters.

To be responsible for public relations and the promotion of the Tourist Industry.

To monitor the economic policy of the States and to report and make recommendations for such amendments as deemed necessary.

To liaise with the Commerce and Employment Department on matters relating to economic planning.

**Constitution and Legal Matters:**

To be responsible for all matters affecting the Constitution and all legislation (other than legislation falling specifically within the responsibility of the General Services and the Building and Development Control Committee).

To be responsible for all matters relating to International Conventions, Treaties, Agreements, EU Directives and extended legislation from the United Kingdom.

To liaise as necessary with the Court of Alderney.

To be responsible for and the leasing and use of all States-owned Forts.

To be responsible for matters affecting –  
Elections;  
Census;  
Import and Export Control;  
Telecommunications;  
Postal Services, Philately and Currency;  
Gambling;  
Emergency Fuel Control (The Energy (Bailiwick of Guernsey) Law, 1978);  
Dangerous Weapons;  
Civil Aviation; and  
Youth Training and Adult Education. Youth Services and activities.

To be responsible for all matters relating to public assistance and welfare.

To be responsible for all matters not specifically falling within the mandate of the General Services Committee and the Building and Development Control Committee.

**Staff and Offices:**

To be the States Employment Board with responsibility for all matters relating to the employment of Civil Servants and Manual Staff; and the management of office accommodation; to be the Civil Service Board referred to in the Terms and Conditions of Service for Civil Servants and the Terms and Conditions of Employment for Manual Staff as agreed between the Board and the Transport and General Workers Union.

In particular to be responsible for the appointment of staff and the preparation and review of the Terms and Conditions of Service of all salaried staff (subject to the relevant provisions of the Government of Alderney Law) and to liaise with the Guernsey Civil Service Staff Association.

To control establishment numbers.

To be responsible for staff pensions.

To liaise with Trades Unions on matters relating to the Terms and Conditions of Employment for Manual Staff.

**Sub-delegation of Executive Functions:**

The following functions to be conferred on:-

**1. The Employment, Legislation and Constitution Group** (or any other sub-committee of the Policy and Finance Committee consisting of at least three of its members and appointed by it for the purpose) without requiring the prior approval of the committee to be obtained to any action proposed to be taken by it: -

All functions of the Policy and Finance Committee arising under the provisions of The Employment Permits (Alderney) Law, 1975 (as amended); and

**2. The Finance Advisory Group** (or any other sub-committee of the Policy and Finance Committee consisting of at least three of its members and appointed by it for the purpose) without requiring the prior approval of the committee to be obtained to any action proposed to be taken by it: -

- a. to deal with States borrowings authorised by the States for specific purposes

- b. to be responsible for States insurances
- c. to be responsible for postage stamp and coin issues and design approvals
- d. to deal with grants not exceeding £5000
- e. to deal with Hawkers Licences.

**Item VII** **To approve the mandate of the General Services Committee as follows:-**

To be accountable to the States for the provision and implementation of all Government services provided and/or required by legislation, resolution or policy of the States within agreed budgets.

To liaise with the Policy and Finance Committee in relation to budgetary and legislative requirements.

To operate within the policies, guidelines and resolutions of the States.

In particular, to perform the following functions:-

To be accountable for the administration of the harbour and its functions and to make recommendations to the Policy and Finance Committee on all fees, dues and charges required to be levied by legislation.

To deal with shipping and all matters relating to the sea.

To be responsible for the continuing investigations into a marina in Alderney.

To deal with all matters relating to the railway.

To administer and maintain all States' buildings including offices; to be accountable for all public works; to place contracts for public works; to be responsible for refuse collection and its disposal.

To be responsible for the Fire Brigade; for emergency services; for sewage disposal; and for traffic control.

To be accountable for all States' properties which are not the responsibility of the Policy and Finance Committee.

To be responsible for recreation and sports activities.

To be responsible for all official entertainments, and the Saye Camp site.

To be responsible for all matters relating to the allocation of States housing.

To be accountable as the Water Board for the provision of water supplies on the Island in accordance with the legislation applicable thereto.

To be responsible for the leasing of all States Properties, other than Forts, in the ownership of the States; to deal with all matters relating to agriculture, livestock, other animals, birds and vermin; to administer the Island of Burhou; to be responsible for afforestation and fencing and management of all States land including the consolidation of parcels and not to reduce the area of such land without the authority of the States; and administer the States Slaughterhouse.

To be responsible for all matters relating to sea fisheries.

To be responsible for environmental monitoring and for the co-ordination of public services in the event of a civil emergency.

To be responsible for the establishment of a working party to be known as the Civil Emergency Working Party which shall include amongst its members the following people:-

The President of the States, the Officer Commanding the Junior Militia, the States Analyst, the Chief Fire Officer, the Manager of the Water Board, the States Engineer, the General Manager of Alderney Electricity Limited, the resident Sergeant of the Police in Alderney, the Harbour Officer, a Medical Practitioner; a representative of St. John Ambulance (unless otherwise represented); a Communications adviser(s); and the person appointed as Co-ordinator of the emergency services.

The Working Party shall appoint a Chairman from amongst its members.

**Item VIII** **To approve the mandate of the Building and Development Control Committee, as follows:-**

To be the Authority for approving plans in both the public and private sector; to be responsible for the Le Banquage Housing Scheme; to administer The Building and Development Control (Alderney) Law, 2002, as amended; to be the Committee to make recommendations to the States on the maximum number of dwellings to be permitted in any given period in accordance with Section 15 of The Building & Development Control (Alderney) Law, 2002; to administer Building Regulations made under the provisions of The Building & Development Control (Alderney) Law, 2002, and any other law or laws by which they may be replaced.

To be responsible for the preparation of a policy and strategy for environmental conservation and ecology on the Island.

**Item IX** **The States is asked to elect the Chairmen of the following Committees:**

1. Policy and Finance Committee
2. General Services Committee
3. Building and Development Control Committee

**Item X** **The States is asked to elect the following Committees: -**

1. 9 Members to the Policy and Finance Committee
2. 5 Members to the General Services Committee,
3. 4 Members to the Building and Development Control Committee.

**Item XI** **Other Appointments:**

1. The States is asked:  
**EITHER** to elect a person to serve as a Director of the Board of Alderney Electricity Limited; **OR** to direct the Policy and Finance Committee to do so from their Members.
2. To elect three members to sit on the Management Committee in the affairs of the Alderney Branch of the Commonwealth Parliamentary Association (the President being Ex-officio Chairman).

**Item XII**      **The States is asked to make the following arrangements: -**

1. To empower any one member of the Policy and Finance Committee with the States Treasurer or her deputy; or the Chief Executive Officer and the States Treasurer or her deputy to operate the States Bank Accounts.
2. To empower any one member of the Policy and Finance Committee with the States Treasurer or her deputy; or the States Treasurer or her deputy with the Chief Executive Officer to operate the Water Board Bank Account.

**Item XIII**      **Election of Alderney Representatives to sit in the Guernsey States of Deliberation**

The States is asked:-

- (a). To elect two members to sit in the Guernsey States of Deliberation for 2010, and
- (b). To elect two other members to sit in the Guernsey States of Deliberation as Alternative Representatives for 2010.

**Item XIV**      **Policy and Finance Committee Quorum**

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

“The Government of Alderney Law, 2004 provides at section 49(6) that the quorum at a meeting of a committee is 3 members or such larger number of members as the States may, in respect of a particular committee, resolve.

You will be aware that the Policy and Finance Committee now comprises all 10 States Members. It is considered that a quorum of 3 is insufficient and that this should be increased to 6.

I would be obliged if this letter is placed before the States at its next meeting together with an appropriate proposition.

R. G. Willmott  
Chairman”

**The States is asked to resolve that the quorum for a meeting of the Policy and Finance Committee be 6 members.**

**Item XV**      **The Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008 (Commencement) Ordinance, 2010**

**The Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Alderney) Ordinance, 2010**

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

“The Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008 (“the Law”) has received the Royal Assent and has been registered at the Royal Court. However, it cannot come into effect without an Ordinance providing for this. I attach a copy of the Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008 (Commencement) Ordinance, 2010. I would be grateful if you could place this before the next meeting of the States together with an appropriate proposition.

The Law contains a general prohibition against smoking in any enclosed public place or workplace. The States may by Ordinance exempt any premises, or class or description of premises, or any part of any such premises or class or description of premises, from that general prohibition. I attach a copy of the Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Alderney Ordinance), 2010 ("the ordinance"). The exemptions provided are as in the Guernsey equivalent, omitting those which could not apply here (in relation to the prison in Guernsey, for example). The Ordinance also provides for the display and form of notices prohibiting smoking under the Law. Again, I would be grateful if you could place this before the next meeting of the States together with an appropriate proposition. As Members may wish to determine the exemptions before voting on commencement I suggest that the propositions are taken in that order.

R. G. Willmott  
Chairman"

**The States is asked to approve:**

1. **"The Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Alderney) Ordinance, 2010."**
2. **"The Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008 (Commencement) Ordinance, 2010."**

**Item XVI    The Government of Alderney (Amendment) Law, 2010**

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

"The above item was withdrawn at last month's meeting of the States when it became evident at a late stage that the proposed amendment of the definition of "States Employee" would have two unintended effects. Firstly, it would allow Guernsey States Employees (including some working in Island Hall) to serve on the States, as the definition which precedes it in the Government of Alderney Law, 2004 defines "States" only as the States of Alderney. Secondly, it would not extend the range of persons paid by the States of Alderney (but not, for example, in its full time/pensionable employment) who would be able to stand for office. The Policy and Finance Committee has found itself unable to recommend an alternative to the existing definition and, in the circumstances, I ask that the Government of Alderney (Amendment) Law, 2010 be restored for consideration by the States when it next meets, but with section 19(c) omitted, together with an appropriate proposition.

R. G. Willmott  
Chairman"

**The States is asked to approve the Projet de Loi entitled "The Government of Alderney (Amendment) Law, 2010" 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."**

**Item XVII** **The Housing (Exemptions) (No.6) (Alderney) Ordinance, 2009**

The following letter has been received from Ms E Bennett, Chairman of Building and Development Control Committee:-

“Mr Peter Arnold wishes to construct a new, single bedroom dwelling on land registered as entry number AY599. This will replace a stone outbuilding in the grounds of the Alderney Pottery. This will require an ordinance exempting him from the provisions of section 33 of the Building and Development Control (Alderney) Law, 2002 (“the Law”). I attach for this purpose the proposed Housing (Exemptions) (No.6) (Alderney) Ordinance, 2009.

Members will note that exemption will only apply in relation to Mr Arnold’s application for development permission to construct a new dwelling as above and that this permission does not count towards the number of “C” permits for the time being prescribed for the purposes of section 15 of the Law.

I would be grateful if the Housing (Exemptions) (No.6) (Alderney) Ordinance, 2009 could be placed before the States when it next meets together with an appropriate proposition.

E. Bennett  
Chairman”

**The States is asked to approve “The Housing (Exemptions) (No.6) (Alderney) Ordinance, 2009.”**

**Item XVIII** **Questions and Reports**

**a) Appointment of Chief Executive Officer.**



## **The Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Alderney) Ordinance, 2010**

**THE STATES OF ALDERNEY** in exercise of the powers conferred on them by section 2 of the Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008<sup>1</sup> and of all other powers enabling them in that behalf, hereby order: -

### **Premises exempt from the provisions of the Law.**

1. (1) The following premises, or classes or descriptions of premises, are exempt from the provisions of the Law –

(a) hotel bedrooms designated by the hotel manager as bedrooms where smoking is permitted,

(b) enclosed workplaces on vessels which are fishing vessels and which -

(i) are operated, and

(ii) may be operated lawfully,

solely by one master or captain, provided that that master or captain takes appropriate measures to minimise unnecessary exposure of other persons to tobacco smoke,

(c) enclosed workplaces (other than those referred to in paragraph (b)) -

(i) which are used as a place of work by a single individual,

(ii) which are not enclosed public places, and

(iii) which are not located on a vessel,

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<sup>1</sup> Order in Council No. XXIII of 2009

provided that that individual takes appropriate measures to minimise unnecessary exposure of other persons to tobacco smoke,

(d) any area -

(i) which is located within -

(A) any ward which caters for persons in need of long-term care in a hospital maintained in whole or in part by the States or the States of Guernsey,

(B) any residential home or nursing home maintained by or on behalf of the States or the States of Guernsey,

(C) any residential home other than one referred to in item (B), or

(D) any nursing home other than one referred to in item (B),

(ii) which is not an enclosed public place, and

(iii) which is designated as a place where smoking is permitted –

(A) in the case of a ward referred to in subparagraph (i)(A) or a residential home or nursing home referred to in subparagraph (i)(B), by the Department,

(B) in the case of a residential home or nursing home referred to in subparagraph (i)(C) or (D) respectively, the person registered in respect of the home under section 1 or section 6 of the Nursing and Residential

Homes (Registration and Occupation)  
(Alderney) Law, 1987<sup>2</sup>.

(2) No responsible person may designate an area for the purposes of subsection (1)(d)(iii) unless satisfied that -

- (a) appropriate measures have been taken to minimise unnecessary exposure of persons to tobacco smoke in the area, and
- (b) the area is not an enclosed public place.

(3) Where a responsible person has designated an area for the purposes of subsection (1)(d)(iii), and it has become aware that -

- (a) measures with which it was satisfied under subsection (2) -
  - (i) are no longer appropriate for, or
  - (ii) are not being observed, or enforced, in respect of, the area concerned, or
- (b) the area concerned has become an enclosed public place,

it may revoke, suspend or vary the designation made in respect of that area as it thinks fit.

(4) In this section, "**responsible person**" means the Department or the person authorized under subsection (1)(d)(iii) to designate an area as a place where smoking is permitted.

**Requirement to display notices.**

2. (1) The licensee of any licensed premises to which section 1 of the Law applies shall at all times ensure the display of a notice that complies with the requirements of the Schedule and of subsection (3) in each relevant part of the premises.

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<sup>2</sup> Ordres en Conseil Vol. XXX, p. 371; as amended by Vol. XXXI, p. 306; Orders in Council No. XII of 2003 and No. XX of 2003; Ordinances No. II of 1997 No. XXXIII of 2003. See also Ordres en Conseil Vol. XVII, p. 384.

(2) Each of these is a relevant part of the premises -

- (a) any public entrance,
- (b) any bar counter,
- (c) any toilet facilities, and
- (d) any staff room.

(3) Each notice must be displayed in a manner that ensures it can be easily read by the public.

**Contravention of section 2 to be an offence.**

3. (1) A licensee who contravenes section 2 is guilty of an offence and liable, on summary conviction -

- (a) for a first offence, to a fine not exceeding level 1 on the uniform scale, and
- (b) for a second or subsequent offence, to a fine not exceeding level 3 on the uniform scale.

(2) Where an offence under subsection (1) is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Power of Committee to amend Schedule by order.**

4. (1) The Committee may by order made under this section amend the Schedule to this Ordinance.

(2) Any order made under subsection (1) -

- (a) may be amended or revoked by a subsequent order so made, and

(b) may include incidental, consequential, supplementary and transitional provisions.

(3) Any order made under subsection (1) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul the order, cease to have effect, but without prejudice to anything done under the order or to the making of a new order.

**Interpretation.**

5. (1) In this Ordinance unless the context requires otherwise -

**"bar counter"** means any counter, hatch or other place whatsoever at or from which intoxicating liquor is sold, supplied or dispensed,

**"the Committee"** means the Alderney Policy and Finance Committee,

**"the Department"** means the States of Guernsey Health and Social Services Department,

**"designated"** means designated in writing,

**"hotel"** –

(a) means premises where sleeping accommodation for reward is provided under an accommodation permit granted under the Tourism (Alderney) Law, 1956<sup>3</sup>, but

(b) excludes any such premises if the accommodation permit for those premises is granted for a self-catering unit,

**"hotel manager"** means the manager of the hotel, or his authorised representative,

**"the Law"** means the Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008<sup>4</sup>,

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<sup>3</sup> Ordres en Conseil Vol. XVII, p. 29; as amended by Vol. XXII, p.6; Vol. XXVI, p. 251; Order in Council No. XI of 2005.

**"licensed premises"** has the meaning given by section 1(1) of the Alderney Liquor Licensing Ordinance, 1994<sup>5</sup>,

**"licensee"**, in respect of any licensed premises, means the person in whose favour a liquor licence has been granted in respect of those premises under the Alderney Liquor Licensing Ordinance, 1994<sup>6</sup>,

**"nursing home"** has the meaning given by section 21(1) of the Nursing and Residential Homes (Registration and Occupation) (Alderney) Law, 1987<sup>7</sup>,

**"person in need of long-term care"**, subject to regulations made under section 9(2) of the Long-term Care Insurance (Guernsey) Law, 2002<sup>8</sup> (as if those regulations have force in Alderney), means a person who –

- (a) by reason of bodily or mental disability, or a combination of bodily and mental disability, is so disabled that he may suffer harm whilst undertaking the normal activities of daily life without substantial assistance or attention from another person, or
- (b) is not so disabled, but in respect of whom there is good reason to believe that he would suffer such harm without such assistance or attention,

**"residential home"** has the meaning given by section 21(1) of the Nursing and Residential Homes (Registration and Occupation) (Alderney) Law, 1987<sup>9</sup>,

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<sup>4</sup> Order in Council No. XXIII of 2009.

<sup>5</sup> Alderney Ordinance No. IV of 1994; as amended by Alderney Ordinances No. II of 1997; No. III of 1999; No. XIII of 1999; No. XI of 2000.

<sup>6</sup> Alderney Ordinance No. IV of 1994; as amended by Alderney Ordinances No. II of 1997; No. III of 1999; No. XIII of 1999; No. XI of 2000.

<sup>7</sup> Ordres en Conseil Vol. XXX, p. 371; as amended by Vol. XXXI, p. 306; Orders in Council No. XII of 2003 and No. XX of 2003; Ordinances No. II of 1997 No. XXXIII of 2003. See also Ordres en Conseil Vol. XVII, p. 384.

<sup>8</sup> Order in Council No. XXIII of 2002.

"**uniform scale**" means the Alderney uniform scale as from time to time specified under the Uniform Scale of Fines (Alderney) Law, 1989<sup>10</sup>,

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

(2) The Interpretation (Guernsey) Law, 1948<sup>11</sup> applies to the interpretation of this Ordinance.

(3) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Extent.**

6. This Ordinance has effect in the Island of Alderney and extends to its territorial limits.

**Citation.**

7. This Ordinance may be cited as the Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Alderney) Ordinance, 2010.

SCHEDULE  
REQUIREMENTS OF THE NOTICE

Section 2(1)

**Content, form and lay-out of notice.**

1. The notice must comprise the sign and words below, in the form and lay-out set out below -

*Sign*

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<sup>9</sup> Ordres en Conseil Vol. XXX, p. 371; as amended by Vol. XXXI, p. 306; Orders in Council No. XII of 2003 and No. XX of 2003; Ordinances No. II of 1997 No. XXXIII of 2003. See also Ordres en Conseil Vol. XVII, p. 384.

<sup>10</sup> Ordres en Conseil Vol. XXXI, p. 306; as amended by Order in Council No. XII of 2003; Alderney Ordinances No. II of 2001 and No. III of 2007.

<sup>11</sup> Ordres en Conseil Vol. XIII, p. 355.



*Words*

**NO SMOKING**

**Under the Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008  
it is illegal to smoke in these premises**

**Maximum Fine Level 3 (£2,000)  
Please notify complaints to**

.....

**Minimum diameter of sign and size of notice.**

2. (1) The sign must be at least 85 millimetres in diameter.
- (2) The notice (sign and words combined) must be at least 230 millimetres by 160 millimetres in size.

**Lettering.**

3. The letters comprising the words of the notice must be –
  - (a) clear and legible black letters on a white background, and
  - (b) at least 5 millimetres in height.



## **The Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008 (Commencement) Ordinance, 2010**

**THE STATES OF ALDERNEY**, in exercise of the powers conferred on them by section 7(2) of the Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008<sup>12</sup>, hereby order:-

### **Commencement of the Law.**

1. The Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008<sup>13</sup> comes into force on the 1<sup>st</sup> June 2010, at 4 a.m.

### **Citation.**

2. This Ordinance may be cited as the Smoking (Prohibition in Public Places and Workplaces) (Alderney) Law, 2008 (Commencement) Ordinance, 2010.

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<sup>12</sup> Order in Council No. XXIII of 2009

<sup>13</sup> Order in Council No. XXIII of 2009

# PROJET DE LOI

ENTITLED

## **The Government of Alderney (Amendment) Law, 2010**

**THE STATES OF ALDERNEY**, in pursuance of their Resolution of the 19<sup>th</sup> March, 2008 and the 13<sup>th</sup> January 2010, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

### **Amendment of Government of Alderney Law, 2004.**

1. The Government of Alderney Law, 2004<sup>14</sup> is amended as follows.
2. After section 2 insert the following section -

#### **"States to provide facilities for legislature and Court.**

**2A.** Without prejudice to the provisions of section 24, it is the responsibility of the States to provide such officers, facilities, funds and other resources as are reasonable in all the circumstances to enable the States of Alderney and the Court of Alderney to perform, respectively, their legislative functions and their judicial functions."

3. In sections 5(a), 6(1)(a) and 7(3) for "Secretary of State" substitute "Lieutenant Governor".

4. After section 7 insert the following section -

#### **"Retention of title of Jurat.**

**7A.** A person whose office as Jurat has terminated (whether before or after the commencement of this section) retains the title of Jurat until his death."

5. In section 13(1) for "6 months" substitute "12 months".

6. In section 28(3) -
- (a) for "on or after the 1<sup>st</sup> July in" substitute "within the period of 6 months immediately preceding the end of", and
  - (b) after "the next ordinary election" insert ", unless the vacancy has left the States without the quorum required by section 45(2)".

7. After section 28(3) insert the following subsections -

"(3A) If, immediately after the day appointed for a by-election under subsection (3), there remains a casual vacancy among the members, the States shall appoint another day falling as soon as is reasonably practicable thereafter on which there shall be held a second or further by-election, unless the vacancy occurs within the period of 6 months immediately preceding the end of 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, unless the vacancy has left the States without the quorum required by section 45(2).

(3B) If a casual vacancy occurs among the members, and the number of remaining members is less than the quorum required by section 45(2) -

- (a) the remaining members may appoint the day of the by-election for the purposes of subsection (3) or (3A), or
- (b) if there are no remaining members, the Chief Executive may do so by an instrument under his hand."

8. In section 31(1)(f) for "level 4" substitute "level 5".

9. In section 33(1) for "on or before the 15<sup>th</sup> October of the year in" substitute "within the period of 14 days immediately after the date on".

10. In section 33(2) after "for that purpose" insert "and to take the oath of office pursuant to section 36".

**11.** After section 33(2)(d) insert the following paragraphs -

- "(e) in relation to the eligibility to take the oath of office, he is not, when he takes the oath -
  - (i) in the case of a person taking the oath as a member, President of the States, or
  - (ii) in the case of a person taking the oath as President, a member of the States,
- (f) in relation to the eligibility to take the oath of office, he is not, when he takes the oath, a States employee,
- (g) he is neither under legal disability nor insolvent within the meaning of section 38(3), and
- (h) his age is 21 or over."

**12.** For section 34(1) substitute -

"(1) The Chief Executive shall, in 2010 and in each second year thereafter, by the 15<sup>th</sup> 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 2 years immediately following that date."

**13.** In section 36(1) after "Subject to section 3(2)" insert "and section 33(2)".

**14.** In section 41(2) for the words following "and at the annual meeting" substitute "the States shall elect a Vice-President before any other business is transacted and shall appoint a qualified auditor".

**15.** In section 44(2) -

- (a) for "discussion" substitute "debate (but only before the summing-up)", and
- (b) for "to be exercised" substitute "which may be exercised".

16. For section 45(2) substitute -

"(2) The quorum at a meeting of the States is two thirds (or the nearest whole number above two thirds) of the number of States members holding office at the time of the meeting, subject to a minimum of 5, in addition to the person presiding."

17. For section 50(4) substitute -

"(4) A person presiding at a meeting of a committee -

(a) has an original and a casting vote, and

(b) may -

(i) exercise or decline to exercise that casting vote, and

(ii) if he declines to exercise that casting vote, refer the matter for decision to the Policy and Finance Committee."

18. In section 58 -

(a) in subsection (1) after "of the States" insert ", of the Court and of the Greffier",

(b) in subsection (2) for "During" substitute "Not later than the end of".

19. In section 62(1) -

(a) after the definition of "**officer of police**" insert the following definition -

"**ordinarily resident in Alderney**" shall be construed in accordance with subsection (5),",

(b) the definition of "Secretary of State" is repealed,

20. After section 62(4) insert the following subsection -

"(5) For the purposes of this Law -

- (a) a person shall be considered to be ordinarily resident in Alderney in any year if and only if he is in the Island for an aggregate of not less than 273 days during that year,
- (b) notwithstanding the provisions of paragraph (a), a person does not cease to be ordinarily resident in Alderney during any period by reason only of the fact that during that period -
  - (i) he is engaged, elsewhere than in Alderney, in full-time education or training at an establishment which is, or which is comparable to, a university, college or school, or
  - (ii) he is serving, elsewhere than in Alderney, in the armed forces of the Crown or in the Merchant Marine."

**Citation.**

21. This Law may be cited as the Government of Alderney (Amendment) Law, 2010.

## **The Housing (Exemptions) (No.6) (Alderney) Ordinance, 2009**

**THE STATES OF ALDERNEY**, in exercise of the powers conferred on them by sections 33(1)(c) and 75 of the Building and Development Control (Alderney) Law, 2002<sup>15</sup> ("**the 2002 Law**"), hereby order -

### **Person exempted from section 33 of 2002 Law.**

1. (1) Subject to the provisions of this section, Peter Claude Arnold of Pottery House, Les Mouriaux, Alderney, GY9 3UX ("**the applicant**") is hereby prescribed for the purposes of section 33(1)(c) of the 2002 Law.

(2) The provisions of subsection (1) apply only in relation to the applicant's application for permission for the demolition of a stone outbuilding in the grounds of Alderney Pottery, Les Mouriaux, Alderney, GY9 3UX, which forms part of land registered as entry number AY559 in the Alderney Land Registry, and for the construction on such land of a one bedroom dwelling.

(3) For the avoidance of doubt, the provisions of the 2002 Law, other than section 33 thereof, apply in relation to the application described in subsection (2) in all respects.

(4) The permission which may be granted by the Committee pursuant to this Ordinance does not count towards the number of permissions for the time being prescribed under section 15 of the 2002 Law.

### **Interpretation.**

2. (1) In this Ordinance -

"**the applicant**" means the individual defined in section 1(1) of this Ordinance,

"**the Committee**" means the Building and Development Control Committee of the States of Alderney,

"**the 2002 Law**" means the Building and Development Control (Alderney)

Law, 2002,

and other expressions have the same meanings as in the 2002 Law.

(2) The provisions of the Interpretation (Guernsey) Law, 1948<sup>16</sup> apply to the interpretation of this Ordinance.

(3) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Citation and commencement.**

3. This Ordinance may be cited as the Housing (Exemptions) (No.6) (Alderney) Ordinance, 2009 and shall come into force on the day that it is approved by the States of Alderney.

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<sup>15</sup> Order in Council No. XII of 2003; amended by No. XV of 2004.

<sup>16</sup> Ordres en Conseil Vol. XIII, p. 355.