

STATES OF ALDERNEY

BILLET D'ETAT FOR WEDNESDAY 21ST JULY 2010

Members of the States:

I have the honour to inform you that a Meeting of the States will be held at 5:30pm on Wednesday 21st July 2010. This will be preceded by the People's Meeting, which will be held on Wednesday 14th July 2010 at 7:00 p.m. in the Island Hall.

Sir Norman Browse
President

Item I **The Licensing of Vessels (Alderney) Law, 2010**

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

“Under the provisions of the Alderney and Sark (Licensing of Vessels) Law, 1951, His Excellency the Lieutenant-Governor has responsibility for the licensing of vessels carrying passengers or cargo between Alderney, Guernsey and Sark. The effect of this is that were there to be any legal challenge to the exercise of this responsibility His Excellency would be the respondent in any litigation. It is considered more appropriate for this responsibility to be exercised, as far as Alderney is concerned, by the Policy and Finance Committee of the States of Alderney.

The Licensing of Vessels (Alderney) Law, 2010 will, if approved, repeal the 1951 Law as far as Alderney is concerned and give this licensing function to the Policy and Finance Committee. I attach a copy.

I would be obliged if the Licensing of Vessels (Alderney) Law, 2010 is placed before the States at its next Meeting together with an appropriate proposition.

R. G. Willmott
Chairman”

The States is asked to resolve to approve the Projet de Loi entitled “The Licensing of Vessels (Alderney) 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 II **General Sales Tax (Enabling Provisions) (Guernsey and Alderney) Law, 2009**

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

“The above item was placed, at the request of the Bailiff in a letter dated 17th July 2009, on the Billet D'Etat for the meeting of the States scheduled for 23rd September 2009 for debate. Following the approval of an amendment, this item was subsequently withdrawn for one month to allow for consultation with the Law Officers, Treasury and Resources Department and the Policy and Finance Committee.

At the meeting of the Policy and Finance Committee on 28th June 2010 the Committee resolved to place this matter back before the States at its July meeting for debate.

I would be obliged if the General Sales Tax (Enabling Provisions) (Guernsey and Alderney) Law, 2009 is placed before the States at its next Meeting together with an appropriate proposition.

R. G. Willmott
Chairman”

The States is asked to approve “The General Sales Tax (Enabling Provisions) (Guernsey and Alderney) Law, 2009”.

Item III **The Housing (Exemptions) (No.2) (Alderney) Ordinance, 2010**

The following letter has been received from Mr Sargent Chairman of the Building and Development Control Committee:

“Mr Peter Thomas Jenkins wishes to regularise the conversion of the premises known as 1 Longis Road from a 4 bedroom dwelling into two 2 bedroom dwellings. This will require an ordinance exempting him from the provisions of section 33 of the Building and Development Control (Alderney) Law, 2002. I attach, for this purpose, the proposed Housing (Exemptions) (No.2) (Alderney) Ordinance, 2010.

Members will note that exemption will apply only in relation to Mr Jenkins application for planning permission for the conversion of the premises, 1 Longis Road, and that this permission does not count towards the number of “C” permits for the time being prescribed for purposes of section 15 of the 2002 Law.

I would be grateful if the Housing (Exemptions) (No.2) (Alderney) Ordinance, 2010 is placed before the States when it next meets together with an appropriate proposition.

G. Sargent
Chairman”

The States is asked to approve “The Housing (Exemptions) (No.2) (Alderney) Ordinance, 2010”.

Item IV **The Alderney eGambling (Amendment) Ordinance, 2010**

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

“Following the making of the Alderney eGambling Ordinance, 2009 (“the Ordinance”) in October 2009 and its coming into force on 1st January, 2010 the Alderney Gambling Control Commission (“the Commission”) has kept its provisions under scrutiny to ensure that they accurately reflect the needs of the Commission and the eGambling industry on Alderney as a whole. As a result of this scrutiny the Commission is seeking two minor amendments to the Ordinance.

The first to Section 1(3) is to reflect that true nature of the relationship between Category 1 and Category 2 eGambling licensees in that there is no transfer of the customer from the Category 1 eGambling licensee to the Category 2 eGambling licensee. The true nature of the relationship is one whereby the

Category 2 eGambling licensee provides a service to the Category 1 eGambling licensee by effecting the gambling transaction for its customer.

The second is an amendment to the definition of a customer to reflect the position that Category 2 eGambling licensees are not limited to effecting gambling transactions for Category 1 eGambling licensees and can undertake this function for foreign licensed operators based in other jurisdictions. This amendment legitimises this practice and will assist in maintaining Alderney's position at the forefront of international eGambling.

This amendment Ordinance has been drafted by the Law Officers of the Crown in Guernsey in the light of the Commission's duties under Section 2 of the Gambling (Alderney) Law, 1999.

I would be grateful if you could place this matter before the States with an appropriate proposition.

R. G. Willmott
Chairman"

The States is asked to approve "The Alderney eGambling (Amendment) Ordinance, 2010".

Item V

Rules of Procedure – Points of Order and States Reports

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

"The above item, at the request of the President, was tabled and considered at the May meeting of the Policy and Finance Committee. The Committee resolved by a majority to approve the proposed amendments to the States Rules of Procedure regarding Points of Order, the interruption of a speaker and States Reports and to place this matter before the States for debate.

The proposed amendments to the Rules of Procedure are set out below:-

1. To combine paragraphs 16 and 17 into one heading as follows:

16. Points of Order and Interruption of a speaker 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:

- (a) to draw attention to a breach of any of these rules (including those for questions and reports); or
- (b) to correct an inaccurate or misleading statement made by that speaker; or
- (c) 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.

2. Renumber the subsequent paragraphs.

3. Add a new paragraph as follows:-

19. Reports 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) Factual, not contentious or express political opinions

- (b) Succinct and to the point
- (c) As reports are statements not proposals they may not be debated
- (d) Any question raised about the contents of a report must be solely for the purpose of clarification
- (e) Whenever possible, reports should be submitted in writing to the President and Greffier 4 days before the States meeting
- (f) Reports may be published in Deliberations.

I would be grateful if the proposed amendments to the Rules of Procedure are placed before the States at its next Meeting together with an appropriate proposition.

R. G. Willmott
Chairman”

The States is asked to approve of the proposed changes to the Rules of Procedure concerning Points of Order and Reports and to amend the current Rules of Procedure as appropriate.

Item VI Questions & Reports

Report from Mr Beaman on Work Permits.