

**STATES OF ALDERNEY**

**BILLET D'ETAT FOR WEDNESDAY 21<sup>ST</sup> SEPTEMBER 2011**

**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 21<sup>st</sup> September 2011. This will be preceded by the People's Meeting, which will be held on Wednesday 14<sup>th</sup> September 2011 at 7:00 p.m. in the Island Hall.

W Stuart Trought  
President

**Item I Chief Pleas**

Persons whose names are included on the Register of Voters and who have given due notice will address the States on matters of public interest.

**Item II The Companies (Alderney) Law 1994 - Fees Ordinance 2011**

The following letter was received by Mr Beaman, Chairman of the Policy and Finance Committee:-

*"The prescribed fees of the above Law have been reviewed on an annual basis since they were comprehensively reviewed in 2007 following an interval of several years. Although any revised fees are not effective until the next calendar year, fees are now reviewed earlier in the year in order to allow maximum notice for Company Administrators.*

*The tables below highlight the current fees, together with the proposed fees which have been increased by RPIX at 2.6% (rounded), as recommended by the Company Registrar and subsequently agreed by the Policy and Finance Committee.*

**Section 107(7) – Late Filing Fees**

Subsection	Current Fee	Proposed Fee
(a) First Month	£57	£59
(b) Second Month	£113	£116
(c) Every Month thereafter	£169	£174

**Section 108(4)(b) – Fee for Restoration to Register**

Current Fee	Proposed Fee
£169	£174

**Section 159 (1) - Fees**

Subsection	Current Fee	Proposed Fee
(a) Application to Register	£113	£116
(b) Issue of certificate of registration	£36	£37
(c) Declaration of compliance by Public Company	£36	£37
(d) Notice of new registered office	£24	£25
(e) Order to remove company from Registered Office	£24	£25
(f) Full Annual Return	£57	£59

(g) Abbreviated Annual Return	£57	£59
(h) Special Resolution to change company name	£36	£37
(i) Notice of Strike Off	£36	£37
(j) Failure to comply with direction to change registered office	£24	£25
(k) Failure to comply with direction to change company name	£24	£25
(l) Service of written demand to pay a debt	£57	£59
(m) Issue Certificate of Good Standing	£41	£43

### **The Companies (Alderney) Law (Fees) Ordinance 1995**

Section 2 of this Ordinance levies certain fees not covered in the above laws.

Subsection	Current Fee	Proposed Fee
(a) Return of Allotment	£31	£32
(b) Resolution altering share capital	£31	£32
(c) Redemption of redeemable preference shares	£31	£32
(d) Lodging Inspectors Report	£31	£32
(e) Directors Certificate of shares with no par value	£31	£32
(f) Filing of Court Order	£31	£32
(g) Filing of Special Resolution	£31	£32
(h) Company Search	£11	£12
(i) Photocopying	£1.15	£1.20
(j) Company Search by facsimile – in addition to (h)	£13	£14
(k) Change of Director or Company Secretary	£24	£25

I therefore enclose a draft Ordinance entitled “The Companies (Alderney) Law (Fees) Ordinance 2011” and should be grateful if you would place this before the States with appropriate propositions.

J. Beaman  
Chairman, Policy and Finance Committee”

**The States is asked to approve “The Companies (Alderney) Law (Fees) Ordinance 2011”.**

### **Item III Sanctions**

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

**“The Belarus (Freezing of Funds) (Alderney) (Amendment) Ordinance, 2011**  
Following a decision by the European Council, Council Regulation (EU) No 588/2011 was passed on the 20<sup>th</sup> June 2011, concerning restrictive measures against President Lukashenko and certain officials of Belarus, who were responsible for the violations of international electoral standards in the Presidential elections in Belarus in March and the crackdown on civil society and democratic opposition. For information this Regulation differs from the Council Regulation (EC) No 765/2006 which was implemented by The Belarus (Freezing of Funds) (Alderney) Ordinance, 2006 as it includes an arms embargo. The Belarus (Freezing of Funds) (Alderney) (Amendment) Ordinance, 2011 has been drafted by Law Officers Chambers in order to ensure that Alderney financial institutions and other bodies comply with the sanction measures and do not maintain any accounts or otherwise hold any funds or economic resources for the entities and individuals named in the HM Treasury consolidated list. A copy of the draft legislation is attached for approval.

***The Afghanistan (Restrictive Measures) (Alderney) Ordinance, 2011***

*On the 17<sup>th</sup> June 2011 the United Nations Security Council adopted resolution 1988. This created a new sanctions regime targeted at the Afghan insurgency, including the Taliban. The resolution transferred the list of designated individuals and entities associated with the Taliban, who were previously listed under the UN 1267 Al Qaida and Taliban Sanctions regime to the new Afghanistan regime. UN Security Council resolution 1988 imposes a travel ban, assets freeze and arms embargo against individuals and entities who the Security Council or Sanctions Committee decides present a threat to the peace, security and stability of Afghanistan including those associated with the Taliban. UN Security Council resolutions are legally binding upon all UN Member States. The Council Decision and Regulation give effect to the UN Security Council's decision to create a new Afghanistan sanctions regime and implement the travel ban, assets freeze and arms embargo in the EU. To implement the provision of these restrictive measures we have requested that Law Officers Chambers draft appropriate legislation in order to ensure that the Island's sanction regime is in line with international developments. I attach a copy of The Afghanistan (Restrictive Measures) (Alderney) Ordinance, 2011 for approval.*

*I would be grateful if you would place this matter before the next meeting of the States of Alderney with an appropriate proposition.*

*John Beaman  
Chairman"*

**The States is asked to approve:**

- 1. "The Belarus (Freezing of Funds)(Alderney) (Amendment) Ordinance, 2011";**  
**and**
- 2. "The Afghanistan (Restrictive Measures) (Alderney) Ordinance, 2011".**

**Item IV      The Fees (Alderney) Law, 2011**

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

*"When reviewing the annual fees prescribed by ordinance it became apparent that the Fees (Alderney) Law, 1989 required extensive amendment to enable fees to be charged for services provided, therefore for clarity and to avoid confusion, Law Officers Chambers were requested to draft a new Projet to clarify the powers of the States to prescribe fees annually by Ordinance.*

*The new Projet restates, with modifications, the existing powers to make provision to prescribe fees under the Fees Law as set out in the 1989 Law and also adds powers to prescribe fees under the Fees Law where the previous powers to prescribe fees were not as clear as is now provided in modern statutes.*

*I would be grateful if "The Fees (Alderney) Law, 2011", is placed before the States at its next meeting together with an appropriate proposition.*

*John Beaman  
Chairman"*

**The States is asked to resolve to approve the Projet de Loi entitled "The Fees (Alderney) Law, 2011" 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 V**      **The Alderney Potable Water Project - Phase 3**

The following letter has been received from Mr Walden, Chairman of the General Services Committee:-

*“At their meeting on 20<sup>th</sup> July 2011 the States resolved to approve phase three of the potable water project, which involves the purchase and erection of water tanks at La Marette.*

*The land at La Marette is in two parts; one part belongs to the estate of Jon Kay Mouat and the other to the heirs of Harriett Amelia Gaudion (deceased). Following discussions with the Kay Mouat family agreement has been reached for the sale and purchase of the land known as Parcel 178 – S.1, l’Aie, La Grande Blaye, Alderney. Despite extensive searches the heirs of Harriett Amelia Gaudion, owner of the land known as Parcel 81 – S.1, l’Aie, La Grande Blaye, Alderney have not been traced.*

*In order to progress this project the States is asked to approve the compulsory purchase of both parcels of land. While agreement has been reached with the Kay Mouat family for the purchase of the land, given the need to use the compulsory purchase process for the land belonging to Harriett Amelia Gaudion (deceased) the same process is being applied to all the land in the interests of fairness and to help speed the purchase. The project board have considered a number of sites for the new tanks and this site is deemed to be the most suitable because of its location, both from a technical and practical point of view.*

*The States is asked to decide:*

*Whether after consideration of the Report dated 30 August 2011, they are of the opinion:-*

*That it would be in the public interest for the purposes of carrying out of the following public purpose namely the siting of water tanks and ancillary equipment in connection with the States of Alderney Water Project to acquire by purchase:*

- (a) all that freehold property registered on the Alderney Land Register under title number AY1482 and currently registered in the name of Jon Kay-Mouat (deceased) known as Parcel 178 – S.1, l’Aie, La Grande Blaye Alderney, and*
- (b) all that freehold property registered on the Alderney Land Register under title number AY1486 and currently registered in the name of Harriett Amelia Gaudion (deceased) known as Parcel 81 – S.1, l’Aie, La Grande Blaye Alderney,*

*and for that purpose to serve a notice on the respective owners of the land pursuant to and in accordance with Section 1(2) of The Compulsory Purchase (Alderney) Law, 1986 prior to the matter being returned to the States of Alderney to consider, and if thought fit, to resolve to acquire the property by compulsory purchase.*

*W. Walden  
Chairman”*

**The States is asked to approve to acquire by purchase:**

- (a) all that freehold property registered under title AY1482 (Parcel 178 – S.1, L’Aie, La Grande Blaye) in the Alderney Land Registry; and**
- (b) all that freehold property registered under title AY1486 (Parcel 81 – S.1, L’Aie, La Grande Blaye) in the Alderney Land Registry; and**
- (c) to serve notice on the respective owners of the land pursuant to and in accordance with section 1(2) of The Compulsory Purchase (Alderney) Law, 1986.**

**Item VI**      **Questions and Reports**

A summary of the attached White Paper on Fisheries Management will be given by Mr John Beaman.

**Issued: Friday 9<sup>th</sup> September 2011**