

STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 21ST DECEMBER 2011

Price: £1.85

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BILLET D'ETAT FOR WEDNESDAY 21ST DECEMBER 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 21st December 2011. This will be preceded by the People's Meeting, which will be held on Wednesday 14th December 2011 at 7:00 p.m. in the Island Hall.

W Stuart Trought
President

Item I **The Customs & Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2011**

The following letter has been received from Mr Stuart Trought, President of the States of Alderney:-

"Please find enclosed a letter from the Bailiff, dated 18th November 2011, seeking approval of the above law.

I would therefore be obliged if you would debate this matter at your meeting on 21st December 2011 and give your approval as set out in the letter.

W Stuart Trought
President"

The States is asked to approve "The Customs & Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2011".

Note; A copy of the Projet do Loi entitled "The Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2011" may be seen at the States Office, Island Hall, and in the Library.

Item II **Sanctions**

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

"The Syria (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2011

In view of the violent repression against civilians in Syria, including the use of live ammunition which resulted in the death and injury of a large number of demonstrators since 19 March 2011, the EU resolved to implement measures against those responsible. Regulation (EU) No 440/2011 was adopted on 9 May 2011 which provided for an arms embargo, a travel ban and an asset freeze against those responsible. Alderney implemented the provisions of these sanctions measures with the Syria (Restrictive Measures)(Alderney) Ordinance, 2011. The Council of the European Union has subsequently adopted Regulation (EU) No 878/2011 and Regulation (EU) No 950/2011, amending Regulation 440/2011, extending these sanction measures.

Regulation (EU) No 878/2011 prohibits the importation, purchase or transportation of crude oil or petroleum products if they originate in Syria or have been exported from Syria. It also prohibits the provision, directly or indirectly, of related financing or financial assistance, including financial derivatives, as well as insurance or

reinsurance. In addition, the Regulation expands the circumstances under which competent authorities are permitted to license the release of frozen funds or making available of funds for certain activities. This includes the release of funds for humanitarian purposes and the possibility to use derogations to enable payments which are intended to be used for official purposes of the diplomatic or consular mission or international organisation. It also seeks to protect EU persons and entities from claims by the Government of Syria in relation to contracts or transactions the performance of which was affected, directly or indirectly, in whole or in part, by the measures imposed under Regulation 442/2011 as amended.

Regulation (EU) No 950/2011 restricts the sale, supply, transfer or export, directly or indirectly, of new Syrian denominated banknotes and coinage, printed or minted in the European Union, to the Central Bank of Syria; and the granting of any financial loan or credit to, the acquisition or extension of a participation in, or the creation of any joint venture with any Syrian person, entity or body engaged in the exploration, production or refining of crude oil. The regulation will, amongst other measures, introduce Article 9a which allows for payments to be made by designated entities listed in Annex IIa two months after they are listed provided that the payment is due under contract and will not directly or indirectly fund those listed in Annex II or IIa. This Article is not implemented automatically by the ambulatory reference in the Syria (Restrictive Measures) (Alderney) Ordinance, 2011 and will require implementation by separate Ordinance to make the appropriate amendment with modifications.

The Syria (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2011 has been drafted by Law Officers Chambers in order to ensure that the Island's sanction regime is in line with international developments. I attach a copy of The Syria (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2011 for approval.

The Belarus (Freezing of Funds) (Alderney)(Amendment) (No.2) Ordinance, 2011

Council Regulation (EU) No. 999/2011 adopted on 10th October 2011 amends regulation 765/2006 to insert Article 4a which, by way of derogation, permits the Policy Council to authorise the release of certain frozen funds or economic resources if it has determined that a payment by a person, entity or body listed in Annex 1 or Annex 1A to the 2006 Regulation (“designated person”) is due under a contract or agreement that was concluded by, or an obligation that arose for, the designated person prior to the date the person was listed in Annex 1 or Annex 1A, provided that the payment is not directly or indirectly received by a designated person.

This Article is not implemented automatically by the ambulatory reference in the Belarus (Freezing of Funds) (Alderney) Ordinance, 2006 or the Belarus (Freezing of Funds) (Alderney) (Amendment) Ordinance, 2011 and will require implementation by separate Ordinance to make the appropriate amendment with modifications. The Belarus (Freezing of Funds) (Alderney) (Amendment) (No.2) Ordinance, 2011 has been drafted by Law Officers Chambers a copy of which is attached 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 Syria (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2011”; and**
- 2. “The Belarus (Freezing of Funds) (Alderney) (Amendment) (No.2) Ordinance, 2011”.**

Item III **Policy & Finance Committee – Annual Report for 2011**

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

“In accordance with States Resolution VII(1) of the 4th May, 1977, I attach hereto the Annual Report of the Policy and Finance Committee for 2011.

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

*J Beaman
Chairman”*

The States is asked to accept the Annual Report for 2011 of the Policy and Finance Committee.

Item IV **General Services Committee – Annual Report for 2011**

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

“In accordance with States Resolution VII(1) of the 4th May, 1977, I attach hereto the Annual Report of the General Services Committee for 2011.

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

*W Walden
Chairman”*

The States is asked to accept the Annual Report for 2011 of the General Services Committee.

Item V **Building and Development Control Committee – Annual Report for 2011**

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

“In accordance with States Resolution VII(1) of the 4th May, 1977, I attach hereto the Annual Report of the Building & Development Control Committee for 2011.

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

*G Sargent
Chairman”*

The States is asked to accept the Annual Report for 2010 of the Building and Development Control Committee.

Item VI **2012 Census - Requête**

Under Clause 45(4) of the Government of Alderney Law 2004, four members of the States of Alderney have signed the following Requête:-

“We the undersigned request you to place the following proposition in the December Billet or failing that the Billet for January 2012:

That the States directs the Chief Officer to make the necessary enquiries in other jurisdictions in the British Isles and to report to the Policy & Finance Committee with costed options for a Census in Alderney in 2012 to replace the 2011 Census which was not conducted.”

Dated 24 November 2011 and signed by the following Members: Messrs Berry, Arditti, Tugby and Allen.

Item VII Proposed Increase in Mooring Charges for 2012

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

“The General Services Committee has recently carried out its annual review of fees and charges at the harbour and recommends that due to the current economic climate, the majority of fees and dues are retained at current levels. This includes harbour dues and fees, passenger dues, pilotage dues etc.

However the one exception to this relates to local mooring fees, for both the inner and outer harbour, which have not been increased since 2009. An RPIX increase of 3% is therefore recommended.

The Committee is recommending that the charge for visitor mooring fees, which were last increased in 2010, remain at current levels.

The Policy & Finance Committee considered this matter at its meeting held on 21st November and have agreed to the recommendation.

The Statutory Instrument required to bring the new fees into effect has been drafted and is enclosed herewith.

I would be grateful if you would place this Statutory Instrument before the States with appropriate propositions.

*J. Beaman
Chairman, Policy & Finance Committee*

The States is asked to approve the Statutory Instrument of 2011 in relation to increase in Mooring Charges

Item VIII Occupiers Rates 2012

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

“You will be aware that at the end of each year the States must, by Ordinance, set the level at which the Occupiers Rate is to be charged for the following year.

I reported in the October Budget report that although no increase was made in 2011 it would be necessary to increase rates by RPIX in 2012, which at September 2011 amounts to 3%.

One exception to the 3% increase relates to category B10.1A classified for publically owned non-domestic properties. Under the TRP Ordinance this category has historically included real property owned or occupied by a charity (section e) and also property owned or occupied by any non-profit making club, association, society or other organisation (section f), in accordance with the relevant Income Tax exemption certificate. As a result charities etc have been charged a higher rate than domestic or business users. In order to address this anomaly this category has now been sub divided in order to enable charities etc included in (e) and (f) above to be charged a significantly lower rate (i.e. in line with domestic rates).

Although this would mean a reduction in the revenue collected of approximately £3,000, it is anticipated that the majority of the shortfall will be made up from new buildings and alterations being assessed during the year.

There are further changes to the schedule relating to the classification of garages and development buildings, as explained in further detail below.

At present garages are either included as part of domestic rates, or in the case of business use are charged at business rate. However tenants renting a garage from a business or multiple garage owner, albeit for domestic use, are currently being charged business rate. In order to address this anomaly the Cadastre Department are proposing to charge the rate applicable to the “end user”, as opposed to the status of the owner. For Occupiers Rate purposes the tariff for these has therefore been proposed as domestic rate for garages used for domestic purposes, and business rate for garages used for business purposes, in order to follow the same “end user” principle. The financial effect of these changes is expected to be a minimal loss of revenue.

The other additional categories relate to development buildings i.e. buildings in the course of construction. For TRP purposes these categories have been included at approximately 50% of the domestic or non domestic rate, however as this only applies to a handful of properties in Alderney, which are mostly currently exempt, it is proposed for Occupiers Rate purposes to set this tariff at zero. Again the financial effect is expected to be minimal, however if necessary the Committee will revisit this next year once the full implications of the changes are known.

The above changes are a direct result from representations being made by members of the public.

I therefore enclose a draft Ordinance entitled “The Occupiers Rate (Level for 2012) 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 Occupiers Rate (Level for 2012) Ordinance, 2011”.

Item IX Questions and Reports

Issued: Friday 9th December 2011