

STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 19TH JUNE 2013

Price: £1.95

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FOR WEDNESDAY 19TH JUNE 2013

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 19th June 2013. This will be preceded by the People's Meeting, which will be held on Wednesday 12th June 2013 at 7:00 pm in the Island Hall.

W Stuart Trought
President

His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey will be in attendance.

Item I **The Speed Trials (Alderney) Ordinance, 2013**

The following letter has been received from Mr Louis Jean, Chairman of the General Services Committee (Estates & Services Committee):-

"I am pleased to be able to report that the Guernsey Kart and Motor Club applied to the Committee for permission to organise a three-day Sprint and Hill Climb event from the 19th to the 21st September this year, which will incorporate a new Speed event. The Committee has granted the permission required and the necessary Ordinance has been prepared.

The Ordinance will allow competing vehicles to exceed the speed limit etc., and to permit the closure along the course (a) on the road extending from Whitegates (Hammond Memorial) to Route des Mielles (Corbletts bay car park), (b) the road extending from Le Grand Val (Judges Pond) to Tourgis Hill and (c) Tourgis Hill along the extent of the Hill Climb course, from the road junction of the Petit Val with Route de Picaterre to the junction of Tourgis Hill Road with Le Grand Val.

As in past years, the Guernsey Kart and Motor Club have undertaken to put in place all necessary safety precautions and to liaise with the Police, Ambulance and Fire Service for these events.

I would be obliged if 'The Speed Trials (Alderney) Ordinance, 2013' could be placed before the States at its June meeting together with an appropriate proposition.

*L Jean
Chairman"*

The States is asked to approve "The Speed Trials (Alderney) Ordinance, 2013".

Item II **Further Sanctions against North Korea**

The following letter has been received from Mr Francis Simonet, Chairman of the Policy & Finance Committee (Policy Committee):-

"On 14 October 2006, the United Nations adopted UNSCR 1718 (2006) and these measures were introduced by the EU through Council Regulation (EU) No 329/2007.

Alderney implemented the EU measures through the [North Korea \(Restrictive Measures\) \(Alderney\) Ordinance, 2007](#). These measures introduced restrictions on a range of goods from entering or leaving North Korea, implemented a travel ban and asset freeze against certain persons designated by the UN who were involved in their development of nuclear related programmes.

As you will be aware there have been some recent actions carried out by North Korea which has caused international concern. On 12th December 2012 North Korea tested ballistic missile technology which was condemned by the United Nations Security Council through [Resolution 2087 \(2013\)](#) and contended that the action was in violation of North Korea's international obligations. On 12th February 2013 North Korea also carried out an underground nuclear test representing a serious threat to international peace and security.

Following these actions, on 26th March the European Council agreed to strengthen existing restrictive measures against North Korea through Council Regulation (EU) No 296/2013. The revised measures include a ban on providing any technology, goods or software, technical assistance, gold, diamonds or precious metals, brokering assistance or providing any financial assistance that could assist North Korea to create or assist in the development of nuclear-related, other weapons of mass destruction-related or ballistic missile-related programmes.

The European Council Regulation gave the additional measures direct effect in the EU on 28th March 2013. It is proposed that domestic legislation is implemented to adopt these measures and include enforcement measures and penalties.

Accordingly an Ordinance would need to be drafted in order to fill any gap in the Island's sanctions regime. This Ordinance would implement the EC Regulation using the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994.

The North Korea (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2013 has been drafted by Law Officers Chambers and is attached for your approval.

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

Francis Simonet
Chairman"

The States is asked to approve "The North Korea (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2013".

Item III **Changes to the Council Regulations of the EU Sanctions Regime**

The following letter has been received from Mr Francis Simonet, Chairman of the Policy & Finance Committee (Policy Committee):-

"There have been some technical changes to the Council Regulations of the EU Sanctions Regime in recent weeks which have necessitated amending legislation to be prepared in order to apply the appropriate modifications to the Alderney Sanctions Regime.

The amendments are as follows:

- *Iran – in the light of Council Regulation (EU) No 1263/2012 of 21st December 2012 amending Council Regulation (EU) No 267/2012, some of the references to*

article numbers in the Iran (Restrictive Measures) (Alderney) Ordinance 2012 are now out of alignment so need to be changed.

- *Tunisia – Council Regulation (EU)No. 101/2011 has been amended by Council Regulation (EU)No. 1100/2012 which introduces new provisions re mutual recognition of judgments etc and information sharing between Member States. These provisions need to be reflected by amendments to the modifications to Reg. 101/2011 in the Tunisia (Freezing of Funds) (Alderney) Ordinance 2011.*
- *Egypt - Council Regulation (EU)No 270/2011 has been amended by Council Regulation (EU)No 1099/2012 in the same way as the Tunisia Regulation outlined above so the Egypt (Freezing of Funds) (Alderney) Ordinance 2011 will require amendment along the same lines.*

The legislation implementing the modifications has been drafted by Law Officers Chambers and I attach a copy of The Iran (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2013; The Tunisia (Freezing of Funds) (Alderney) (Amendment) Ordinance, 2013 and The Egypt (Freezing of Funds) (Alderney) (Amendment) Ordinance, 2013 for your approval.

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

*Francis Simonet
Chairman”*

The States is asked to approve:

1. **“The Iran (Restrictive Measures)(Alderney) (Amendment) Ordinance, 2013”;**
2. **“The Tunisia (Freezing of Funds) (Alderney) (Amendment) Ordinance, 2013”;**
and
3. **“The Egypt (Freezing of Funds) (Alderney) (Amendment) Ordinance, 2013”.**

Item IV **Building and Development Control Committee Members**

The following letter has been received from Mr Francis Simonet, Chairman of the Building and Development Control Committee:-

“Following the resignation of Mr Llewellyn there is a vacancy on the Building and Development Control Committee. Another member is therefore required to be appointed.

As the newly appointed Chairman of the Policy Committee I have decided to stand down as Chairman of the Building and Development Control Committee, though I still wish to continue to be a member of the Committee, if the States approve. With my resignation as Chairman, the States is therefore required to elect a new Chairman of the Building and Development Control Committee to fill this vacancy.

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

*Francis Simonet
Chairman”*

The States is asked to appoint:

- a. **Two members to the Building and Development Control Committee; and**
- b. **A Chairman of the Building and Development Control Committee.**

Item V **Finance Committee Members**

The following letter has been received from Mr Francis Simonet, Chairman of the Policy & Finance Committee (Policy Committee):-

“Following the resignation of Mr Llewellyn there is a vacancy on the Finance Committee. Another member is therefore required to be appointed to bring the Committee membership to three members plus the Chairman.

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

*Francis Simonet
Chairman”*

The States is asked to appoint a third member to the Finance Committee.

Item VI **Code of Conduct**

The following letter has been received from Mr Francis Simonet, Chairman of the Policy & Finance Committee (Policy Committee):-

“At the States meeting held on 16th December 2009 the States resolved to approve that the “Code of Conduct for Members of the States of Alderney” be adopted with effect from the 1st January 2010. It has since been brought to our attention that the States do not have express power by resolution to adopt a code of conduct under the Government of Alderney Law, 2004 (as amended). To formalise this matter it would require an amendment to the Government of Alderney Law to be drafted similar to section 20F of the Reform (Guernsey) Law, 1948.

The amendment would introduce a new section (under section 48) entitled “code of conduct” to give the States express power by resolution to adopt (and subsequently amend, revoke or replace) a code of conduct prescribing or, as may be appropriate, regulating the duties, standards, propriety and conduct, in public life, of members of the States. A code of conduct may make provision for –

- (a) the investigation of allegations that a member of the States has failed to comply with the code;*
- (b) the establishment of a panel to investigate such allegations;*
- (c) requiring any member of the States under investigation by a panel to co-operate fully with it;*
- (d) empowering the panel to request the production of documents, etc; and*
- (e) the sanctions to be available against an offending member of the States, which may include a reprimand, caution, suspension or expulsion.*

The new section would also –

- (a) provide expressly that members of the States must comply with a code of conduct in all aspects of their public life and are bound by any decision made under it,*
- (b) provide that the section [and thus any code] applies to members of the States, members of committees who are not also members of the States, the President and a person who has at any time been President of, or a member of, the States,*
- (c) provide that a person attending to give evidence to a panel investigating an allegation of breach of a code of conduct is entitled to the same immunities and privileges as if he were a witness before the Court of Alderney,*

- (d) enable the code itself to restrict the people it applies to [should it be wished for example to exclude the President] and*
- (e) contain a power to amend the section by ordinance – this reflects the corresponding power in the Guernsey Reform Law and would enable rapid amendments, should they be required.*

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

*Francis Simonet
Chairman”*

The States is asked to approve that Law Officers Chambers be requested to draft the necessary amendment to the Government of Alderney Law, 2004 to provide express power by resolution to adopt a Code of Conduct.

Item VII Questions and Reports

Issued: **Friday 7th June 2013**