

# STATES OF ALDERNEY



# BILLET D'ETAT

WEDNESDAY 18<sup>TH</sup> SEPTEMBER 2013

## STATES OF ALDERNEY

### BILLET D'ETAT FOR WEDNESDAY 18<sup>TH</sup> SEPTEMBER 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 18<sup>th</sup> September 2013. This will be preceded by the People's Meeting, which will be held on Wednesday 11<sup>th</sup> September 2013 at 7:00 pm 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      Alderney Electricity Limited

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

*"In view of the long history of public dissatisfaction with and mistrust of successive directors of AEL the time has come to place our power supplies on the same footing as our water supply. The Water Board, without directors, does not engender the same degree of public concern yet it has coped well with the serious potential hazards which face any public water supply and it has achieved the wonderful transformation of our water infrastructure.*

*I would be grateful if you would place the following proposition before the next States Meeting of the States of Alderney:-*

*The States directs the Chief Executive to consult the Law Officers and obtain their written advice on the best way to achieve each of the following:*

- 1. The formation of a new Electricity Board of the States of Alderney ("the Board"); and*
- 2. The transfer of the monopoly for the generation and distribution of electricity in Alderney from AEL to the Board; and*
- 3. The transfer of the monopoly for the sale oil products in Alderney to the Board.*

*Louis Jean  
Chairman"*

**The States is asked to direct the Chief Executive to consult the Law Officers and obtain their written advice on the best way to achieve each of the following:**

- 1. The formation of a new Electricity Board of the States of Alderney ("the Board"); and**
- 2. The transfer of the monopoly for the generation and distribution of electricity in Alderney from AEL to the Board; and**
- 3. The transfer of the monopoly for the sale of oil products in Alderney to the Board.**

**Item III**      **The Debt Relief (Developing Countries) (Guernsey and Alderney) Law, 2013**

**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 01 July 2013, seeking approval of the above law.*

*I would therefore be obliged if you would debate this matter at your meeting on 18<sup>th</sup> September 2013 and give your approval as set out in the letter.*

*W Stuart Trought  
President"*

**The states is asked to approve "The Debt Relief (Developing Countries) (Guernsey and Alderney) Law, 2013".**

Note; A copy of the Projet de Loi entitled "The Debt Relief (Developing Countries) (Guernsey and Alderney) Law, 2013" may be seen at the States Office, Island Hall, and in the Library.

**Item IV**      **States Appointed Board Member of the Royal Connaught Care Home**

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

*"The New Connaught Care Home does a wonderful job and is an asset to the Island. Without it some of our elderly residents would have to be placed in Guernsey and suffer limited access for family and friends. The NCCH, through no fault of its own, now finds that it is itself in need of some financial assistance.*

*The directors of NCCH, who are unpaid, have sought the assistance they need from the States but the Policy Committee have refused to help unless they accept Mr McDowall as a director. Mr McDowall has shown that he is not suitable and understandably the NCCH board have rejected him.*

*I have twice asked the Policy Committee to support me to replace Mr McDowall on the board of NCCH and they have refused. The members of the Policy Committee are behaving in a high handed manner and appear to be unable to understand what the NCCH board are going through and what they are trying to do.*

*I shall be grateful if you will place the following proposition on the Billet for debate at the September meeting. I am submitting this letter now in order to avoid another deferral.*

*The States approves the appointment of Mr Louis Jean to the board of NCCH in place of Mr McDowall.*

*Louis Jean  
Chairman"*

**The States is asked to approve the appointment of Mr Louis Jean to the board of NCCH in place of Mr McDowall.**

**Item V**      **Request for Referendum on States Members and President**

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

*"The majority of States Members have lost the confidence of the public and the States itself has lost credibility on and off the island. The public thought that this States would be better than the last and it has proved to be worse.*

*It is vital, especially in these difficult times, that the public as well as potential new investors and new residents see that credible steps are being taken to provide stable, reliable and competent government of the Island.*

*In relation to the first of my propositions experience has shown that the Island cannot produce 10 States Members who are both willing and able to serve the public: five good States members is the best we can hope for. A five member States would enable the States to operate as one committee supported by the civil service. There was a time when continuity was thought to be important but modern systems and the civil service makes it possible to reduce the term of office of States members and, importantly, the shorter term will keep members focused on the public.*

*In relation to the second of my propositions, the States was misled in relation to the installation of Mr Simonet as Chair of Policy Committee. This was achieved by the presentation of motions by Messrs Harvey, Simonet and Mcdowall which are now known to be pure fiction and by the abuse of no less than 6 States and Committee rules. This manipulation of due process must not be allowed to succeed and it must be reversed now in order to encourage observers and investors, be they private or the States of Guernsey, to believe that there is resilience and substance in our governance.*

*I request you to include this letter in the Billet d'Etat for the September meeting of the States.*

*The States is asked to resolve:*

1. *That the public shall be asked by referendum in October the following questions:-*
  - a. *Do you want 5 members of the States instead of 10 Members of the States? Yes/no*
  - b. *Do you want to shorten the term office of Members of the States from 4 years to two years? Yes/No*
  - c. *Do you want to shorten the term office of the President of the States from 4 years to two years? Yes/No*
  - d. *Do you want to terminate the terms of office of all ten of the existing members of the States and hold ordinary elections in April 2014 (or as soon thereafter as the necessary legislative changes can be completed) instead of October 2014? Yes/No*

*And that the Chief Executive shall take all steps necessary to implement these resolutions.*

2. *That Mr Arditti shall replace Mr Simonet as Chair of Policy Committee with immediate effect.*

*Louis Jean  
Chairman*

**The States is asked to resolve:**

1. **That the public shall be asked by referendum in October, the following questions:-**
  - a. **Do you want five members of the States instead of ten Members of the States? Yes/No**
  - b. **Do you want to shorten the term of office of Members of the States from four years to two years? Yes/No**
  - c. **Do you want to shorten the term of office of the President of the States from four years to two years? Yes/No**

- d. Do you want to terminate the terms of office of all ten of the existing members of the States and hold ordinary elections in April 2014 (or as soon thereafter as the necessary legislative changes can be completed) instead of October 2014? Yes/No
2. That the Chief Executive shall take all steps necessary to implement the above resolutions.
3. That Mr Arditti shall replace Mr Simonet as Chair of Policy & Finance Committee with immediate effect.

**Item VI**      **Code of Conduct**

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

*"The States at its meeting of 19<sup>th</sup> June 2013 resolved by a majority (Messrs Jean and Arditti against) to approve that Law Officers 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 for the Members of the States of Alderney.*

*"The Government of Alderney (Amendment) Law, 2013", has been drafted by Law Officers Chambers and is attached for consideration. The amendment introduces 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 "The Government of Alderney (Amendment) Law, 2013", could be placed before the next meeting of the States of Alderney together with an appropriate proposition.*

*Francis Simonet  
Chairman"*

The States is asked to approve the **Projet de Loi** entitled “**The Government of Alderney (Amendment) Law, 2013**” 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 VII**    **Amendment to the States of Alderney Rules of Procedure**

The following letter has been received from Mr Francis Simonet, Chairman of the Policy and Finance Committee

*“At a meeting of the Policy Committee on 15<sup>th</sup> August 2013 members discussed the Rules of Procedure for States meetings which, at Rule 4 (a)(i), currently permit chairmen of committees to present items for inclusion in the billet as they wished, without prior discussion with any other States Member, without the need for discussion with the Committee which is mandated by the States to consider that issue and without reference to advice from the Civil Service. Policy Committee agreed that it is nonsensical under normal circumstances for the chairmen of committees to put forward items for inclusion in the billet which fell outside their committee mandate, which had not been debated by those Committees and which had not received as a minimum the majority support of those committees.*

*Accordingly, it is proposed that the Rules of Procedure be amended.*

*It is further proposed that the opportunity is taken to amend Rule 8 to address an apparent anomaly in that Rule. The amendment seeks clarification as to whether a vote had to be held (emphasis added).*

*Francis Simonet  
Chairman”*

**The States is asked to approve the amendment of Rules 4 and 8 of the Rules of Procedure for States meetings as follows:**

- |   |  |
|---|--|
| <b>“Matters for inclusion in the Billet</b> | <b>4. The matters to be included in a Billet d'Etat for a meeting of the States are:-</b><br><b>(a) (i) any letter to the President signed by the Chairman of a Committee of the States and referring to a matter which falls within the mandate of that Committee and which has been approved by a quorate meeting of that Committee (whether unanimously or by a majority), and received by the President at least 16 days before that meeting or within such other lesser time as the President may notify to Members of the States.</b>  |
| <b>Naming of a Member</b>                   | <b>8. (e) If, on any occasion, the President considers that his powers under the previous paragraph of this Standing Order is inadequate to deal with a States Member, having regard to the nature of the offence, he may forthwith put the question in relation to the offending Member of the States <i>“That Mr/Mrs....(naming him/her) be suspended from the service of the States”</i>, no debate or amendment being allowed but (for the avoidance of doubt) subject to an affirmative vote of members to that question. A Member suspended under this paragraph shall be forthwith directed to withdraw from the precincts of the States and his suspension shall last for the remainder of that meeting and the next following meeting of the States.”</b> |

**Item VIII    The Housing (Exemptions) (No. 2) (Alderney) Ordinance, 2013**

**The following letter has been received from Mr Matt Birmingham, Chairman of the Building & Development Control Committee:-**

*“Island Land and Properties Limited wishes to construct dwellings by the sub-division of an existing dwelling on land at 42 to 43 Victoria Street, Alderney, GY9 3TA. In order for approval of any such development to be given by the Building and Development Control Committee, Island Land and Properties Limited needs to be prescribed as a person exempted from Section 33 of the Building and Development Control (Alderney) Law, 2002, as amended. I attach, for this purpose, the proposed Housing (Exemptions) (No.2) (Alderney) Ordinance, 2013.*

*I would be grateful if the Housing (Exemptions) (No.2) (Alderney) Ordinance, 2013 could be placed before the States when it next meets together with an appropriate proposition.*

*M Birmingham  
Chairman”*

**The States is asked to approve “The Housing (Exemptions) (No.2) (Alderney) Ordinance, 2013”.**

**Item IX    The Alderney Road Traffic and Public Highways (Amendment) (No. 2) Regulations, 2013.**

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

*“The General Services Committee, also referred to as the Estates and Services Committee, is empowered by section 2 of the Alderney Road Traffic and Public Highways Ordinance, 1966, to make road traffic regulations. The current regulations are the Traffic Regulations, 1986, as amended.*

*The Committee recognised that there is a need to increase the time allowed for vehicles parking at the airport as the current 48-hour allowance was considered too short. It was agreed to extend the period of maximum continuous parking at the Airport to 96-hours.*

*The Alderney Road Traffic and Public Highways (Amendment) (No. 2) Ordinance, 2013 came into force on the 2<sup>nd</sup> September 2013 and I would be grateful if the regulations could be placed before the States at its next meeting together with a suitable resolution.*

*Louis Jean  
Chairman”*

**The States is asked to resolve that “The Alderney Road Traffic and Public Highways (Amendment) (No. 2) Regulations, 2013” not be annulled.**

**Item X    The Libya (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2013**

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

*"On the 27 May 2013 the European Union (EU), Council Regulation (EU) No 488/2013, amended the Libyan sanctions regime by:*

- *Implementing the changes made to the UN arms embargo*
- *Amending an exemption to the EU-autonomous asset-freeze to facilitate the return of misappropriated funds to the Libya State*
- *Allowing the competent authorities to share information on frozen assets directly with the Libyan government in order to assist it in securing the return of misappropriated state assets*

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

*F Simonet  
Chairman*

**The States is asked to approve "The Libya (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2013"**

**Item XI Alderney eGambling (Amendment) (No 3) Regulations, 2013**

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

*"The Alderney eGambling (Amendment) (No. 3) Regulations, 2013 were drafted by the Law Officers of the Crown in conjunction with the Alderney Gambling Control Commission and came into force on Tuesday 13<sup>th</sup> August, 2013.*

*The Alderney eGambling (Amendment) (No. 3) Regulations, 2013 have been made for two reasons. The first is to give effect to sections 4 and 5 of the Alderney eGambling (Amendment) Ordinance, 2013 which was made by the States of Alderney on 17<sup>th</sup> July, 2013 thereby re-naming the foreign gambling associate certificate as the Category 2 associate certificate.*

*The second reason is to update references within the Regulations to relevant anti-money laundering and countering the financing of terrorism ("AML/CFT") legislation following changes that have been made to the Bailiwick's AML/CFT legislative framework.*

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

*F Simonet  
Chairman"*

**The States of Alderney are requested not to annul 'The Alderney eGambling (Amendment) (No. 3) Regulations, 2013'.**

**Item XII Requête – Membership of Policy and Finance Committee**

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

**"THE HUMBLE PETITION** of the undersigned Members of the States of Alderney

**SHEWETH:**

***We the undersigned are of the opinion that all States Members should be included on the Policy and Finance Committee (Policy Council) with immediate effect.***

***THESE PREMISES CONSIDERED***, your Petitioners humbly pray that the States of Alderney may be pleased to resolve, pursuant to section 49(4) and 50(1) of the Government of Alderney Law, 2004 to appoint all ten States Members to the Policy & Finance Committee (Policy Council).

**AND YOUR PETITIONERS WILL EVER PRAY**

**ALDERNEY**, this 30<sup>th</sup> day of August, 2013"

**Signed by Messrs Tugby, Berry, Roberts & Rowley**

**Item XIII**    **Questions and Reports**

Issued: **Friday 6<sup>th</sup> September 2013**