



States of Alderney
Office of the President

BILLET D'ÉTAT

WEDNESDAY 12TH JANUARY 2022

£2.40

Billet d'État

Wednesday 12th January 2022

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 2.30pm on Wednesday 12th January 2022.

In the light of circumstances prevailing in Alderney in relation to Severe Acute Respiratory Syndrome Coronavirus 2, and having applied the provisions of Part IVA (Emergency Procedures) of the Government of Alderney Law 2004 as amended, this Meeting will be held remotely and members of the public will not be admitted.

The People's Meeting scheduled for the 5th of January 2022, will not take place. Comments by members of the public in relation to matters contained in the Billet should be made in writing to States Member Mr Steve Roberts on steve.roberts@alderney.gov.gg, who will summarise them at the Meeting.

William Tate
President

Item I Opening of the States of Alderney Annual Meeting

Item II Election Procedure

The States of Alderney is asked to approve that the following elections should be by verbal vote, otherwise Rule 20 of the Rules of Procedure of the States Alderney, shall come into operation, ie., voting shall, unless the States otherwise resolves, be carried out by written ballot.

Item III Election of Vice President

The States of Alderney is asked to elect a Vice President for 2022.

Item IV **Appointment of Auditors**

The States of Alderney is asked to appoint Grant Thornton Limited (Channel Islands) to be the States' Auditors for 2022.

Item V **Appointment of Committee Chairmen**

The States of Alderney is asked to elect the Chairmen of the following Committees:

1. Policy and Finance Committee
2. General Services Committee
3. Building and Development Control Committee

Item VI **Appointment of Members of the Policy and Finance Committee**

The States of Alderney is asked to elect a minimum of two Members in addition to the Chairman, to the Policy and Finance Committee.

Item VII **Appointment of Committee Members of other Committees**

The States of Alderney is asked to elect the members of the following committees, in addition to the Chairmen:-

1. A minimum of two Members to the General Services Committee
2. A minimum of two Members to the Building and Development Control Committee

Item VIII **Election of Alderney Representatives to sit in the Guernsey States of Deliberation**

Following the procedure as laid out in the Resolution of The States of Alderney dated 18th October 2006, and the Plebiscite election of 12th December 2020, the States of Alderney is asked:-

- (a) To elect two members to sit in the Guernsey States of Deliberation for 2022, and
- (b) To elect two other members to sit in the Guernsey States of Deliberation as Alternative Representatives for 2022.

Item IX **Other Appointments: Commonwealth Parliamentary Association**

The States of Alderney is asked to elect three members to sit on the Management Committee in the affairs of the Alderney Branch of the Commonwealth Parliamentary Association (the President being Ex-officio Chairman) for 2022.

Item X **Other Appointments:- St Anne's School Management Committee**

The States of Alderney is asked to resolve to appoint, for a period of one year, renewable at the next Annual January Meeting, one member as a Representative on the Management Committee of St Anne's School.

Item XI **Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.13) (Amendment) (No.2) Regulations, 2021**

The following letter was received from Mr Bill Abel, Chairman of the Policy and Finance Committee:-

“These Regulations are emergency regulations made by the Civil Contingencies Authority under Part 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 (“the Law”). They are made on the occurrence of an emergency, within the meaning of the Law, in the Bailiwick arising from the urgent need to prevent, control or mitigate the spread of the virus Severe Acute Respiratory Syndrome Coronavirus 2 and the disease caused thereby, COVID-19 (referred to together in these regulations as coronavirus). They are prefaced with a statement by the Civil Contingencies Authority, as required by section 12(2) of the Law. COVID-19 was made a notifiable disease for the purposes of the Public Health Ordinance, 1936 on 10th February 2020.

These Regulations further amend the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 13) Regulations, 2021. They extend the requirement to wear face coverings to cinemas, theatres, concert venues and places of worship, with exemptions for people in those places while singing, playing musical instruments, giving a reading, preaching or otherwise performing (other than as a member of the audience or congregation). They also make the offence of failing to comply with a requirement to wear a face covering punishable on conviction by a level 2 fine, in addition to being a fixed penalty notice offence.

These Regulations came into force on 17th December, 2021, and shall have temporary effect only in accordance with the provisions of section 16 (duration and scrutiny of emergency regulations) of the Law.

I would be grateful if “The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.13) (Amendment) (No.2) Regulations, 2021” are placed before the next meeting of the States of Alderney with an appropriate proposition.

Bill Abel, Chairman”

The States of Alderney is asked not to annul “The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No.13) (Amendment) (No.2) Regulations, 2021”

Proposed by Mr Bill Abel
Seconded by Mr Alex Snowdon

Item XII Separation, Maintenance and Affiliation proceedings (Alderney) Law, 1964 Amendments

The following letter was received from Mr Bill Abel, Chairman of the Policy and Finance Committee:-

“In February 2020, the States of Deliberation agreed to repeal and replace the Matrimonial Causes (Guernsey) Law, 1939 (“the Matrimonial Causes Law”). The new Matrimonial Causes Law will be Bailiwick wide legislation, to ensure consistency and clarity across the Islands in relation to divorce and other matrimonial proceedings.

It was noted within that Policy Letter to the States of Deliberation that consequential amendments will need to be made to the Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964 (“the Law”) to ensure it aligns with the approved reforms to the Matrimonial Causes Law. The Policy and Finance Committee now seeks the necessary approvals from the States of Alderney to enable the amendments to the Law to proceed alongside the drafting of the Matrimonial Causes Project.

The Matrimonial Causes Law Reforms aims to ensure that the law is inclusive and reflective of a modern society; and simplify the legislation so as to reduce conflict.

The main reforms agreed by the States of Deliberation in 2020 include:

- i. Moving to ‘no fault’ divorce by removing the fault grounds;
- ii. Removal of the ability to contest a divorce;
- iii. Removal of the requirement for the Court to consider reconciliation; and
- iv. Simplifying the procedure to allow couples to process divorces themselves where possible.

It is intended that the legislation to meet these changes will be approved by the end of 2022, at the latest, for implementation in 2023. Accordingly, the drafting priority assigned to this legislation is high and an initial draft of the legislation is nearing completion. The consequential amendments to the Domestic Proceedings Law are equally being addressed.

The Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964 enables a party to a marriage to apply for a separation order and financial provision based on the behaviour of the other party. The basis on which applications are heard depends on the fault grounds that need to be established before an application can be granted.

To align the Law with the matrimonial causes reforms, the Law Officers have advised that the main sections of the Law that are likely to require amendment are in Part II relating to separation and maintenance proceedings, as follows:

Section 2 : Grounds of application

To remove the grounds for obtaining an order, to be replaced with a simple application for an order for separation and financial provision.

Section 3: Orders for financial provision and separation

To remove the opening line of section 3.1 which requires the provision of financial provision and separation would be granted only on the basis that grounds of fault have been established.

To remove the term 'decree' from section 2.1(b) to align with the change in the terminology in the new Matrimonial Causes Project.

Section 4: Matters to which court is to have regard

To remove the two references to occurrence of conduct relating to the alleged grounds from sections 4.2(c) and 4.3(d).

Section 7: Orders where parties are living apart by agreement

To repeal this section as it provides for maintenance to be awarded in restricted circumstances where there is no fault. Since the fault ground is being removed there will be no need for such a provision.

It is possible that further minor amendments to the Law will be identified through the drafting stage to align to the other legislative changes being drafted and those proposed above. It is not expected that these will be substantive in nature. Should that not be the case then the Committee will advise accordingly.

The Policy & Finance Committee agreed the proposed amendments at its meeting on 16th December 2021 and also confirmed it would place this matter before the States of Alderney to agree and direct the preparation of the legislation to effect the amendments.

The resulting consequential amendments to the Law, as well as the Domestic Proceedings legislation, will be presented to the States of Deliberation within a supplementary Policy Letter accompanying the Matrimonial Causes Project in 2022.

I would be grateful if this matter is placed before the next meeting of the States of Alderney with an appropriate proposition.

Mr Bill Abel, Chairman"

The States of Alderney is asked to decide whether after consideration of the Policy letter entitled "Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964, Amendments" dated 17th December 2021, they are of the opinion to:-

- i. Direct the preparation of such legislation to give effect to the required amendments to the Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964, to align with the matrimonial causes reforms; and**
- ii. note that the amendments to the Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964 will be set out in a supplementary Policy Letter to the Matrimonial Causes Project.**

Proposed by Mr Bill Abel
Seconded by Mr Kevin Gentle

Item XIII **Questions and Reports**

A report entitled 'Strategic Island Plan' was received from Mr Ian Carter and is attached to this Billet. The following context accompanies the Report:-

Island Plan report context

Building on the work of a range of meetings and a survey of the community, which elicited a large number of responses for consideration, an outline strategic plan for the island's development has been formulated to help bring focus and some degree of prioritisation to the work of the States and Civil Service. The plan focusses on six themes and for each theme a series of goals for which detailed action plans with associated business cases where appropriate will now be devised, suitably debated and taken forward by the committees of the States with aligned civil service support in a timely and prioritised manner, reflecting the resources that are available to us.

Key to this plan is the development of the key drivers for encouraging business development and income generation in Alderney and our continued good relationship with Guernsey so that we can make an effective contribution to the Bailiwick. Equally important is the continued positive engagement with the community to ensure that we continue to reflect those issues that are priorities and will have greatest impact on the quality of life for islanders.

This plan is commended to the States of Alderney for consideration and noting. Progress reports will be made to the States of Alderney on half yearly basis in an attempt to resist the loss of momentum and relevance that previous plans have suffered and so inculcate a degree of accountability and dynamism into the plan.

Note:- The legislation referred to in this Billet d'Etat may be viewed online at www.GuernseyLegalResources.gg and www.alderney.gov.gg

Issued: 31 December 2021