



BILLET D'ETAT FOR 23-03-2005

Date: 23rd March, 2005

STATES OF ALDERNEY

BILLET D'ETAT FOR 23RD MARCH, 2005

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 5.30 p.m. on Wednesday, 23rd March, 2005. This will be preceded by the People's Meeting which will be held on Wednesday, 16th March at 7.00p.m. in the Court House.

Sir Norman Browse

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 States Housing - Update of Admission Criteria

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

"The General Services Committee has been reviewing the rules for admission to the States Housing list as agreed by the States in 1998.

The rules in general have worked well, but the Committee is seeking to make revisions in the light of subsequent experience. The changes are to rule number 1 and number 6.

Rule No 1 - Currently in order to be admitted onto the "waiting list" the applicant must be *"over 25 years of age and have lived on Alderney for ten of the preceding fifteen years"*. The Committee believes that the age of 25 is too high, as it could disqualify those who need assistance with housing whilst their children are young, and therefore recommends that this should be reduced from 25 to 21.

Rule No 6 - The Committee would also like to make an amendment to this rule which currently states that *"Any applicant who rejects the offer of a suitably sized dwelling, must formally re-apply to enter on to the "waiting list" and that the last date of application will be taken as the basis of length of time spent on the*

list."

In order to safeguard the waiting list for those in genuine need of States housing, it is proposed to extend this rule to include *"Anyone who rejects the offer of a property, on a total of three occasions, is removed from the list for a fixed period of five years before being able to re-apply for States housing"*.

All other admission criteria is to remain the same for the time being, however the Committee may look at further changes to Rule No 1 in the future.

In order to clarify I attach herewith the current rules, showing the suggested amendments for approval in bold italics.

I should be glad if you would place this matter before the States with appropriate propositions.

B. Pengilley

Chairman, General Services Committee"

The States is asked to approve amendment of the States of Alderney Housing Rules as follows:

In Rule 1, remove "25" and replace it with "21"; and, in Rule 6, add the words, "Anyone who rejects the offer of a suitably sized property on a total of three occasions, will be removed from the list for a fixed period of five years, before being able to re-apply for States housing".

Item III Protection of Wildbirds

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

"The General Services Committee has approved a new measure for the protection of wild birds. The draft Ordinance is substantially as drafted by the Law Officers but has been amended in Committee as to the extent of the definition of "Island" and as to the Schedule.

The Ordinance provides, subject to exceptions set out within it, that it shall not be lawful to kill, injure or take any wild bird, to attempt to do so, or to knowingly or wilfully disturb eggs or nests of any wild bird. The causing of injury or distress to any wild bird in circumstances set out in the Ordinance is also prohibited. Criminal sanctions are provided for breach of the Ordinance. Enforcement of the Ordinance will be the responsibility of Police Officers and Bird Wardens appointed for the purpose under the Ordinance.

I shall be obliged if you place this matter before the States at its next meeting with an appropriate proposition.

B Pengilley

Chairman"

The States is asked to approve "The Protection of Wild Birds (Alderney) Ordinance, 2005"

Item IV Healthspan Hotel Properties Limited

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

"The States of Alderney, as Landlord, entered into a lease with Douglas Quay Hotel Limited on 11th December 1999. That lease was assigned to L F Properties Limited on 28th November 2003. L F Properties changed its name to Healthspan Hotel Properties Limited on 20th February 2004. Healthspan Hotel Properties Limited now wishes to surrender the existing lease and enter into a new one, which will give it an expanded area on which to carry out its development. The proposed term of the lease is 99 years and the rent payable is £1,500 per annum, paid in advance on 31st January each year, reviewable every three years.

Healthspan Hotel Properties Limited is making a multi-million pound investment in the island and the reconstructed premises will provide 27 bedrooms, a staff bedroom, a re-opened "Divers Inn" and a restaurant and bar facility. It is expected to be a year round venue. Healthspan Hotel Properties limited is also required under the terms of the lease to carry out construction works and refurbishment of the public toilets at the site to the satisfaction of the States Engineer, to make and maintain a public footpath to the toilets and to provide a hard standing area for people using bicycles, prams or wheelchairs (or similar items) at Braye Beach and for beach bins. The cost of these works will be in the region of £50,000.

Having considered the advantages to the island of this development and the terms negotiated, as summarised above, my Committee recommends that the States approve the grant of this new lease.

B Pengilley

Chairman"

The States is asked to approve the grant of a new lease to Healthspan Hotel Properties Limited on terms summarised above and more fully set out in the attached draft.

Item V Government of Alderney Law - Commencement

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

"The Government of Alderney Law, 2004, has now received Royal sanction and will by now have been registered in the Royal Court. The only remaining formality is to bring the law into force by an Ordinance enacted by the States of Alderney. A commencement date of 1st May is appropriate as the Court of Alderney Civil Rules (made under it) are due to come into force on that day.

I shall be obliged if you place this matter before the States at its next meeting with an appropriate proposition.

P F Walter

Chairman"

The States is asked to approve "The Government of Alderney Law, 2004 (Commencement) Ordinance, 2005".

Item VI Amendment of Tourist Law

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

"At present, the Tourist (Alderney) Law, 1956, cannot be amended by the States. The Law Officers have drafted a short amendment to the law which, if sanctioned by Her Majesty in Council, will allow the States to amend the law by Ordinance. The measure is entitled "The Tourist (Alderney) (Amendment) Law, 2005".

I shall be obliged if you will place this matter before the States at its next meeting with an appropriate proposition.

P F Walter

Chairman"

The States is asked to approve "The Tourist (Alderney) (Amendment) Law, 2005".

Item VII Amendment to Marriage Law

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

"Under the present law, a couple wishing to marry in Alderney must be resident in Alderney for a minimum period of 16 days prior to a wedding ceremony taking place. If it is wished that the ceremony take place anywhere other than the Registrar's Office, this period is extended to one month.

The Registrar receives many enquiries from people wishing to marry in Alderney but who cannot comply even with the 16 day residency requirement if they are also to be able to spend their honeymoon on the island. Also, many couples wish to be able to marry at a venue other than the Registrars Office.

"The Marriage (Alderney) (Amendment) Law, 2005" would, if enacted and sanctioned by Her Majesty in Council, overcome the above problems. The States of Alderney would, by Ordinance, be able to set the residency requirements at 24 hours following notice being given for a Special Licence, although it is suggested that this period should be at least 5 clear days. Additionally, the Registrar would be empowered to licence venues other than the Registrars Office. This will be subject to clear guidelines being set.

No existing safeguards will be compromised by this amendment and the dignity and sanctity of marriage will be maintained. It will enable people with family on the island or who simply wish to marry here because of the attraction of the setting to do so within a realistic time frame and at an appropriate and pleasant venue.

I shall be obliged if you will place this matter before the States at its next meeting with an appropriate proposition.

P F Walter

Chairman"

The States is asked to approve "The Marriage (Alderney) (Amendment) Law, 2005".

Item VIII Ivory Coast Sanctions

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

"The European Union has introduced sanctions relating to the Ivory Coast. To meet the requirements of the sanctions, local legislation is required under the European Community (Implementation) (Bailiwick of Guernsey) Law, 1994. I attach a draft Ordinance, prepared by the Law Officers, entitled "The Ivory Coast (Restrictive Measures) (Alderney) Ordinance, 2005". The measure provides a system of licensing, offences in relation to licences and, by its Schedule, for the provision of information. It is in accordance with Council Regulation (EC) N0. 174/2005, imposing restrictions on the supply of assistance related to military activities to the Ivory Coast.

I shall be obliged if you would place this matter before the States at its next meeting with an appropriate proposition.

P F Walter

Chairman"

The States is asked to approve "The Ivory Coast (Restrictive Measures) (Alderney) Ordinance, 2005".

Item IX Former Yugoslavia Indictes - Freezing of Funds

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

"The European Union has introduced sanctions relating to the former Yugoslavia which ban the provision of funds and economic resources to certain members of the former regime, a number of whom are either standing trial or whose arrest is sought by the International Community. A draft Ordinance to support these measures has been drafted by the Law officers for consideration by the State of Alderney. It is entitled "The International Criminal Tribunal for the Former Yugoslavia (Freezing of Funds and Economic Resources of Indictes) (Alderney) Ordinance, 2004. It provides for criminal sanctions where false statements are made in relation to a request for authorisation under EC Regulation No. 1763/2004 and by its Schedule, for the provision of information.

I shall be obliged if you place this matter before the States at its next meeting with an appropriate proposition.

P F Walter

Chairman"

The States is asked to approve "The International Criminal Tribunal for the Former Yugoslavia (Freezing of Funds and Economic Resources of Indictes) (Alderney) Ordinance, 2004".

Item X Questions and Reports

Issued: Friday, 11th March, 2005

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