

BILLET D'ETAT FOR 19-04-2006

Date: 18th April, 2006

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 April 2006. His Excellency Vice Admiral Sir Fabian Malbon, KBE, Lieutenant-Governor of the Bailiwick of Guernsey will be in attendance. This will be preceded by the People's Meeting, which will be held on Wednesday 12th April 2006 at 7:00 pm in the Island Hall.

Sir Norman Browse
President

Item 1 Audited Accounts, 2005

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

"In accordance with Section 61 (5) of The Government of Alderney Law, 2004, as amended, and the mandate of the Policy and Finance Committee, I attach the accounts of the States of Alderney and the States Water Board together with the Auditors' Reports thereon, in respect of the year ended 31st December 2005.

States of Alderney Accounts
Revenue Account

The detailed breakdown of the income and expenditure of the three committees is given in the published accounts, with the accounts 2004, original budget and revised budget (Probable Outturn) also shown for comparative purposes.

The following comments highlight in round figures some of the material differences between the accounts and the revised budget: -

Building and Development Control Committee

Expenditure for the year at £44,500 is £6,000 over budget, mainly due to extra advertising, recruitment and legal costs. The provision for a planning enquiry, was not used, but will be required in 2006. However £10,000 was spent on an independent EIA on the Fort Tourgis proposals, for which no budget provision had been made.

General Services Committee

The General Services Committee has continued to deliver the range of public services under its mandate and although there were some variation between the individual budget heads, overall expenditure was within its budget.

The Harbour trading loss was £28,800 greater than the budget, partially due to a reduction of £16,500 in the contribution paid by the States of Guernsey for services provided to Customs and Immigration. Extra expenditure on quay repairs, radios and the pilot boat was also necessary, taking total expenditure over

budget to £35,000. This was partly offset by an increase in income of £6,500.

The General Services Committee also fulfils the functions of the Water Board, which in 2005 returned a deficit on operating costs of £26,000, against an estimated deficit of £29,000. After interest on bank balances is added the overall deficit was £8,000. A 66% increase in fuel and electricity costs over 2004 was partly due to increased pumping due the dry weather and partly due to the increased cost of electricity.

Policy and Finance Committee

Expenditure by the Policy and Finance Committee was £21,000 more than budget and income was £29,000 more than budget. Increases in expenditure were recorded under Supplies and Services, mainly due to costs associated with the move of the offices to the Island Hall, States Members expenses and Promotion and Marketing. A new budget head of Tidal Power Commission Expenses was introduced at a cost of £10,000. This will be an ongoing expense with a budget figure of £50,000 for 2006.

Income exceeded the estimate by £29,000, but this was due to two years share of philatelic profits being included in the 2005 accounts. Income from numismatic sales and royalties continues to provide a significant portion of the Committee's income.

The overall position on Revenue Account at the end of 2005 was very much in line with the revised estimates, and instead of the original prediction that £130,000 would have to be withdrawn from the Accumulated Surplus, the actual sum withdrawn was £96,000, leaving a balance of £285,000 carried forward to 2006. This balance is however, expected to be much reduced by the end of 2006.

Staff Pension Scheme

An extract from the report of the scheme actuary produced in accordance with Financial Reporting Standard 17 is included under Note 2. This is in effect a "snapshot" of the financial position of the scheme as at the 31st December 2005. It shows a rather unwelcome increase in the net liabilities, which have risen from £1,012,000 to £1,376,000, mainly due to a change in the financial assumptions used, and the actual cost of pensions for members retiring in 2005 exceeding the predicted cost. The triennial full actuarial review is due to take place shortly and may paint a less pessimistic picture. However some steps have already been taken to reduce future liabilities and further action may be necessary following the full review.

Capital Account

Expenditure on Capital Account was £590,000 against an estimate of £1,765,000. Several budgeted projects have not been completed and others, including the Commercial Quay renovations, were not commenced before the end of the year.

Income on Capital Account at £469,000 exceeded the estimate by £29,000. Property transfer duties, including mainly CongÃ©, raised a total of £441,000.

Alderney Gambling Control Commission

Revenues from licence fees in 2005 amounted to £1,280,650. After deduction of expenses the surplus was added to funds invested.

Conclusion

In the main, States committees in 2005 have continued to control net revenue expenditure against a cash allocation that has remained at the same level since 2000. Renewed efforts to contain or reduce expenditure in 2006 and to increase income will be required in 2006 and beyond. Once the Accumulated Surplus has been exhausted any shortfall on Revenue Account may have to be met from other reserves.

I should be grateful if you would place this matter before the States with the appropriate proposition.

P F Walter

Chairman"

The States is asked to approve of the Annual Accounts for 2005 of the States of Alderney and of the States Water Board.

Item II 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. At its Meeting of 23rd March last year the States approved the Ivory Coast (Restrictive Measures) (Alderney) Ordinance, 2005. This 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) 174/2005, which imposes restrictions on the supply of assistance related to military activities to the Ivory Coast. Further sanctions are set out in Council Regulation (EC) 560/2005. The Ivory Coast (Freezing of Funds) (Alderney) Ordinance, 2006, will, if approved by the States, give effect to these further sanctions.

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 Ivory Coast (Freezing of Funds) (Alderney) Ordinance, 2006".

Item III The Alderney Road Traffic and Public Highways (Amendment) Ordinance, 2006

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

"The General 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.

Regulations may only be made for a purpose prescribed in the Ordinance. Doubt has arisen as to whether the use of the words "restricting or regulating" in section 2 include imposing a charge for parking. The intention of the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 2006, is to put this beyond doubt by amending section 2. There are not presently any plans to impose car parking charges other than at the airport where it is believed that a "pay and display" system would ease congestion and discourage long term parking.

I would be grateful if the Alderney Road Traffic and Public Highways (Amendment) Ordinance 2006 could be placed before the States at its next meeting together with a suitable resolution.

B A E Pengilley
Chairman"

The States is asked to approve "The Alderney Road Traffic and Public Highways (Amendment) Ordinance, 2006".

Item IV The Road Traffic (Protective Helmets) (Alderney) Ordinance, 2006

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

"While respecting the right of adults to make personal choices as to their own safety (in such areas as the wearing of seat belts in cars and of protective helmets when riding motor cycles) the General Services

Committee has been considering how best to improve road safety in these areas so as to protect children and young persons from injury. As a first step, the Committee is recommending to the States that legislation be introduced to require those under the age of eighteen driving or being carried as passengers on motor cycles to wear protective helmets. The attached Road Traffic (Protective Helmets) (Alderney) Ordinance, 2006, will, if approved by the States, give effect to this recommendation. If it is so approved, the Committee will prescribe, in regulations (as provided in section 5 (1) of the Ordinance), the requirements as to shape, construction and other qualities of the helmets to be worn. These regulations will be placed before the States as required by section 4 (1) (c) of the Ordinance. It is recommended that the Ordinance be brought into force on a date to be determined by the States once regulations have been made. I shall be obliged if you place this matter before the States at its next meeting with an appropriate proposition.

B A E Pengilley
Chairman"

The States is asked to approve "The Road Traffic (Protective Helmets) (Alderney) Ordinance, 2006".

Item V The Animal Health and Protection of Wild Birds (Alderney) (Amendment) Ordinance, 2006

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

"I attach a copy of the Animal Health and Protection of Wild Birds (Alderney) (Amendment) Ordinance, 2006. The General Services Committee has already made an Order under the Animal Health (Alderney) Ordinance, 2002 ("the Ordinance") adding Avian Influenza to the list of notifiable diseases set out in Part 2 of Schedule 1 to the Ordinance. The effect of this is that a person who owns or has in his charge any poultry which he suspects to be infected with a notifiable animal disease must take the steps set out in section two of the Ordinance. These are as follows:

- (a) immediately inform the States Veterinary Officer of the infection or suspected infection; and
- (b) immediately isolate the animal and keep it in isolation until notice in writing to the contrary is given to him by the States Veterinary Officer; and
- (c) detain all susceptible animals, and any carcasses and/or hatching eggs of susceptible animals, on the premises where the infection is or is suspected; and
- (d) comply with any requests for information reasonably made by the States Veterinary Officer.

Every veterinary surgeon must:

- (a) immediately forward to the States Veterinary Officer a written report of the result of every test undertaken by him for a notifiable animal disease where the tested animal has reacted, or where he is uncertain whether or not the animal has reacted;
- (b) immediately inform the States Veterinary Officer where he suspects that a notifiable animal disease exists on any premises.

Upon receipt of notification from the States Veterinary Officer that a notifiable disease exists, or is suspected to exist, on any premises there are a number of steps which may be taken by the Committee, such as causing infected premises to be cleansed and disinfected and imposing infected area restrictions. However, the powers of the Committee do not extend to ordering the slaughter of infected animals unless the disease is a compulsory slaughter disease. Only the States may amend the Schedule to the Ordinance so as to list Avian Influenza as a compulsory slaughter disease. The Animal Health and Protection of Wild Birds (Alderney) (Amendment) Ordinance, 2006 ("the amending Ordinance") will, if approved, so list Avian Influenza. If a disease is listed as a compulsory slaughter disease the Committee may, if an animal reacts to a test for a compulsory slaughter disease, exercise the powers set out in section 5 of the

Ordinance, which include ordering the slaughter of the animal and the testing for that disease of every susceptible animal which has been herded with the slaughtered animal at any time during the 60 days preceding the date of the reaction. All animals which react to testing must be slaughtered but susceptible animals may, in any event, be isolated or slaughtered notwithstanding that they have not reacted to the test. In the case of slaughter, compensation is payable as set out in Schedule 2 to the Ordinance.

The Animal Health and Protection of Wild Birds (Alderney) (Amendment) Ordinance, 2006 also amends the Protection of Wild Birds (Alderney) Ordinance, 2005 by adding to the existing reasons for conducting a wild bird cull the necessity to prevent the spread of any notifiable animal disease (which now includes Avian Influenza) to which birds are susceptible.

I shall be obliged if you place the Animal Health and Protection of Wild Birds (Alderney) (Amendment) Ordinance, 2006 before the States at its next meeting with an appropriate proposition.

B A E Pengilley
Chairman"

The States is asked to approve "The Animal Health and Protection of Wild Birds (Alderney) (Amendment) Ordinance, 2006".

Item VI The Animal Health (Alderney) Order, 2006

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

"I attach a copy of the Animal Health (Alderney) Order, 2006, made by the General Services Committee in accordance with the provisions of section 1 (4) of the Animal Health (Alderney) Ordinance, 2002 ("the Ordinance"). Section 33 (1) (c) of the Ordinance provides that an Order of the Committee made under the Ordinance shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul it, cease to have effect, but without prejudice to anything done under it or to the making of a new Order. I therefore request that the Order be laid before the States when it meets on 19th April. I should point out, however, that if the States approves the Animal Health (Alderney) (Amendment) Ordinance, 2006 at its meeting on 19th April this will, in any event, have the effect of repealing the Order as it will make Avian Influenza a compulsory slaughter disease and, thus, a notifiable one, and render the Order unnecessary.

The effect of designating Avian Influenza a notifiable/compulsory slaughter disease is set out in my letter to you attaching the Animal Health (Alderney) (Amendment) Ordinance, 2006.

B A E Pengilley
Chairman"

The States is asked to resolve not to annul "The Animal Health (Alderney) Order, 2006" in accordance with Section 33 (1) (c) of the Animal Health (Alderney) Ordinance, 2002.

Item VII Questions and Reports

Issued Friday 7th April 2006
