

BILLET D'ETAT FOR 09-01-2008

Date: 9th January, 2008

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 9th January 2008 in the Island Hall. This will be preceded by the People's Meeting, which will be held on Thursday 3rd January 2008 at 7:00 p.m. in the Island Hall.

Sir Norman Browse

President

Item I Opening of the States

The newly Elected Member will take his Oath of Office and then take his seat.

Item II Presentation of Warrants

The representative of His Excellency the Lieutenant-Governor of the Bailiwick of Guernsey will present his warrant of appointment.

Item III Election Procedure

The States is asked to decide whether the following elections should be by open vote, otherwise Rule 20 of the Rules of Procedure of the States Alderney, shall come into operation.

Item IV Vice President

To elect a Vice President for 2008.

Item V Appointment Of Auditors

The States is asked to appoint KPMG Channel Islands Limited to be the States Auditors for 2008.

Item VI To approve the mandate of the Policy and Finance Committee as follows:-

To formulate and make recommendations to the States on all policy matters.

To be accountable for the financial management of the States.

To operate within the policies, guidelines and resolutions of the States.

To liaise and negotiate with the States of Guernsey on all matters relating to the provision of transferred services and finance.

To be responsible for all external affairs.

To liaise with the General Services and Building and Development Control Committees in relation to their budget and legislative requirements.

To perform the following functions -

Finance:

To present to the States the annual budget and audited accounts and, where necessary, report to the States thereon.

To monitor the income and expenditure of the States, its committees and Trust Funds and, where appropriate, to add comment and recommendation to all applications to the States for money votes, and/or submissions to the States where public income and expenditure is involved.

To deal with all borrowings as authorised by the States, loans and the administration of all monies accruing to the States for specific purposes under the terms of various Trusts and Funds.

To be responsible for recommending to the States, whether by Ordinance or otherwise, the fees, dues and charges levied by the States for the provision of any service required to be provided under legislation and to approve the rents payable for States' land and properties.

To be responsible for recommending to the States the level of Occupier's Rates.

To advise on the rents, premiums (if any) and duration of leases to be granted by the General Services Committee for all other States properties.

To submit leases to the States for approval in accordance with the Budget Rules and Procedures.

To be responsible for all States' insurances.

The Economy:

To initiate, pursue and report to the States upon matters relating to the economy of the Island, including immigration, population, social services (financial aspects only), the development of an economic plan, employment, industry and e-commerce.

To deal with external authorities in fiscal and commercial matters.

To be responsible for public relations and the promotion of the Tourist Industry.

To monitor the economic policy of the States and to report and make recommendations for such amendments as deemed necessary.

To liaise with the Commerce and Employment Department on matters relating to economic planning.

Constitution and Legal Matters:

To be responsible for all matters affecting the Constitution and all legislation (other than legislation falling specifically within the responsibility of the General Services and the Building and Development Control Committee).

To be responsible for all matters relating to International Conventions, Treaties, Agreements, EU Directives and extended legislation from the United Kingdom.

To liaise as necessary with the Court of Alderney.

To be responsible for and the leasing and use of all States-owned Forts.

To be responsible for matters affecting -

Elections;

Census;

Import and Export Control;

Telecommunications;

Postal Services, Philately and Currency;

Gambling;

Emergency Fuel Control (The Energy (Bailiwick of Guernsey) Law, 1978);

Dangerous Weapons;

Civil Aviation; and

Youth Training and Adult Education.

To be responsible for all matters not specifically falling within the mandate of the General Services Committee and the Building and Development Control Committee.

Staff and Offices:

To be the States Employment Board with responsibility for all matters relating to the employment of Civil Servants and Manual Staff; and the management of office accommodation; to be the Civil Service Board referred to in the Terms and Conditions of Service for Civil Servants and the Terms and Conditions of Employment for Manual Staff as agreed between the Board and the Transport and General Workers Union.

In particular to be responsible for the appointment of staff and the preparation and review of the Terms and Conditions of Service of all salaried staff (subject to the relevant provisions of the Government of Alderney Law) and to liaise with the Guernsey Civil Service Staff Association.

To control establishment numbers.

To be responsible for staff pensions.

To liaise with Trades Unions on matters relating to the Terms and Conditions of Employment for Manual Staff.

Sub-delegation of Executive Functions

The following functions to be conferred on:-

1. The Employment, Legislation and Constitution Group (or any other sub-committee of the Policy and Finance Committee consisting of at least three of its members and appointed by it for the purpose) without requiring the prior approval of the committee to be obtained to any action proposed to be taken by it: -

All functions of the Policy and Finance Committee arising under the provisions of The Employment Permits (Alderney) Law, 1975 (as amended); and

2. The Finance Advisory Group (or any other sub-committee of the Policy and Finance Committee consisting of at least three of its members and appointed by it for the purpose) without requiring the prior approval of the committee to be obtained to any action proposed to be taken by it: -

a. to deal with States borrowings authorised by the States for specific purposes

b. to be responsible for States insurances

c. to be responsible for postage stamp and coin issues and design approvals

d. to deal with grants not exceeding £5000

e. to deal with Hawkers Licences.

Item VII To approve the mandate of the General Services Committee as follows:-

To be accountable to the States for the provision and implementation of all Government services provided and/or required by legislation, resolution or policy of the States within agreed budgets.

To liaise with the Policy and Finance Committee in relation to budgetary and legislative requirements.

To operate within the policies, guidelines and resolutions of the States.

In particular, to perform the following functions:-

To be accountable for the administration of the harbour and its functions and to make recommendations to

the Policy and Finance Committee on all fees, dues and charges required to be levied by legislation.

To deal with shipping and all matters relating to the sea.

To be responsible for the continuing investigations into a marina in Alderney.

To deal with all matters relating to the railway.

To administer and maintain all States' buildings including offices; to be accountable for all public works; to place contracts for public works; to be responsible for refuse collection and its disposal.

To be responsible for the Fire Brigade; for emergency services; for sewage disposal; and for traffic control.

To be accountable for all States' properties which are not the responsibility of the Policy and Finance Committee.

To be responsible for all matters relating to public assistance and welfare; and the allocation of States housing.

To be responsible for all official entertainments, liquor licensing and the Saye Camp site.

To be responsible for recreation, youth and sports activities.

To be accountable as the Water Board for the provision of water supplies on the Island in accordance with the legislation applicable thereto.

To be responsible for the leasing of all States Properties, other than Forts, in the ownership of the States; to deal with all matters relating to agriculture, livestock, other animals, birds and vermin; to administer the Island of Burhou; to be responsible for afforestation and fencing and management of all States land including the consolidation of parcels and not to reduce the area of such land without the authority of the States; and administer the States Slaughterhouse.

To be responsible for all matters relating to sea fisheries.

To be responsible for environmental monitoring and for the co-ordination of public services in the event of a civil emergency. To be responsible for the establishment of a working party to be known as the Civil Emergency Working Party which shall include amongst its members the following people:-

The President of the States, the Officer Commanding the Junior Militia, the States Analyst, the Chief Fire Officer, the Manager of the Water Board, the States Engineer, the General Manager of Alderney Electricity Limited, the resident Sergeant of the Police in Alderney, the Harbour Officer, a Medical Practitioner; a representative of St. John Ambulance (unless otherwise represented); a Communications adviser(s); and the person appointed as Co-ordinator of the emergency services.

The Working Party shall appoint a Chairman from amongst its members.

Item VIII To approve the mandate of the Building and Development Control Committee, as follows:-

To be the Authority for approving plans in both the public and private sector; to be responsible for the Le Banquage Housing Scheme; to administer The Building and Development Control (Alderney) Law, 2002, as amended; to be the Committee to make recommendations to the States on the maximum number of dwellings to be permitted in any given period in accordance with Section 15 of The Building & Development Control (Alderney) Law, 2002; to administer Building Regulations made under the provisions of The Building & Development Control (Alderney) Law, 2002, and any other law or laws by which they may be replaced.

To be responsible for the preparation of a policy and strategy for environmental conservation and ecology on the Island.

Item IX The States 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 X The States is asked to elect the following Committees: -

1. 9 Members to the Policy and Finance Committee
2. 5 Members to the General Services Committee,
3. 4 Members to the Building and Development Control Committee.

Item XI Other Appointments:

1. The States is asked:
EITHER to elect a person to serve as a Director of the Board of Alderney Electricity Limited; OR to direct the Policy and Finance Committee to do so from their Members.
2. To elect a member to serve on the Guernsey Cadastre Appeals Committee.
3. 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).
4. To elect one member as a Representative on the Management Committee of St Anne's School until 31st January 2011.

Item XII The States is asked to make the following arrangements: -

1. To empower any one member of the Policy and Finance Committee with the States Treasurer or her deputy; or the Chief Executive Officer and the States Treasurer or her deputy to operate the States Bank Accounts.
2. To empower any one member of the Policy and Finance Committee with the States Treasurer or her deputy; or the States Treasurer or her deputy with the Chief Executive Officer to operate the Water Board Bank Account.

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

The States is asked:-

- (a). To elect two members to sit in the Guernsey States of Deliberation for 2008, and
- (b). To elect two other members to sit in the Guernsey States of Deliberation as Alternative Representatives for 2008.

Item XIV The Electricity Concession (Rates of Charge) (Alderney) Ordinance, 2008

The following letter has been received from Mr Willmott, Chairman of Policy and Finance Committee:-
" The Alderney Electricity Concession Laws, 1953 to 1978 provide that Alderney Electricity Limited ("the Company") shall be entitled to make a charge in respect of the quarters ending 25th March, 24th June, 29th September and 25th December in each year of such sum as the States may from time to time by Ordinance prescribe for each unit consumed. The maximum charge which the Company may charge was last adjusted in 1991 when it was set at thirty pence per unit.

Actual prices as of 28th December 2007 were:

Flat Rate: 30 pence per unit

Two part: 22.06 pence per unit

Water heating: 18.96 pence per unit

It will be seen from this that the Flat Rate tariff has now reached maximum amount set in 1991. The Company has requested an adjustment and the Electricity Concession (Rates of Charge) (Alderney) Ordinance, 2008 is intended to give effect to this.

It is a matter of record that oil prices have risen rapidly and there is nothing that can be done to shield the Company and its customers from this. The Company must pay the market price for oil plus shipping costs. Price increases while never welcome are sometimes unavoidable.

I will be obliged if the Electricity Concession (Rates of Charge) (Alderney) Ordinance, 2008 is placed before the States at its January Meeting together with an appropriate proposition.

R G Willmott"

The States is asked to approve "The Electricity Concession (Rates of Charge) (Alderney) Ordinance, 2008".

Item XV Alderney Works Department - Replacement Dustcart

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

"The Norba dustcart used for refuse collection in Alderney was purchased in October 2001. It is in use six days a week and has clocked up a mileage of over 55,000 which is quite high when taking into account its stop/start usage in Alderney conditions. This vehicle is becoming more susceptible to mechanical breakdown and has become expensive to maintain.

The General Services Committee believes it is essential to have a reliable vehicle for its refuse collections, and wishes to replace the current vehicle.

Having researched the market it is proposed that another Norba refuse collection vehicle on an Iveco 10 tonne chassis be purchased. This would be fitted with a bin lift, which was not fitted to the old vehicle, as this is now considered to be essential in the interest of the health and safety of our employees and also for greater efficiency. It is further proposed that a quantity of 1100 litre wheelie bins should also be purchased for communal use at sites such as the harbour and camp site. The servicing of these areas is currently carried out by a skip bin hire company at a cost to the States of about £12,500 a year. Providing this service with our own vehicle and staff will give a substantial saving on revenue costs.

In summary the costs involved are: -

Iveco 100E18k 10 tonne chassis 23,575

Geesink Norba Vulture collection body with GCB 550 bin lift 39,032

Extended Warranty 2,000

Shipping Poole to Alderney 600

Import licence fee 289

65,496

20 off 1100 litre wheelie bins 4,200

Total cost £69,696

It is hoped to be able to sell the old vehicle within the islands, but of course this cannot be done until after delivery of the new vehicle in about six months time. The sum raised would be returned to the Capital Allocation.

The Policy and Finance Committee has agreed that the purchase of this vehicle is necessary and an application has been made to the Treasury and Resources Department for the allocation of a sum not exceeding £70,000 for this purchase to be charged to the Capital Allocation. I hope to be able to report on the response to this request at the meeting of the States.

I would be grateful if you could lay this matter before the States with appropriate propositions.

W Walden "

The States is asked to approve: -

1. The purchase of the new refuse collection vehicle and ancillary equipment as set out in the letter from the Chairman of the General Services Committee , and
2. The allocation of a sum not exceeding £70,000 for this purpose, this being subject to the further approval of the Treasury and Resources Department.

Item XVI The Evidence in Civil Proceedings (Bailiwick of Guernsey) Law, 2007

The following letter has been received from Sir Norman Browse, President of the States of Alderney: -
"Please find enclosed a letter from the Bailiff, dated 11th December 2007 seeking approval of the above law.

I would therefore be obliged if you would debate this matter at your meeting on 9th January 2008 and give your approval as set out in the letter.

Sir Norman Browse
President"

The States is asked to approve of "The Evidence in Civil Proceedings (Bailiwick of Guernsey) Law, 2007".

(Note: A copy of the Projet de Loi may be seen in the States Office, Island Hall and the Library.)

Item XVII Financial Services Legislation

The following letter has been received from Mr Richard Willmott, Chairman of the Policy and Finance Committee:-

" I attach copies of the above. All are related in one way or another to the reputation and integrity of the Bailiwick as a financial centre. Their drafting has involved a great deal of work and it is clearly desirable that they be locally approved and sanctioned by Order in Council so that their provisions are in effect prior to next year's IMF inspection.

Each of these Laws has a slightly different history which I have set out below. Only the first and last of them have been approved by the States of Deliberation as of now but the rest are expected to be approved in late January. It would assist in ensuring that all are submitted for sanction by Order in Council at the earliest possible date if all are approved by the States of Alderney at its meeting to be held on 9 January. The Policy and Finance Committee regards it as vital that all international requirements are met in this important industry.

Almost all of the underlying principles in these Laws have been set out in States Reports printed in Guernsey Billets. I have set out the references which will enable any person who wishes to do so to read these. The Reports and the texts of the various Laws are available for inspection at the Office of the Chief Executive.

The States of Deliberation resolved at its meetings of 27 July 2006 (Article XIX) of Billet d'État No. XIII of 2006) and 25 July 2007 (Articles IV and V of Billet d'État No. XIX of 2007) to approve the provisions now set out in the Protection of Investors (Bailiwick of Guernsey) (Amendment) Law, 2007 ("the Law"). The underlying provisions dealing with the protection of investors are set out in the Protection of Investors (Bailiwick of Guernsey) Law, 1987, as amended. The further proposed amendments introduce additional safeguards. Underpinning these is the duty of the Financial Services Commission to have regard to the objectives of protecting investors, the public and the reputation of the Bailiwick as a financial centre; ensuring that markets for controlled investors are fair, efficient and transparent; and reducing risks to the financial system in the Bailiwick. The Law was approved by the States of Deliberation at its meeting held on 12 December 2007 but must also be approved by the States of Alderney and the Chief Pleas of Sark before it can be submitted for sanction by Order in Council.

The States of Deliberation resolved at its meeting of 25 July 2007 (Articles IV and V of Billet d'État No. XIX of 2007) to approve the provisions now set out in the Banking Supervision (Bailiwick of Guernsey) (Amendment) Law, 2008 ("the Law"). The Law, which has been approved by the States of Guernsey Legislation Select Committee, will be placed before the States of Deliberation for its approval at its meeting to be held on 30 January 2008. It must also be approved by the States of Alderney and the Chief Pleas of Sark before it can be submitted for sanction by Order in Council. The Law deals with the power of the Bailiff to grant a warrant and the powers conferred by such warrant.

The States of Deliberation resolved at its meeting of 25 July 2007 (Article IV of Billet d'État No. XIX of 2007) to approve the provisions now set out in the Financial Services Commission (Enforcement Powers) (Bailiwick of Guernsey) Law, 2008 ("the Law"). The Law, which has been approved by the States of Guernsey Legislation Select Committee, will be placed before the States of Deliberation for its approval at its meeting to be held on 30 January 2008. It must also be approved by the States of Alderney and the Chief Pleas of Sark before it can be submitted for sanction by Order in Council. The Law contains important enforcement powers in relation to auditors of licensees and in relation to licensees, former licensees or relevant officers. These include disqualification orders against auditors in prescribed circumstances

The States of Deliberation resolved at its meeting of 25 July 2007 (Article IV on Billet d'État XIX of

2007) to approve the provisions now set out in the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) (Amendment) Law, 2008. The Law, which has been approved by the States of Guernsey Legislation Select Committee, will be placed before the States of Deliberation for its approval when it meets on 30 January 2008. It must also be approved by the States of Alderney and the Chief Pleas of Sark before it can be submitted for sanction by Order in Council. The Law makes provision for grounds of appeal against a decision made under section 19 of the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2000 as amended.

The provisions of the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008 ("the Law") have yet to be the subject of a resolution of the States of Deliberation but the Law has been approved by the States of Guernsey Legislation Select Committee and it will be placed before the States of Deliberation for its approval when it meets on 30 January 2008. It must also be approved by the States of Alderney and the Chief Pleas of Sark before it can be submitted for sanction by Order in Council. It is a substantial piece of legislation containing 47 sections and three Schedules. The Law will apply to the "financial services businesses" set out in Schedule 1. It provides a system of registration and provides extensively for related matters such as the power of the Financial Services Commission to obtain information and to take enforcement and other action where appropriate.

The States of Deliberation resolved at its meeting of 25 July 2007 (Article VII of Billet d'État XIX of 2007) to approve the provisions now contained in the Guernsey Bar (Bailiwick of Guernsey) Law, 2007 ("the Law"). The Law was approved by the States of Deliberation at its meeting held on 12 December 2007 but must also be approved by the States of Alderney and the Chief Pleas of Sark before it can be submitted for sanction by Order in Council. Although not specifically a piece of financial services related legislation it is of equal importance to the other Laws dealt with above in meeting IMF requirements. I will be obliged if the above Laws are placed before the States at its next meeting together with an appropriate proposition or propositions.

R G Willmott"

The States is asked to approve:-

"The Protection of Investors (Bailiwick of Guernsey) (Amendment) Law, 2007";

"The Banking Supervision (Bailiwick of Guernsey) (Amendment) Law, 2008";

"The Financial Services Commission (Enforcement Powers) (Bailiwick of Guernsey) Law, 2008";

"The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) (Amendment) Law, 2008";

"The Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008";
and

"The Guernsey Bar (Bailiwick of Guernsey) Law, 2007".

(Note: Copies of the Projets de Loi may be seen in the States Office, Island Hall)

Item XVIII Questions and Reports

Issued 28th December 2007
