



BILLET D'ETAT FOR 18-06-2008

Date: 17th June, 2008

Members of the States:

I have the honour to inform you that a Meeting of the States will be held at 5:30pm on Wednesday 18th June 2008 in the Island Hall. This will be preceded by the People's Meeting, which will be held on Wednesday 11th June 2008 at 7:00pm in the Island Hall.

Sir Norman Browse

President

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

The following letter has been received from Mr Willmott, Chairman of the 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 was last revised as recently as January but, as Members will be aware, oil prices have continued to rise rapidly and, as then, there is nothing that can be done to shield the Company and its customers from this. There has been a 53% rise since 1st February in the cost of oil used for generating electricity. The Company must pay the market price for oil plus shipping costs. Price rises while never welcome are sometimes unavoidable.

The present Flat Rate Tariff and Fuel Cost Component are 21.5 pence and 14.97 pence respectively; a total of 36.47 pence per unit. With further increases in oil prices likely and the need to finance an essential capital investment programme the present maximum permitted tariff of 40 pence per unit will soon be insufficient. The States is therefore asked to increase the maximum permitted tariff from 40 pence to 50 pence.

This does not mean that the price will immediately rise to this level - it is a maximum that will allow the Company to operate within the financial constraints imposed by law.

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

R G Willmott

Chairman"

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

Item II The States Water Supply (Rates of Charge) (Alderney) Ordinance 2008

The following letter has been received from Mr Walden, Chairman of the General Services Committee:-
"In September 2006 the States agreed to increase Water Rates by 10% which was necessary in order to meet rising costs. However the States advised at that time that this would be insufficient to eliminate the deficit on the revenue account and that further annual increases of a similar order would be necessary for a number of years. As predicted a further 10% was approved in September 2007.

Having reviewed the forecast of expenditure for 2008 my Committee is proposing an increase of approximately 10% again this year, to come into effect from the quarter commencing 25th June 2008 i.e. three months early. This increase will be reflected in the September Water Rate accounts as rates are charged in arrears. This will still be insufficient to return the revenue account to a break-even position and further annual increases will unfortunately be inevitable. Any reserves are being rapidly depleted in order to support the revenue account. The operating deficit for 2007 stood at £74,480, with a budgeted deficit for 2008 of £76,300. However with significant increases in the cost of fuel and electricity, the 2008 deficit is likely to be considerably in excess of this amount.

As well as levying a 10% increase my Committee has also reviewed some of the charging methods and are proposing that the minimum/standing charge be increased to £40 per quarter. This charge relates to small properties etc, with a Rateable Value of less than £35. The proposed new minimum would cover properties up to a Rateable Value of £46. It should be noted that a similar sized property in Guernsey would attract a charge of £83.04 per quarter, and that Rateable Value continues to be used as a basis for calculation pending full introduction of TRP.

The sundry charges have also been amended to reflect the increased operational costs. Although some of these fees are not charged at present there is a requirement for them to appear on the schedule in anticipation of such time that the current water restrictions are lifted. In addition the category relating to lock up business premises has been deleted.

It is unfortunate that these increases coincide with the current water restrictions, but these restrictions have exacerbated the financial situation due to loss of revenue from hose pipe charges etc. The Water Board appreciates the water saving measures that the public have adopted and hopes for continued support.

As previously reported to the States, substantial capital works are needed in order to improve the Board's infrastructure and to ensure that the island's water supply can be maintained at an acceptable standard. This scheme forms part of the capital prioritisation program and it is anticipated that these works will be funded by the States of Alderney Capital Account as opposed to loan capital which would add further cost to the revenue account to be met from the water rates.

Full details of the next phase of the capital investment program are expected to be presented to the States at the July meeting.

A draft Ordinance entitled "The States Water Supply (Rates of Charge) (Alderney) Ordinance 2008" is attached, which if approved will bring the revised rates into effect from the quarter commencing 25th June 2008.

I would be grateful if you would place this matter before the States of Alderney with appropriate propositions.

W Walden
Chairman"

The States is asked to approve The States Water Supply (Rates of Charge)(Alderney) Ordinance 2008

Item III The Housing (Exemptions) (No.2) (Alderney) Ordinance, 2008

The following letter has been received from Miss Benfield, Chairman of the Building and Development Control Committee:-

"Alderney Electricity Limited, a largely publicly owned Alderney company, is the owner of premises situated at Venelles des Gaudion, currently used as offices (partly let, until recently, to the Alderney Gambling Control Commission, which has now moved to refurbished, States owned premises in Queen Elizabeth II Street). Alderney Electricity Limited wishes to make the most efficient use of its assets and, to this end, redevelop the present office accommodation as dwellings. It is a separate legal entity from the States and, as such, will require an ordinance exempting it from the provisions of section 33 of the Building and Development Control (Alderney) Law, 2002. I attach the proposed Housing (Exemptions) (No.2) (Alderney) Law, 2008.

I would be grateful if this is placed before the States when it next meets together with an appropriate resolution.

B Benfield
Chairman"

The States is asked to approve "The Housing (Exemptions) (No.2) (Alderney) Ordinance, 2008"

Item IV The Union of the Comoros (Freezing of Funds) (Alderney) Ordinance, 2008

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

"The Council of the European Union has reduced restrictive measures against the illegal authorities of Anjouan in the Union of the Comoros. In order to enforce these measures locally an ordinance is required in accordance with the provisions of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994. I attach the Union of the Comoros (Freezing of Funds) (Alderney) Ordinance, 2008 ("the Ordinance"), which has been drafted by the Law Officers and is in similar form to that enacted by the Guernsey States of Deliberation. A copy of Council Regulation (EC No. 243/2008) is available for inspection at the office of the Chief Executive.

I would be grateful if the Ordinance is placed before the States when it next meets together with an appropriate resolution.

R G Willmott
Chairman"

The States is asked to approve "The Union of the Comoros (Freezing of Funds) (Alderney) Ordinance, 2008".

Item V Questions and Reports

A verbal update on Waste Strategy will be given by Mr Williams.

Issued Friday 6th June 2008

ORDINANCE OF

THE STATES OF ALDERNEY

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

The States of Alderney, in exercise of the powers conferred upon them by section 31 of the Alderney

Electricity Concession Law, 1953, as amended (a) hereby order:
Increase in charge for the supply of electricity

1. The maximum charge for the supply of electricity to a consumer, as indicated by meter, which the Company shall be entitled to make in respect of the quarters ending 25th March, the 24th June, the 29th September and the 25th December in each year shall be 50 pence for each unit consumed.

Repeal

1. The Electricity Concession (Rates of Charge) (Alderney) Ordinance, 2008 is hereby repealed.

Citation

1. This Ordinance may be cited as the Electricity Concession (Rates of Charge) (Alderney) (Amendment) Ordinance, 2008.

Commencement

1. This Ordinance shall come into force on the 18th day of June 2008.

(a) Ordres en Conseil Vol. XV p.425; Vol. XIX p.96; Vol. XXIV p.54; Vol. XXVI p.556

Draft

ORDINANCE OF THE STATES

THE STATES WATER SUPPLY (RATES OF CHARGE)

(ALDERNEY) ORDINANCE 2008

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 18th day of June 2008, and in exercise of the powers conferred upon them by Sections 14 and 39A of The Alderney Water Supply Law, 1954, as amended (a) hereby order: -

Water supplied according to rateable value.

1. The annual charge for the supply of water to any property, from and including 25th June, 2008, shall be (except where the property is supplied by measure) the sum of the following:-

- (a) £348 per centum of the rateable value according to the General Cadastre of the Island of the property supplied as at the date of the account; and
- (b) such additional charges in relation to the non-metered use of water as are set out in the Schedule to this Ordinance and as may be applicable in respect of the property supplied.

Water supplied by measure for domestic use

2. (1) The charge for the supply of water to any property by measure for domestic use, from and including 25th June, 2008 shall be the following:-

- (a) if the water is supplied by the gallon, £5.68 per thousand gallons; or
- (b) if the water is supplied by the cubic metre, £1.25 per cubic metre.

(2) Notwithstanding the provisions of subsection (1), the States General Services Committee may determine a minimum quarterly charge for the supply of water to any property for domestic use by measure:

Provided always that such minimum quarterly charge shall not exceed one quarter of the amount which would be paid annually in respect of the property supplied under and by virtue of section 1(a) and (b).

Water supplied by measure for other than domestic use

3. The charge for the supply of water to any property by measure for any use other than domestic use, from and including 25th June, 2008, shall be the sum of the following -

- (a) a standing quarterly charge of £40.00, and
- (b) if the water is supplied -
 - (i) by the gallon, £5.68 per thousand gallons; or
 - (ii) by the cubic metre, £1.25 per cubic metre.

Repeal

4. The States Water Supply (Rates of Charge) (Alderney) Ordinance, 200 7 is hereby repealed.

Citation

5. This Ordinance may be cited as The States Water Supply (Rates of Charge) (Alderney) Ordinance, 2008.

Commencement

6. This Ordinance shall come into force on the 25th day of June 2008.

(a) Ordres en Conseil Vol XVI, p 129 and Vol XXIV, p 59, and No. VII of 1999

SCHEDULE

Additional charges in relation to the non-metered use of water

1. Supply to properties with jacuzzi, spa pools or similar installations	£40.00 per quarter
2. Supply to cafes, chip shops, licensed premises & takeaway food outlets	£40.00 per quarter
3. Charge in respect of use of garden hoses (½" hoses only may be used)	£20.00 per quarter
4. Supply to guesthouses, boarding houses or hotels	£15.00 per head of approved accommodation per year payable with September quarter bill
5. Supply to hairdressers & dentists	£40.00 per quarter
6. Supply to greenhouses of a floor area greater than 250 square feet	£40.00 per quarter
7. Charge in respect of buildings in the course of erection	£20.00 per 100 square foot gross floor area
8. Charge in respect of wall, etc, in the course of erection (payable only if no payment is due in respect of the wall, etc under item 7)	£20.00 per 400 square foot surface area (external face only)
9. Charge in respect of service connection	£350.00 minimum charge per connection
10. Minimum charge per supply	£40.00 per quarter

The Housing (Exemptions) (No.2) (Alderney) Ordinance, 2008

THE STATES OF ALDERNEY, in exercise of the powers conferred on them by sections 33(1)(c) and 75 of the Building and Development Control (Alderney) Law, 2002 a ("the 2002 Law"), hereby order:-
Persons exempted from section 33 of 2002 Law.

1 . (1) Subject to the provisions of this section, Alderney Electricity Limited ("the applicant") an

Alderney body corporate with registered number C/7 and having its registered office at Maison des Venelles, Venelles des Gaudion, Alderney, GY9 3TW, is hereby prescribed for the purposes of section 33(1)(c) of the 2002 Law.

(2) The provisions of subsection (1) apply only in relation to an application for change of use of the building known as Louise House, Venelles des Gaudion, Alderney, which forms land registered as AY698 in the Alderney Land Register, from office accommodation to 4 flats for residential use.

(3) For the avoidance of doubt, the provisions of the 2002 Law, other than section 33 thereof, apply in relation to the application described in subsection (2) in all respects.

(4) The permission which may be granted by the Committee pursuant to this Ordinance does not count towards the number of permissions for the time being prescribed under section 15 of the 2002 Law.

Interpretation.

2. (1) In this Ordinance the following words and expressions shall be construed in accordance with this subsection or the other provisions of this Ordinance referred to against them in this subsection -

"the applicant" : see section 1(1),

"the 2002 Law" means the Building and Development Control (Alderney) Law, 2002, and other expressions have the same meanings as in the 2002 Law.

(2) The provisions of the Interpretation (Guernsey) Law, 1948 b apply to the interpretation of this Ordinance.

(3) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation.

3 . This Ordinance may be cited as the Housing (Exemptions) (No.2) (Alderney) Ordinance, 2008.

The Union of the Comoros (Freezing of Funds)

(Alderney) Ordinance, 2008

THE STATES OF ALDERNEY , in exercise of the powers conferred on them by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994 [1] and all other powers enabling them in that behalf, hereby orders:-

Application of, and infringement of, EC Regulation.

1 . (1) Council Regulation (EC) No. 243/2008 of the 17th March, 2008 [2] imposing certain specific restrictive measures in view of the situation on the island of Anjouan in the Union of the Comoros ("the EC Regulation") is applicable in Alderney in all respects as if Alderney were a Member State.

(2) A person who infringes, or causes or permits any infringement of, Article 2 or 6 of the EC Regulation is guilty of an offence.

Modification of Regulation.

2. The EC Regulation in its application to Alderney is modified as follows -

(a) in Article 6(1)(a) -

(i) for the words "the competent authorities indicated in the websites listed in Annex II of the Member States where they are resident or located" substitute "the States of Guernsey Policy Council ("the Council")",

(ii) for the words "through the Member States" substitute "through the Council",

(b) in Article 6(1)(b), for the words "the competent authorities indicated in the websites listed in Annex II" substitute "the Council".

Information.

3. The Schedule has effect in order to facilitate the obtaining, by or on behalf of the Council, of information for the purpose of ensuring compliance with the EC Regulation.

Penalties and proceedings.

4. (1) A person guilty of an offence under -

(a) section 1(2) or subsection (3), or
(b) paragraph 2(b) or (c) of the Schedule,
is liable -

(i) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine, or to both,
(ii) on summary conviction, to imprisonment for a term not exceeding three months, to a fine not exceeding level 5 on the uniform scale, or to both.

(2) A person guilty of an offence under paragraph 2(a) or 3(2) of the Schedule is liable on summary conviction to imprisonment for a term not exceeding three months, to a fine not exceeding level 5 on the uniform scale, or to both.

(3) A person who in purported compliance with Article 6 of the EC Regulation intentionally furnishes any false information, document or explanation, or recklessly furnishes any information, document or explanation which is false, is guilty of an offence.

(4) Where a body corporate is guilty of an offence under this Ordinance, and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and may be proceeded against and punished accordingly.

(5) Where the affairs of a body corporate are managed by its members, subsection (4) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Certain provisions of customs and excise Law applicable.

5. (1) Section 55 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 [3] applies to the detention of a person for an offence under section 1 as it applies to the detention of a person for an offence under the customs Laws or excise Laws.

(2) Sections 61 to 65 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 apply in relation to offences, penalties and proceedings for offences under this Ordinance as they apply to offences, penalties and proceedings for offences under the customs Laws or excise Laws.

Interpretation.

6 . (1) In this Ordinance, except where the context requires otherwise -

"Council" means the States of Guernsey Policy Council,

"contravention" includes failure to comply, and cognate expressions shall be construed accordingly,

"customs Laws" and "excise Laws" mean those provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 and any other enactment for the time being in force relating to customs or, as the case may be, excise,

"EC Regulation" has the meaning given by section 1, and

"uniform scale of fines" means the scale of fines from time to time in force under the Uniform Scale of Fines (Alderney) Law, 1989 [4] .

(2) A reference in this Ordinance to an enactment or to the EC Regulation is a reference thereto as from time to time amended, repealed and re-enacted (with or without modification), extended or applied.

Citation.

7. This Ordinance may be cited as the Union of the Comoros (Freezing of Funds) (Alderney) Ordinance, 2008.

Commencement.

8. This Ordinance shall come into force on the 18th June 2008.

SCHEDULE

Section 3

INFORMATION

1. (1) The Council (or any person authorised by it for that purpose either generally or in a particular case) may request any person in or resident in Guernsey to furnish or produce to it (or, as the case may be, to that authorised person) such information and documents in his possession or control as the Council (or, as the case may be, that authorised person) may require for the purpose of ensuring compliance with the EC Regulation; and a person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) No obligation of secrecy or confidence or other restriction on the disclosure of information to which any person may be subject, whether arising by statute, contract or otherwise, is contravened by reason of the disclosure by that person or by any of his officers, servants or agents of any information or document in compliance with this Schedule.

(3) Nothing in this Schedule compels the production by an advocate or other legal adviser of a communication subject to legal professional privilege; but an advocate or other legal adviser may be required to give the name and address of any client.

(4) Where a person is convicted of an offence under this Schedule of failing to furnish any information or produce any document, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(5) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any such document.

2. A person who -

(a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time is specified, within a reasonable time) to comply with a request made under this Schedule,

(b) intentionally furnishes any false information, document or explanation, or recklessly furnishes any information, document or explanation which is false, to any person exercising his powers under this Schedule, or

(c) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,
is guilty of an offence.

3 . (1) No information furnished or document produced (including any copy or extract made of any document produced) by any person in pursuance of a request made under this Schedule shall be disclosed except -

(a) with the consent of the person by whom the information was furnished or the document was produced: provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this subparagraph but such consent may instead be given by any person who is entitled to that information or to possession of that document in his own right,

(b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or any person holding or acting in any office under or in the service of the Crown in respect of Guernsey,

(c) on the authority of the Council, to the European Commission or to any of the competent authorities listed in Annex II to the EC Regulation, for the purpose of assisting the Commission or that competent authority to ensure compliance with the EC Regulation, or

(d) for the purposes of the investigation, prevention or detection of crime or with a view to the instigation of, or otherwise for the purposes of, any criminal proceedings.

(2) A person who without reasonable excuse discloses any information or document in contravention of subparagraph (1) is guilty of an offence.

a Order in Council No. XII of 2003; amended by No. XV of 2004.

b Ordres en Conseil Vol. XIII, p. 355.

[1] Order in Council No. III of 1994.

[2] O.J. L.75/53, 18.3.2008.

[3] Ordres en Conseil Vol. XXIII, p. 573; No. XIII of 1991; and No. X of 2004.

[4] Ordres en Conseil Vol. XXXI, p. 278.