

DELIBERATIONS OF 19-03-2008

Date: 19th March, 2008

DELIBERATIONS OF THE MEETING HELD ON 19TH MARCH 2008
AT 17:30 HOURS

Present:

Sir Norman Browse

Mr R Cox

Mr B Pengilley

Mrs L Maurice

Mr R Willmott

Miss B Benfield

Mr B Walden

Mr C Williams

Mr I Tugby

Mrs E Bennett

Mr F Dean

His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey was in attendance.

Item I Chief Pleas

The Greffier reported that no Chief Pleas had been received.

Item II Government of Alderney Law, 2004

The States resolved to approve of the following proposals and to request the Law Officers to prepare such legislation as would be necessary to bring them into effect, for final approval by the States and subsequent submission to the Privy Council:-

(Proposed by Mr Willmott and seconded by Mr Williams.)

Proposal 1.

Add a new section (c) to Section 1. The States of Alderney to provide facilities for the Court and Executive.

(Approved unanimously.)

Proposal 2.

Change to the Lieutenant Governor, rather than the Secretary of State being the person giving final approval for the appointment of a Jurat and Chairman of the Court.

(Approved unanimously.)

Proposal 3.

Change to increase the 6 months maximum term of imprisonment to 12 months.

(Approved unanimously.)

Proposal 4.

Add a requirement (c) to Section 24(2)(b) that the statement of proposed expenditure prepared by the Treasurer and Greffier, referred to in section 58, be included in the following year's statement of expenditure required by section 58.

(Approved unanimously.)

Proposal 6a.

Include in Section 28(3) permission to hold a second or further by-elections until the Membership is full

(Approved unanimously.)

Proposal 6b.

Include in Section 28(3) a provision for a special election should, as a result of a disaster the Membership fall below 7 and the States become non-quorate and unable to legislate.

(Approved unanimously.)

Proposal 7.

Change Section 31(1)(f) to Level 5 (£10,000).

(Approved unanimously.)

Proposal 8.

Change Section 33(1) to allow a person to be included on the electoral roll, if entitled to have his name inscribed, at any time (except 14 days before an election) and vote at any subsequent election.

(Approved unanimously.)

Proposal 9a.

Change Section 33(2)(b) concerning eligibility to be elected as President or a Member to:-

(b). add after reaching the age of 21 years

(Approved unanimously.)

Proposal 9b.

Expand the list of reasons in Section 33(2)(b) that allow a person to stand as President or a Member and the list of those reasons that prohibit a person standing so that they include the list of reasons that requires the resignation of the President or a Member as set out in section 38(3).

(Approved unanimously.)

Proposal 11.

Introduce in to Section 34(1) a requirement to revise the electoral roll by 15th October before each bi-annual election.

(Approved unanimously.)

Proposal 12.

Remove the requirement that the appointment of a qualified auditor at the Annual Meeting should come "before any other business is transacted".

(Approved unanimously.)

Proposal 14.

In Section 44(2) change the words "discussion" to "debate" and the words "to be exercised" to "which may be exercised".

(Approved by majority. All in favour except Mr Walden who abstained and Mr Pengilly who voted against.)

Proposal 15.

Change the quorum referred to in Section 45(2) at a States Meeting, from 7 Members in addition to the person presiding to 2/3rd of the total number of elected Members at the time, (in addition to the person presiding) i.e. if 10 Members are present the quorum is 7, if 9 are present-6, if 8 are present-5, if 7 are

present-5. If less than 7 are present the States will be non quorate.

(Approved by majority. All in favour except Mrs Maurice and Mr Pengilley who voted against.)

Proposal 16.

Prescribe if possible which matters referred to in Section 46(3), related to good rule and government may be enacted by Ordinance and which by Projet de Loi.

(Approved unanimously.)

Proposal 17.

In Section 50(4) after the words "casting vote" add the words "which he may use, or refer the matter to the Policy and Finance committee".

(Approved unanimously.)

Proposal 18.

In Section 58(2) change "during October" to "no later than the end of October in each year".

(Approved unanimously.)

Proposal 19.

Add to Section 62 Interpretation, a definition of Ordinarily Resident identical to that included in the Building and Development Control Law, 2002.

In Section 62 Interpretation, define "States Employee" to ensure that it only covers full time or a proportion of full time of established staff of the States of Alderney.

(Approved unanimously.)

The following proposals were disapproved having failed to attain seven votes, as required under Section 45(3) of the Government of Alderney Law:-

Proposal 5a.

Change Section 28(1) to enable an election of all members to be held every four years rather than half the members every two years.

(Proposal failed. For Messrs Walden, Williams and Mrs Bennett. Against Messrs Cox, Willmott, Pengilley Tugby, Dean, Miss Benfield and Mrs Maurice.)

Proposal 5b.

Change Section 28(1) to enable the elections to be held in April/May rather than November/December.

(Proposal failed. For Messrs Willmott, Walden, Dean, Miss Benfield and Mrs Bennett. Against: Messrs Cox, Pengilley, Maurice, Williams, and Tugby.)

Proposal 9a.

Change Section 33(2)(b) concerning eligibility to be elected as President or a Member to:-

(a). has been ordinarily resident, after the age of 16 years, for at least 3 years in the preceding 20 years.

(Proposal failed. For Mr Willmott, Miss Benfield and Mrs Bennett. Against: Messrs Cox, Walden Pengilley, Williams, Tugby Dean and Mrs Maurice.)

Proposal 10.

Reduce the age of eligibility for entry on to the electoral roll from 18 to 16 years.

(Proposal failed. For: Messrs Cox, Willmott, Walden, Williams, and Mrs Bennett. Against Miss Benfield, Messrs Pengilley Tugby, Dean and Mrs Maurice.)

Proposal 13.

Add to section 42(2) "and such other persons at the discretion of the convenor".

(Proposal failed. For Messrs Willmott, Williams, Miss Benfield and Mrs Bennett. Against: Messrs Cox, Walden, Pengilley, Tugby, Dean and Mrs Maurice.)

Item III The States Water Supply (Rates of Charge) (Amendment) (Alderney) Ordinance, 2008

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