

# PROJET DE LOI

ENTITLED

## **The Renewable Energy (Alderney) Law, 2007** \*

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* No. XII of 2008; as amended by the Renewable Energy (Alderney) Ordinance, 2008 (Alderney Ordinance No. XIV of 2008). This Law is prospectively amended by the Renewable Energy (Alderney) (Amendment) Law, 2011 (No. \*\* of 2012).

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## **The Renewable Energy (Alderney) Law, 2007**

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## **The Renewable Energy (Alderney) Law, 2007**

**THE STATES OF ALDERNEY**, in pursuance of their Resolution of the 21<sup>st</sup> day of March, 2007, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

### PART I

#### REGULATION OF RENEWABLE ENERGY SYSTEMS

*General prohibition on operation etc. of renewable energy systems and related matters*

**General prohibition on operation etc. of renewable energy systems.**

1. Except as may be permitted by or under this Law or any other enactment, no person shall –

- (a) operate, deploy or use,
- (b) arrange for the operation, deployment or use,
- (c) manage, or
- (d) be concerned in the management of,

any renewable energy system on the Island of Alderney or within the territorial waters of Alderney.

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**NOTE**

*In accordance with the provisions of the Renewable Energy (Alderney) Ordinance, 2008, the prohibition in this section shall not apply in respect of the activities specified herein where the conditions set out in section 1 ("Exemptions for certain activities") and section 2 ("Exemption and disapplication for licensed activities") of the 2008 Ordinance are satisfied, with effect from 10th November, 2008.*

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**Power of States to make Ordinances to exempt specified activity.**

2. (1) The States may from time to time by Ordinance make such provision as they may deem expedient in order to exempt any specified activity from prohibition under section 1, and for matters ancillary thereto, subject to such terms and conditions as the States may think fit.

(2) Without prejudice to the generality of the power under subsection (1), an Ordinance made thereunder may make provision for, or concerning, all or any of the following matters –

- (a) empowering the Commission, the States or any committee of the States, by regulations, or otherwise –
  - (i) to exempt any activity from prohibition under section 1, subject to such terms and conditions as the Commission, the States or committee, as the case may be, thinks fit, and
  - (ii) to prescribe conditions for the better conduct

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and control of, and for matters of administration in connection with –

(aa) the operation, deployment, use or management of any renewable energy system, and

(bb) activities related thereto,

(b) fees and other charges payable to the Commission, the States, any committee of the States, or any other person –

(i) by such persons, and

(ii) in connection with the provision of such services, or discharge of such functions,

as may be specified,

(c) the creation, trial (summarily or on indictment) and punishment of offences, including (without limitation) provision as to –

(i) the persons or bodies or classes or descriptions of persons or bodies who may be found guilty of offences under the Ordinance,

(ii) the penalties which may be imposed (provided that the amount of any such penalties may not

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exceed the maximum penalties that may be imposed by a court under section 3(1)), and

- (iii) the defences which are to be available,
- (d) the licensing, by the Commission, the States or any committee of the States, of any person to operate, deploy, use or manage any renewable energy system, subject to such conditions and other matters as the Commission, the States or committee, as the case may be, may think fit,
- (e) [the obtaining of information and documents by the Commission, the States or any committee of the States to enable any of the same to perform functions imposed by or under the Law and] the investigation, by the Commission, the States or any committee of the States, into the suitability of any applicant for, or holder of, a licence to operate, deploy, use or manage any renewable energy system including, without limitation, the fees and other charges payable to the Commission, the States or the committee, as the case may be, for such investigation, by such person as may be specified,
- [(f) the grant, renewal, variation, suspension or revocation by the Commission, the States or any committee of the States of any licence to operate, deploy, use or manage any renewable energy system or the acceptance of the surrender or the effecting of the

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transfer of such a licence by the Commission, the States or such a committee,]

- (g) the taking of steps by the Commission, the States or any committee of the States, falling short of suspension or revocation and which, without limitation, may include the imposition of financial penalties, in respect of any contravention of the terms or conditions of a licence to operate, deploy, use or manage any renewable energy system:

Provided that the amount of any financial penalty imposed shall not exceed the maximum amount of any financial penalty which could be imposed by a court under section 3(1),

- (h) enabling any applicant for, or holder of, a licence to deploy, operate, use or manage any renewable energy system to appeal from any decision of the Commission, the States or any committee of the States –
  - (i) to refuse to grant or renew,
  - (ii) to suspend or revoke,
  - (iii) to impose conditions upon the grant of, [...]
  - (iv) to take steps under paragraph (g) in respect of the contravention of the terms or conditions of,



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- [(v) to vary the terms or conditions of,
  - (vi) to refuse to vary the terms or conditions of,
  - (vii) to refuse to accept the surrender of, or
  - (viii) to refuse to effect the transfer of,]
- any such licence, and
- (i) generally for carrying this Law into effect in whatever manner the States think fit.

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**NOTES**

*In section 2, first, the words in square brackets in paragraph (e) of subsection (2) were inserted, second, paragraph (f) was substituted and, third, the word omitted in square brackets immediately after subparagraph (iii) of paragraph (h) of subsection (2) was repealed and subparagraph (v), subparagraph (v), subparagraph (v) and subparagraph (v) thereof were inserted by the Renewable Energy (Alderney) Ordinance, 2008, respectively section 32(2)(a), section 32(2)(b) and section 32(2)(c), with effect from 10th November, 2008.*

*The following Ordinance has been made under section 2:*

*Renewable Energy (Alderney) Ordinance, 2008.*

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*Offences and penalties*

**General offence and penalties.**

3. (1) A person who contravenes section 1, or any Ordinance made under this Law, shall be guilty of an offence and, save where otherwise provided by

this Law, or by the Ordinance, shall be liable –

- (a) in the case of a first offence, to a fine not exceeding [level 5] on the Alderney uniform scale, or to imprisonment for a term not exceeding six months, or to both, and
- (b) in the case of a second or subsequent offence under the same provision, to a fine [or to imprisonment for a term not exceeding 5 years, or to both].

(2) Where an offence under subsection (1), or any Ordinance made under this Law, is committed –

- (a) by a servant or agent of any other person, or
- (b) on any premises, ship, vessel, platform or other structure whether temporary or permanent by a person other than the occupier or person having management of it,

the principal, or the occupier or the person having the management of the premises, ship, vessel, platform or other structure, as the case may be, shall also be guilty of that offence.

(3) The court by which any person is convicted under this section, or any Ordinance made under this Law, may order anything produced to the court and shown to the satisfaction of the court to relate to the offence, including for the avoidance of doubt, any renewable energy system or part thereof, to be forfeited and either destroyed or dealt with in such other manner as the court

may order.

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**NOTE**

*In section 3, the words and figures in square brackets in, first, paragraph (a) and, second, paragraph (b) of subsection (1) were substituted by the Renewable Energy (Alderney) Ordinance, 2008, respectively section 32(3)(a) and section 32(3)(b), with effect from 10th November, 2008.*

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**Offences committed by bodies corporate and partnerships, etc.**

4. (1) Where an offence under section 3(1), or any Ordinance made under this Law, is committed by a body corporate and 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.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies to a member in connection with his functions of management as if he were a director.

(3) Proceedings for an offence under section 3(1), or any Ordinance made under this Law, alleged to have been committed by a partnership shall be brought against the partnership in the name of the firm and not in that of the partners, but without prejudice to any liability of the partners under subsection (5).

(4) A fine imposed on a partnership on its conviction in such proceedings shall be paid out of the partnership assets.

(5) Where an offence under section 3(1), or any Ordinance made under this Law, is committed by a partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any partner or any person purporting to act in that capacity, he as well as the partnership is guilty of the offence and may be proceeded against and punished accordingly.

**Defence of due diligence.**

5. (1) In any proceedings for an offence under section 3(1), or any Ordinance made under this Law, it shall, subject to subsection (2), be a defence for the person charged to prove that he took reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.

(2) If in any case the defence provided by subsection (1) involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the person shall not, without the leave of the court, be entitled to rely on that defence unless –

- (a) at least seven clear days before the hearing, and
- (b) where he has previously appeared before the court in connection with the alleged offence, within one month of his first appearance,

he has served on Her Majesty's Procureur a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

PART II

ALDERNEY COMMISSION FOR RENEWABLE ENERGY

*Establishment of Alderney Commission for Renewable Energy, functions and status*

**Alderney Commission for Renewable Energy.**

6. (1) There is established by, and in accordance with this Law, a body known as the Alderney Commission for Renewable Energy ("**the Commission**").

(2) The Commission is a body corporate with perpetual succession and a common seal, and is capable of suing and being sued in its corporate name.

(3) The provisions of the Schedule to this Law shall have effect with respect to the Commission.

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**NOTE**

*The following Ordinance has been made under section 6:*

*Renewable Energy (Alderney) Ordinance, 2008.*

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**Functions of the Commission.**

7. (1) The Commission shall carry out such functions as may be conferred upon it by –

- (a) Ordinance made under this Law, [...]
- (b) any other enactment[, or

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(c) resolution of the States.]

(2) In the carrying out of any functions conferred under subsection (1), the Commission may take into account any matter which it considers appropriate, but shall have particular regard to ensure that the operation, deployment, use or management of any renewable energy system –

(a) is not a danger to human life or detrimental to the environment including, without limitation, the land, marine and air environment and natural habitats including the seabed,

(b) does not interfere with shipping, fishing and any other lawful activities within the Island of Alderney and the territorial waters of Alderney, or of any other place,

(c) has as a principal objective the generation of energy from renewable power sources and for such other objectives as the Commission, the States or any specified committee of the States shall from time to time determine.

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**NOTES**

*In section 7, the word omitted in square brackets immediately after paragraph (a) of subsection (1) was repealed, and paragraph (c) and the word and punctuation immediately after paragraph (b) thereof were substituted, by the Renewable Energy (Alderney) Ordinance, 2008, section 32(4), with effect from 10th November, 2008.*

*The following Ordinances have been made under section 7:*

*Renewable Energy (Alderney) Ordinance, 2008;*

*Renewable Energy (Specified Committee) (Alderney) Ordinance,  
2009.*

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**Status of the Commission.**

8. (1) The Commission is not a committee of the States, or a servant or agent of the States, and, except to the extent that this Law or any other enactment otherwise provides –

- (a) is not subject to any rule of law relating to committees of the States, and
- (b) does not have any right or privilege vested in any committee of the States.

(2) The Commission may consult and co-operate with any committee of the States in relation to any matter relating to the operation, deployment, use or management of any renewable energy system within the Island of Alderney, the territorial waters of Alderney or elsewhere.

*Information, reports, guidance and directions for Commission*

**Provision of information to the States and committees of the States.**

9. Without prejudice to the generality of section 10(2), the Commission shall, when requested in writing by the States, furnish the States or any specified committee of the States, to the best of the Commission's ability, with such information as the States or committee, as the case may be, may require in relation to the operation, deployment, use or management of any renewable energy system within the Island of Alderney, the territorial waters of Alderney or elsewhere.

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**NOTE**

*The following Ordinance has been made under section 9:*

*Renewable Energy (Specified Committee) (Alderney) Ordinance, 2009.*

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**Annual reports.**

**10.** (1) The Commission shall, as soon as practicable in each year, make a report to any specified committee of the States on its activities during the preceding year.

(2) The annual report made pursuant to subsection (1) may refer to any aspect of the Commission's functions and in particular –

(a) may set out or refer to any guidance given to the Commission under section 11(1)(a) during the preceding year; and

(b) shall set out any directions given to the Commission under section 11(1)(b) during the preceding year.

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**NOTE**

*The following Ordinance has been made under section 10:*

*Renewable Energy (Specified Committee) (Alderney) Ordinance, 2009.*

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**Guidance and directions.**

**11.** (1) The States may, after consulting the Commission, give to the Commission –



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- (a) written guidance of a general character, and
- (b) written directions of a general character,

concerning the policies to be followed by the Commission in the discharge of any of its functions.

(2) It is the duty of the Commission, in carrying out any of its functions –

- (a) to take into account any guidance given under subsection (1)(a), and
- (b) to act in accordance with any directions given under subsection (1)(b).

(3) The Commission shall not be deemed to have acted unreasonably or beyond its powers in the carrying out of any of its functions by reason only that it has complied with its duty under subsection (2).

*Powers of Commission*

**General powers of the Commission.**

**12.** (1) The Commission may do anything which appears to it to be conducive to the carrying out of its functions or to be incidental to their proper discharge.

(2) Without prejudice to the generality of subsection (1) the Commission may, in connection with the carrying out of its functions –

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- (a) obtain information relating to –
  - (i) renewable energy systems,
  - (ii) the operation, deployment, use and management of renewable energy systems, and
  - (iii) the licensing, supervision, control and regulation of renewable energy systems carried on outside the Island of Alderney and the territorial waters of Alderney,
- (b) consult or seek the advice of such persons or bodies as it considers appropriate; and
- (c) publish, in such manner as it considers appropriate, such information relating to its functions as it thinks fit.

(3) This section relates only to the capacity of the Commission as a body corporate and does not authorise the disregard by the Commission of any enactment or rule of law.

**Contractual powers.**

**13.** (1) The Commission may enter into a contract, or make an arrangement with, any person for the provision of any service or any facility to facilitate the carrying out of the Commission's functions and may expend money generally for the proper purposes of the Commission.

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- (2) The power conferred by subsection (1) includes the power –
- (a) to open, operate and close banking accounts in the name of the Commission,
  - (b) to enter into, and pay any premium in respect of, contracts of insurance insuring the Commission, any member of the Commission, or any officer or servant of the Commission against –
    - (i) any risk to the Commission’s property, or
    - (ii) any risk arising in connection with the carrying out of the Commission’s functions, including, without prejudice to the generality of the foregoing, the risk of a claim against the Commission in respect of any description of civil liability.

**Powers as to property.**

**14.** (1) The Commission has all such powers in relation to the acquisition, use and disposal of property (whether realty or personalty) as are conducive to the carrying out of its functions.

(2) Without prejudice to the generality of subsection (1), the Commission may –

- (a) acquire any land (which shall include the seabed) or building, or an interest in any land (including the seabed) or building, by purchase, lease, sublease,

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easement or otherwise,

- (b) deal generally with, and dispose of, by sale, lease, sublease, easement or otherwise, any land or building or an interest in any land or building,
- (c) acquire any furniture, equipment or other personalty, by purchase, hire, bailment or otherwise, and
- (d) deal generally with, and dispose of, by sale, hire, bailment or otherwise, any furniture, equipment or other personalty.

**Appointment, remuneration etc. of staff.**

**15.** (1) The Commission may appoint such officers, employees and consultants as it considers necessary for carrying out its functions.

(2) An appointment under subsection (1) may be made on such terms as to remuneration, expenses, pensions and other conditions of service as the Commission thinks fit.

(3) The Commission may establish and maintain such schemes, or make such other arrangements, as it thinks fit for the payment of pensions and other benefits in respect of its officers employees and consultants.

*Funding and financial matters*

**The Commission's funds.**

**16.** The funds and resources of the Commission are –

- (a) any grant paid to the Commission under section 18,
- (b) any money borrowed by the Commission in accordance with section 19, and
- (c) any other money or property, and any income and profits derived from such money or property, as is lawfully vested in the Commission through the exercise of its powers under this Law.

**Fees and charges.**

17. There shall be payable to such of the Commission, the States or any specified committee of the States, in connection with the carrying out of any function of the Commission, fees of such amounts, by such persons and in such manner, as may be specified by Ordinance.

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**NOTE**

*The following Ordinance has been made under section 17:*

*Renewable Energy (Alderney) Ordinance, 2008.*

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**Grants to the Commission.**

18. (1) In respect of each year the States, or any specified committee of the States, may make grants of sums of money to the Commission towards the expenses of the Commission in carrying out its functions.

(2) The amount of any grant under subsection (1) shall be determined by the States following consultation carried out on its behalf by any specified committee of the States; and in determining the amount the States shall

have regard to –

- (a) the results of that consultation, and
- (b) the extent, if any, to which the Commission's estimated expenditure in any year is likely to exceed its estimated funds and resources from other sources in that year.

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**NOTE**

*The following Ordinance has been made under section 18:*

*Renewable Energy (Specified Committee) (Alderney) Ordinance, 2009.*

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**Borrowing by the Commission.**

**19.** (1) For the purpose of assisting the Commission to carry out its functions, the States may make advances of sums of money by way of loan to the Commission.

(2) The aggregate amount outstanding by way of principal in respect of sums advanced to the Commission under this section shall not at any time exceed such sum as the States may from time to time by Resolution determine.

(3) No advance shall be made under this section except on such terms (as to repayment, payment of interest or otherwise) as the States may from time to time by resolution determine.

(4) The Commission shall not borrow money except in accordance with this section.

**Investment of surplus funds.**

20. The Commission may invest any of its funds which are not immediately required in any investment approved in writing for the purpose by the States, or any specified committee of the States.

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**NOTE**

*The following Ordinance has been made under section 20:*

*Renewable Energy (Specified Committee) (Alderney) Ordinance, 2009.*

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**Accounts and audit.**

21. (1) The Commission shall –
- (a) keep proper accounts and proper records in relation to those accounts, and
  - (b) prepare in respect of each year a statement of accounts giving a true and fair view of the state of affairs of the Commission.
- (2) The accounts of the Commission shall be –
- (a) audited by auditors appointed by the States, and
  - (b) laid before the States, in the same manner as the accounts of a committee of the States.

*Miscellaneous provisions relating to Commission*

**Delegation to members and officers.**

**22.** (1) The Commission may, by an instrument in writing under its common seal, delegate to any of its members, officers or employees named or described in that instrument, either generally or otherwise as provided by that instrument, any of its functions except –

- (a) this power of delegation,
- (b) its duty to make an annual report under section 10, or
- (c) so much of any of its functions as require the Commission to consider representations concerning a decision which it proposes to take.

(2) A function delegated under this section may be carried out by the delegate in accordance with the instrument of delegation and, when so carried out, shall, for the purposes of this Law, be deemed to have been carried out by the Commission.

(3) A delegation under this section is revocable by the Commission at will and does not prevent the carrying out of a function by the Commission.

**Execution of documents.**

**23.** Any deed, instrument, contract or other document shall be deemed to have been duly executed by or on behalf of the Commission, and shall be effective in law to bind the Commission, if it is –

- (a) sealed with the common seal of the Commission, and



- (b) signed by a member or officer of the Commission to whom the Commission has delegated, under section 22, authority to affix the Commission's common seal.

**Presumption of authenticity of documents.**

24. Any document purporting to be issued by the Commission and to be signed by a member or officer of the Commission on behalf of the Commission shall be deemed to be such a document unless the contrary is shown.

**Confidentiality.**

25. (1) Any information from which an individual or body can be identified which is acquired by the Commission in the course of carrying out its functions shall be regarded as confidential by the Commission and by its members, officers and employees.

(2) No such information as is referred to in sub-section (1) shall be disclosed, without the consent of every individual who, and every body which, can be identified from that information, except to the extent that its disclosure is expressly authorised or required by or under this Law or appears to the Commission to be necessary –

- (a) to enable the Commission to carry out any of its functions,
- (b) in the interests of the prevention, detection or investigation of crime within or outside Alderney,
- (c) in connection with the discharge of any international obligation to which Alderney is subject,

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- (d) to assist, in the interests of the public, any authority which appears to the Commission to carry out in a place outside Alderney functions corresponding to those of the Commission,
- (e) to assist any prosecuting authority with the prosecution of criminal offences within or outside Alderney, or
- (f) to comply with the directions of the Royal Court or the Court of Alderney.

(3) Without prejudice to subsections (1) and (2), any information communicated to the Commission by a committee of the States shall be regarded as confidential, if that committee of the States so requests, by the Commission and by its members, officers and servants; and no such information shall be disclosed to any other person, except in compliance with the directions of the Royal Court or the Court of Alderney.

(4) A person who discloses information, or who causes or permits the disclosure of information, in contravention of this section is guilty of an offence and liable –

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both, or
- (b) on summary conviction, to a fine not exceeding level 3 on the uniform scale.

**Communications by auditors and others to Commission.**

26. (1) No duty, to which an auditor, employee or agent of any person licensed, or otherwise authorised, to operate, deploy, use or manage a renewable energy system under this Law, is subject, is contravened by reason of his communication in good faith to the Commission, whether or not in response to a request by it, of any information or opinion on a matter to which this section applies and which is relevant to any function of the Commission under this Law.

(2) This section applies to any matter of which an auditor, employee or agent becomes aware in his capacity as auditor, employee or agent and which relates to the business or affairs of –

- (a) a person licensed, or otherwise authorised, to operate, deploy, use or manage a renewable energy system under this Law, or
- (b) any associated body of such person.

(3) This section applies in relation to the auditor, employee or agent of a person formerly licensed, or otherwise authorised, to operate, deploy, use or manage a renewable energy system under this Law, as it applies to a person currently so licensed or otherwise authorised.

(4) In this section "**associated body**" means a person whom the Commission reasonably believes to be associated with the operations of a person licensed, or otherwise authorised, to operate, deploy, use or manage a renewable energy system under this Law.

**Liability of members, officers and servants.**

27. No member, officer or servant of the Commission is personally liable

in any civil proceedings in respect of anything done or omitted to be done in the discharge or purported discharge of any function or duty of the Commission under this Law, unless the thing is done or omitted to be done in bad faith.

PART III  
GENERAL

*Interpretation, General Provisions as to Ordinances, etc.,*

**Interpretation.**

**28.** (1) In this Law, unless the context requires otherwise –

"**Alderney uniform scale**" has the same meaning as in the Uniform Scale of Fines (Alderney) Law, 1989<sup>a</sup>,

"**Commission**" means the Alderney Commission for Renewable Energy,

"**committee of the States**" means a committee of the States appointed under section 49(1) of the Government of Alderney Law, 2004<sup>b</sup>,

"**contravention**", in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly,

"**function**" includes a duty and a power and the carrying out of functions includes the performance of duties and the exercise of powers,

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<sup>a</sup> Ordres en Conseil Vol. XXX1, p. 306.

<sup>b</sup> Order in Council No. III of 2005.

**"Island of Alderney"** includes its off-lying islands,

**"premises"** includes any place, whether enclosed or not,

**"renewable energy system"** means any mechanical system, or any plant or apparatus, which when operated, deployed or used is capable of generating or supplying electricity or any other type of energy from any form of renewable power source,

**"renewable power source"** includes tidal power, wave power, wind power, solar power and any other form of prescribed power,

**"Royal Court"** means the Royal Court of Guernsey sitting as the Ordinary Court,

**"prescribed"** means prescribed by regulations made by any specified committee of the States,

**"specified"** means specified by, or under, an Ordinance,

**"the States"** means the States of Alderney, and

**"territorial waters of Alderney"** means the territorial sea adjacent to Alderney, the breadth thereof being measured from the baselines established by the Territorial Waters Order in Council 1964<sup>c</sup>.

(2) Unless the context requires otherwise, any reference in this

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<sup>c</sup> Order in Council of the 25<sup>th</sup> September 1964.

Law to an enactment is a reference thereto as from time to time amended, replaced or re-enacted (in either case with or without modification), extended or applied.

(3) The Interpretation (Guernsey) Law, 1948<sup>d</sup> shall apply to the interpretation of this Law as it applies to the interpretation of an enactment in force in Guernsey.

(4) In this Law any words importing the neuter gender shall include the masculine and the feminine, and any words importing the masculine gender shall include the feminine and the neuter.

[(5) In this Law any reference to "**operate, deploy, use or manage any renewable energy system**" and related expressions shall be construed as including to arrange for the operation, deployment or use or be concerned in the management of any renewable energy system.]

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**NOTES**

*In section 28, subsection (5) was inserted by the Renewable Energy (Alderney) Ordinance, 2008, section 32(5), with effect from 10th November, 2008.*

*The following Ordinance has been made under section 28:*

*Renewable Energy (Specified Committee) (Alderney) Ordinance, 2009.*

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**Amendment by Ordinance.**

**29.** The States may by Ordinance amend this Law.

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<sup>d</sup> Ordres en Conseil Vol. XIII, p. 355.

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**NOTE**

*The following Ordinance has been made under section 29:*

*Renewable Energy (Alderney) Ordinance, 2008.*

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**General provisions as to Ordinances and regulations.**

- 30.** (1) An Ordinance or regulations under this Law may –
- (a) be amended or repealed by a subsequent Ordinance or regulations thereunder, and
  - (b) contain such consequential, incidental, supplementary and transitional provision as may appear to the States, or any committee of the States, as the case may be, to be necessary or expedient.
- (2) Any power conferred under this Law to make an Ordinance or regulations may be exercised –
- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
  - (b) so as to make, as respects the cases in relation to which it is exercised –
    - (i) the full provision to which the power extends, or any lesser provision (whether by way of

exception or otherwise),

- (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
- (iii) any such provision either unconditionally or subject to any prescribed conditions.

**Citation.**

**31.** This Law may be cited as the Renewable Energy (Alderney) Law, 2007.

**Commencement.**

**32.** This Law shall come into force on the day appointed by Ordinance of the States; and different days may be appointed for different provisions or different purposes.

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**NOTE**

*The Law was brought into force on 10th November, 2008 by the Renewable Energy (Alderney) Law, 2007 (Commencement) Ordinance, 2008, section 1.*

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**Provisions having effect with respect to the Alderney Commission for  
Renewable Energy**

1. The Commission shall consist of a Chairman [and at least 2, but no more than 4,] other members appointed by the States upon the recommendation of any specified committee.
2. The Chairman and other members of the Commission shall hold office for a period of five years (or such other shorter period as may be agreed between the States and any member appointed to the Commission) and vacate office as such in accordance with the terms of their appointments.
3. A person who ceases to hold office as a member of the Commission, or ceases to hold office as Chairman, shall be eligible for reappointment.
4. The Commission shall pay to the Chairman and other members of the Commission such remuneration, allowances, expenses, pensions and other benefits as the States may from time to time by resolution determine.
5. Every member of the Commission shall, before discharging any function under this Law, take an oath or make an affirmation before the Royal Court or the Court of Alderney in the terms set out at the foot of this part of the Schedule or in words to the like effect.
6. Where the members of the Commission meet together so as to transact any business –
  - (a) decisions shall be made and other matters determined or

*Consolidated text*

resolved by a majority of the members attending and voting in favour of the decision or matter in question,

- (b) each member has one vote, and
- (c) in the event of an equality of votes, the Chairman has a second or casting vote.

7. The Commission may, if it thinks fit, transact any business by the circulation of papers to all of the members of the Commission, or by a telephone conference at which each member joining in that telephone conference call can hear each other member and a resolution in writing approved in writing or by oral confirmation during a telephone conference by a majority of the members of the Commission shall be as valid and effectual as if passed at a meeting of the Commission by the votes of the members so approving the resolution.

8. The validity of any proceedings of the Commission shall not be affected by any vacancy among the members of the Commission or by any defect in the appointment of any such member.

9. The Commission shall keep proper minutes of its proceedings, including minutes of any business transacted as permitted by paragraph 7 of this Schedule.

10. Subject to this Law, the Commission shall have power to make rules to regulate its own procedure.

**Oath/Affirmation of office**

"You [swear and promise on the faith and truth that you owe to God] [do solemnly, sincerely and truly declare and affirm] that you will well and faithfully discharge

your functions as a member of the Alderney Commission for Renewable Energy in accordance with law; that you will exercise the powers entrusted to you only as appears necessary to you for the discharge of those functions; and that you will not disclose any information received by you in the discharge of those functions which to your knowledge may directly lead to the identification of any person, save to persons engaged in the discharge of those functions; pursuant to an express power conferred by or under the Renewable Energy (Alderney) Law, 2007; or in any other case required by law. "

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**NOTES**

*In the First Schedule, the words in square brackets in paragraph 1 were substituted by the Renewable Energy (Alderney) Ordinance, 2008, section 32(6), with effect from 10th November, 2008.*

*The following Ordinance has been made under the First Schedule:*

*Renewable Energy (Alderney) Ordinance, 2008.*

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