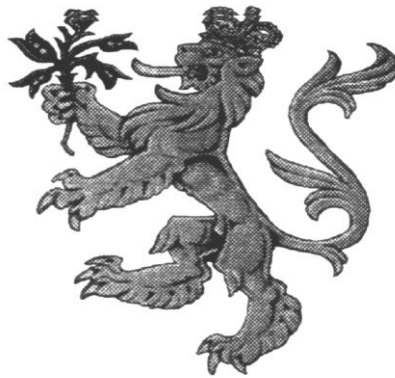


# STATES OF ALDERNEY



# BILLET D'ETAT

WEDNESDAY 19<sup>TH</sup> MARCH 2014

Price: £1.95

## **STATES OF ALDERNEY**

### **BILLET D'ETAT** **FOR WEDNESDAY 19<sup>TH</sup> MARCH 2014**

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 19<sup>th</sup> March 2014. This will be preceded by the People's Meeting, which will be held on Wednesday 12<sup>th</sup> March 2014 at 7:00 pm in the Island Hall.

W Stuart Trought  
President

#### **Item I**      **Chief Pleas**

Persons whose names are included on the Register of Voters and who have given due notice will address the States on matters of public interest.

#### **Item II**      **Speed Trials 2014**

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

*"I am pleased to be able to report that the Guernsey Kart and Motor Club applied to the General Services Committee for permission to organise a three-day Sprint and Hill Climb event from the 18<sup>th</sup> to the 20<sup>th</sup> September this year. The Committee, having delegated permission to the Chief Executive's office, has noted the times and dates of the event and raised no objection. The necessary Ordinance has been prepared.*

*The Ordinance will allow competing vehicles to exceed the speed limit etc., and to permit the closure along the course (a) on the road extending from Whitegates (Hammond Memorial) to Route des Mielles (Corbletts bay car park), (b) the road extending from Le Grand Val (Judges Pond) to Tourgis Hill and (c) Tourgis Hill along the extent of the Hill Climb course, from the road junction of the Petit Val with Route de Picaterre to the junction of Tourgis Hill Road with Le Grand Val.*

*As in past years, the Guernsey Kart and Motor Club have undertaken to put in place all necessary safety precautions and to liaise with the Police, Ambulance and Fire Service for these events.*

*I would be grateful if 'The Speed Trials (Alderney) Ordinance, 2014' is placed before the States of Alderney at its March meeting together with an appropriate proposition.*

C Rowley  
Chairman"

**The States is asked to approve “The Speed Trials (Alderney) Ordinance, 2014”.**

**Item III**      **By-Election 2014**

The following letter has been received from Mr Francis Simonet, Chairman of the Policy & Finance Committee:-

*“Due to the sudden death of States Member Mr Paul Arditti, there will be a need to hold a by-election for the remaining term of his office. The following arrangements are proposed:*

- *Nominations to be received during the seven days ending at 4pm on Monday 31<sup>st</sup> March 2014 at 4pm;*
- *The Polling day to be Saturday, 12<sup>th</sup> April 2014 and that the Polling room be the Members Room of the Island Hall, Royal Connaught Square.*

*The successful candidate will hold office for the remainder of Mr Arditti's term of office which ends on 31<sup>st</sup> December 2014.*

*F Simonet  
Chairman”*

**The States is asked to approve of the arrangements for the By-Election 2014 to be held on Saturday, 12<sup>th</sup> April 2014.**

**Item IV**      **Commonwealth Parliamentary Association**

**The States is asked to elect one member to sit on the Management Committee in the affairs of the Alderney Branch of the Commonwealth Parliamentary Association (the President being Ex-officio Chairman) in place of Mr Paul Arditti.**

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

**Following the procedure as laid out in the Resolution of The States of Alderney dated 18<sup>th</sup> October 2006 and the Plebiscite election of 1<sup>st</sup> December 2012, the States is asked:-**

- (a) to elect Mr Neil Harvey to be the Alderney Representative to sit in the Guernsey States of Deliberation for 2014, and**
- (b) to elect one other member as the Alternative Representative for 2014 to sit in the Guernsey States of Deliberation.**

**Item VI**      **The Building (Alderney) Regulations, 2014**

The following letter has been received from Mr Matt Birmingham, Chairman of the Building and Development Control Committee-

*“The Building Regulations deal with the minimum standards of design and building work for the construction of buildings.*

*The Building (Alderney) Regulations, 2014 have been made to replace the Regulations previously in operation, which were made in 1978. The new Regulations are largely based on the current Guernsey Regulations.*

*The Building (Alderney) Regulations, 2014 were made by the Committee on 30<sup>th</sup> January, 2014 and came into operation on 10<sup>th</sup> February, 2014.*

*In accordance with Section 75(1)(c) of the Building and Development Control (Alderney) Law, 2002, as amended, any regulations made by the Committee are to be laid before a meeting of the States as soon as possible after being made.*

*I would be obliged if The Building (Alderney) Regulations, 2014 is placed before the States at its next meeting together with an appropriate proposition.*

*M Birmingham  
Chairman”*

**The States is asked to resolve that “The Building (Alderney) Regulations, 2014” not be annulled.**

**Item VII**      **St Anne’s Church Repair Works 2014**

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

*“St Anne’s Church is a significant historic building on Alderney. Repair works, mainly to the eastern roofs, have been scheduled over five years beginning in 2011. Following difficulties appointing an on-island contractor, Vaudin Stonemasons won the tender in 2013 to undertake the 2011-2013 works.*

*In December 2013, Lovell Ozanne surveyors were requested to produce the schedule and specification for the next (2014) phase of partial re-roofing works at the church. The works were tendered to Vaudin as an extension of the current contract. The tender return was checked by Lovell Ozanne who report that all tendered figures are comparable to the figures submitted during the original tender process in 2013. There are significant benefits in using the contractor who is already working on the building.*

*The General Services Committee considered these factors and approved the appointment of Vaudin Stonemasons to undertake the 2014 repair work on St Anne’s Church for the sum of £103,327.91. The Committee considered the need for supervision and project management of this specialised work and resolved to appoint Lovell Ozanne to undertake this element. The tender preparation and project management cost for 2014 works is £13,949.27, and £1,500 is added to this for disbursements.*

*The Policy & Finance Committee subsequently unanimously approved the appointment of Vaudin Stonemasons and Lovell Ozanne.*

*C Rowley  
Chairman”*

**The States is asked to resolve:**

- a) **To approve a budget of £119,000 from the Capital Account which includes the repair work, a small contingency, and professional fees for the 2014 repair work to St Anne’s Church.**
- b) **To approve that the 2014 repair works at St Anne’s Church is undertaken by the Vaudin Stonemasons.**
- c) **To approve that the supervision and project management work is undertaken by Lovell Ozanne & Partners**

**Item VIII Road Resurfacing Contract 2014**

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

*“In 2012, the States resolved to enter into a contract with Ronez Limited to undertake works to repair, reinstate and resurface the island’s roads in 2012, 2014 & 2016. This bi-annual contract was awarded following a competitive tender.*

*At its meeting on 21<sup>st</sup> January 2014, the General Services Committee voted unanimously to approve capital funding of £250,000 for the 2014 road works by Ronez Limited. The Policy and Finance Committee resolved unanimously to approve the funding at its meeting of 28<sup>th</sup> January 2014.*

*A schedule of rates has been provided to deliver a planned list of schemes for 2014. The schemes were agreed by the General Services Committee following public consultation.*

*The States of Alderney is asked to resolve that road repair works up to a value of £250,000 be undertaken in 2014 by Ronez Ltd.*

*C Rowley  
Chairman”*

**The States is asked to approve capital funding up to the value of £250,000 from the Capital Account for the 2014 road repair works to be undertaken by Ronez Limited, based on the tendered schedule of rates in accordance with the tender documents.**

**Item IX The Alderney (Application of Legislation) (Food and Drugs) Ordinance, 2014**

The following letter has been received from Mr Francis Simonet, Chairman of the Policy & Finance Committee:-

*“The European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Guernsey) Ordinance, 2014 and the European Communities (Implementation of Food Supplements Directive) (Guernsey) Ordinance, 2014 (“the Guernsey Ordinances”), approved by the States of Deliberation in February, made consequential amendments to the Food and Drugs (Guernsey) Law, 1970 as of the 1<sup>st</sup> April, 2014.*

*The purpose of The Alderney (Application of Legislation) (Food and Drugs) Ordinance, 2014 made under the Alderney (Application of Legislation) Law, 1948 (“the Law”), is that it would apply these consequential amendments to Alderney. These amendments would apply in Alderney subject to the substitution of references to the Guernsey Ordinances with references to the equivalent Alderney Ordinances that would implement the Council Regulation on Nutrition and Health Claims and the Food Supplements Directive.*

*“The Alderney (Application of Legislation) (Food and Drugs) Ordinance, 2014” has been drafted by Law Officers Chambers and I would be grateful if you would place this matter before the next meeting of the States of Alderney with an appropriate proposition.*

*F Simonet  
Chairman”*

**The States is asked to approve:**

**“The Alderney (Application of Legislation) (Food and Drugs) Ordinance, 2014”**

**Item X**      **The Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2014**

The following letter has been received from Mr Francis Simonet, Chairman of the Policy & Finance Committee:-

*“On the 29<sup>th</sup> October 2013, the Independent Domestic Violence Advisory Service (IDVA) visited the Island and gave a presentation to the Jurats of the Court of Alderney. The IDVA supports high risk victims of domestic abuse and represents those persons on the Multi Agency Risk Assessment Conference. The IDVA has two independent advisers who work directly with members of our community.*

*The Domestic Proceedings Law in Alderney is governed by The Separation, Maintenance and Affiliation (Alderney) Law 1964. This Law allows the Court of Alderney to deal with judicial separations and financial provision for spouses and children, but does not contain a provision for Domestic Violence Injunctions (DVI).*

*A Domestic Violence Injunction is a matter that comes before the Civil Court and does not involve the police. If a junction is granted, this gives protection to the victim but only in the Civil Court. The Court of Alderney has granted DVIs in the past on the basis that it has an 'inherent jurisdiction' to protect members of the community from all types of violence. The Court, however, cannot attach a power of arrest to such orders as there is no legal power to do so. If the Court had the power to attach a power of arrest, the police could arrest for breach of the order and bring the person before the Court within 24 hours of arrest to be*

*dealt with. This gives immediate protection for the victim and does not require a long process before the Civil Court.*

*“The Separation Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2014” has been drafted by Law Officers Chambers and incorporates the amendments to provide for the power of arrest to be attached to Domestic Violence Injunctions.*

*I would be grateful if you would place this matter before the next meeting of the States of Alderney with an appropriate proposition.*

*F Simonet  
Chairman”*

**The States is asked to approve the Projet de Loi entitled “The Separation, Maintenance and Affiliation Proceedings (Alderney) (Amendment) Law, 2014”, and to request the President to seek the Sanction of Her Most Excellent Majesty in Council for it to have the force of Law in the Island of Alderney.**

**Item XI      The Road Traffic (Compulsory Third-Party Insurance) (Commencement and Application of Provisions) (Alderney) Ordinance, 2014,  
and  
The Motor Vehicles (International Motor Insurance Card) (Alderney) Ordinance, 2014.**

The following letter has been received from Mr Francis Simonet, Chairman of the Policy & Finance Committee:-

*“In 2012 an amendment to the Road Traffic (Compulsory Third Party Insurance) (Guernsey) Law, 1936 was approved by the Guernsey States of Deliberation, to enable the Health and Social Services Department (HSSD) to recover hospital and ambulance charges incurred as a result of injury/death in road traffic accidents. HSSD would recover these charges off third party insurers, who were liable to compensate the injured person. The 1936 Law was applied to Alderney by the Road Traffic (Compulsory Third-Party Insurance)(Alderney) Law, 1950. However it was advised by the Law Officers that to clearly ensure that the cost recovery provisions are applicable in Alderney, that an Alderney Ordinance be drafted for approval.*

*It was further recommended that to regularise the Road Traffic Third Party Insurance legislation that an ordinance be drafted to bring into effect in Alderney the provisions of “The Motor Vehicles (International Motor Insurance Card) Ordinance, 1974”, and any further amendments to this ordinance.*

*“The Road Traffic (Compulsory Third-Party Insurance) (Commencement and Application of Provisions) (Alderney) Ordinance, 2014” and “The Motor Vehicles (International Motor Insurance Card) (Alderney) Ordinance, 2014” have been drafted by Law Officers Chambers and I would be grateful if you would place this matter before the next meeting of the States of Alderney with an appropriate proposition.*

*F Simonet  
Chairman”*

**The States is asked to approve:**

**“The Road Traffic (Compulsory Third-Party Insurance) (Commencement and Application of Provisions) (Alderney) Ordinance, 2014”;**

**and**

**“The Motor Vehicles (International Motor Insurance Card) (Alderney) Ordinance, 2014”**

**Item XII      Questions and Reports**

**Issued: 7<sup>th</sup> March 2014**