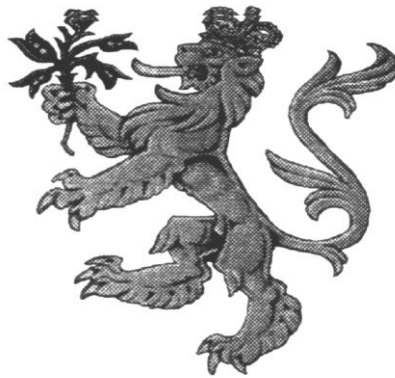


STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 17TH SEPTEMBER 2014

Price: £2.00

STATES OF ALDERNEY
BILLET D'ETAT
FOR WEDNESDAY 17TH SEPTEMBER 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 17th September 2014. This will be preceded by the People's Meeting, which will be held on Wednesday 10th September 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 **The Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014**

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

"The Office of the Financial Services Ombudsman (OFSO) will be a body corporate established in Jersey by the Financial Services Ombudsman (Jersey) Law 2014 and in Guernsey, Alderney and Sark by the Financial Services Ombudsman (Bailiwick of Guernsey) Law 2014. The Financial Services Ombudsman (Jersey) Law 2014 was registered on 25 July 2014, bringing only the administrative provisions into effect, in Jersey. The Financial Services Ombudsman (Bailiwick of Guernsey) Law 2014 has been drafted to mirror Jersey's Law as far as possible. The timetable anticipates the earliest registration of Guernsey legislation being December 2014 and it is hoped the OFSO will open as soon as is practical after that date, which will be once all the necessary legislation is in place and the operations are established.

The Office will be based in Jersey with shared staff, resources and premises; funded by the financial services industries in both jurisdictions.

The primary function of the OFSO is to ensure that complaints about financial services in the Channel Islands are resolved:

- (a) Independently, and in a fair and reasonable manner*
- (b) Effectively, quickly, with minimum formality, and so far as to offer an alternative to court proceedings that is more accessible for complainants; and*
- (c) By the most appropriate means, whether by mediation, referral to another forum, determinations by an Ombudsman or in any other manner*

The establishment of a Financial Services Ombudsman requires primary legislation which covers the broadest scope of the financial services sector with the ability to provide additional detail by regulation, such as activities that are excluded, to facilitate future amendments to the scheme in the light of complaints experienced.

There are material differences between the Bailiwick of Guernsey legislation and the Jersey legislation they are as follows:

- *Dismissal of board members (Schedule 1, paragraphs 4 and 5) – laid before the States of Guernsey (at Minister level only in Jersey). This reflects the differences in government.*
- *Vexatious complaints fees (Schedule 2, paragraph 6) – there is the potential for the OFSO in Guernsey to be able to charge vexatious complainants. This was after a clear steer from the Bailiwick industry that this should be included and should prevent any persistent claims which lack any real substance. It is only intended to be used in exceptional circumstances.*
- *Establishment Fees (Schedule 2, paragraph 4) – these can be reclaimed from the Bailiwick industry. This was at the request of the Commerce and Employment Board and raised at the OFSO implementation Group so all are aware of this position.*

Due to the tight schedule involved in obtaining the approvals of both Alderney and Sark the Policy Council has asked that the States of Alderney debate this matter before the scheduled September meeting of the States of Deliberation.

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 Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014"

Note; A copy of the Projet de Loi entitled "The Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014" may be seen at the President's Office, Island Hall, and in the Library.

Item III The Alderney eGambling (amendment) Regulations, 2014

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

"The States of Alderney, on Wednesday 16th July, 2014, approved the Alderney eGambling (Amendment) Ordinance, 2014. Part of the Ordinance set out to define money laundering and terrorist financing. As a consequence of these now being defined terms in the Alderney eGambling Ordinance, 2009 (as amended) it is necessary to delete them from the Alderney eGambling Regulations, 2009 (as amended).

In addition the Alderney eGambling (Amendment) Regulations, 2014 update the definitions of "relevant enactment" as contained in paragraph 10(1) of Schedule 16 to the Alderney eGambling Regulations. 2009.

These changes were considered appropriate by the Law Officers of the Crown (who drafted them) as part of the preparations for the forthcoming Moneyval inspection. In addition notice of the proposed amendment was given to the States of Guernsey under the terms of the Memorandum of Understanding dated 8th November, 2013 and no objections were made.

I would be grateful if you would place the Alderney eGambling (Amendment) Regulations, 2014 before the next meeting of the States of Alderney pursuant to Section 27(1)(c) of the Alderney eGambling Ordinance, 2009 with an appropriate proposition.

*F Simonet
Chairman"*

The States is asked to resolve that 'The Alderney eGambling (Amendment) Regulations, 2014' not be annulled.

Item III Questions and Reports

Issued: 5th September 2014