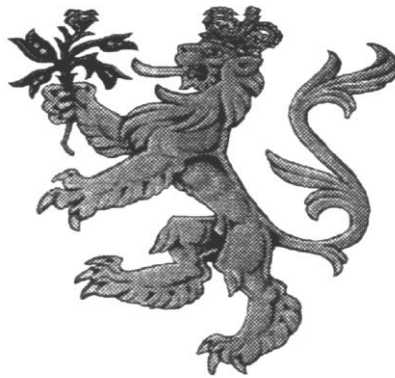


STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 17TH JUNE 2015

STATES OF ALDERNEY
BILLET D'ETAT
FOR WEDNESDAY 17TH JUNE 2015

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 June 2015. This will be preceded by the People's Meeting, which will be held on Wednesday 10th June 2015 at 7:00 pm in the Island Hall.

W Stuart Trought
President

Item I **Re-appointment of the Code of Conduct Panel**

The following letter was received from Mr Harvey, Chairman of the Policy and Finance Committee:-

“At the Policy and Committee meeting of the 18th May 2015 it was resolved unanimously to confirm the appointment of the following persons to the Members Conduct Review Panel as referred to in Part III of the States Members Code of Conduct until the 31st December 2015:

*Mrs Rosemary Hanbury
Mr John Russell
Mrs Helen McGregor
Mrs Pamela Pearson and
Mr Peter Cunningham.*

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

*Neil Harvey
Chairman”*

The States of Alderney is asked to approve that the following persons:

**Mr Peter Cunningham
Mrs Rosemary Hanbury
Mrs Helen McGregor
Mrs Pamela Pearson
Mr John Russell**

be confirmed as Members of the States Members Code of Conduct Review Panel until the period ending 31st December 2015.

Item II **Testamentary Freedom**

The following letter was received from Mr Harvey, Chairman of the Policy and Finance Committee:-

“On the 25th February 2014, the Policy and Finance Committee considered undertaking a review of the Law of Inheritance in Alderney. At that meeting, two

reports were placed before the Committee to outline the current Law and suggest possible changes. The Committee resolved to conduct a public consultation in relation to a legislative review of the Inheritance Law.

As a result of that resolution, a Consultation Document was drafted. This document outlined the current law in relation to Inheritance, outlined the advantages and disadvantages of any change and asked whether it would be desirable, having regard to changes in society

- a. To introduce testamentary freedom which would enable persons domiciled in Alderney to leave both immovable (real) and moveable (personal) property to whoever they chose; and
- b. In the event that testamentary freedom is introduced, to give the Court of Alderney jurisdiction to provide protection to the dependants of deceased persons (family provision);

or whether the current provisions which require a portion of a deceased person's personal estate ('legitime') to be left, whether by will or intestacy, according to inheritance law and a spouses claim on real estate, should be retained.

Of those taking part in the consultation process, there was an overwhelming majority in favour of change. The fundamental reason for this being that the current system does not work for the modern day family situation. The general make-up of our society has changed since the Norman Law evolved in this jurisdiction and therefore there is a need to respond to that change.

At the meeting of the Policy and Finance Committee of 24th June 2014, the Committee noted that it would make sense for all Bailiwick residents to be under the same regime as far as inheritance laws are concerned unlike at present where there is a huge difference in the laws. It was therefore suggested and approved that the Guernsey Law be used as a template for the changes to the Alderney law and amended where necessary to meet the needs of this jurisdiction. It was also noted that as Alderney had signed up to the European Convention on the Legal Status of Children Born out of Wedlock and the European Convention on Human Rights. Alderney must therefore amend its legislation to give illegitimate children equal rights to comply with those Conventions thereby negating the risk of legal action. The Policy and Finance Committee, taking these points into consideration resolved on the 24th June to instruct the Law Officers to draft legislation to bring about the required changes.

Law Officers Chambers have drafted the required legislation namely "The Retrait Lignager (Abolition) (Alderney) Law, 2015" and "The Alderney Inheritance Law, 2015" which are attached for your consideration.

The concept of retraits lignager is a French common law principle and it is the right of descendants to 'buy back' property from purchasers for the same price that was paid for the property within three months of the purchase. "Retrait Lignager" provides uncertainty to purchasers of property – especially those seeking to renovate – as the price paid for /buy back is the actual purchase price and does not include the cost of any renovation undertaken during those three months. "The Retrait Lignager (Abolition) (Alderney Law, 2015" seeks to abolish this concept in its entirety and provide certainty for purchasers of Alderney property.

In summary the main provisions of "The Alderney Inheritance Law, 2015" are as follows:

Part I - abolishes the forced heirship Rules. There will no longer be a requirement to leave personalty to a spouse* and/or children. However, to ensure that any dependants are taken care of financially and not a burden on the State, there is a

section dealing with financial provision. (Where the term spouse is used – this includes Civil Partner.)

Part II - Removes any discrimination against illegitimate children. This part complies with the Human Rights legislation currently in force.

Part III - Sets out the Rules in relation to intestate succession. This means a person who dies without leaving a will, their estate will be dealt with according to the schedule in the law.

Part IV - Sets out the provisions for dealing with Real property in an intestacy situation or where the heirs cannot be ascertained or found. It creates an Administration Order which appoints a person to deal with the Real Property in this situation. This is an important change bearing in mind illegitimate children will stand to inherit equally.

Part V - The prescription period for any action, proceeding or claim under this law, shall be six years. There is a discretion for the Court to allow a claim after this period has elapsed if it would be equitable to do so.

Part VI - Sets out the formalities for making Wills.

Part VII - Deals with the situation where two or more persons die in circumstances where it is uncertain who died first. It sets out in statute the situation which has been presumed thus far: the eldest is presumed to have died first. This presumption can be rebutted by an express provision in a will or by order of the Court.

Part VIII - As a result of testamentary freedom, it is essential that provision is made for family and dependants of the deceased. This part deals with applications for financial provision to the Court.

I would be grateful if “The Retrait Lignager (Abolition) (Alderney) Law, 2015” and “The Alderney Inheritance Law, 2015” are placed before the next meeting of the States of Alderney together with an appropriate proposition.

*Neil Harvey
Chairman”*

The States is asked to approve the Projet de Loi entitled:

a) “The Retrait Lignager (Abolition) (Alderney) Law, 2015”;

and

b) “The Alderney Inheritance Law, 2015”

and to request the President to seek the Sanction of Her Most Excellent Majesty in Council for them to have the force of Law in the Island of Alderney.

Item III Questions and Reports

The following report was received from Mr Neil Harvey, Chairman of the Policy & Finance Committee:-

“Policy & Finance Committee – Chairman’s Report

Date: 28 May 2015

Economic Development Action Plan 2015-2017 – Update on progress

1. *The resolution on Alderney Airport and Economic Development, agreed by the States of Guernsey (SoG) in December 2014, included a commitment to produce an action plan to drive economic development in Alderney for approval by the Alderney Liaison Group (ALG) by 31 March 2015.*
2. *The lead on developing the plan was taken by the States of Alderney, through the Chief Executive and States Members Harvey and McDowall, and a draft was approved by the Policy & Finance Committee on 27 January 2015 for submission to the ALG.*
3. *At its meeting in Alderney on 4 February ALG agreed the plan as presented and it was made publicly available, with a consultation event taking place on 26 February 2015.*
4. *Since then progress has been made in advancing the individual work-streams – the attached charts highlight that progress using the 'traffic light' system.*
5. *There are 2 programme areas that are currently flagged as 'red', i.e. the target has not been met, being Air Services (project 7.1) and Broadband (project 10). The former is due to lack of progress by SoG and Aurigny in providing the necessary information, including a copy of the Shareholder Objectives from T & R to Aurigny, and a draft Memorandum of Understanding setting out flight frequencies, numbers of seats and fares. This will be raised at the ALG meeting on 3 June and reported back orally to the States at its meeting on 17 June 2015. The second is due to lack of internal resource, which has now been resolved and the project will proceed in quarter 3.*
6. *In terms of those flagged as 'amber', i.e. mostly on target or some changes, there is some concern regarding project 14 – Alderney Breakwater. This is again due to lack of progress by SoG in making information available. This will be discussed at ALG on 3 June and reported back orally to the States on 17 June 2015.*

Recommendation:

That the States of Alderney notes progress on delivering the Economic Development Action Plan and makes any necessary representations to the States of Guernsey on its input through the Alderney Liaison Group, with support of the Alderney Representatives on the States of Deliberation."

Issued: 5th June 2015