

States of Alderney



DELIBERATIONS

WEDNESDAY 18TH APRIL 2012

STATES OF ALDERNEY
DELIBERATIONS FOR THE MEETING OF
WEDNESDAY 18TH APRIL 2012 AT 17:30

Present: Mr Stuart Trought, President
Mr Bill Walden
Mr Ian Tugby
Mr Tony Llewellyn
Mr Peter Allen
Mr Boyd Kelly
Mr Geoff Sargent
Mr John Beaman
Mr Matt Birmingham
Mr Paul Arditti
Mr Ray Berry

Colonel Colin Mason represented His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey.

Item I **Wireless Telegraphy and Related Matters (Deemed Registration and Validation) (Bailiwick of Guernsey) Law, 2012**

The States resolved to approve “The Wireless Telegraphy and Related Matters (Deemed Registration and Validation) (Bailiwick of Guernsey) Law, 2012”

*Proposed by Mr Kelly and seconded by Mr Llewellyn
Approved by a majority, all in favour except Mr Allen who voted against*

Item II **The Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012**

The States resolved to approve “The Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012”

*Proposed by Mr Walden and seconded by Mr Kelly
Approved unanimously*

Item III **The Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) (Amendment) Law, 2012**

The States resolved to approve “The Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) (Amendment) Law, 2012”

*Proposed by Mr Sargent and seconded by Mr Tugby
Approved unanimously*

Item IV **The Civil Contingencies (Bailiwick of Guernsey) Law, 2012**

The States resolved to approve “The Civil Contingencies (Bailiwick of Guernsey) Law, 2012”

*Proposed by Mr Kelly and seconded by Mr Berry
Approved unanimously*

Item V **Audited Accounts 2011**

The States resolved to approve:-

- (a) The States of Alderney 2011 Accounts, and
- (b) The States of Alderney Water Board 2011 Financial Statements

*Proposed by Mr Beaman and seconded by Mr Sargent
Approved unanimously*

Item VI **The Rabies (Alderney) Order, 2012**

The States resolved that “The Rabies (Alderney) Order, 2012” not be annulled.

*Proposed by Mr Walden and seconded by Mr Kelly
Approved unanimously*

Item VII **The Government of Alderney (Amendment) Law, 2012**

The States resolved to approve “The Government of Alderney (Amendment) Law, 2012” 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.

*Proposed by Mr Arditti and seconded by Mr Llewellyn
Approved unanimously*

Item VIII **Syria (Restrictive Measures) (Alderney) Ordinance, 2012**

The States resolved to approve “The Syria (Restrictive Measures) (Alderney) Ordinance, 2012”

*Proposed by Mr Beaman and seconded by Mr Birmingham
Approved unanimously*

Item IX **Questions and Reports**

The following report on the Rock Island Trials Bike Event was given by Mr Walden.

“Rock Island Trials Bike Event 21st – 22nd April 2012

Section 5 of the Motor Taxation and Licensing (Guernsey) Law, 1987 (which has effect in Alderney) prohibits the driving of a motor vehicle on a public highway unless the driver is the holder of a relevant driving licence. It has been drawn to our attention that some of the participants of the Rock Island Trials Bike event are between the ages of 8 and 16 and therefore do not hold such a driving licence. A public highway is defined under section 26(1) of the 1987 Law to include “any road, street, lane or public place” and a “public place”, although not defined in the 1987 Law, would almost certainly include a foreshore or beach to which the public has access.

The advice of Law Officers Chambers has been sought on how this matter could be overcome so that all the intended competitors can participate in the Event. Law Officers Chambers has advised that if as a matter of law, and in effect, the States can deny public access to the area for the duration of the Event, then it would be reasonable to conclude that the area would not be a public place and thus not a public highway for the duration of the Event for the purposes of the 1987 Law. On the basis that the States are the owners of the area involved then, in exercise of private law rights the States could (acting by the Committee that has the mandate for exercising rights in relation to States owned land) by resolution deny access to the public.

At the meeting of 13th March 2012 the General Services Committee, as the Committee mandated to manage States land, resolved to approve the closure of certain public highways from the 21st April to the 22nd April inclusive, to enable the various events in the Rock Island Trial Bike event to take place, they are as follows:

- *Fort Albert access track following the coast around to the foreshore at Bibette Head and the Bibette (Saye) access track;*
- *An area at Vau Trembliers point;*
- *Foreshore area at Cats Bay;*
- *Track from Fort Quesnard to the causeway of Houmet Herbe; and*
- *Foreshore of the Baie du Grounard.*

*William Walden
Chairman, General Services Committee
26th March 2012"*

Meeting Closed: 1845hrs

Issued: 19th April 2012