

PROJET DE LOI

ENTITLED

The Government of Alderney (Amendment) Law, 2013

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 19th June, 2013, 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.

Amendment of Government of Alderney Law, 2004.

1. The Government of Alderney Law, 2004^a is further amended as follows.

2. After section 48 insert the following heading and section -

"Code of conduct

Code of conduct.

48A. (1) The States may by resolution adopt (and subsequently amend, revoke or replace) a code of conduct -

- (a) prescribing or, as may be appropriate, regulating the duties, standards, propriety and conduct, in public life, of members of the States, and

^a Order in Council No. III of 2005; amended by No. XXII of 2010; and No. XI of 2012.

(b) containing such other provision in relation to those matters as the States think fit.

(2) A code of conduct may, without limitation, make provision -

(a) for the investigation and disposal of allegations and complaints that a member of the States -

(i) has failed to comply with the code, or

(ii) has been guilty of any breach or abuse of privilege,

(b) for the establishment of a panel or panels to investigate such allegations and complaints, and the constitution, powers and proceedings of any such panel,

(c) requiring any member of the States under investigation by a panel to co-operate fully with it,

(d) without prejudice to the generality of subparagraph (b), empowering the panel to request the production of documents from any person (including the member of the States under investigation) and to request any person to appear before it,

(e) for the sanctions to be available against an

offending member of the States, which may include -

- (i) a reprimand or caution, or
- (ii) suspension or expulsion (for example, by debarring him from proceedings of, or terminating his membership of, the States or any committee thereof, or by removing any of his functions in relation to such proceedings).

(3) Members of the States must comply with a code of conduct in all aspects of their public life and are bound by any decision made under it; and the code and any such decision shall have effect for the purposes of -

- (a) this Law,
- (b) rules of procedure of the States prescribed by Resolution of the States under section 45(1), and
- (c) rules of procedure of committees of the States,

the provisions of which shall apply accordingly.

(4) Except to the extent that a code of conduct provides to the contrary, this section and any code of conduct under it apply in relation to -

- (a) the President,

- (b) a member of a committee of the States who is not also a member of the States, and
- (c) a person who has at any time been President of, or a member of, the States,

as they apply in relation to a member of the States; and references in this section and any code of conduct under it to a member of the States shall, except to the extent that the code of conduct provides to the contrary, be construed accordingly.

(5) A person attending to give evidence to or to produce any document before a panel established pursuant to this section to investigate an allegation or complaint that there has been a failure to comply with a code of conduct or a breach or abuse of privilege is entitled, in respect of any evidence given or document produced by him, to the same immunities and privileges as if he were a witness before the Court of Alderney.

(6) The States may by Ordinance amend -

- (a) this section, and
- (b) any other provision of this Law for the purpose of giving effect to -
 - (i) this section, as from time to time amended, and
 - (ii) any code of conduct."

Citation.

3. This Law may be cited as the Government of Alderney (Amendment) Law, 2013.