



States of Alderney  
Office of the President

# BILLET D'ÉTAT

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WEDNESDAY 12<sup>TH</sup> OCTOBER 2022

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## Billet d'État

Wednesday 12<sup>th</sup> October 2022

**Members of the States:**

I have the honour to inform you that the Meeting of the States will be held at 2.30pm on Wednesday 12<sup>th</sup> October 2022.

This will be preceded by the People's Meeting, which will be held on Wednesday 5<sup>th</sup> October 2022 at 7.00pm in the Island Hall, convened by Mr Christian Harris.

William Tate  
President

His Excellency The Lieutenant-Governor of the Bailiwick of Guernsey, Lieutenant General Richard Cripwell CB, CBE will be in attendance.

**Item I**      **Chief Pleas – deferred from meeting on 14 September 2022**

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 Beneficial Ownership and Companies (Amendment) (Alderney) Law, 2022 (Commencement) Ordinance, 2022 – deferred from meeting on 14 September 2022**

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

“The States of Alderney approved the Beneficial Ownership and Companies (Amendment) (Alderney) Law, 2022 at its meeting of 16<sup>th</sup> March 2022. It was noted at the time that a commencement ordinance would be required to bring the new law into effect, once the Law had received Royal approval.

The Beneficial Ownership and Companies (Amendment) (Alderney) Law, 2022 has been drafted to bring the Law into force from 15<sup>th</sup> September, 2022.

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

Ian Carter, Chairman”

**The States of Alderney is asked to approve “The Beneficial Ownership and Companies (Amendment) (Alderney) Law, 2022 (Commencement) Ordinance, 2022”.**

Proposed by Mr Ian Carter  
Seconded by: Mr Christian Harris

**Item III**      **The Animal Health (Infected Area) (Avian Influenza) (Alderney) Order 2022 – deferred from meeting on 14 September 2022**

**The following letter was received from Mr Boyd Kelly, Chairman of the General Services Committee:-**

“On 22<sup>nd</sup> August, 2022 the General Services Committee resolved that it considered that there is a serious threat to animal health arising from Avian Influenza (bird flu) on Alderney, which is a notifiable animal disease and compulsory slaughter disease under the Animal Health (Alderney) Ordinance, 2002 (“**the Ordinance**”). This decision was based on the following information:

- (a) Avian Influenza (bird flu) had recently been confirmed in a chicken in a 'back yard' flock in Alderney,
- (b) the risk of infection of kept poultry, commercial poultry, wild birds and birds of prey, resulting in death of these birds, is high, and
- (c) the risk to Alderney's local Gannet population, which makes up 2% of the world population, is high.

The Committee also resolved that to contain the spread of the disease that the island be declared as an infected area in respect of Avian Influenza, and as such made The Animal Health (Infected Area) (Avian Influenza) Order, 2022 under the provisions of sections 14 and 33 of the Animal Health (Alderney) Ordinance, 2002 and all other powers enabling it in that behalf, to bring this into force.

The Animal Health Infected Area (Avian Influenza) Order, 2022 came into force on 22<sup>nd</sup> August 2022, and on coming into force, restrictions in the Animal Health (Alderney) Ordinance, 2002 pertaining to section 15 of the Ordinance now apply to the movement, watering, grazing and removal of animals susceptible to Avian Influenza including the movement of these animals into or out of the Island of Alderney.

I would be grateful if “The Animal Health (Infected Area) (Avian Influenza) (Alderney) Order, 2022” could be placed before the next meeting of the States of Alderney with an appropriate proposition.

Boyd Kelly, Chairman”

**The States of Alderney is asked not to annul “The Animal Health (Infected Area) (Avian Influenza) (Alderney) Order, 2022”**

Proposed by Mr Boyd Kelly  
Seconded by: Ms Annie Burgess

**Item IV**      **The Matrimonial Causes (Bailiwick of Guernsey) Law 2022 – deferred from meeting on 14 September 2022**

**The following letter was received from the President, Mr William Tate:-**

“Please find attached a letter from the Bailiff dated 21<sup>st</sup> July 2022 seeking approval of the above law.

I would therefore be obliged if you could debate this matter at your meeting on 14<sup>th</sup> September 2022 and give your approval as set out in the letter.

William Tate, President”

**The States of Alderney is asked to approve “The Matrimonial Causes (Bailiwick of Guernsey) Law, 2022” and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.**

Proposed by Mr Ian Carter  
Seconded by: Mr Alex Snowdon

**Item V**      **The Bailiwick's further participation in UK Free Trade Agreements – deferred from meeting on 14 September 2022**

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

**“Summary**

In July 2021 (Sark) and October 2021 (Alderney)<sup>1</sup>, Sark and Alderney’s parliaments considered a Policy Letter (‘the FTA Policy Letter’) about the Bailiwick of Guernsey’s participation in UK Free Trade Agreements (‘FTAs’) with other jurisdictions. The FTA Policy Letter set out a baseline for inclusion in goods elements of FTAs and allowed for the possible future participation of Guernsey/the Bailiwick in the services elements of those FTAs.

It was noted in that original FTA Policy Letter that it would be necessary to return in future to the Bailiwick of Guernsey’s three parliaments, to seek their approval to establish a baseline for Guernsey/the Bailiwick’s inclusion in other elements of FTAs/international trade arrangements (including services).

Since the FTA Policy Letter was considered in the three Bailiwick parliaments, confidential, sensitive and complex negotiations on various FTAs including, most notably, the Comprehensive and Progressive Agreement on Trans-Pacific Partnership (‘CPTPP’) have led to a position whereby Guernsey has requested participation in the full agreement (goods *and* services elements, together with all other supporting chapters) to be negotiated. Therefore, a new Policy Letter is now required in order for the full CPTPP (and in time other FTAs) to be extended to Guernsey with appropriate mechanisms for future extension to Alderney and Sark, as required.

**CPTPP and other FTAs**

Guernsey’s full participation in the CPTPP will cement Guernsey’s relationships with several countries through one agreement; participation by Alderney & Sark in certain

goods-related aspects of the CPTPP will have a like effect for Alderney & Sark. In addition, there may be indirect benefits for the whole Bailiwick in terms of greater international recognition. For Guernsey, seeking coverage of goods and services in the CPTPP (and in time other agreements) means that it will need to comply with the obligations included in all chapters of the agreement.

The CPTPP is an all-encompassing agreement for trade purposes and it contains chapters covering many aspects of trade including: temporary entry and stay of natural persons, competition policy, regulatory coherence, customs facilitation, labour, environment, intellectual property, state-owned enterprises, digital, financial services, investment, business and professional services.

The three jurisdictions of the Bailiwick are at different starting points for potential compliance with the obligations of participating in the CPTPP and the services and supporting elements of other FTAs.

After careful consideration, it has been concluded that it is very unlikely that Alderney and Sark will be in a position to be able to participate in the services and supporting elements of the CPTPP and future UK FTAs/trade arrangements due to the islands' current legislative and regulatory frameworks, and their small administrations and populations.

However, both Alderney and Sark may indirectly benefit from Guernsey's participation, such as through a modern and progressive international trading regime and should directly benefit from any preferential trade tariffs for any goods.

Tailored Propositions have been drafted for each island to account for the differences in coverage.

### **Timing**

The timing of this Policy Letter is important as approval of the principles by Guernsey's parliament is required before the UK has concluded negotiations on the CPTPP. To protect the constitutional relationship with the UK and to provide a clear decision to the UK Government, it is necessary for the three jurisdictions of the Bailiwick to make decisions on the principles of this agreement to avoid a constitutional lacuna.

It is likely that there will be an expedited process for the UK once negotiations have concluded with the other members of the CPTPP. It is important that Guernsey's Policy & Resources Committee can react swiftly and confidently to confirm Guernsey's participation in the CPTPP at the appropriate juncture and having the relevant facts and text of the negotiated agreement at its disposal. The approval of this Policy Letter will allow Guernsey's Policy & Resources Committee to perform this role.

### **Conclusion**

The extension of FTAs to the Bailiwick of Guernsey (in full to Guernsey and in part, as relevant, to Alderney and Sark) will be of long-term benefit to all economies in the Bailiwick of Guernsey. The approval of this Policy Letter will allow Guernsey's Policy & Resources Committee to proceed with the negotiations for the extension of the CPTPP and other future UK FTAs to Guernsey/the Bailiwick as appropriate.

The Policy and Finance Committee considered this matter at a meeting on 24<sup>th</sup> August 2022 where it was resolved to approve the draft Policy letter on the Bailiwick's further participation in free trade agreements, with particular reference to services (non-goods) elements and for this item be placed before the States of Alderney at its meeting on 14<sup>th</sup> September for its consideration.

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

Ian Carter, Chairman

<sup>1</sup> [‘The Bailiwick’s Participation in UK Free Trade Agreements’, Billet d’État XVII, 2021 and Resolutions of 10<sup>th</sup> September, 2021.](#) The same Policy Letter was also considered in Alderney [4<sup>th</sup> October 2021](#), and Sark [7<sup>th</sup> July 2021](#)- available from the [archive of Chief Pleas papers.](#)”

**The States of Alderney is asked to decide whether, after consideration of the Policy Letter entitled “The Bailiwick’s Further Participation in UK Free Trade Agreements” dated 19<sup>th</sup> August 2022, they are of the opinion:-**

1. **To approve in principle that Alderney should seek to participate in the Comprehensive and Progressive Agreement on Trans-Pacific Partnership (‘CPTPP’) in accordance with the existing policy baseline (including provisions relating to trade in goods only).**
2. **To recognise that Guernsey seeks to participate in the CPTPP in its entirety (including provisions relating to trade in goods and to trade in services), which may bring indirect benefits to the wider Bailiwick.**
3. **To request that Guernsey’s Policy & Resources Committee continues to represent Alderney’s interests in discussions with the UK in respect of the CPTPP, including the UK seeking to agree a position that would enable the CPTPP to be fully extended to Alderney, if the circumstances permit at a future time.**
4. **To authorise Guernsey’s Policy & Resources Committee to finalise negotiations and agree to the terms of Alderney’s participation in the CPTPP (or relevant provisions of the CPTPP), and to signal such agreement to HM Government in the UK.**
5. **To endorse the process and approach outlined in this Policy Letter regarding Alderney’s (and the wider Bailiwick’s) participation in UK FTAs (or other trade arrangements).**
6. **To authorise Guernsey’s Policy & Resources Committee, on behalf of Alderney where relevant, to negotiate and agree to the Bailiwick’s participation in UK FTAs (or other trade arrangements), or relevant provisions of them, in accordance with any policy baselines approved by the States of Alderney in relation to Alderney, and to signal such agreement to HM Government in the UK.**
7. **To agree that there shall be implemented such measures (including legislative measures) as the Policy & Finance Committee, in consultation with Guernsey’s Policy & Resources Committee, thinks fit for the purpose of ensuring that Alderney may comply and remain in compliance with obligations that arise from participation in any UK FTA (or other trade arrangement).**
8. **To direct the preparation of such legislation as may be necessary to give effect to the above decisions.**

Proposed by Mr Ian Carter  
Seconded by: Mr Christian Harris

**Item VI**      **Budget Report 2023 and revised Budgets 2022**

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

“Under Section 58 of the Government of Alderney Law, 2004, the Policy & Finance Committee is required to publish the proposed budgets for 2023 and report on the budgets for 2022.

The attached Budget Report provides a full explanation relating to the States of Alderney and the States of Alderney Water Board budgets.

I would be grateful if you would place this matter before the States of Alderney with the following propositions.

Ian Carter, Chairman”

**After consideration of the Budget Report, the States of Alderney is asked to:-**

- a) **Note the States of Alderney Revenue and Capital Revised Budgets for 2022,**
- b) **Approve that Fuel Duty rates will be kept consistent with the States of Guernsey rate for 2023 as agreed by Policy and Finance Committee on 25 July 2022,**
- c) **Approve no increase to rates of Document Duty and Congé in 2023 as agreed by Policy and Finance Committee on 25 July 2022,**
- d) **Approve an increase of 9% to all Alderney Property Tax tariffs except Utilities providers for the year of charge 2023,**
- e) **Approve the States of Alderney Revenue and Capital Budgets for 2023,**
- f) **Note the States of Alderney Water Board Revenue and Capital Revised Budgets for 2022,**
- g) **Approve no increase to Water Rates for 2023,**
- h) **Approve the States of Alderney Water Board Revenue and Capital Budgets for 2023.**

Proposed by Mr Ian Carter  
Seconded by: Mr Christian Harris

**Item VII**      **Questions and Reports**

**No Questions or Reports were received at the time of publication.**

Note:- The legislation referred to in this Billet d'Etat may be viewed online at [www.GuernseyLegalResources.gg](http://www.GuernseyLegalResources.gg) and [www.alderney.gov.gg](http://www.alderney.gov.gg)

Issue Date: Friday 30 September 2022