

XXV
1948

ORDER IN COUNCIL

Ratifying a Projet de Loi entitled

**"The Government of Alderney Law,
1948".**

(Registered on the Records of the Island of Guernsey
on the 30th day of December, 1948.)



ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 30th day of December, 1948, before Ambrose James Sherwill, Esquire, C.B.E., M.C., Bailiff; present: Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, Knight, James Frederick Carey, Arthur Falla, Quartier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey and Ernest Francis Lainé, Esquires, Jurats.

THE BAILIFF, having this day placed before the Court an Order of His Majesty in Council dated the 22nd day of December, 1948, ratifying a *Projet de Loi* of the States of the Island of Alderney entitled "The Government of Alderney Law, 1948",—

THE COURT, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of the said Order in Council, together with a copy of this present Act, be sent by His Majesty's Greffier to the Judge of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 22nd day of December, 1948.

Present,

The King's Most Excellent Majesty.

LORD PRESIDENT.

EARL OF LISTOWEL.

MR. SECRETARY HENDERSON.

MR. ALEXANDER.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the

Committee of Council for the Affairs of Guernsey and Jersey, dated the 20th day of December, 1948, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee a humble Petition of Charles Henry Richards, Lieutenant Judge and Acting President of the States of the Island of Alderney setting forth:—

‘That at a Meeting of the States of Alderney holden before Your Petitioner on the 1st day of December, 1948, the States considered and adopted a *Projet de Loi* intituled “The Government of Alderney Law, 1948,” and Your Petitioner was authorised to present in the name of the States a most humble Petition to Your Most Gracious Majesty in Council praying Your Majesty to be graciously pleased to grant thereto Your Royal Sanction. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the said *Projet de Loi* (a copy whereof is hereunto annexed), and to order the same to have the force of Law in Your Majesty’s said Island of Alderney.’

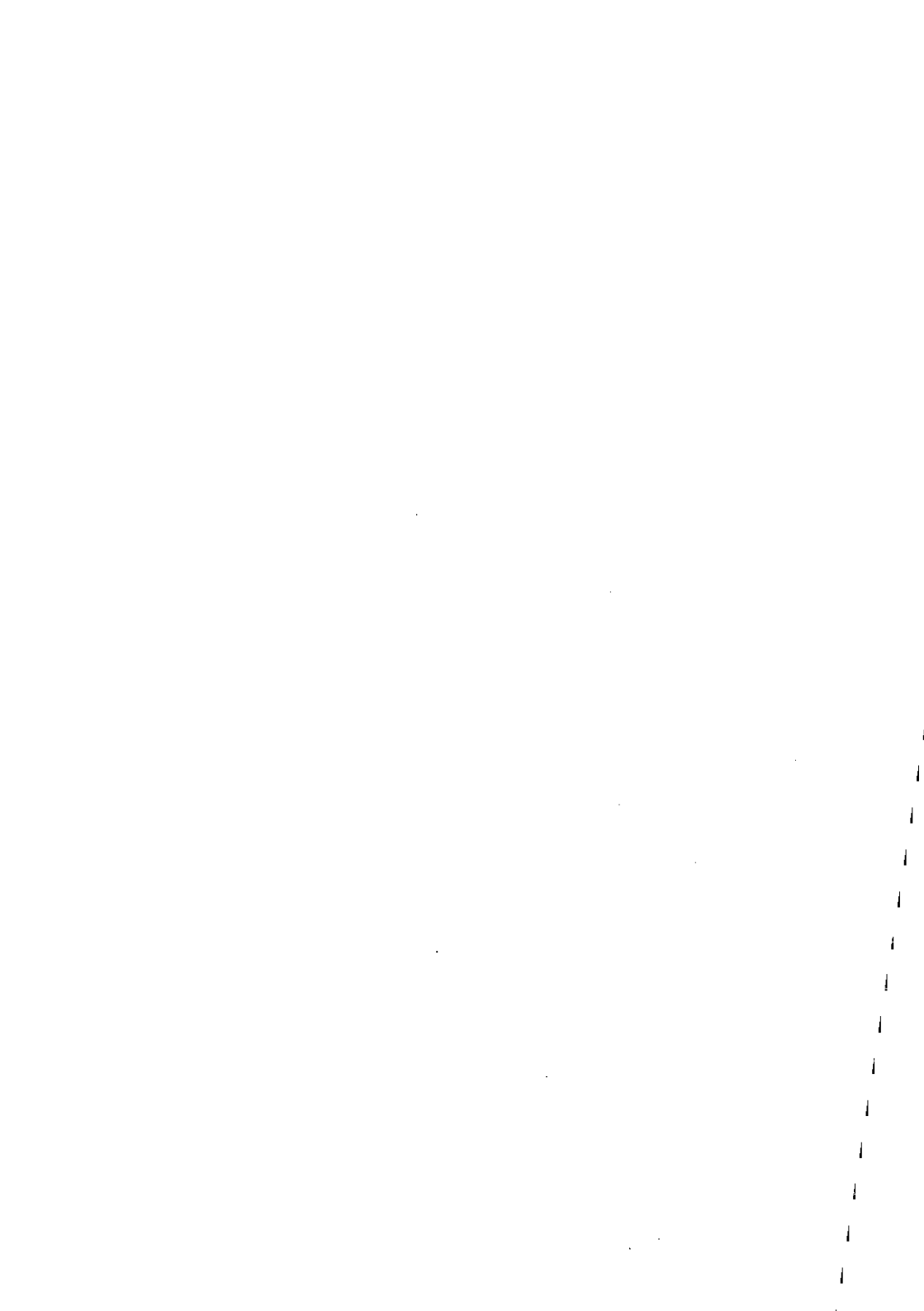
“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition, and the *Projet de Loi* annexed thereto, into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said *Projet de Loi*.”

HIS MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of His Privy Council, to approve of and ratify the said *Projet de Loi*, and to order, as it is hereby ordered, that the same shall have the force of law within the Island of Alderney.

AND His Majesty doth hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers for the time being, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. Leadbitter.



**Projet de Loi referred to in the foregoing
Order in Council.**

PART I.

ARRANGEMENT, INTERPRETATION AND CITATION.

Arrangement
of Parts.

1. This law is divided into Parts as follows:—

- I. Interpretation, &c.
- II. General Constitutional Provisions.
- III. The Court of Alderney.
- IV. The President and States of Alderney.
- V. Committees and Officers.
- VI. Public Property and Public Contracts.
- VII. Cesser of certain Offices and Provisions for
their Functions.
- VIII. Financial Provisions.

2. In this law the following words and expressions have the meanings respectively assigned to them by this section unless the context otherwise requires:—

Interpreta-
tion,
general.

“the appointed day” means—

in Parts III and VII of this law, the day on which the Court as reconstituted in accordance with this law holds its first public sitting as a full court ;

in Parts IV, VI and VIII of this law, the day on which the States as reconstituted in accordance with this law first meet ;

- “month” means a calendar month ;
- “year” means a calendar year beginning on the first day of January ;
- “the Bailiff” and “the Royal Court” mean respectively the Bailiff and the Royal Court of Guernsey ;
- “the Court” means the Court of Alderney as reconstituted in accordance with this law, and the expression “the Clerk” when associated with a reference to the Court shall be construed accordingly ;
- “criminal” includes quasi-criminal ;
- “the exisiting States” means the States of Alderney as existing before they are reconstituted in accordance with this law ;
- “the States” means the States of Alderney as reconstituted in accordance with this law, and the expression “the Clerk of the States” shall be construed accordingly ; and
- “the Treasurer” means the person appointed by the States as so reconstituted to be States Treasurer of Alderney or Treasurer of the States of Alderney.

Interpreta-
tion of
references to
Royal Court.

3. References in this law to the Royal Court are to the Royal Court sitting as an Ordinary Court, except in so far as the Royal Court otherwise generally provides by rules of court or in a particular case specially provides.

Citation.

4. This law may be cited as the Government of Alderney Law, 1948.

PART II.

GENERAL CONSTITUTIONAL PROVISIONS.

The Preroga-
tive, and
public
functions.

5. Nothing in this law affects His Majesty's prerogative or the powers, rights or duties of a person exercising public functions in Alderney except in so

far as the continued exercise of those functions by that person would be inconsistent with this law.

6. Laws and customs which are in force in Alderney shall not by reason of this law be deemed abrogated except in so far as inconsistent with this law.

Existing
laws and
customs.

7. The holding of public office in Alderney is open to all subjects of His Majesty without distinction of sex or marriage or religion and without reference to the ownership of property or the value of their property.

Public office.

8. As from the first day of January, one thousand nine hundred and forty-nine—

Oaths and
affirmations.

(a) there shall not as a condition of holding public office or for any other public purpose be required an oath or affirmation which is inconsistent with the religious beliefs of a person required to take the oath or make the affirmation, and

(b) whenever the law requires the taking of an oath, a person who states to the officer, body, or other person empowered to administer the oath that he conscientiously objects to the taking of an oath shall be entitled to make a solemn affirmation to the same effect as the required oath, and for all legal purposes the consequences attaching to the oath shall attach to the affirmation.

9. (1) The existing States shall be dissolved on the day of the first meeting of the States, and from that day executive and legislative functions exercisable in Alderney including any legislative function which at the date of this law resides in the Court of Alderney or the Court of Chief Pleas shall reside in the States.

Reconstitu-
tion of
States.

(2) An ordinance of the States may be of the like scope as an ordinance which could heretofore have been made by any authority in Alderney, and such

an ordinance shall not unless expressly so provided therein lapse by effluxion of time.

(3) No express provision of this law for the making of ordinances shall be deemed to preclude the making by the States of ordinances consistent with this law for the purpose of implementing the provisions of this law.

Reconstitution of Court.

10. (1) Judicial functions shall as from the first sitting of the Court be exercised by the Court, subject to the provisions of Part III of this law.

(2) Among the functions of the Court comprised in its civil jurisdiction shall be those assigned to it by this law in succession to officers whose offices cease by virtue of this law, and those assigned to it by this law or by any other enactment relating to the register of voters and the assessment of property.

PART III.

THE COURT OF ALDERNEY.

The Court.

11. Upon the appointed day the office of Judge and the Court of Chief Pleas shall cease to exist, the *jurés justiciers* or jurats then holding office shall go out of office, the Court of Alderney as existing on the day before the appointed day shall be dissolved, and all civil and criminal jurisdiction which at the date of this law is vested in the Judge, the jurats, the Court of Alderney, or the Chief Pleas shall be exercised in accordance with this law.

Appointment and oath of jurats.

12. (1) It shall be lawful for the Secretary of State to appoint persons to be jurats and on and after the appointed day jurats so appointed shall constitute the Court of Alderney.

(2) His Majesty may by Order in Council prescribe a form of oath to be taken by a jurat, and notwithstanding any law or custom a jurat appointed in

pursuance of this section shall not be required to take an oath in any different form but before acting in his office shall at a full court take an oath in the prescribed form.

13. (1) By his commission issued in pursuance of the foregoing section or by a separate commission to a jurat so commissioned the Secretary of State may designate a jurat to be chairman of the Court.

Chairman of Court.

(2) If there is for the time being no designated chairman the jurats may select one of themselves as chairman, and if at a sitting of the court neither the designated nor a previously selected chairman is present, or such designated or selected chairman is disqualified from acting as a member of the court, the jurats composing the court shall select a chairman for that sitting.

14. Legal proceedings begun before the appointed day shall not abate by reason of this law, and every recognizance or bail which is in force on the day before the appointed day shall continue and be enforceable.

Legal proceedings &c. to continue.

15. Jurats shall hold office during good behaviour but shall upon attaining the age of seventy years cease to sit in court or otherwise to act as jurats except in matters, if any, specified by rules of court: Provided that a supplementary commission may be issued to a jurat and may be from time to time renewed authorizing him to continue sitting and acting after attaining the said age for such period as shall be named in the supplementary commission.

Term of office of jurats.

16. (1) Any three or more jurats shall constitute a full court, and whenever practicable the Court shall consist of an uneven number.

Number of Court.

(2) The jurat acting as chairman at a sitting of the Court shall have the general conduct of proceedings and if the opinions given by more than three jurats are equally divided the chairman shall determine which of the said opinions shall prevail.

Disability
of jurats.

17. (1) Without prejudice to any rule of law or natural justice relating to the exercise of judicial functions, a jurat who is a member of the States shall not act as a member of the Court when it is dealing with a matter to which the States are party, and a jurat who is engaged in an occupation for the carrying on of which a licence is required shall not act when the Court is dealing with any matter relating to the grant, refusal, extension, or withdrawal of a licence, general or special, for carrying on that occupation.

(2) Where proceedings have been initiated at the instance of the States or a committee of the States, the States shall save as provided in this subsection be deemed party to those proceedings within the meaning of this section, but the States shall not within the meaning of this section be deemed party to proceedings relating to the assessment of property for rates or the recovery of rates, or relating to the grant, refusal, extension, or withdrawal of a licence, general or special, applied for by a public officer on behalf of the States.

Exercise of
powers
where all
jurats
disabled.

18. When it appears that by the operation of the foregoing section the Court will be incapable of dealing with a case, the chairman of the Court shall apply to the Bailiff to appoint a person to exercise the powers of the Court in relation to that case, and a person thereunto appointed by the Bailiff shall have all the powers of the Court in relation to that case.

Extent of
civil
jurisdiction.

19. In matters other than criminal the jurisdiction of the Court shall not be limited by the amount or value of the subject matter.

Extent of
criminal
jurisdiction.

20. (1) In criminal matters other than those specifically mentioned in subsection (2) of this section the Court shall have jurisdiction to impose a fine not exceeding ten pounds or imprisonment not exceeding a period of one month without hard labour, as punishment for the offence charged, or both such fine and

such imprisonment, or such imprisonment in default of payment of a fine.

(2) Upon a charge of treason, homicide, piracy, rape, arson, theft with violence, fraud or perjury, or of an offence which by the law of Alderney can be punished by a greater penalty than is aforesaid the Court shall if it considers that there is a *prima facie* case for the accused person to answer take depositions of the witnesses in writing and commit the accused person for trial before the Royal Court:

Provided that upon a charge of an offence other than those specifically mentioned in this subsection the Court may itself deal with the offence if it is of opinion that although the charge is proved a penalty greater than is authorized by subsection (1) of this section ought not to be imposed.

(3) Where the Court imposes a sentence of imprisonment it may order that any part of the sentence beyond the first seven days thereof shall be served in Guernsey, if there are in force in Guernsey arrangements for the lawful detention of persons so sentenced.

21. All decisions of the Court shall be subject to appeal to the Royal Court: Appeal to
Royal Court.

Provided that—

- (i) In a criminal matter where the Court finds that the prosecution have not established the facts necessary to conviction there shall be no appeal, but where the Court acquits the accused person upon some point of law the Court shall, upon demand by the prosecution, state a case upon that point in accordance with rules of court for an opinion of the Royal Court;
- (ii) There shall be no appeal from a decision of the Court—
 - (a) in regard to the grant, refusal, extension or withdrawal of a licence, or

- (b) upon a matter which by virtue of rules of Court made under this law may be dealt with out of court, or
- (c) in a matter upon which by this law the decision of the Court is made conclusive.

Procedure.

22. The Court may regulate its own procedure and for the purpose may formulate rules of court which, without prejudice to the continued validity of anything done thereunder, shall not have effect if they are disapproved by the Royal Court or for longer than three months unless they are approved by the Royal Court.

Rules of
Royal Court.

23. The Royal Court may from time to time make rules of court for the Court—

- (a) determining what matters shall be heard by the full Court and what matters may be heard by a single jurat or by a jurat who has attained the age of seventy years but has not received a commission authorizing him to act after attaining that age, so however that no criminal matter and no question in regard to the register of voters shall be dealt with out of court or otherwise than by a full court, and that no matter in regard to the grant, refusal, extension, or withdrawal of a licence to deal in intoxicating liquor or in the nature of litigation between parties shall be dealt with out of court, and
- (b) determining the forms of summons to be used for initiating criminal and civil proceedings in the Court.

Clerk of
Court.

24. The Court shall appoint a Clerk of the Court whose appointment shall be effective for one month only unless in the meantime it is confirmed and the salary attached to the appointment is approved by the Secretary of State, and when the appointment has

been confirmed by the Secretary of State the Clerk shall not be removed from office by the Court nor shall his salary be reduced except with the like approval.

25. The Clerk shall furnish to the Treasurer on the first day of every month an account of all fees, fines and other payments received by the Court or by him as Clerk, and of all payments made by him on the Court's behalf, or otherwise in the execution of his office, and shall forthwith pay over to the Treasurer any balance shown in the said account on the said day.

Fees, fines
and
payments.

26. (1) The salary of the Clerk and the salary or wages of every other officer or servant of the Court, and all necessary expenses of administering justice in Alderney certified by the Clerk to have been incurred, shall be defrayed by the Treasurer out of the revenues of Alderney, without the necessity of an order or vote or resolution of the States.

Salaries and
wages.

(2) The Treasurer shall—

- (a) produce a statement of moneys received and expenditure defrayed by him under this section and the foregoing section, since the previous thirty-first day of December, for the information of the finance committee of the States when that committee is preparing the information required by this law to be furnished for purposes of the Guernsey Budget ; and
- (b) bring up to date the said statement to the next ensuing thirty-first day of December, and publish it or an epitome thereof with the financial statement which he is by this law required to publish.

27. (1) Where the States are party to legal proceedings in the Court the Court shall if the Clerk is the same person as the Clerk of the States appoint a person to be temporary clerk for the purpose of the said

Temporary
clerk of the
Court.

proceedings, at such a fee as the Court thinks fit, and such fee shall be part of the expenses of administering justice in Alderney.

(2) Where proceedings have been initiated at the instance of the States or a committee of the States, the States shall save as provided in this subsection be deemed party to those proceedings within the meaning of this section, but the States shall not within the meaning of this section be deemed party to proceedings relating to the assessment of property for rates or the recovery of rates, or relating to the grant, refusal, extension, or withdrawal of a licence, general or special, applied for by a public officer on behalf of the States.

(3) A person appointed in pursuance of the foregoing provisions of this section or otherwise, as temporary clerk of the Court, shall while acting in place of the Clerk have all powers conferred by law upon the Clerk.

PART IV.

THE PRESIDENT AND STATES OF ALDERNEY.

Definitions
for Part IV.

28. (1) In this Part of this law—

“the first election” means the election at which in the year one thousand nine hundred and forty-nine the States are reconstituted by the election of nine members in accordance with this Part of this law ;

“an ordinary election” means an election at which members of the States are elected to fill the places of members retiring by the effluxion of time.

(2) Where an election is held in accordance with this Part of this law and there is an equal number of votes for two or more candidates, the returning officer shall, by drawing lots, place those candidates in an order which for the purpose of the election shall be

deemed to have been determined by the number of votes they have received.

29. (1) The existing States shall fix a date as early First elections. in the year one thousand nine hundred and forty-nine as is practicable having regard to the preparation of an electoral roll, for the first election of a President of the States of Alderney, hereafter in this law styled "the President," and a date not less than seven days later for the first election as defined in the foregoing section of this law.

(2) The existing States shall appoint a returning officer for the two elections mentioned in this section, and the returning officer shall give public notice of the dates fixed for, and shall have the supervision of, the said election.

30. His Majesty may by Order in Council prescribe Oath of office. a form of oath of office, to be taken by the President and by members of the States, and before entering on their respective offices the President shall take before the States and members of the States shall take before the President an oath in the prescribed form.

31. (1) The President shall be elected by secret Election of President. ballot of persons qualified in accordance with this law to vote at an election of members of the States, and unless he dies or resigns or vacates office by reason of the subsequent provisions of this Part of this law, shall hold office until his successor enters on the duties of the office.

(2) If a vacancy occurs in the office of President before the normal expiry of his term of office, a special election shall be held to fill the vacancy, unless it occurs after the expiry of two years reckoned from the day of the President's election, in which case the vacancy shall remain unfilled until the next election of a President in the ordinary course.

(3) The subsequent provisions of this Part of this law applying to the conduct of elections, to the nomination of candidates, and to a candidate's inti-

mation of his consent to nomination, shall apply to an election for the office of President.

Membership
of States.

32. The States as reconstituted in accordance with this law shall consist of nine elected members in addition to the President.

Election of
States.

33. Members of the States shall be elected by secret ballot, and for the purpose of their election Alderney shall be one constituency.

Times of
subsequent
elections.

34. (1) Not earlier than the seventh day or later than the fourteenth day of December of the year one thousand nine hundred and forty-nine and of every subsequent December an ordinary election shall be held on such day as the States appoint.

(2) In December of the year one thousand nine hundred and fifty-one and in December of every third year thereafter an election shall be held for the office of President, on such day as the States appoint, not less than seven days before the day appointed for the ordinary election in that year.

(3) Upon the occurrence of a casual vacancy among elected members of the States, a by-election shall be held unless the vacancy occurs on or after the first day of October in the third year of office of the member whose office has become vacant, in which case the casual vacancy shall remain unfilled until the ordinary election.

Returning
officer.

35. At elections after the first election the Clerk of the States shall be returning officer.

Term of office
of members.

36. (1) For the purpose of securing continuity in administration members of the States shall retire in rotation in accordance with the following provisions of this section.

(2) Of the members elected at the first election the three who receive the smallest number of votes shall retire on the first day of January one thousand nine hundred and fifty, the three who receive the next smallest number of votes shall retire on the first day of January, one thousand nine hundred and fifty-one,

and the remaining three shall retire on the first day of January one thousand nine hundred and fifty-two.

(3) Subject to the next foregoing subsection, the term of office of a member elected at an ordinary election shall be three years, reckoned from the first day of January next following the December in which he was elected.

(4) A member elected at a by-election shall hold office for the period for which the member into whose place he has been elected would have held office.

(5) Nothing in this section precludes a member from resigning his office or affects any provision of this law dealing with vacation of office by a member.

37. At the first election the returning officer shall upon request issue a ballot paper to and accept a ballot paper from every person whose name appears in the electoral roll compiled in pursuance of an ordinance made on the twenty-fourth day of November, one thousand nine hundred and forty-eight:

Voters at
first election.

Provided that no person shall be elected unless—

- (i) not less than seven days before the day of the election there has been handed to the returning officer a nomination paper for that person signed by two persons entitled to receive a ballot paper at the said election, and
- (ii) he has before the day of the election intimated in writing to the returning officer that he consents to the nomination.

38. At a by-election held in the year one thousand nine hundred and forty-nine a person shall be entitled to receive a ballot paper and shall be eligible to be a member of the States who was entitled to receive a ballot paper at the first election.

By-elections
in 1949.

39. (1) For the purpose of elections after the year one thousand nine hundred and forty-nine the Clerk

Register of
voters.

of the States shall prepare and publish annually as nearly as may be on the fifteenth day of October beginning with the year one thousand nine hundred and forty-nine a register of voters in which he shall include the name of every subject of His Majesty who in his opinion has attained the age of twenty years and has had his ordinary place of residence in Alderney for the twelve months immediately before the said day.

(2) The manner of making a claim to be included in the register of voters, or to have a correction made therein, the form of that register and the mode of its publication, the latest date for the lodging of objections to the exclusion or inclusion of a name, the form and manner of nomination to be used at elections subsequent to the first election, and the manner of signifying consent to nomination at such subsequent elections, shall be determined by ordinance of the States.

Objections
to register.

40 (1) For the purpose of an election held after the year one thousand nine hundred and forty-nine the decision of the Clerk of the States that a person is or is not entitled to have his name included in the register of voters, or that a correction is or is not necessary therein, shall be conclusive, unless not later than one month after the publication of the register the inclusion of a name or exclusion of a name or the correctness of the register is challenged by petition to the Court. The decision of the Court on any such petition shall be conclusive and the Clerk of the States shall if necessary amend the register of voters in accordance with it.

(2) A person whose name is included in the register of voters current at the date of an election may be nominated and, if he has signified his consent to nomination, shall be eligible to be elected and to be a member of the States.

Entry upon
office.

41. Members of the States elected at the first election or at a by-election shall come into office as soon as the

result of the election is declared by the returning officer and members elected at an ordinary election shall come into office on the next ensuing first day of January.

42. (1) The States may appoint one of their members to preside over their meetings in the absence of the President with the style of Vice-President of the States of Alderney. Vice-President of the States.

(2) At any time when the office of President is vacant or the President is incapable of performing the duties of his office, those duties may be performed by the Vice-President who shall for the purpose of those duties have all powers conferred by law upon the President.

43. (1) At a meeting of the States the President or if the President is absent the Vice-President if any, or if both the President and Vice-President are absent such person as the States appoint in respect of a particular meeting, shall preside. Chairmanship at meetings.

(2) At a meeting of the States the President shall be entitled to take part in discussion, but shall have no vote except a casting vote, to be exercised in the event of an equality of votes.

(3) A person other than the President presiding at a meeting of the States shall have both an original and a casting vote.

(4) The President or Vice-President if appointed to a committee shall not as such preside at a meeting of that committee, but the President shall be entitled to vote at a meeting of a committee to which he is appointed.

44. (1) The President shall vacate his office if he ceases to have his ordinary residence in Alderney, or is absent from Alderney for a period longer than two consecutive months, otherwise than by reason of illness or a cause approved by the States, or is elected a member of the States. Vacation of office by President and Vice-President.

(2) A Vice-President unless he earlier ceases to be a member of the States or resigns the office of Vice-President shall hold office until the annual meeting of the States next after his appointment to be Vice-President.

(3) The manner of resigning the office of President or Vice-President shall be by letter addressed to the States.

(4) Nothing in this law precludes the election or appointment of an outgoing President or Vice-President for a further term of office.

Precedence
of President.

45. (1) The President shall have precedence in Alderney over all persons except the Lieutenant Governor, a person whom the Lieutenant Governor has named to represent him, the Bailiff, a person performing the functions of the Bailiff, a member of the Royal Family, or a person who directly represents His Majesty:

Provided that the President if he is a jurat shall not as President have precedence in Court over other jurats.

(2) If the States place at the disposal of the President an annual or other sum to meet expenditure falling upon him by reason of ceremonial duties of his office, that sum may be expended by him at discretion.

Vacation of
office by
member.

46. A member of the States may at any time resign by giving written notice to the President, and shall vacate his office if he—

(a) ceases to have his ordinary residence in Alderney or is absent from Alderney for a period longer than two consecutive months otherwise than by reason of illness or of a cause approved by the Assembly, or

(b) is elected President.

Annual
meeting.

47. (1) As soon as practicable after the first election and after the first day of January in every subsequent year the States shall hold a meeting to be called the

annual meeting at which before other business is transacted—

(a) the oath of office shall be taken by newly elected members, and by the President when the meeting is the first meeting after his election : and

(b) the States shall appoint—

(i) a finance committee ; and

(ii) so long as representatives of Alderney have seats in the States of Guernsey by virtue of legislation in force in Guernsey, two members of the States who shall sit in the States of Deliberation and four persons who shall sit in the States of Election as representatives of Alderney, or such other number as shall be requisite to conform to any such legislation from time to time in force in Guernsey.

(2) The Clerk shall as soon as practicable inform His Majesty's Greffier of Guernsey of the name of every person appointed as a representative under sub-paragraph (ii) in the foregoing subsection, and a representative so appointed shall unless he dies or resigns or ceases to be a member of the States hold office until the next annual meeting after his appointment :

Provided that the States may by ordinance vary the term of office for which such appointments shall be made, and shall fill a casual vacancy among the persons so appointed at the next practicable meeting of the States.

48. (1) If it is made to appear to His Majesty's Attorney General in Guernsey that the President has become disqualified from acting as President, the said Attorney General may move the Royal Court for a declaration of the fact that the office of the President is vacant.

Declaration
of vacation
of office.

(2) Upon its coming to the knowledge of the Clerk of the States that a member has become disqualified from acting as a member, he shall report the fact to the President who shall if satisfied of the fact declare the office of such member to be vacant.

(3) A declaration of the President under the last foregoing sub-section may be the subject of appeal to the Royal Court as if it were a decision of the Court, but unless so appealed against within one month shall be conclusive.

Meetings to
be public.

49. Meetings of the States shall be open to the public.

Legal pro-
ceedings by
or against
States.

50. Legal proceedings begun before the appointed day by or on behalf of or against the existing States shall continue as if they had been begun by or on behalf of or against the States, and legal proceedings so begun or continuing as if they had so begun shall not abate by reason of a vacancy in the office of, or the appointment of a successor to, an officer or person in whose name or against whom they have been begun.

People's
meeting.

51. (1) Before every meeting of the States a meeting of the electorate to be known as a people's meeting, shall be called by a member of the States nominated by the President as convener of the said meeting.

(2) It shall be a duty of the Clerk of the States to attend the said meeting, and assist the convener in informing those present what business is to be transacted at the forthcoming meeting of the States, as shown in the Billet d'Etat, and to give any explanations desired by the said meeting.

(3) A member of the States shall not be bound to vote at a meeting of the States in accordance with views expressed at a people's meeting.

(4) The expenses of calling and holding people's meetings shall be defrayed as part of the expenses of the States.

PART V.

COMMITTEES AND OFFICERS.

52. (1) A committee appointed by the States may comprise all or some of the members of the States. Committees,
general.

(2) A committee appointed by the States may include members who are not members of the States appointed by the States or co-opted by the committee with the authority of and subject to any restriction imposed by the States:

Provided that—

- (i) the finance committee shall not comprise members who are not members of the States ;
- (ii) co-opted members of a committee shall not vote upon a proposal for the imposition of a tax or rate or fee or the expenditure of public money ; and
- (iii) a majority of members of a committee shall be members of the States.

(3) A committee shall remain in being for such period not longer than the period elapsing before the next annual meeting after its appointment as at the time of its appointment the States determine:

Provided that—

- (i) a member of a committee may resign his membership of that committee by letter to the States ;
- (ii) a member of a committee who is a member of the States shall cease to be a member of the committee if he ceases to be a member of the States, but without prejudice, subject to the foregoing provisions of this section, to his being appointed by the States as, or being co-opted by the committee as, a member of that committee ;
- (iii) subject to the foregoing provisions of this section the States may at any time appoint,

and a committee may at any time co-opt members to that committee, and this section does not prejudice the right of the States to remove a member of a committee from that committee.

(4) The quorum at a meeting of a committee shall be three members exclusive of co-opted members, or such larger number as the States direct.

(5) The President shall for the purposes of this section be deemed a member of the States.

Chairman-
ship of
committees.

53. (1) It shall be competent to the States either to name the chairman of a committee or to authorize the committee to appoint a chairman, not being a co-opted member of the committee, and a committee may appoint a deputy chairman, not being a co-opted member of the committee.

(2) The chairman or if the chairman is not present the deputy chairman if any and if neither the chairman nor a deputy chairman is present such person, not being a co-opted member, as the committee appoint in respect of a particular meeting shall preside over every meeting of a committee.

(3) The person presiding at a meeting of the committee shall have both an original and a casting vote.

Delegation to
committees.

54. (1) The States may delegate executive functions to a committee on such conditions as to time and manner of reporting the committee's actions to the States and as to the power of the committee to act without prior approval of the States to the committee's actions and otherwise with such restrictions as the States think fit:

Provided that—

- (i) the functions assigned by this law to the finance committee shall not be delegated to any other committee nor shall the States delegate to a committee its duty of examining the finance committee's report in accordance with this law and taking necessary action thereon ;

- (ii) the making of contracts by a committee shall be subject to Part VI of this law ; and
- (iii) a committee shall not enter into an agreement for employing any person except by the week or shorter period, or for the borrowing of money.

(2) A committee which appoints a sub-committee shall not, unless expressly authorized so to do by the States, delegate to the sub-committee a power of acting without prior approval of its actions by the committee.

55. Meetings of a committee appointed by the States for the purpose of executive functions shall be open to the public—

Committee meetings ; when to be public.

- (a) when the committee is dealing with a matter upon which the committee has power to take action without approval by the States, or
- (b) in any other case if the committee so directs.

56. (1) The States shall appoint a Clerk of the States and a Treasurer and a Surveyor or Clerk of Works.

Principal officers.

(2) When making the appointment of their Clerk, the States shall, unless the person whom they intend to appoint has already been appointed Clerk of the Court, have regard to his suitability to undertake also the office of Clerk of the Court if thereto appointed in accordance with this law, and if at the time when the appointment of Clerk of the States is to be made the Court has been reconstituted in accordance with this law but there is no Clerk of the Court the States shall not make a definitive appointment unless the President or some other person on behalf of the States has consulted the Chairman (if any) of the Court and if there is no Chairman of the Court has consulted two or more jurats, with a view to ascertaining whether the person whom the States intend to appoint as Clerk of the States will be acceptable to the Court as Clerk.

(3) The Clerk of the States shall have his ordinary residence in Alderney and shall devote his whole time to the duties of Clerk of the States and if appointed

as such of Clerk of the Court. The Treasurer and the Surveyor or Clerk of Works shall have their ordinary residence in Alderney or Guernsey, and may be persons employed in the Guernsey public service.

(4) The appointment, salary, and dismissal of the Clerk of the States and the Treasurer shall be subject to approval by the Secretary of State.

(5) The Clerk of the States shall in virtue of his office be Clerk of every committee of the States.

Other
officers.

57. (1) Any other appointment which the States think necessary, not being the appointment of a servant at a weekly wage, shall not less than one month before the appointment is to take effect be notified to the States of Guernsey and, if the States of Guernsey consider that the appointment is unnecessary or that the salary will involve an undue burden upon the revenue of Alderney, the States of Guernsey may notify the States accordingly.

(2) If they are so notified the States shall not proceed with the proposed appointment or make an appointment at the proposed salary, as the case may be, unless agreement is reached between them and the States of Guernsey.

Deputy or
temporary
clerk of the
States.

58. A person appointed to be Deputy Clerk or temporary clerk of the States shall while acting in place of the Clerk have all the powers conferred by law upon the Clerk.

PART VI.

PUBLIC PROPERTY AND PUBLIC CONTRACTS.

Receipt for
property.

59. Where property is on or after the appointed day acquired by or on behalf of the States and not vested in a person as trustee for the States or on behalf of the States the receipt of the Clerk of the States shall be a sufficient acknowledgment of its having been received on behalf of the States.

60. (1) Where property is vested in the States, the Clerk of the States shall subject to any direction of the States have all powers necessary to the management and control of that property as agent for the States, and in so far as thereto authorized by the States all powers necessary to the disposal of that property.

Management
and disposal
of property.

(2) Where property vested in the States or in a person on behalf of the States is disposed of, the proceeds of disposal shall be distinguished by a note in the accounts.

61. (1) The person who on the day before the appointed day is Treasurer of the States shall unless meantime he dies, resigns, or becomes incapable of acting continue to act as interim Treasurer until a Treasurer is appointed by the States in pursuance of this law, and his acts shall have the same validity as if he had been so appointed.

Treasurer
and interim
Treasurer.

(2) The interim Treasurer shall retain all funds lawfully in his possession and receive and disburse moneys falling due to be received or disbursed by him in the normal course of business on behalf of the States as if this law had not been made, and shall account for all such funds and moneys to the States.

(3) If the interim Treasurer dies, resigns, or becomes incapable of acting before the appointment of a Treasurer in pursuance of this law, the powers and duties of the said interim Treasurer shall be exercised and performed by such person as the States direct.

62 (1) A contract made on behalf of the States shall be expressed to be made by the States but shall be signed by the Clerk of the States or such other person as the States may by ordinance from time to time determine or by resolution in a particular case direct, and the signature of the said Clerk or other person shall be sufficient evidence that the contract is the contract of the States.

Contracts.

(2) A contract by which a liability exceeding one

hundred pounds is imposed upon the revenues of Alderney shall not be made—

- (a) by the States, unless either fourteen days notice of intention to make the contract has been given in a newspaper published in Guernsey and circulating in Alderney, or the States resolve for some exceptional reason specified in their resolution to make the contract without giving the said notice ;
- (b) by a committee of the States, unless express power to make the contract has been delegated to the committee and the said notice has been given by the committee, or
- (c) by the Court, unless the States have been informed of the intention to make the contract at least seven days before the day of their last previous meeting, and the said notice has been given by the Court.

PART VII.

CESSE OF CERTAIN OFFICES AND PROVISION FOR THEIR FUNCTIONS.

The Procureur du Roi.

Procureur
du Roi.

63. (1) The office of Procureur du Roi shall cease to exist on the appointed day:

Provided that a person who on the appointed day is performing any function of the Procureur du Roi which notwithstanding the provisions of this law requires to be performed thereafter shall unless he dies or resigns his office continue to perform that function for twelve months from the appointed day or until such earlier date as the Court directs, being a date on which provision for performance of that function has been made in accordance with the provisions of this law, and the Court may direct different dates for different functions.

(2) Licences or permits hitherto issued by the

Procureur du Roi shall unless provision is otherwise made by law or by ordinance of the States be issued by the Clerk of the Court:

Provided that—

- (i) the refusal of such a licence shall be subject to appeal to the Court;
 - (ii) the Clerk may with the approval of the Court arrange for any class of licence to be issued by the Treasurer or by a public officer acting on behalf of the States of Guernsey, or to be issued on behalf of the Clerk by an officer of police of Guernsey.
- (3) Where the law provides for withdrawal or cancellation of a licence or permit to which the foregoing subsection refers, such withdrawal or cancellation shall be a function of the Court.
- (4) The States shall by ordinance determine to what officer in Alderney functions assigned by law to the Procureur du Roi shall be assigned, being functions requiring to be performed after the appointed day and not assigned by this law to the Court or to any other person, and such functions shall as from the date fixed by or by virtue of the proviso to subsection (1) of this section be functions of the office of that officer. Provided that there shall not be assigned to such officer any function of controlling the police or special constables.
- (5) The salary of such officer shall be deemed to cover the performance of the said functions, and any fees accruing to him by way of remuneration for performing the said functions shall be accounted for by him and paid to the Treasurer in aid of the revenues of Alderney.
- (6) Without prejudice to any provision of this law authorizing any person, or to any power of the States to authorize or require any person, to institute a prosecution, it shall be lawful for one of the Law Officers of Guernsey or for an officer of the police of Guernsey to initiate before the Court such public

prosecutions as would before the appointed day have been initiated by the Procureur du Roi.

The Greffier.

Greffier.

64. (1) The office of greffier shall cease to exist on the appointed day and as from that day keeping the record of legislation and registering laws therein shall be a function of the Court:

Provided that a person who on the appointed day is performing the aforesaid function of the greffier shall unless he dies or resigns his office continue to perform that function for twelve months from the appointed day or until such earlier date as the Court directs, being a date on which in the opinion of the Court that function may conveniently begin to be undertaken by the Court in accordance with the provisions of this law.

(2) All other functions of the greffier which notwithstanding the provisions of this law require to be performed thereafter (being functions which are obligatory on the greffier in virtue of his office) shall be performed by the Clerk of the Court unless the States by ordinance determine that such a function shall be performed by some other officer.

(3) The salary of such Clerk or other officer shall be deemed to cover the performance of the said functions, and any fees accruing to him by way of remuneration for performing the said functions shall be accounted for by him and paid to the Treasurer in aid of the revenues of Alderney.

The Constables.

Constables.

65. (1) The offices of constable and deputy constable shall cease to exist on the appointed day, and every person who on the appointed day is a constable, deputy constable, or special constable shall on that day become a special constable by virtue of this law without the necessity of his taking any oath in that behalf.

(2) The Court shall have power after consulting the Chief Officer of Police in Guernsey to appoint special constables, and to prescribe an oath not inconsistent with the provisions of Part II of this law which special constables so appointed shall take before entering upon the duties of a special constable.

(3) As from the appointed day a special constable desiring to resign his office may do so by letter addressed to the Court and the Court shall have power to remove a special constable from office.

(4) The duties of a special constable shall include the duty of assisting any officer of the police of Guernsey who is on duty in Alderney.

(5) If the Court so orders, special constables shall for purposes of training and of the issue to them and recovery from them of badges or other equipment be subject to direction by the Chief Officer of Police in Guernsey.

The Douzaine.

66. (1) The institution and subject to the provisions Douzaine of this law the functions of the douzaine shall cease to exist on the appointed day and all douzeniers shall then go out of office:

Provided that a douzenier in office on the day before the appointed day who before the appointed day has notified the Judge or Court of his willingness to continue shall unless he dies or retires or becomes incapable of acting continue to perform the functions to which this section applies until such date as the Court directs, being a date upon which in the opinion of the Court the functions of the douzaine to which this section applies can conveniently be undertaken by the Court.

(2) The functions to which this section applies are such functions relating to the inheritance of real property as are exercisable by the douzaine on the day before the appointed day.

(3) Notwithstanding any law or custom by which the quorum of the douzaine has been hitherto determined, the Court may fix a quorum of douzeniers acting in pursuance of this section.

(4) Any records of the douzaine for the keeping of which this law does not otherwise provide shall be kept by such person as is determined by the douzeniers acting in accordance with the proviso to subsection (1) of this section, or in default of such determination by a person nominated by the Court, and when the said douzeniers have ceased to act shall be transferred to and maintained by the Clerk of the Court.

The Sheriff and the Sergeant.

Sheriff and
Sergeant.

67. The offices of sheriff and sergeant shall cease to exist on the appointed day, and as from that day functions assigned by law to either office shall be functions of the Clerk of the Court, subject nevertheless to its being lawful and in point of law effective for him to arrange from time to time that service of process and any other function of the sheriff or the sergeant shall be exercised under his general direction by such officer of police or special constable or other person, and at such fee or periodical remuneration, as the Court may order or the States may by ordinance determine.

The Poor Law Board.

Poor Law
Board.

68. The Poor Law Board existing on the appointed day shall then go out of office and no Poor Law Board shall thereafter be elected.

PART VIII.

FINANCIAL PROVISIONS.

Budget
statement.

69. Not later than the last day of August in every year, the finance committee appointed in pursuance of this law shall with the assistance of the Treasurer

prepare a statement showing the expenditure which the finance committee considers it to be necessary for the States to incur in the ensuing year, and as soon as practicable after the said day the States shall hold a meeting to be called the budget meeting, and shall cause the aforesaid statement, with such comments as they think proper, to be transmitted to the Bailiff with a view to its consideration with the Guernsey budget.

70. The Treasurer shall as soon as practicable in the year one thousand nine hundred and forty-nine and not later than the seventh day of March in every subsequent year publish in Alderney a statement of the revenue of Alderney for the previous year.

Annual
financial
statement.

71. (1) Capital and revenue accounts in such form as the States prescribe shall be kept of the property of the States and the revenue of Alderney, including an account of moneys received by and moneys expended by or on behalf of the States by public bodies and public officers.

Accounts
and audit

(2) The said accounts shall be made up to such date as the States direct and shall be submitted for audit to an auditor appointed by the States.

(3) A person shall not be qualified to be auditor who is a member of the States or holds a public office in Alderney other than that of special constable, but subject to this provision the auditor shall hold office for such period as is specified in his appointment.

(4) The remuneration by way of salary or fees specified in the auditor's appointment, and the necessary expenses of preparing the auditor's report and publishing an epitome thereof, shall be a debt from the States due to the auditor as soon as his report has been presented and an epitome thereof published as required by this section, and shall without the necessity of an order or vote or resolution of the States be defrayed by the Treasurer from the revenues of Alderney.

(5) It shall be the duty of the Treasury to ensure that accounts are prepared and submitted to the auditor by every person who on behalf of the States receives or expends money or has the control or management of property.

(6) The auditor shall as soon as possible after his audit is completed submit a report thereon to the States and shall publish an epitome of the said report in Alderney.

(7) It shall be the duty of the auditor to call attention in the said report to any item of expenditure which appears to him not to be supported by legal authority.

JAMES E. LE PAGE,
H.M. Greffier.

