

# ORDER IN COUNCIL

V  
2014

ratifying a Projet de Loi

ENTITLED

## **Government of Alderney (Amendment) Law, 2013**

(Registered on the Records of the Island of Guernsey  
on the 24th February, 2014.)



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2014

## ORDER IN COUNCIL



### IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 24<sup>th</sup> day of February, 2014 before John Russell Finch, Esquire, Judge of the Royal Court; present:- Stephen Edward Francis Le Poidevin, David Osmond Le Conte, Stephen Murray Jones, Peter Sean Trueman Girard, Esquires, Constance Helyar-Wilkinson, David Percy Langley Hodgetts LVO, Niall David McCathie, Esquires, Margaret Ann Spaagrgaren, Terry John Ferbrache, Jonathan Grenfell Hooley, Esquire, Jurats.

Judge Finch having this day placed before the Court an Order of Her Majesty in Council dated 11<sup>th</sup> February, 2014 approving and ratifying a Projet de Loi of the States of Alderney entitled “The Government of Alderney (Amendment) Law, 2013”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ORDERED:

1. That the said Order be registered on the records of this Island;  
and
2. That an extract of this present Act, together with a copy of the said Order be sent by Her Majesty’s Greffier to the Greffier of the Court of Alderney for registration on the records of that Island.

S M D ROSS  
Her Majesty’s Deputy Greffier



*At the Court at Buckingham Palace*

THE 11th DAY OF FEBRUARY 2014

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

"In accordance with Your Majesty's General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Alderney:

"That, at a meeting of the States of Alderney on 18th September, 2013 the States approved a *Projet de Loi* entitled the Government of Alderney (Amendment) Law, 2013 and requested the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Government of Alderney (Amendment) Law, 2013 and to order that it shall have force of law in the Island of Alderney.

"The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it."

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Alderney; and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

*Richard Tilbrook*

# PROJET DE LOI

ENTITLED

## **The Government of Alderney (Amendment) Law, 2013**

**THE STATES OF ALDERNEY**, in pursuance of their Resolution of the 19<sup>th</sup> 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.<sup>a</sup>**

1. The Government of Alderney Law, 2004<sup>a</sup> 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

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<sup>a</sup> Order in Council No. III of 2005; amended by No. XXII of 2010; and No. XI of 2012.

conduct, in public life, of members of the States, and

- (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.



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