

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## The Government of Alderney (Amendment) Law, 2000

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(Registered on the Records of the Island of Guernsey  
on the 11th April, 2000.)

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# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 11th day of April, 2000 before de Vic Graham Carey, Esquire, Bailiff; present:- John Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, O.B.E., Esquires, and The Reverend Peter Gerald Lane, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 15th day of March, 2000 approving and ratifying a Projet de Loi entitled "The Government of Alderney (Amendment) Law, 2000", 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 in Council 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 in Council, be sent by Her Majesty's Greffier to the Clerk of the Court 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 15th day of March 2000

PRESENT,

### The Queen's Most Excellent Majesty in Council

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 3rd day of March 2000 in the words following, viz.:-

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee a humble Petition of Jon Kay-Mouat, President of the States of Alderney, setting forth:-

“That at a meeting of the States of Alderney held on the 15th day of December 1999, the States adopted a Resolution that a Project de Loi entitled “The Government of Alderney (Amendment) Law, 2000” be approved: That at the meeting of the States aforesaid Your Humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said Projet de Loi be sanctioned: That the said Projet de Loi is as set forth in the Schedule hereunto annexed: And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Projet de Loi entitled “The Government of Alderney (Amendment) Law, 2000” and order that the same shall have force of Law within the 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.”

AND HER MAJESTY doth 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 Her Majesty's Officers for the time being, of the said Island of Guernsey, and also the Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*A. K. Galloway*

## **The Government of Alderney (Amendment) Law, 2000**

**THE STATES**, in pursuance of their Resolutions of the 1st May, 1991, the 5th March, 1993, the 1st September, 1993, the 20th July, 1994 and the 6th November, 1996, 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 to Law of 1987.**

1. In the Government of Alderney Law, 1987, as amended<sup>a</sup>-

- (a) section 15 is repealed;
- (b) after section 38(2) insert the following subsection-

"(2A) A person shall also vacate the office of member of the States or President in the event of his legal disability or insolvency; and for the purposes of this subsection a person shall be deemed to be insolvent-

- (a) if he has been declared to be insolvent pursuant to the provisions of the Law entitled "Loi ayant rapport aux Débiteurs et à la Renonciation" of 1929<sup>b</sup>;
- (b) if a Commissioner or Committee of Creditors has been appointed under that Law to supervise or secure his estate;

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<sup>a</sup> Ordres en Conseil Vol. XXX, p. 37; Vol. XXXI, pp. 83 and 306; No. XI of 1993; No. IX of 1995; No. IV of 1996; and No. IV of 1998.

<sup>b</sup> Ordres en Conseil Vol. VIII, p. 310.



- (c) if his affairs have been declared in a state of "désastre" by his arresting creditors at a meeting held before a Commissioner; or
  - (d) if a preliminary vesting order has been made against him in respect of any of his real property in the Bailiwick. ";
- (c) after section 41(2) insert the following subsection-

"(3) For the avoidance of doubt, any statement made by a member of the States or by the President in the course of the proceedings of a meeting of the States shall, for the purposes of the laws of defamation, enjoy qualified privilege. ";
- (d) in section 42(1) for the words "a meeting of the electorate" substitute "a meeting open to the public";
- (e) after section 42(1) insert the following subsection-

"(1A) Only a member of the electorate may speak at a people's meeting. ";
- (f) after section 43(1) insert the following subsection-

"(1A) The person presiding over a meeting of the States shall have the same powers in relation to the meeting as are conferred on a convener by section 42(3) in relation to a people's meeting. ";
- (g) after section 46 insert the following section-

**"Establishment by Ordinance of Alderney Special Constabulary.**

**46A.** (1) There shall be established a special constabulary which shall be known as the "**Alderney Special Constabulary**" and the members of which shall be known as "**special constables**".

(2) The States may by Ordinance make provision in relation to the establishment and composition of the Alderney Special Constabulary and the powers and duties of special constables, including (without limitation)-

- (a) the nomination, appointment, resignation and removal from office of special constables;
- (b) the form of oath or affirmation to be taken by any person appointed as a special constable prior to entering on the functions of that office;
- (c) the functions of the office of special constable and the performance of those functions:

Provided always that a special constable may, subject to the provisions of any Ordinance under this section, be appointed with functions which are limited, whether by reference to their nature, the area in which they are to be performed or otherwise;

- (d) the training, discipline, direction and control of special constables;
- (e) the administration of the Alderney Special Constabulary;
- (f) the issue to special constables, and the recovery from them, of badges, uniforms and other equipment.

(3) An Ordinance under this section-

- (a) may be amended or repealed by a subsequent Ordinance hereunder;
  - (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to the States to be necessary or expedient;
  - (c) may make provision for its enforcement, including provision in relation to the creation, trial and punishment of offences.";
- (h) in section 59 for "7th day of April" substitute "7th May (or such other date as the States may by Ordinance appoint)";
- (i) in section 62(1) in the definition of the expression "special constable" for the words "by the Court under section 15(1)" substitute "pursuant to an Ordinance made under section 46A";
- (j) after paragraph (a)(v) of Schedule 2 insert the following subparagraph-
  - "(vi) all matters in relation to the disposal or destruction of the carcasses of animals;"
- (k) at the end of paragraph (k) of Schedule 2 insert the following words-
  - ", and the regulation of the provision and use of bicycles as hired bicycles";
- (l) at the end of paragraph (l) of Schedule 2 insert the following words-



"and all matters in relation to the repair, maintenance and improvement of public highways and signs thereon";

(m) after paragraph (p) of Schedule 2 insert the following paragraph-

"(pp) in relation to elections-

(i) the casting of votes by proxy;

(ii) the destruction of ballot papers;"

**Statutory references to special constables.**

2. For any reference in any enactment, statutory instrument or rule of court, however expressed, to a special constable appointed by the Court of Alderney under section 15 of the Government of Alderney Law, 1987 there shall be substituted a reference to a special constable appointed or deemed to be appointed pursuant to the provisions of an Ordinance made under section 46A of that Law (as inserted by section 1(g) of this Law).

**Citation.**

3. This Law may be cited as the Government of Alderney (Amendment) Law, 2000.

**Commencement.**

4. This Law shall come into force as follows-

- (a) paragraphs (a), (g) and (i) of section 1, and section 2, shall come into force on the day appointed by Ordinance of the States; and
- (b) the remainder of this Law shall come into force on the day of registration on the records of the Island of Guernsey.