

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## The Government of Alderney Law, 1987

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(Registered on the Records of the Island of Guernsey  
on the 30th day of June, 1987.)

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# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 2nd day of June, 1987 before Sir Charles Frossard, Kt., Bailiff; present:—Donald Pescott Plummer, Esquire, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires and Mrs. Dorothy Winifred Le Pelley, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 18th day of March, 1987 approving and ratifying a *Projet de Loi* of the States of Alderney entitled "The Government of Alderney Law 1987", THE COURT, after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island and 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 of the records of that Island, of which Order in Council the tenor followeth:

# At the Court at Buckingham Palace

The 18th day of March 1987

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 10th day of March 1987 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, Esquire, President of the States of Alderney, setting forth:

‘That at a meeting of the States of Alderney held on the 12th day of December 1986 the States adopted a Resolution that a *Projet de Loi* entitled “The Government of Alderney Law, 1987” 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 be graciously pleased to grant Your Royal Sanction to the *Projet de Loi* entitled “The Government of Alderney Law, 1987” 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.”

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

AND HER 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 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.

*G. I. de Deney.*



# PROJET DE LOI

## ENTITLED

### **The Government of Alderney Law, 1987**

#### ARRANGEMENT OF SECTIONS

##### *Section*

#### PART I

##### GENERAL CONSTITUTIONAL PROVISIONS

1. Legislative and executive functions.
2. Judicial functions.
3. Public office, oaths and affirmations.
4. The prerogative, laws and customs and public functions.

#### PART II

##### THE COURT OF ALDERNEY

###### *The Jurats and Chairman of the Court*

5. Constitution and general powers of the Court of Alderney.
6. Chairman of the Court.
7. Oath and term of office of Jurats.

###### *Composition and proceedings of the Court*

8. Number and opinions of the Court.
9. Conduct of proceedings and disability of Jurats.
10. Contempt.

###### *Jurisdiction of the Court*

11. Extent of civil jurisdiction.
12. Extent of criminal jurisdiction.
13. Penalty powers of the Court.

*Section*

14. Functions of the Court in succession to former offices.
15. Functions of the Court and other provisions in relation to special constables.

*Procedure, costs, interest and appeals*

16. Institution of criminal proceedings.
17. Rules of court and procedure.
18. Costs.
19. Appeals to the Royal Court.

*The Clerk and Deputy Clerks*

20. The Clerk of the Court.
21. Deputy Clerks of the Court.
22. Clerk where States a party.
23. Fees, fines and receipts, etc.
24. Salaries, wages and expenses.
25. Functions of the Clerk in succession to former offices.

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## THE PRESIDENT AND STATES OF ALDERNEY

*Interpretation of Part III*

26. Interpretation of Part III.

*The States of Alderney*

27. The States of Alderney.

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- 31. Ordinances and absent voters.
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- 33. Franchise and inclusion in register of electors.
- 34. Register of electors, amendments and challenges.
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*The President, Vice-President and members of the States*

- 36. Oath of office.
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- 41. Ordinary and annual meetings.
- 42. People's meetings.
- 43. Public attendance and participation at States meetings.
- 44. Chairmanship at meetings of the States, etc.
- 45. Other rules of procedure.

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- 46. Matters for which Ordinances may provide.
- 47. Further provisions as to Ordinances.
- 48. Validity of existing Ordinances etc.



*Section*

## PART IV

## COMMITTEES AND OFFICERS

*Committees of the States*

49. Appointment, duration, membership and quorum of committees.
50. Chairmanship etc. of committees.
51. Functions of committees.

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52. The Clerk of the States.
53. Deputy or temporary Clerk of the States.
54. Treasurer of the States.
55. Surveyor or Clerk of Works and other appointments.

## PART V

## PROPERTY, CONTRACTS AND FINANCIAL PROVISIONS

*Property and contracts*

56. Acquisition, management and disposal of property.
57. Contracts.

*Financial provisions*

58. Annual budget.
59. Annual financial statement.
60. Preparation of accounts.
61. Audit etc. of accounts.

*Section*

PART VI

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- 62. Interpretation.
- 63. Repeals and general savings.
- 64. Specific savings and transitional provisions.
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SCHEDULES

SCHEDULE 1—Absent voters.

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# PROJET DE LOI

ENTITLED

## **The Government of Alderney Law, 1987**

THE STATES, in pursuance of their Resolution of the 7th day of May 1986, 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.

### PART I

#### GENERAL CONSTITUTIONAL PROVISIONS

Legislative  
and  
executive  
functions.

1. All legislative and executive functions which may be exercised within Alderney are exercisable by the States of Alderney constituted in accordance with Part III or, in the case of a function imposed or conferred by an enactment or by a resolution, by the committee of the States or other body on which, or by the person on whom, the function is so imposed or conferred.

Judicial  
functions.

2. All judicial functions which may be exercised within Alderney are exercisable, except to the extent that any enactment otherwise provides, by the Court of Alderney constituted in accordance with Part II.

Public  
office, oaths  
and affirma-  
tions.

3. (1) The holding of public office in Alderney is open to any person who is not an alien within the meaning of the law in force in the United Kingdom; regardless of sex, marriage, religion or property.

(2) Without prejudice to the generality of subsection (1), a person who conscientiously objects to taking an oath required by law may make a solemn affirmation to the same effect as the required oath; and the same consequences shall attach to that affirmation as attach to the required oath.

4. (1) Her Majesty's prerogative is unaffected by this Law. The prerogative, laws and customs and public functions.
- (2) Except to the extent that their continued existence or exercise would be inconsistent with this Law, this Law does not affect—

- (a) any of the laws or customs of Alderney; or
- (b) the powers, rights or duties of a person exercising public functions in relation to Alderney.

(3) It is hereby declared for the avoidance of doubt that the customary law in criminal matters is the same in Alderney as in Guernsey.

## PART II

### THE COURT OF ALDERNEY

#### *The Jurats and Chairman of the Court*

5. The Court of Alderney— Constitution and general powers of the Court of Alderney.
- (a) consists of such persons as the Secretary of State may from time to time, by an instrument issued under his hand, appoint to be Jurats; and
  - (b) has, subject to this Law, the same powers as the Court had immediately before the commencement of this section.
6. (1) The Chairman of the Court is— Chairman of the Court.
- (a) such person as the Secretary of State may from time to time, by an instrument issued under his hand, appoint as Chairman; or
  - (b) if no such person is for the time being appointed under paragraph (a), such person as the Jurats may from time to time select from among themselves.

(2) If at a sitting of the Court the Chairman is not present or is disqualified from acting as a member of the Court, the Court shall select a Jurat to act as chairman for that sitting of the Court.

Oath and  
term of  
office of  
Jurats.

7. (1) Before entering on his office a person appointed as a Jurat shall take at a full court an oath in such form as may be prescribed by Her Majesty by Order in Council and shall not be required to take an oath in any other form.

(2) A Jurat shall hold office during good behaviour but, subject to subsection (3), shall not after attaining the age of 70 years—

(a) sit in court; or

(b) otherwise act as a Jurat except in such matters as may be specified in rules of court.

(3) Notwithstanding subsection (2) the Secretary of State may from time to time, by an instrument issued under his hand, authorise a Jurat to continue to sit and act as such for a specified period after attaining the age of 70 years as if he had not attained that age.

Number and  
opinions of  
the Court.

8. (1) The functions of the Court shall, except where the contrary is provided by or under any enactment, be exercised by a full court consisting of any two or more Jurats in addition to the Jurat acting as chairman.

(2) In determining the opinion of the full court on any matter the opinion of the Jurat acting as chairman shall not be counted, except that if the opinions of the other Jurats are equally divided the chairman shall determine which opinion shall prevail.

9. (1) The Jurat acting as chairman at a sitting of the Court shall have the general conduct of proceedings, which shall be conducted in accordance with the rules of natural justice relating to the exercise of judicial functions.

Conduct of  
proceedings  
and  
disability  
of Jurats.

(2) Without prejudice to the generality of subsection (1)—

- (a) a Jurat shall not sit when the Court is dealing with any matter in which he has a personal interest;
- (b) a Jurat who is engaged in an occupation for the carrying on of which a licence is required shall not sit when the Court is dealing with any matter relating to a licence for the carrying on of that occupation.

(3) If it appears to the Chairman that by reason of the operation of subsection (1) or subsection (2) the Court will not be able to deal with a matter, he shall apply to the Bailiff to appoint a person to exercise the powers of the Court in relation to that matter; and a person so appointed shall have all the powers of the Court in relation to that matter.

10. (1) The Court has jurisdiction under this section to deal with any person who—

Contempt.

- (a) wilfully insults a Jurat, any witness before or officer of the Court or any advocate having business in the court, during his sitting or attendance in court or in going to or returning from the court; or
- (b) wilfully interrupts the proceedings of the Court or otherwise misbehaves in court.

(2) In any such case as is mentioned in subsection (1) the Court may order an officer of the Court or a police officer to take the offender into custody and detain him until the rising of the Court; and the Court may if it thinks fit commit the offender to custody for a specified period not exceeding one month or impose on him a fine not exceeding £500 or both.

(3) It is hereby declared for the avoidance of doubt that this section is in addition to, and shall not be construed as in any way derogating from, any other power of the Court to deal with cases of contempt.

### *Jurisdiction of the Court*

#### **Extent of civil jurisdiction.**

11. (1) The civil jurisdiction of the Court comprises all matters other than criminal matters—

(a) in which the Court had jurisdiction immediately before the commencement of this section;

(b) which are assigned to it by this Law or by any other enactment;

and in this Law any such matter is referred to as “a civil matter”.

(2) The jurisdiction of the Court in a civil matter is not limited by reference to any question of value.

#### **Extent of criminal jurisdiction.**

12. (1) The Court has jurisdiction to try and determine a charge alleging an offence for which the maximum penalty permitted by law does not exceed the penalty set out in section 13(1).

(2) The Court does not have jurisdiction to try and determine a charge alleging an offence of treason, homicide, piracy, rape, perjury or robbery,

but shall, if a charge alleges any such offence, consider whether there is a *prima facie* case for the accused person to answer.

(3) In the case of a charge alleging an offence to which neither subsection (1) nor subsection (2) applies the Court may either—

- (a) if of the opinion that should the offence be proved a penalty not exceeding that set out in section 13(1) should be imposed, itself try and determine the charge; or
- (b) consider whether there is a *prima facie* case for the accused person to answer.

(4) If in any case the Court acting under subsection (2) or subsection (3)(b) considers that there is a *prima facie* case for the accused person to answer it shall transfer that case to the Royal Court sitting as an Ordinary Court with a view to its being dealt with in accordance with Part IV of the Magistrate's Court (Guernsey) Law, 1954(a).

13. (1) The maximum penalty which the Court has jurisdiction to impose in respect of any one offence is, subject to subsections (2) and (3), imprisonment for a term not exceeding three months or a fine not exceeding £500, or both. Penalty powers of the Court.

(2) The maximum penalty which the Court has jurisdiction to impose on a person on any one occasion is imprisonment for terms which in aggregate do not exceed three months or fines which in aggregate do not exceed £1,000, or both.

(3) If the maximum penalty which may be imposed in respect of an offence is prescribed by an

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(a) *Ordres en Conseil* Vol. XVI, p. 103.



enactment other than this section, nothing in this section shall be construed as authorising the Court to impose in respect of such an offence a penalty which is greater than that prescribed by that other enactment.

(4) If the Court sentences to imprisonment a person who under the law in force in Guernsey may lawfully be detained there, it may order all or any part of the sentence to be served in Guernsey.

Functions  
of the Court  
in succession  
to former  
offices.

14. Notwithstanding section 1, and without prejudice to any other functions of the Court, those functions include—

- (a) the functions which were, immediately before 8th March 1949, exercisable by the greffier so far as they related to the keeping of a record of legislation and the registering of enactments therein;
- (b) the functions which were, immediately before 8th March 1949, exercisable by the douzaine so far as they related to the inheritance of real property.

Functions of  
the Court  
and other  
provisions in  
relation to  
special  
constables.

15. (1) Notwithstanding section 1, the Court may, from time to time, on the recommendation of the Chief Officer of Police of Guernsey, appoint any person to be a special constable, and may prescribe an oath which, subject to section 3(2), shall be taken by any person so appointed before entering on the duties of his office.

(2) The duties of a special constable include the duty to assist any Guernsey police officer on duty in Alderney; and the Offences against Police Officers (Bailiwick of Guernsey) Law, 1963(b) applies in relation to a special constable as it applies in relation to

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(b) Ordres en Conseil Vol. XIX, p. 123.

an officer of police.

(3) Special constables shall, for the purposes of training and of the issue to them and recovery from them of badges and other equipment, be subject to direction by the Chief Officer of Police of Guernsey.

(4) A special constable may resign his office by a letter addressed to the Court; and the Court may, on the recommendation of the Chief Officer of Police of Guernsey, remove a special constable from his office.

*Procedure, costs, interest and appeals*

16. Criminal proceedings before the Court may be instituted only by or under the authority of Her Majesty's Procureur. Institution  
of criminal  
proceedings.

17. (1) The Royal Court may, from time to time, make rules of court for the Court which may, subject to subsection (3)— Rules of  
Court and  
procedure.

- (a) prescribe those matters which must be dealt with by a full court and those which may be dealt with by a single Jurat;
- (b) prescribe any matters which may be dealt with out of court;
- (c) specify any matters in which, notwithstanding section 7(2), a Jurat may act after attaining the age of 70 years;
- (d) prescribe forms of summons to be used for initiating proceedings in the Court.

(2) Subject to subsection (3) and to any rules of court made under subsection (1) of this section, under Article 64 of the Reform (Guernsey) Law,

1948(c), under section 3 of the Court of Alderney (Appeals) Law, 1969(d), under section 40 of the Arbitration (Alderney) Law, 1983(e), under section 1 or section 2 of the Judgments (Interest) (Bailiwick of Guernsey) Law, 1985(f) or under any other power of the Royal Court to make rules, the Court may regulate its own procedure and may for that purpose make rules of court; but rules made under this subsection shall, without prejudice to the validity of anything done under them or to the making of new rules under this subsection, cease to have effect—

(a) if they are disapproved by the Royal Court, immediately upon such disapproval; or

(b) if they are not, within three months after being made, approved by the Royal Court, at the expiration of those three months.

(3) Rules of court shall not—

(a) permit the determination of any criminal matter, the hearing of a petition under section 34(4) or the determination of any question regarding the law as to elections in Alderney otherwise than by a full court;

(b) permit any question concerning the grant, refusal or withdrawal of a licence to deal in intoxicating liquor to be dealt with out of court.

(4) In this section the expression “the law as to elections in Alderney” has the same meaning as in Part III of this Law.

#### Costs.

18. (1) The costs of and incidental to any proceedings in the Court in a civil matter are in the discretion of the Court, and the Court may determine

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(c) Ordres en Conseil Vol. XIII, p. 288.

(d) Ordres en Conseil Vol. XXII, p. 192.

(e) No. XIII of 1983.

(f) No. XVII of 1985.

by whom and to what extent such costs are to be paid.

(2) The Court may, from time to time, by rules of court prescribe the fees payable to the Court and to the Clerk of the Court in respect of civil proceedings in the Court and the fees and expenses recoverable by a party in any case where costs are awarded to that party under subsection (1).

(3) The Court may order any person convicted of any offence in proceedings in the Court in a criminal matter to pay to any other person attending the Court to give evidence in those proceedings an allowance, calculated at such rate as the Court may from time to time prescribe by rules of court, in respect of that other person's attendance.

19. The Court of Alderney (Appeals) Law, 1969 continues to have effect for the purpose of appeals from the Court to the Royal Court as it had effect before the commencement of this Law. Appeals to the Royal Court.

### *The Clerk and Deputy Clerks*

20. (1) The Court shall from time to time, with the approval of the Secretary of State, appoint at a salary approved by the Secretary of State a person to act generally as the Clerk of the Court and to carry out the functions assigned to the Clerk of the Court by or under this Law and any other enactment. The Clerk of the Court.

(2) A person appointed as the Clerk under subsection (1) shall not be removed from that office without the approval of the Secretary of State, and the salary of a person so appointed shall not be reduced below that approved by the Secretary of State.

Deputy  
Clerks of  
the Court.

21. (1) The Court shall from time to time appoint one or more Deputy Clerks of the Court and may at any time revoke an appointment made under this section.

(2) If at any time the office of Clerk is vacant or the Clerk is absent from, or unable to perform the duties of, his office, a Deputy Clerk shall act in his place; and while so acting a Deputy Clerk shall have all powers conferred by law on the Clerk.

(3) A Deputy Clerk may be paid, as part of the expenses of administering justice in Alderney, such fee in respect of the performance of his duties as the Court thinks fit.

Clerk where  
States a  
party.

22. If the States are party to proceedings in the Court other than proceedings relating to the assessment of property for rates or the recovery of rates—

- (a) the Clerk shall not act as Clerk in those proceedings if he is also the Clerk of the States or the Treasurer; and
- (b) a Deputy Clerk who is also the Clerk of the States or the Treasurer shall not act in those proceedings in the place of the Clerk.

Fees, fines  
and receipts,  
etc.

23. (1) The Clerk shall furnish to the Treasurer within the first seven days of every month an account of—

- (a) all fees, fines and other payments received by the Court or by him as Clerk during the last preceding month, except for any payments received pursuant to an order under section 27 of the Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964(g) or section 17 of the Arbitration (Alderney) Law, 1983 or pursuant to any

other enactment requiring their remission to another person; and

- (b) all payments made by him during the last preceding month in the execution of his office, other than any payments made remitting to another person any payments received pursuant to an order under the said section 27 or the said section 17 or pursuant to any other enactment such as is mentioned in paragraph (a);

and shall forthwith pay over to the Treasurer any balance shown in that account.

(2) It is hereby declared for the avoidance of doubt that nothing in this section applies to any fee payable to a Jurat.

24. (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,  
wages and  
expenses.

(2) The Treasurer shall—

- (a) when the Finance Committee is preparing the statement referred to in section 58, produce for that Committee a statement of the moneys received by him under section 23 and the expenditure defrayed by him under this section since the last preceding 31st day of December; and
- (b) when he publishes the statement referred to in section 59, publish with it a statement or an epitome of a statement of the moneys

received by him under section 23 and the expenditure defrayed by him under this section during the previous calendar year.

Functions of  
the Clerk in  
succession  
to former  
offices.

25. (1) Without prejudice to any other functions of the Clerk, those functions include—

- (a) the functions other than those specified in section 14(a) which it was, immediately before 8th March 1949, the duty of the greffier to perform and which are not functions assigned by law to any other person or body;
- (b) the functions which it was, immediately before 8th March 1949, the duty of the Procureur du Roi to perform and which are not functions assigned by law to any other person or body;
- (c) the keeping of any records of a nature which would, immediately before 8th March 1949, have been kept by the douzaine and which are not required by law to be kept by any other person or body;
- (d) subject to subsection (2), the functions which were, immediately before 8th March 1949, exercisable by the sheriff and the functions which were, immediately before that date, exercisable by the sergeant.

(2) The Clerk may arrange for any of his functions under paragraph (d) of subsection (1) to be exercised under his general direction by such person and at such fee or remuneration, if any, as the Court may from time to time order.

## PART III

THE PRESIDENT AND STATES OF  
ALDERNEY*Interpretation of Part III*

26. (1) In this Part of this Law—

Interpreta-  
tion of Part  
III.

“ordinary election” means an election for members of the States held or to be held on a day appointed under section 28(1);

“ordinary presidential election” means an election for the President of the States held or to be held on a day appointed under section 28(2);

“by-election” means an election to fill a casual vacancy among members of the States held or to be held on a day appointed under section 28(3);

“presidential by-election” means an election to fill a casual vacancy in the office of President held or to be held on a day appointed under section 28(4).

(2) In this Part of this Law the expression “the law as to elections in Alderney” means any provision relating to elections in Alderney whether contained in this Law, in an Ordinance made under this Law, or in any other enactment in force in Alderney.

*The States of Alderney*

27. (1) The States of Alderney consist of 12 members and the President, each of whom shall be elected by secret ballot at an election held in accordance with this Law.

The States  
of Alderney.



(2) The States shall not be deemed incompetent to perform any of the functions or exercise any of the powers conferred upon them by or under this Law or any other enactment by reason only of the existence at any time of a vacancy among the members or a vacancy in the office of President.

*Elections for the President and members of the States*

**Times of elections.**

28. (1) The States shall in every year appoint a day, not earlier than the 1st day of December and not later than the 14th day of December in that year, on which there shall be held an ordinary election for the purpose of electing members in place of those members whose terms of office expire in that year.

(2) The States shall in 1987 and in every third year thereafter appoint a day in November of that year, not less than two days before the last day on which, in accordance with an Ordinance made under section 31, nominations for the ordinary election in that year must be submitted to the Clerk, on which there shall be held an ordinary presidential election for the purpose of electing a President in place of the President whose term of office expires in that year.

(3) Upon the occurrence of a casual vacancy among the members, the States shall appoint a day not later than three months after the vacancy occurs on which there shall be held a by-election, unless the vacancy occurs on or after the first day of July in the third year of office of the member whose office has become vacant, in which case the vacancy shall remain unfilled until the next ordinary election.

(4) If a casual vacancy occurs in the office of President, the States shall appoint a day not later than three months after the vacancy occurs on which there shall be held a presidential by-election, unless the vacancy occurs more than two years and six months after the day of the last preceding ordinary presidential election, in which case the vacancy shall remain unfilled until the next ordinary presidential election.

29. (1) At an election held under this Law the Clerk shall be the returning officer. **Returning officer.**

(2) The returning officer shall do all things necessary for effectually conducting the election in accordance with the law as to elections in Alderney.

(3) A person is not subject to any incapacity to vote at an election by reason only of his being the returning officer at that election.

30. (1) Alderney is one constituency and at an ordinary election the returning officer shall, subject to subsection (3), declare to be elected as members of the States the four candidates who have respectively received the largest, the second largest, the third largest and the fourth largest number of votes. **Result of election and equality of votes.**

(2) At a by-election, a presidential election or a presidential by-election the returning officer shall, subject to subsection (3), declare to be elected, as a member or as the President of the States as the case may be, the candidate who has received the largest number of votes.

(3) If at any election held under this Law the number of candidates is not greater than the number of vacancies to be filled, the returning officer shall, after the time fixed for the making of nomina-

tions has expired, declare to be elected each candidate who has consented to a nomination.

(4) If at any election held under this Law 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.

Ordinances  
and absent  
voters.

31. (1) The States may from time to time by Ordinance—

- (a) prescribe the place at which and the hours during which polling is to take place;
- (b) regulate the polling and counting of votes at any election and confer powers on the returning officer to regulate the polling at any election;
- (c) prescribe the time at which, and the form and manner in which, a nomination is to be made and the manner of signifying consent to a nomination;
- (d) prescribe the form of the registers to be prepared under section 34 and section 35 and make provision as to the manner of their publication;
- (e) prescribe the manner in which a person may apply to have his name inscribed in the register of electors prepared under section 34 and, subject to section 34(4), the manner in which a person may object to the inclusion or correction of a name or other entry in that register or to the exclusion of a name from that register;

- (f) provide that a contravention of any such Ordinance is to be an offence punishable, on conviction, by a fine not exceeding a specified sum of £500 or less;
- (g) regulate generally the conduct of elections in Alderney.

(2) Section 47 applies in relation to an Ordinance made under this section as it applies in relation to an Ordinance made under section 46.

(3) The provisions of Schedule 1 have effect, notwithstanding any Ordinance, as respects absent voters.

32. (1) Any person who—

**Offences.**

- (a) votes more than once at an election, whether in person, by post, or both in person and by post; or
- (b) makes an application or declaration under the law as to elections in Alderney which he knows to be false,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding £1,000.

(2) An election shall not be invalidated by reason of the fact that a person has been convicted of an offence under this section in relation to that election.

### *Franchise and registration of electors*

33. (1) A person is entitled to vote at an election if on the date appointed for that election he is entitled to have his name inscribed, and if his name is then inscribed, in the register of electors, prepared pursuant to section 34, in force on that date:

**Franchise and inclusion in register of electors.**

PROVIDED THAT a person whose name is added to that register pursuant to section 34(2) is not entitled to vote at any election held on or before the 15th day of October of the year in which his name is so added.

(2) A person is eligible to be elected, at an election held for that purpose, as a member of the States or as President of the States if—

- (a) he is entitled under subsection (1) to vote at that election; and
- (b) he has been ordinarily resident in Alderney throughout the 36 months immediately preceding the date appointed for that election; and
- (c) he is not a Jurat; and
- (d) he has been nominated and has signified his consent to nomination in the form and manner prescribed by an Ordinance of the States made under section 31.

(3) A person is entitled to have his name inscribed in the register if—

- (a) he has attained, or will attain by the 15th day of October in the year in which he applies for his name to be so inscribed, the age of 18 years; and
- (b) he is not an alien within the meaning of the law in force in the United Kingdom; and
- (c) he is ordinarily resident in Alderney; and
- (d) he will have been ordinarily resident in Alderney throughout the 12 months immediately preceding the 15th day of October of the year in which he applies for his name to be so inscribed; and

- (e) he is not (age apart) subject to any legal disability; and
- (f) he has applied to have his name so inscribed and has complied with such provisions in that regard as are prescribed by any Ordinance made by the States under section 31.

34. (1) The Clerk of the States shall, by 15th October 1987, prepare a register containing the names and addresses of all persons entitled to have their names inscribed in that register, which register shall be the register of electors in force throughout the 36 months next following 15th October 1987, and shall in 1990 and in each third year thereafter, by the 15th day of October of that year prepare a register containing the names and addresses of all persons entitled to have their names inscribed in that register, which register shall be the register of electors in force throughout the 36 months next following the 15th day of October of that year.

Register of electors, amendments and challenges.

(2) The Clerk shall keep under review the register of electors and shall from time to time—

- (a) add to the names inscribed in the register of electors the names of all those persons who are entitled to have their names so inscribed but whose names are not already so inscribed;
- (b) delete from the names inscribed in the register of electors the names of any persons who, in the opinion of the Clerk, are not entitled to have their names so inscribed;
- (c) make such other corrections to the register of electors as appear to him to be necessary.

(3) The register of electors in force shall be open for inspection at the States Office at all reasonable times.

(4) No challenge shall be made to the inclusion or correction of a name in the register of electors or to the exclusion of a name from the register of electors unless made by petition to the Court on or before the 15th day of November next following the date on which the challenged inclusion, correction or exclusion was first made; and if upon hearing such a petition the Court so directs, the Clerk shall forthwith amend the register of electors.

(5) The register of electors shall be conclusive evidence that the persons whose names are inscribed therein, and only those persons, are entitled to have their names inscribed therein; and without prejudice to the generality of the foregoing an election shall not be invalidated by reason of the inclusion or correction of a name in the register of electors or the exclusion of a name from the register of electors whether or not that inclusion, exclusion or correction has been or is challenged under subsection (4).

**Register of  
absent  
voters.**

35. The Clerk shall establish and maintain in accordance with the provisions of Schedule 1 a register of absent voters in a book kept solely for that purpose, in such form as the Clerk shall from time to time determine, and open for inspection at the States Office at all reasonable times.

*The President, Vice-President and members of the  
States*

**Oath of  
office.**

36. (1) Subject to section 3(2), before entering on their respective offices the President shall take before the States, and each member of the States shall take before the President, an oath of office in such form

as may be prescribed by Her Majesty by Order in Council.

(2) Subsection (1) requires an oath of office to be taken by a member of the States, or, as the case may be, by the President, after each occasion on which he is elected as a member of the States, or, as the case may be, as the President, notwithstanding that he may previously have held either of those offices.

37. (1) Subject to section 36, to subsection (3) of this section and to section 38, if a member or the President of the States is elected at an ordinary election or at an ordinary presidential election, as the case may be, he shall come into office on, and shall hold office for a term of three years reckoned from, the 1st day of January next following, the date on which he is elected.

Entry upon  
and tenure  
of office.

(2) Subject to subsection (3) of this section and to section 38, if a member or the President of the States is elected at a by-election, or at a presidential by-election, as the case may be, he shall come into office as soon as he has complied with section 36(1), and shall hold office for the period for which the former member or former President of the States in whose place he has been elected would have held office.

(3) Notwithstanding subsections (1) and (2), a persons who, when elected as a member or as the President of the States, is a States employee shall not come into office while he continues to be a States employee.

(4) Nothing in this section precludes the election of an outgoing President or an outgoing member of the States for a further term of office.



**Vacation  
and  
resignation  
of office.**

38. (1) A member of the States 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 States; or
- (b) is elected President; or
- (c) is appointed as a Jurat; or
- (d) becomes a States employee.

(2) The President 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 a cause approved by the States; or
- (b) is elected a member of the States; or
- (c) is appointed as a Jurat; or
- (d) becomes a States employee.

(3) If to the knowledge of the Clerk a member of the States has become disqualified, the Clerk shall so report to the President who shall, if satisfied that such is the case, declare the office of that member to be vacant, and no such declaration shall be challenged otherwise than by an appeal made to the Royal Court sitting as an Ordinary Court, as if the declaration were a decision of the Court in relation to a civil matter, within one month of the making of the declaration.

(4) Her Majesty's Procureur, if it appears to him that the President has become disqualified from acting as President, may move the Royal Court sitting as an Ordinary Court for a declaration that the office of President is vacant, and the Royal Court may so declare.

(5) It is hereby declared for the avoidance of doubt that no act of a person as a member, or as the President, of the States shall be deemed to be, or ever to have been, invalid by reason only of—

- (a) any lack of qualification on his part to be elected in accordance with section 33(2);
- (b) the existence of any circumstances requiring him to vacate his office in accordance with this section.

(6) Notwithstanding any other provision of this Law—

- (a) the President may at any time resign his office by a letter addressed to the States and delivered to the Clerk; and
- (b) a member of the States may at any time resign his office by a letter addressed to the President and delivered to the Clerk.

39. (1) The States shall, each year at the annual meeting held in accordance with section 41(2), elect one of their members to be Vice-President of the States of Alderney, and the person so elected shall, unless he earlier ceases to be a member of the States or resigns the office of Vice-President by letter addressed to the States, hold office until the annual meeting of the States next after his election as Vice-President.

The Vice-President of the States.

(2) If at any time the office of President is vacant or the President is incapable of performing the duties of his office, the Vice-President may discharge the functions of the office of President and shall for that purpose have all the powers conferred by law upon the President.

(3) Nothing in this section precludes the election of an outgoing Vice-President for a further term of office.

Precedence  
and expenses  
of the  
President.

40. (1) The President shall have precedence in Alderney over all persons except—

- (a) a member of the Royal Family or a person who directly represents Her Majesty;
- (b) the Lieutenant Governor or a person whom the Lieutenant Governor has named to represent him;
- (c) the Bailiff.

(2) The States may resolve to place at the disposal of the President such annual, periodic or other sums as they consider appropriate to meet expenditure incurred or to be incurred by the President in connection with the duties of his office, and such sums may be spent by the President at his discretion.

#### *Meetings of the States and people's meetings*

Ordinary  
and annual  
meetings.

41. (1) Every meeting of the States shall be convened by the President by the publication of a Billet d'Etat giving notice of the business to be transacted at that meeting, and a decision shall not be effective as a resolution of the States unless it is a decision taken at a meeting of the States in accordance with this Law; but nothing in this Law shall be construed as preventing all or any of the

members of the States from assembling at any time, with or without the President, to discuss any matter which they think fit to discuss.

(2) The first meeting of the States during every year shall be held as soon as practicable after the 1st day of January and shall be called the "annual meeting"; and at the annual meeting, before any other business is transacted, the States shall elect a Vice-President and appoint a qualified auditor.

42. (1) Before every meeting of the States a meeting of the electorate (in this Law referred to as a "people's meeting") shall be held for the purpose of informing those present of the business to be transacted at that meeting of the States and giving any explanation desired by the people's meeting. People's meetings.

(2) The people's meeting shall be called by a member of the States nominated by the President as convener of that meeting.

(3) The convener of the people's meeting shall preside over and control the meeting, may require to leave the meeting any person whose conduct at the meeting appears to the convener to be incompatible with an orderly meeting, and may in the event of disorder adjourn and reconvene the meeting at his discretion.

(4) The Clerk shall attend the people's meeting and assist the convener.

(5) Neither any member of the States nor the President in exercising a casting vote shall be bound to vote at a meeting of the States in accordance with any view expressed at a people's meeting.

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

Public  
attendance  
and  
participation  
at States  
meetings.

43. (1) All meetings of the States shall be open to the public.

(2) At not less than two meetings in any year, which, unless the States by Ordinance otherwise determine or in a particular year otherwise resolve, shall be the meeting next after the annual meeting and a meeting in September, any person whose name is inscribed in the register of electors and who has complied with subsection (3) may bring personally before the States any matter of public interest which he requests shall be considered, and may address the States, not more than once except by special leave of the States, in support of his request.

(3) A person intending personally to bring any matter before the States under subsection (2) shall give to the Clerk at least five days' notice in writing containing full particulars of the matter of public interest which he requests shall be considered.

(4) Notice that subsection (2) applies to a meeting of the States shall be given in the Billet d'Etat giving notice of the business to be transacted at that meeting and shall be given orally by the person presiding at the people's meeting held before that meeting of the States under section 42.

(5) The order of speaking among persons personally bringing matters before a meeting of the States under subsection (2) shall be decided by the person presiding at that meeting.

(6) It is hereby declared for the avoidance of doubt that nothing in this section confers on a person who addresses the States under subsection (2) any other right, privilege or immunity.

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

Chairman-  
ship at  
meetings of  
the States  
etc.

(2) At a meeting of the States the President may take part in discussion, but has 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 has 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, and the President may vote at a meeting of a committee to which he is appointed.

45. (1) Subject to the provisions of this Law, the States may from time to time by resolution prescribe rules of procedure applicable to meetings of the States, including, without prejudice to the generality of the foregoing, rules governing the conduct of persons personally bringing matters before the States under section 43(2); and rules made under this section may, in the like manner, be suspended, varied or revoked.

Other rules  
of procedure.

(2) The quorum at a meeting of the States is seven members in addition to the person presiding at that meeting.

(3) Notwithstanding subsection (2), a decision shall not be effective as a resolution of the States to the extent that its implementation would require the amendment of any provision of this Law unless it is a decision taken at a meeting of the States at

which there are present at least 10 members in addition to the person presiding at that meeting.

(4) If five members of the States sign a requête to the President to place any proposal before the States, the President shall within two months submit the requête to a meeting of the States together with any relevant documents which those five members consider necessary.

### *Ordinances of the States*

Matters for which Ordinances may provide.

46. (1) The States may, from time to time, make Ordinances for the good rule and government of, and for the prevention and suppression of nuisances in, the whole or any part of Alderney including the territorial waters adjacent thereto.

(2) Without prejudice to the generality of subsection (1), an Ordinance made under this section may make provision for any of the matters specified in Schedule 2.

Further provisions as to Ordinances.

47. (1) An Ordinance made under section 46 shall be read as subject to any Order in Council having the force of law in Alderney and shall be void to the extent that it is repugnant to any such Order in Council.

(2) Subject to subsections (3) and (4), an Ordinance made under section 46 shall not confer any right of entry onto private premises or authorise the destruction of, or any interference with, private property.

(3) Notwithstanding subsection (2), an Ordinance made for any of the purposes set out in paragraphs (a), (b), (c), (d), (e), (g), (h) or (n) of Schedule 2 may empower an officer of police or an officer of the States authorised in that behalf to enter any premises, or any class of premises, and to carry out such inspections or examinations and do such other acts, as are authorised by, and are necessary or expedient for the purposes of, the Ordinance.

(4) Notwithstanding subsection (2),—

(a) an Ordinance made for any of the purposes set out in paragraph (a) of Schedule 2 may empower the Court of Alderney to disqualify persons from ownership of animals or to order the destruction of any animal, and may—

(i) empower the States Committee for Agriculture and Fisheries to require the isolation or slaughter or other disposal of any animal, the destruction of any animal carcase, milk or eggs and the cleaning or destruction of any premises, vehicle or article used in connection with any infected animal;

(ii) require persons to notify prescribed facts or to furnish information to the States Committee for Agriculture and Fisheries or the States Veterinary Officer;

(b) an Ordinance made for any of the purposes set out in paragraph (b) of Schedule 2 may empower the States Committee for Agri-



culture and Fisheries to require the removal or destruction of any crop, seed, plant or part thereof, or any substance which has on it or is infected with a pest, or to or by means of which a pest is, in the opinion of that Committee, likely to spread;

- (c) an Ordinance made for any of the purposes set out in paragraphs (c) or (d) of Schedule 2 may empower the States Committee for Agriculture and Fisheries to require the destruction of any fish, animal, carcase or meat which in the opinion of that Committee is infected, contaminated, decayed or stale;
- (d) an Ordinance made for any of the purposes set out in paragraphs (h), (j) or (k) of Schedule 2 may, without prejudice to section 20 of the Building and Development Control (Alderney) Law, 1975(h), make provision for the entry into and the moving or removal of vessels or vehicles and for the harbour officer to prohibit the landing of any vessel;
- (e) an Ordinance made for any of the purposes set out in paragraph (l) of Schedule 2 may provide for an officer of police to give directions to persons using a highway;
- (f) an Ordinance made for any of the purposes set out in paragraph (n) of Schedule 2 may require persons to furnish prescribed in-

formation in connection with the census to which the Ordinance relates.

(5) Without prejudice to subsections (2) to (4), a power of entry conferred by an Ordinance made under section 46 shall not be exercisable in relation to any private dwelling except under and in accordance with a warrant issued by the Chairman of the Court on information laid before him on oath.

(6) An Ordinance made under section 46 may empower a committee to make regulations for the purposes of any such Ordinance and to issue licences, permissions or directions in such manner and in such circumstances as any such Ordinance may provide.

(7) An Ordinance made under section 46—

- (a) may make different provision for different cases;
- (b) may provide for any incidental and supplementary matters for which the States consider it expedient to provide for the purposes of the Ordinance;
- (c) may be varied or revoked by a subsequent Ordinance so made.

(8) An Ordinance made under section 46 shall not specify as the penalty or maximum penalty for any offence created by such an Ordinance a penalty greater than that which the Court of Alderney has power to impose by virtue of section 13(1).

Validity of  
existing  
Ordinances  
etc.

48. (1) An Ordinance made by the States between 1st January 1949 and the date of commencement of section 46 which could, after the commencement of that section, be made by the States under the powers conferred thereby shall not be deemed to be, or ever to have been, invalid by reason only of a limitation on the powers of the States as those powers existed before the commencement of that section.

(2) Any regulations made by a committee and any other thing done by any body or person in the purported exercise or discharge of a power or duty conferred or imposed by such an Ordinance as is mentioned in subsection (1), being a power or duty which could, after the commencement of sections 46 and 47(6), be conferred by an Ordinance made under section 46, shall not be deemed to be, or ever to have been, invalid by reason only of a limitation of the powers of the States as those powers existed before the commencement of sections 46 and 47(6).

## PART IV

### COMMITTEES AND OFFICERS

#### *Committees of the States*

Appoint-  
ment,  
duration,  
membership  
and quorum  
of  
committees.

49. (1) The States may from time to time appoint a committee of the States, and may elect some or all of the members of the States, and, subject to subsection (5), persons who are not members of the States, to be members of such a committee.

(2) The States shall, notwithstanding the discretion vested in them under subsection (1), appoint under that subsection a committee of the States to perform (in addition to any other functions delegated to it by resolution) the functions conferred on the

Finance Committee by or under this Law and by any other enactment.

(3) A committee appointed under subsection (1) shall exercise the functions from time to time delegated to that committee by resolution of the States during such period not exceeding three years as the States by resolution determine.

(4) Subject to subsection (5), the States may at any time elect a person to a committee appointed under subsection (1) or, by resolution, remove a person from such a committee.

(5) A Finance Committee appointed under subsection (1) shall not include any person who is not a member of the States; and the majority of the members of any other committee shall be members of the States.

(6) The quorum at a meeting of a committee shall be three members or such larger number of members as the States may, in respect of a particular committee, resolve.

(7) A person may at any time resign his membership of a committee by a letter addressed to the President of the States and delivered to the Clerk of the States.

(8) A person who ceases to be a member of the States shall thereupon cease to be a member of any committee but without prejudice to the operation of subsection (4) in his case.

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

50. (1) The chairman of a committee is such person as the States from time to time elect as chairman of that committee. **Chairman-ship etc. of committees.**

(2) A committee may from time to time appoint one of its members as deputy chairman of that committee.

(3) At a meeting of a committee the chairman, or if the chairman is absent the deputy chairman if any, or if both the chairman and any deputy chairman are absent such person as the committee appoints in respect of a particular meeting, shall preside.

(4) A person presiding at a meeting of a committee shall have both an original and a casting vote.

**Functions of  
committees.**

51. (1) The States may, subject to subsection (3), delegate to a committee—

- (a) executive functions exercisable by the States;
- (b) to the extent permitted by section 47(6) or any Order in Council and subject to subsection (6), legislative functions exercisable by the States.

(2) A delegation of functions under subsection (1) may be on such conditions as the States think fit including, without prejudice to the generality of the foregoing, conditions restricting the power of the committee to act without prior approval of the States and conditions requiring that the committee's actions be reported to the States at specified times and in a specified manner.

(3) Nothing in this section empowers the States—

- (a) to delegate to any other committee the functions which are by this Law assigned to the Finance Committee appointed under section 49;

(b) to delegate to any committee the functions of the States under section 58.

(4) A committee shall not sub-delegate any legislative functions.

(5) Except to the extent that the States may in a particular case authorise a committee so to do, a committee shall not sub-delegate any of its executive functions to a sub-committee without requiring that the prior approval of the committee be obtained to any action proposed to be taken by that sub-committee.

(6) Regulations made in exercise of a power delegated under subsection (1) shall be laid before a meeting of the States as soon as possible after they are made; and if, at that meeting or the next subsequent meeting, the States resolve that the regulations be annulled, the regulations shall cease to have effect but without prejudice to anything done under them or to the making of new regulations.

### *Officers of the States*

52. (1) The States shall from time to time, with the approval of the Secretary of State, appoint at a salary approved by the Secretary of State a person to act generally as the Clerk of the States and to carry out under the general direction of the States the functions assigned to the Clerk of the States by or under this Law and any other enactment and any resolution of the States. **The Clerk of the States.**

(2) Before appointing a person as the Clerk of the States, the States shall have regard to, and consult the Chairman of the Court in relation to, the suitability of that person to undertake the functions of the Clerk of the Court.

(3) A person appointed as the Clerk under subsection (1) shall not be removed from that office without the approval of the Secretary of State, and the salary of a person so appointed shall not be reduced below that approved by the Secretary of State.

(4) The Clerk shall be ordinarily resident in Alderney and shall devote his whole time to the duties of the Clerk or, if he is also appointed under section 20 or 21 as Clerk of the Court or Deputy Clerk of the Court, to those duties and the duties of the Clerk of the Court or Deputy Clerk of the Court, as the case may be.

(5) The Clerk shall, by virtue of his office, be the clerk of every committee.

Deputy or  
temporary  
Clerk of  
the States.

53. (1) The States may from time to time appoint a Deputy Clerk of the States or a temporary Clerk of the States and may at any time revoke an appointment made under this section.

(2) If at any time the office of Clerk is vacant or the Clerk is absent from, or unable to perform the duties of, his office, a Deputy Clerk of the States or a temporary Clerk of the States shall act in his place, and while so acting shall have all powers conferred by law on the Clerk.

Treasurer of  
the States.

54. (1) The States shall from time to time, with the approval of the Secretary of State, appoint at a salary approved by the Secretary of State a person to act generally as the Treasurer of the States and to carry out the functions assigned to the Treasurer by or under this Law and any other enactment and any resolution of the States.

(2) A person appointed as the Treasurer under subsection (1) shall not be removed from that office without the approval of the Secretary of State, and

the salary of a person so appointed shall not be reduced below that approved by the Secretary of State.

(3) The Treasurer shall be ordinarily resident in Alderney or Guernsey and shall devote his whole time to the duties of the Treasurer, or, if he is also appointed as a Deputy Clerk of the Court or a Deputy or temporary Clerk of the States, or if he is a person employed in the Guernsey public service, to those duties and his duties as a person so appointed or so employed.

55. (1) The States shall from time to time appoint a person to act generally as Surveyor or Clerk of Works and to carry out any functions assigned to the Surveyor or to the Clerk of Works by or under any enactment and any resolution of the States. **Surveyor or Clerk of Works and other appointments.**

(2) A person appointed as Surveyor or as Clerk of Works shall be ordinarily resident in Guernsey or Alderney and shall devote his whole time to the duties of the Surveyor or Clerk of Works, or, if he is a person employed in the Guernsey public service, to those duties and his duties as a person so employed.

(3) The States may from time to time make any other appointment which they think necessary or expedient for any purpose of the States.

(4) The States may at any time revoke an appointment made under this section.

## PART V

### PROPERTY, CONTRACTS AND FINANCIAL PROVISIONS

#### *Property and contracts*

56. The Clerk of the States, as agent for the States, has all powers necessary— **Acquisition, management and disposal of property.**

(a) to give a receipt for property acquired by



or on behalf of the States, and not vested in a person as trustee for or on behalf of the States, which receipt shall be sufficient acknowledgement of its receipt by the States;

- (b) subject to any direction of the States, for the management and control of property vested in the States;
- (c) for the disposal of property vested in the States of which the States have authorised him to dispose.

**Contracts.**

57. 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 Clerk or of such other person shall be *prima facie* evidence that the contract is the contract of the States.

*Financial provisions*

**Annual  
budget.**

58. (1) The Finance Committee shall, not later than the last day of September in each year, prepare with the assistance of the Treasurer a budget statement showing the estimated expenditure and estimated revenue of the States during—

- (a) that calendar year; and
- (b) the next ensuing calendar year.

(2) During the month of October in each year the States shall—

- (a) as soon as practicable, hold a meeting (in

this Law referred to as "the budget meeting"); and

- (b) as soon as practicable thereafter, transmit to the Bailiff the budget statement prepared during that year under subsection (1).

59. The Treasurer shall, not later than the 7th day of April in each year, prepare and publish in Alderney a financial statement showing the revenue and expenditure of the States during the previous calendar year. **Annual financial statement.**

60. (1) Accounts shall be prepared in respect of each calendar year in such form as the States shall, subject to this section, from time to time resolve. **Preparation of accounts.**

(2) The accounts referred to in this section are both revenue and capital accounts and include an account of monies received by and expended by or on behalf of the States.

(3) The Treasurer shall ensure that accounts are prepared and submitted to the auditor, as soon as practicable after the end of each calendar year, by every person who has, during that calendar year, received or expended money, or had the control or management of property, on behalf of the States.

61. (1) A person shall not be appointed under section 41(2) as auditor if he is a member of the States or if he holds any public office in Alderney other than that of special constable. **Audit etc. of accounts.**

(2) The remuneration and necessary expenses of the auditor in connection with his functions under this section shall be a debt due to him from the States as soon as he has completed the performance

of those functions and 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.

(3) The auditor shall audit the accounts prepared pursuant to section 60 and shall, as soon as possible after his audit is completed,—

(a) submit a report to the Finance Committee; and

(b) publish in Alderney an epitome of that report.

(4) The auditor shall draw attention in the report referred to in subsection (3) to any item of expenditure which appears to him not to be supported by legal authority.

(5) As soon as practicable after the submission to it of the report referred to in subsection (3) the Finance Committee shall submit that report to the States together with the accounts to which it relates and the Finance Committee's comments thereon.

## PART VI

### MISCELLANEOUS AND GENERAL

Interpreta-  
tion.

62. (1) In this Law, unless the context otherwise requires,—

“absent voter” means a person to whom Schedule 1 applies by virtue of paragraph 3 of that Schedule;

“annual meeting” means the meeting of the States held under section 41(2);

“appoint” means appoint by resolution;

“auditor” means the person appointed as auditor at the last preceding annual meeting;

- “the Bailiff” means the Bailiff of Guernsey;
- “budget meeting” means the meeting of the States held under section 58(2)(a);
- “calendar year” means a period of 12 months beginning on the 1st day of January;
- “Chairman” in relation to the Court, means, except in sections 8 and 9(1), the person appointed or selected as Chairman of the Court under section 6(1); and in sections 8 and 9(1) “chairman” means the person selected to act as chairman for that sitting of the Court under section 6(2);
- “the Clerk”, except in Part II, means the Clerk of the States appointed under section 52(1); and in Part II “the Clerk” means the Clerk of the Court appointed under section 20(1);
- “the Clerk of Works” means a person appointed to act as Clerk of Works under section 55(1);
- “committee” means a committee of the States appointed under section 49(1);
- “Court”, except in sections 5(b), 11(1)(a) and 64(1)(d), means the Court of Alderney constituted in accordance with Part II of this Law; and in sections 5(b), 11(1)(a) and 64(1)(d) “Court” means the Court of Alderney constituted in accordance with the Government of Alderney Law, 1948(i);
- “Deputy Clerk” means a Deputy Clerk of the Court appointed under section 21(1);
- “election” means an election held under this Law for the purpose of electing a member or members of the States or the President of the States;

“Finance Committee” means the Finance Committee of the States appointed pursuant to section 49(2);

“full court” has the meaning assigned by section 8(1);

“Guernsey police officer” means a member of the salaried police force of the Island of Guernsey;

“Harbour Officer” means the person appointed by the States Transport and Harbour Committee as the Harbour Officer of Braye Harbour and includes any person acting under the authority of the Harbour Officer;

“Her Majesty’s Procureur” includes Her Majesty’s Comptroller;

“legal disability” means certification as a person of unsound mind; subjection in the case of a person aged 18 years or over to guardianship; being an in-patient for reasons of mental illness at a hospital or other institution; or serving a sentence of imprisonment imposed in consequence of conviction of an offence;

“the Lieutenant Governor” means the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey and its Dependencies;

“meeting of the States” means any meeting convened in accordance with section 41, including the annual meeting and the budget meeting;

“officer of police” means a Guernsey police officer, a member of any police force established by the States of Alderney and a special constable;

“premises” includes any land, building, vehicle, vessel and aircraft;

“President” means the President of the States;

“qualified auditor” means a person who is a member of the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants of Scotland, the Institute of Chartered Accountants in Ireland or the Chartered Association of Certified Accountants, or who is recognised by the States as having similar qualifications obtained outside the United Kingdom;

“requête” means a written request;

“register of electors” means the register required to be prepared under section 34;

“regulations” includes orders, rules, schemes and other subordinate instruments of a legislative nature but does not include rules of court;

“robbery” means the offence under section 8 of the Theft (Bailiwick of Guernsey) Law, 1983(j);

“Royal Court” means the Royal Court of Guernsey;

“rules of court”, in relation to rules made by the Royal Court, means rules of court made under section 17(1), and, in relation to rules made by the Court, means rules of court made under section 17(2);

“Secretary of State” means one of Her Majesty’s Principal Secretaries of State;

“special constable” means a person appointed by the Court under section 15(1) to be a special constable;

“the States” means the States of Alderney;

“States employee” means a person employed by the States or by the States of Guernsey in such circumstances that the States or the States of Guernsey have a right to require that he devote the whole of his services to such employment during all the hours of work normally applicable thereto;

“the States Veterinary Officer” means a person nominated as the States Veterinary Officer by the States Committee for Agriculture and Fisheries and includes any person acting under the authority of the States Veterinary Officer;

“the Surveyor” means a person appointed under section 55(1) to act as Surveyor;

“the Treasurer” means the person appointed under section 54(1) to act as the Treasurer of the States;

“vessel” includes a hovercraft, a hydrofoil, a sail-board, a surf-board and any man-made structure at sea;

“the Vice-President” means the Vice-President of the States elected under section 39.

(2) Unless the context otherwise requires, a reference in this Law to any other enactment is a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment including this Law.

(3) Unless the context otherwise requires—

- (a) a reference in this Law to a numbered or lettered Part, section or Schedule is a reference to the Part or section of, or to the Schedule to, this Law which is so numbered or lettered;
- (b) a reference in a Schedule to this Law to a numbered or lettered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph in that Schedule which is so numbered or lettered;
- (c) a reference in a provision of this Law to a numbered or lettered subsection, paragraph or sub-paragraph is a reference to the subsection, paragraph or sub-paragraph of that provision which is so numbered or lettered.

(4) This Law shall be construed as always speaking, and anything expressed in the present tense shall be applied to circumstances as they occur, so that effect may be given to this Law according to its true spirit, intent and meaning.

(5) The Interpretation (Guernsey) Law, 1948(k) applies to the interpretation of this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

(6) It is hereby declared that this Law repeals and re-enacts with modifications the Government of Alderney Law, 1948, as amended.

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(k) Ordres en Conseil Vol. XIII, p. 355.



Repeals and  
general  
savings.

63. (1) The enactments specified in column (1) of Schedule 3 are repealed to the extent specified in column (2) of that Schedule.

(2) Without prejudice to the general application of section 19 of the Interpretation (Guernsey) Law, 1948 (effect of repeal and re-enactment)—

- (a) a reference in any other enactment to an enactment repealed by this Law shall, unless the contrary intention appears, be construed as including a reference to the corresponding provision of this Law;
- (b) any document referring, expressly or by implication, to an enactment repealed by this Law shall, so far as may be necessary for preserving its effect, be construed as referring, or as including a reference, to the corresponding provision of this Law;
- (c) in so far as any Ordinance, rule or regulation made or other thing done under an enactment repealed by this Law, or having effect as if so made or done, could have been made or done under a corresponding provision of this Law, it shall have effect as if made or done under that corresponding provision;
- (d) where any period of time specified in an enactment repealed by this Law is current at the commencement of this Law, and there is a corresponding provision in this Law, this Law shall have effect as if that corresponding provision had been in force when that period began to run.

64. (1) Without prejudice to the generality of section 63(2), a person who immediately before the commencement of this Law was, under an enactment repealed by this Law,— Specific savings and transitional provisions.

- (a) the President of the States;
- (b) the Vice-President of the States;
- (c) a member of the States;
- (d) the Chairman of the Court;
- (e) a Jurat;
- (f) the Clerk of the States, Clerk of the Court, Treasurer, Surveyor, Clerk of Works or holder of any other public office or appointment, including the office of special constable,

shall be deemed to have been elected or appointed, as the case may be, (on the date on which he was in fact so elected or appointed) under this Law.

(2) Any legal proceedings commenced in Alderney before the date when Part II of this Law comes into force and continuing on that date may be continued before the Court constituted under Part II as if they had been commenced (on the date when they were in fact commenced) before the Court.

(3) Nothing in this Law shall be construed as rendering a person—

- (a) liable to prosecution under this Law in respect of an act or omission before the commencement of this Law; or

- (b) liable to a penalty in respect of such an act or omission which is greater than any penalty which could have been imposed in that respect if this Law had not been passed.

(4) A reference in any enactment passed or document made before the commencement of this Law to the States of Alderney or to the Court of Alderney shall, unless the context otherwise requires, be construed after the commencement of this Law as including a reference to the States or the Court, as the case may be, constituted under this Law.

**Citation.** 65. This Law may be cited as the Government of Alderney Law, 1987.

**Commencement.** 66. (1) This Law shall come into force on such date as the States may by Ordinance appoint, and different dates may be so appointed for different provisions of this Law and for different purposes.

(2) An Ordinance made under this section may include such savings and transitional provisions as the States consider necessary or expedient for effecting the transition to any provision of this Law from the law previously in force.

## SCHEDULE 1      Sections 31(3) and 35.

### ABSENT VOTERS

#### *Interpretation*

1. In this Schedule, except where the context otherwise requires,—

- “absent voter” means a person to whom this Schedule applies by virtue of paragraph 3;
- “the ballot paper envelope” has the meaning assigned by paragraph 6(1)(c);
- “the covering envelope” has the meaning assigned by paragraph 6(1)(d);
- “the register of absent voters” means the register required to be established and maintained under section 35 of this Law;
- “registration number” means, in relation to any absent voter and as respects any election, the number inscribed in the register of absent voters against the name of that voter in respect of that election in pursuance of the provisions of paragraph 5.

#### *Postal voting by absent voters*

2. A person who is entitled to vote at an election may vote by post at that election in accordance with the following provisions of this Schedule if he is a person to whom this Schedule applies as respects that election.

#### *Absent voters*

3. This Schedule applies, as respects any election, to a person who—

- (a) is blind;
- (b) will probably be out of Alderney at the time of that election;
- (c) is suffering from a physical defect or disability by reason of which he is incapable of attending at the place at which the polling at that election is to take place.

*Application for registration as absent voter*

4. A person who, as respects any election, is an absent voter and who desires to vote by post at that election shall, not less than two days before the day on which that election is to be held, apply to the Clerk to have his name inscribed in the register of absent voters; and such application shall be made in writing in such form as the Clerk shall from time to time determine.

*Registration of absent voters*

5. (1) Where, upon application being made to him under and in accordance with the provisions of paragraph 4, the Clerk is satisfied that the applicant is an absent voter as respects the election to which the application relates and the name of the applicant is inscribed in the register of electors in force for the date appointed for that election, the Clerk shall inscribe in the register of absent voters, in a separate section thereof relating solely to that election,—

- (a) the name and usual address of the applicant;
- (b) the address of the applicant to which the documents referred to in paragraph 6 are to be sent in accordance with the provisions of that paragraph in any case where that address is different from the usual address of the applicant;
- (c) against the name of the applicant, a number (hereafter in this Schedule referred to as “the registration number”) which shall be personal to the applicant.

(2) The numbers appearing in the same section of the register of absent voters in pursuance of the provisions of sub-paragraph (1) of this paragraph shall be consecutive.

*Issue of postal ballot papers etc.*

6. The Clerk shall, as soon as practicable before the day on which any election is to be held, deliver personally or send by post to every absent voter whose name is inscribed in the register of absent voters in respect of that election—

- (a) a ballot paper in the same form as, and indistinguishable from, the ballot papers delivered to voters who are not absent voters;
- (b) a form of declaration of identity in such form as the Clerk shall from time to time determine;
- (c) an envelope marked "BALLOT PAPER ENVELOPE" (hereafter in this Schedule referred to as "the ballot paper envelope"); and
- (d) an envelope addressed to the Clerk of the States (hereafter in this Schedule referred to as "the covering envelope").

*Marking of documents by Clerk of the States*

7. (1) The registration number of an absent voter shall be inscribed by the Clerk on the counterfoil of the ballot paper issued to that absent voter under paragraph 6; and the Clerk shall mark the entry

relating to that absent voter in the register of absent voters so as to indicate that a ballot paper has been so issued, but without disclosing the number of that ballot paper.

(2) The number of a ballot paper issued to an absent voter under paragraph 6 shall be inscribed by the Clerk on the form of declaration of identity and on the ballot paper envelope issued to that voter, and the registration number of that voter shall be inscribed by the Clerk on the covering envelope issued to that voter.

*Marking of ballot paper by absent voter etc.*

8. An absent voter to whom a ballot paper has been issued under paragraph 6 shall—

- (a) mark the ballot paper in accordance with the provisions of the law regulating the procedure for secret ballot;
- (b) after so marking the ballot paper, place and seal it in the ballot paper envelope issued to him;
- (c) complete the form of declaration of identity issued to him and place and seal it and the said ballot paper envelope in the covering envelope issued to him; and
- (d) deliver personally or send by post the covering envelope, with the ballot paper envelope and form of declaration of identity duly sealed inside it, to the Clerk of the States so as to reach him not later than the day next preceding the day on which the election to which those documents relate is to be held.

*Placing of ballot paper envelopes into ballot box*

9. Subject to paragraph 10(1), the Clerk shall, as soon as may be after the opening of the poll at an election, and in the presence of a Jurat—

- (a) open each covering envelope sent to him by an absent voter at that election in pursuance of paragraph 8;
- (b) place the ballot paper envelope contained in that covering envelope unopened in the ballot box provided for the purposes of that election;

and, on the completion of the counting of the votes cast at that election, shall place and seal all the covering envelopes and forms of declaration of identity in a packet kept solely for the purpose.

*Rejected votes*

10. (1) In any case where, at an election —

- (a) the covering envelope, or an envelope purporting to be the covering envelope, issued to an absent voter does not have inscribed on it the registration number of that absent voter for that election;
- (b) the covering envelope does not contain separately both the ballot paper envelope and the form of declaration of identity;
- (c) the covering envelope contains more than one form of declaration of identity or more than one ballot paper envelope;



- (d) the form of declaration of identity has not been duly completed;
- (e) the number inscribed on the form of declaration of identity and on the ballot paper envelope contained in the same covering envelope are not the same;
- (f) the number inscribed on the form of declaration of identity or on the ballot paper envelope contained in the same covering envelope is not the same as the number of the ballot paper issued for that election to the absent voter who signed that form,

the Clerk shall, with the assent of a Jurat, endorse the covering envelope or envelope purporting to be the covering envelope, as the case may be, with the words "VOTE REJECTED", and that endorsement shall be authenticated by the signature of that Jurat.

(2) Upon the endorsement as required by subparagraph (1) of any such envelope at any election, the Clerk shall place it, with the contents thereof attached to it, in a packet kept solely for the purpose and, on the completion of the counting of the votes cast at that election, shall seal such packet.

(3) Where a ballot paper envelope contains more than one ballot paper, the ballot papers contained in that envelope shall be null and void.

(4) Where the number inscribed on the ballot paper envelope is not the same as the number inscribed on the ballot paper contained in that envelope, the ballot paper shall be null and void.

*Destruction of sealed packets*

11. The Clerk shall, with the assent of a Jurat and not before the expiration of the 48 hours next following the day on which an election has been held, destroy the sealed packet referred to in paragraph 9 and the sealed packet referred to in paragraph 10(2).

## SCHEDULE 2                      Section 46.

MATTERS FOR WHICH ORDINANCES MAY  
PROVIDE

The matters referred to in subsection (2) of section 46 as matters for which, without prejudice to the generality of subsection (1) of that section, an Ordinance made under that section may make provision, are—

- (a) matters relating to wild or tame animals, including birds, fish, reptiles and insects, and in particular—
  - (i) the protection of animals against cruelty or suffering;
  - (ii) preventing or controlling the introduction or spread of contagious diseases of animals;
  - (iii) prohibiting or regulating the importation, exportation, sale, supply, keeping, or use of animals or animal semen;
  - (iv) prohibiting or controlling the killing, taking or injuring of animals or interference with eggs or nests of wild birds;
  - (v) preventing or suppressing nuisance caused by animals and regulating the conduct of animals and of owners or persons in charge of animals;

- (b) the protection and health of plants, trees and bushes, in particular the prevention or control of the introduction or spread of pests, including any insects, bacteria, fungi or other vegetable or animal organisms, viruses or other agents causative of any transmissible disease of agricultural or horticultural crops or of trees or bushes;
- (c) prohibition or regulation of the taking, possession or sale of fish, including shellfish;
- (d) control and regulation of the slaughter of animals for their meat and the sale, supply and possession for sale or supply of animal carcasses and of meat;
- (e) prohibition or regulation of the burning of growing vegetation, the dropping of litter and the dumping, abandoning or burning of any article or substance;
- (f) prohibition or regulation of the use of any instrument or device for the creation or amplification of sound;
- (g) control and regulation of the sale or supply of intoxicating liquor;
- (h) control of the navigation, mooring, anchoring and use of any vessel and regulation of the conduct of persons on or in connection with any vessel;
- (i) regulation of the entry of persons to and the conduct of persons within or in the vicinity of Alderney Airport and Braye Harbour;

- (j) regulation of the use of vessels for the carrying of passengers for hire or reward or as hired vessels, including the licensing of such vessels and of persons in charge of them and the revocation or suspension of licences and variation of the conditions of licences;
- (k) regulation of the use of motor vehicles for the carriage of passengers for hire or reward or as hired motor vehicles, including the licensing of such vehicles and of their drivers and the revocation or suspension of licences and variation of the conditions of licences;
- (l) prohibition, restriction or regulation of the use of any part of a public highway for all or any purposes, at all or otherwise than subject to prescribed conditions, by any person or class of persons or by any vehicle or class of vehicles;
- (m) regulation and control of interferences with public highways, the foreshore and other public places, and in particular—
  - (i) prohibition of the excavation, damaging or obstruction of any public highway or public place or the deposit of any article or substance on or the causing of any danger on or near a public highway or public place;
  - (ii) the lopping or cutting of any hedge, tree or shrub overhanging a public

highway or public place and the removal of any barbed wire fence from, and the protection of persons using a public highway or public land from any source of danger on, any land adjoining a public highway or public place;

- (iii) the imposition of requirements in relation to public highways and public places on owners and occupiers of adjoining premises;
- (n) the holding and conduct, either on one occasion or from time to time, of a census, and the information to be given by persons present in Alderney at the time of the census;
- (o) prescribing days which are to be bank holidays;
- (p) prescribing the legal currency and denominations of the legal currency, so, however, that that currency and those denominations shall be the same in Alderney as in the United Kingdom; and prescribing the notes and coins the tender of which is a legal tender of the payment of money;
- (q) the matters for which the States may, by virtue of any provision of this Law, by Ordinance provide, and such other matters for which the States consider it necessary or expedient to provide for the purpose of implementing this Law.

## SCHEDULE 3      Section 63(1).

## ENACTMENTS REPEALED

(1) Enactment	(2) Extent of Repeal
The Government of Alderney Law, 1948.	The whole Law.
The Government of Alderney (Amendment) Law, 1955( <i>l</i> ).	The whole Law.
The States Employees (Ineligibility for Membership of the States) (Alderney) Law, 1956( <i>m</i> ).	The whole Law.
The Government of Alderney (Amendment) Law, 1969( <i>n</i> ).	The whole Law.
The States of Alderney Elections Law, 1970( <i>o</i> ).	Sections 1 to 4, section 6 and the Schedule.
The Government of Alderney (Amendment) Law, 1971( <i>p</i> ).	The whole Law.
The Government of Alderney (Amendment) Law, 1975( <i>q</i> ).	The whole Law.
The Government of Alderney (Amendment) Law, 1977( <i>r</i> ).	The whole Law.

(*l*) Ordres en Conseil Vol. XVI, p. 202.

(*m*) Ordres en Conseil Vol. XVII, p. 145.

(*n*) Ordres en Conseil Vol. XXII, p. 107.

(*o*) Ordres en Conseil Vol. XXII, p. 311.

(*p*) Ordres en Conseil Vol. XXIII, p. 156.

(*q*) Ordres en Conseil Vol. XXV, p. 321.

(*r*) Ordres en Conseil Vol. XXVI, p. 209.