

ORDER IN COUNCIL

**XXII
2010**

ratifying a Projet de Loi

ENTITLED

The Government of Alderney (Amendment) Law, 2010

(Registered on the Records of the Island of Guernsey
on the 8th November, 2010.)



2010

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

8th day of November, 2010 before Geoffrey Robert Rowland, Esquire, Bailiff;
present:- Alan Cecil Bisson, Esquire, Barbara Jean Bartie, David Osmond Le
Conte, John Ferguson, Stephen Murray Jones, Peter Sean Trueman Girard, Niall
David McCathie, Esquires, Margaret Ann Spaargaren, Terry John Ferbrache,
Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of
Her Majesty in Council dated 13th October 2010 approving and ratifying a Projet de Loi
entitled “The Government of Alderney (Amendment) Law, 2010”, 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 Greffier of the Court of
Alderney.



At the Court at Buckingham Palace

THE 13th DAY OF OCTOBER 2010

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

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

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

"That, at a meeting of the States of Alderney on 13th January 2010 the States approved a *Projet de Loi* entitled the Government of Alderney (Amendment) Law, 2010 and requested the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Government of Alderney (Amendment) Law, 2010 and to order that it shall have force of law in the Island of Alderney.

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

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

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

Judith Simpson

PROJET DE LOI

ENTITLED

The Government of Alderney (Amendment) Law, 2010

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 19th March, 2008, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

Amendment of Government of Alderney Law, 2004.

1. The Government of Alderney Law, 2004^a is amended as follows.
2. After section 2 insert the following section -

"States to provide facilities for legislature and Court.

2A. Without prejudice to the provisions of section 24, it is the responsibility of the States to provide such officers, facilities, funds and other resources as are reasonable in all the circumstances to enable the States of Alderney and the Court of Alderney to perform, respectively, their legislative functions and their judicial functions."

3. In sections 5(a), 6(1)(a) and 7(3) for "Secretary of State" substitute "Lieutenant Governor".

^a Order in Council No. III of 2005.

4. After section 7 insert the following section -

"Retention of title of Jurat."

7A. A person whose office as Jurat has terminated (whether before or after the commencement of this section) retains the title of Jurat until his death."

5. In section 13(1) for "6 months" substitute "12 months".

6. In section 28(3) -

- (a) for "on or after the 1st July in" substitute "within the period of 6 months immediately preceding the end of", and
- (b) after "the next ordinary election" insert ", unless the vacancy has left the States without the quorum required by section 45(2)".

7. After section 28(3) insert the following subsections -

"(3A) If, immediately after the day appointed for a by-election under subsection (3), there remains a casual vacancy among the members, the States shall appoint another day falling as soon as is reasonably practicable thereafter on which there shall be held a second or further by-election, unless the vacancy occurs within the period of 6 months immediately preceding the end of the final year of office of the member whose office has become vacant, in which case the vacancy shall remain unfilled until the next ordinary election, unless the vacancy has left the States without the quorum required by section 45(2).

(3B) If a casual vacancy occurs among the members, and the number of remaining members is less than the quorum required by section 45(2) -

- (a) the remaining members may appoint the day of the by-election for the purposes of subsection (3) or (3A), or
- (b) if there are no remaining members, the Chief Executive may do so by an instrument under his hand."

8. In section 31(1)(f) for "level 4" substitute "level 5".

9. In section 33(1) for "on or before the 15th October of the year in" substitute "within the period of 14 days immediately after the date on".

10. In section 33(2) after "for that purpose" insert "and to take the oath of office pursuant to section 36".

11. After section 33(2)(d) insert the following paragraphs -

- "(e) in relation to the eligibility to take the oath of office, he is not, when he takes the oath -
 - (i) in the case of a person taking the oath as a member, President of the States, or
 - (ii) in the case of a person taking the oath as President, a member of the States,

- (f) in relation to the eligibility to take the oath of office, he is not, when he takes the oath, a States employee,
- (g) he is neither under legal disability nor insolvent within the meaning of section 38(3), and
- (h) his age is 21 or over."

12. For section 34(1) substitute -

"(1) The Chief Executive shall, in 2010 and in each second year thereafter, by the 15th October of that year, prepare a register of electors containing the names and addresses of all persons entitled to have their names inscribed in it, and that register shall be the register of electors in force throughout the 2 years immediately following that date."

13. In section 36(1) after "Subject to section 3(2)" insert "and section 33(2)".

14. In section 41(2) for the words following "and at the annual meeting" substitute "the States shall elect a Vice-President before any other business is transacted and shall appoint a qualified auditor".

15. In section 44(2) -

- (a) for "discussion" substitute "debate (but only before the summing-up)", and

(b) for "to be exercised" substitute "which may be exercised".

16. For section 45(2) substitute -

"(2) The quorum at a meeting of the States is two thirds (or the nearest whole number above two thirds) of the number of States members holding office at the time of the meeting, subject to a minimum of 5, in addition to the person presiding.".

17. For section 50(4) substitute -

"(4) A person presiding at a meeting of a committee -

(a) has an original and a casting vote, and

(b) may -

(i) exercise or decline to exercise that casting vote, and

(ii) if he declines to exercise that casting vote, refer the matter for decision to the Policy and Finance Committee.".

18. In section 58 -

(a) in subsection (1) after "of the States" insert ", of the Court and of the Greffier",

(b) in subsection (2) for "During" substitute "Not later than the

end of".

19. In section 62(1) -

- (a) after the definition of "**officer of police**" insert the following definition -

"**ordinarily resident in Alderney**" shall be construed in accordance with subsection (5),",

- (b) the definition of "Secretary of State" is repealed.

20. After section 62(4) insert the following subsection -

"(5) For the purposes of this Law -

- (a) a person shall be considered to be ordinarily resident in Alderney in any year if and only if he is in the Island for an aggregate of not less than 273 days during that year,
- (b) notwithstanding the provisions of paragraph (a), a person does not cease to be ordinarily resident in Alderney during any period by reason only of the fact that during that period -
 - (i) he is engaged, elsewhere than in Alderney, in full-time education or training at an establishment which is, or which is comparable to, a university,

college or school, or

- (ii) he is serving, elsewhere than in Alderney, in the armed forces of the Crown or in the Merchant Marine."

Citation.

21. This Law may be cited as the Government of Alderney (Amendment) Law, 2010.

S.M.D. ROSS,
Her Majesty's Deputy Greffier.

**Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.**

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