

ORDER IN COUNCIL

XXXI
1994

ratifying a Projet de Loi

ENTITLED

The Corruption (Alderney) Law, 1994

(Registered on the Records of the Island of Guernsey
on the 31st January 1995.)



1994

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 31st day of January, 1995 before Sir Graham Dorey, Bailiff; present:—Harry Wilson Bisson, Stanley Walter John Jehan, John Edward Morris, Charles Anthony Spensley, Kenneth John Rowe, Lawrence Oscar Ozanne, John Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen May Glass and Laurence Lenfestey Guille, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 24th day of November, 1994, approving and ratifying a *Projet de Loi* entitled “The Corruption (Alderney) Law, 1994”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ORDERED:

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

At the Court at Buckingham Palace

The 24th day of November 1994

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 7th day of November 1994 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 the humble Petition of George W. Baron, Esquire, President of the States of Alderney, setting forth:

‘That at a meeting of the States of Alderney held on the 7th day of September 1994, the States adopted a Resolution that a *Projet de Loi* entitled “The Corruption (Alderney) Law, 1994” 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 *Projet de Loi* is 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 Corruption (Alderney) Law, 1994”, and order that the same shall have force of Law within the Island 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 to 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.

(No.XXXI - 1994)

PROJET DE LOI

ENTITLED

The Corruption (Alderney) Law, 1994

THE STATES, in pursuance of their Resolution of the 7th day of October, 1992, 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.

Corruption in office.

1. (1) No person shall, by himself or by or in conjunction with any other person, corruptly solicit or receive, or agree to receive, for himself or any other person, any advantage as an inducement to or reward for, or otherwise on account of any member, officer or servant of a public body, doing or forbearing to do anything in respect of any matter or transaction, actual or proposed, in which the public body is concerned.

(2) No person shall, by himself or by or in conjunction with any other person, corruptly give, promise or offer any advantage to any person, whether for the benefit of that person or of another person, as an inducement to or reward for, or otherwise on account of any member, officer or servant of a public body, doing or forbearing to do anything in respect of any matter or transaction, actual or proposed, in which the public body is concerned.

Penalties.

2. (1) A person who contravenes section 1 shall be guilty of an offence and liable on conviction-

- (a) to a fine, or to imprisonment for a term not exceeding 3 years, or to both;
- (b) to be ordered to pay to the public body, in such manner as the court may direct, the amount or value of any advantage received by him or any part thereof;

- (c) to be adjudged incapable of holding any public office for five years from the date of conviction, and to forfeit any public office held by him at the time of conviction;
- (d) in the case of a second conviction for a like offence, and in addition to the foregoing penalties, to be adjudged for ever incapable of holding any public office and incapable for 5 years from the date of conviction of being registered as an elector, or voting at an election, of the President or members of the States of Alderney; and
- (e) if he is an officer or servant in the employment of a public body, to forfeit, in such manner as the court may direct, his right and claim to any compensation or pension to which he would otherwise have been entitled.

(2) Where the court makes an order under subsection (1)(c) or (d) in respect of any person, the provisions of the Government of Alderney Law, 1987(a) shall apply in relation to that person subject to such modifications as may be necessary to give effect to the order.

Presumption of corruption in certain cases.

3. Where in proceedings against a person for an offence under this Law it is proved that any money, gift or other consideration was paid or given to or received by a person in the employment of a public body by or from a person, or an agent of a person, holding or seeking to obtain a contract from the public body, the money, gift or other consideration shall, unless the contrary is proved, be deemed to have been paid or given or received corruptly as such an inducement or reward as is mentioned in section 1.

Savings.

4. A person is not exempt from punishment under this Law by reason of the invalidity of the appointment or election of a person to a public office.

(a) Ordres en Conseil Vol.XXX, p.37.

Interpretation.

5. (1) In this Law, unless the context otherwise requires-

"advantage" includes any gift, loan, fee or reward, any office or dignity, any forbearance to demand any money or money's worth or valuable thing, any aid, vote, consent or influence or pretended aid, vote, consent or influence and any promise or procurement of, or agreement or endeavour to procure, or the holding out of any expectation of, any advantage as so defined;

"contravention" includes failure to comply, and cognate expressions shall be construed accordingly;

"public body" means the Crown, the Court of Alderney, the States of Alderney or of Guernsey and any department of Her Majesty's Government;

"public office" means any office or employment of a person as a member, officer or servant of a public body.

- (2) The provisions of the Interpretation (Guernsey) Law, 1948(b) shall apply to the interpretation of this Law as they apply in Guernsey to the interpretation of an enactment.

Citation.

6. This Law may be cited as the Corruption (Alderney) Law, 1994.