

# ORDER IN COUNCIL

**XVII**

ratifying a Projet de Loi

**1955**

ENTITLED

## **The Government of Alderney (Amendment) Law, 1955.**

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(Registered on the Records of the Island of Guernsey  
on the 30th day of July, 1955.)

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1955.

## ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 30th day of July, 1955, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present : Sir John Leale, Arthur Falla, Walter John Sarre, William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Osmond Priaulx, Stephen James Falla, Esquires, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez and Bertram Guy Blampied, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 30th day of June, 1955, ratifying a *Projet de Loi* of the States of Alderney entitled "The Government of Alderney (Amendment) Law, 1955",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur 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 on the records of that Island, of which Order in Council the tenor followeth:—

# **At the Court at Holyroodhouse,**

The 30th day of June, 1955.

PRESENT,

## **The Queen's Most Excellent Majesty.**

MR. SECRETARY STUART

LORD CLYDE

MR. MILLIGAN

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 20th day of June, 1955, 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 Sydney Peck Herivel, Esquire, President of the States of the Island of Alderney, setting forth:—

‘That at a meeting of the States of Alderney held on the thirtieth day of April, 1955, the States adopted a Resolution that a *Projet de Loi* entitled “The Government of Alderney (Amendment) Law, 1955” be approved: That at a 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 set forth in the words and figures of the Schedule annexed hereto. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the *Projet de Loi* entitled “The Government of Alderney (Amendment) Law, 1955” and to order that the same

shall have the 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, as 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.

W. G. AGNEW.



**Projet de Loi referred to in the foregoing  
Order in Council.**

**PROJET DE LOI**

ENTITLED

**The Government of Alderney  
(Amendment) Law, 1955.**

THE STATES, in pursuance of their Resolution of the 18th day of May, 1954, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of Law in this Island.

1. The Government of Alderney Law, 1948, as amended (hereinafter referred to as "the principal Law") is hereby further amended as follows:—

- (a) in section two thereof the following definition of the expression "legal disability" is hereby inserted immediately after the definition of the expression "criminal":—

"'legal disability' means certification as a person of unsound mind; subjection in the case of a person of unsound mind to guardianship; being an inmate for reasons of mental illness of any hospital or other institution; or undergoing imprisonment for felony";

- (b) in subsection (1) of section twenty thereof the word "ten" is hereby deleted and the words "twenty-five" substituted therefor;

- (c) in subsection (2) of section thirty-one thereof immediately after the words "two years" there are hereby inserted the words "and nine months";
- (d) subsection (1) of section thirty-nine thereof is hereby repealed and the following three subsections substituted therefor:—

"39. (1) The Clerk of the States shall, by the fifteenth day of October in each year, prepare a register of electors for the twelve calendar months next following the fifteenth day of October in any year (hereinafter referred to as 'an electoral year').

(1A) The said register shall contain the names and addresses of all persons entitled to have their names inscribed on the said register under the provisions of the next succeeding subsection.

(1B) A person shall be entitled to have his name inscribed on the said register for an electoral year if that person—

- (a) is twenty years of age or will attain that age before the commencement of that electoral year,
- (b) is not an alien,
- (c) has had his ordinary place of residence in Alderney during the twelve calendar months immediately preceding the commencement of that electoral year,
- (d) is not subject to any legal disability, and
- (e) has complied with such provisions for having his name so inscribed as may be determined by Ordinance made

under the provisions of the next succeeding subsection”;

- (e) immediately after section forty thereof there is hereby inserted the following additional section numbered “40A”—

“40A. Notwithstanding anything in this Law contained, a person shall not be eligible for the office of President or Member of the States unless he has had his ordinary place of residence in this Island during the thirty-six calendar months immediately preceding the date appointed for an election to the office of President or Member, as the case may be;

- (f) in subsection (1) of section forty-two thereof the word “may” is hereby deleted and the word “shall” substituted therefor;

- (g) in sub-paragraph (ii) of paragraph (b) of subsection (1) of section forty-seven the full stop after the word “Guernsey” where that word thirdly occurs is hereby deleted and a semi-colon followed by the word “and” are hereby substituted therefor and immediately after the said sub-paragraph the following two additional sub-paragraphs numbered (iii) and (iv) are hereby inserted—

“(iii) a Vice President; and

(iv) a qualified auditor or auditors.”;

- (h) immediately after section fifty-one thereof the following two additional sections numbered “51A” and “51B” are hereby inserted—

“51A. (1) The States shall 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, so arrange their business that an opportunity is given for any person whose name is included in the register of voters to bring personally before the States any matter of public interest which that person requests shall be considered, and to address the States not more than once except by special leave of the States in support of his request.

(2) The person who intends to address a meeting of the States in accordance with this section shall three days at least before the date of such meeting give to the Clerk of the States written notice of his intention so to do, which notice shall set out the matter of public interest which he requests shall be considered.

(3) When the aforesaid opportunity is to be given, the Billet d'Etat shall so state, and the person presiding at the people's meeting called in pursuance of section fifty-one of the Government of Alderney Law, 1948, shall so inform that meeting.

(4) The order of speaking among persons who bring matters before a meeting of the States in accordance with this section shall be decided by the President or other person presiding at that meeting.

(5) Part VIII of the Alderney Land and Property, etc., Law, 1949, is hereby repealed.

51B. (1) At any States meeting a member of the States may put a question concerning States business to the Chairman of any States Committee provided that he has given

notice thereof in writing at least seven days prior to the date of such meeting to the President and to the Chairman of the Committee to whom the question is to be put, and that no discussion shall arise out of such question.

(2) If five members of the States sign a request to the President to place any proposal before the States, the President shall within two months thereafter submit such request to the States together with any documents relevant thereto which the said five members may consider necessary.

(3) The Law entitled "Loi portant amendement à la Loi supplémentaire à la Loi relative à la réforme des Etats de l'Ile d'Auregny", sanctioned by His Majesty in Council on July 25th, 1934, is hereby repealed.";

- (i) section fifty-five thereof is hereby repealed;
- (j) section sixty nine thereof is hereby repealed and the following section substituted therefor—

"69. Not later than the last day of August in any year, the Finance Committee appointed in pursuance of this Law shall with the assistance of the Treasurer prepare a statement showing the expenditure which it will be necessary for the States to incur and the estimated revenue of the States during the ensuing year, together with a revised estimate of the expenditure and revenue for the current year, and as soon as possible after the said day the States shall hold a meeting to be called the budget meeting, and shall cause the aforesaid statement, with such

comments as they think proper, to be transmitted to the Bailiff of Guernsey with a view to its consideration with the Guernsey Budget.”;

(k) in section seventy thereof, immediately after the word “revenue” there are inserted the words “and expenditure”;

(l) immediately after subsection (7) of section seventy-one there is hereby inserted the following additional subsection numbered “(8)” —

“(8) As soon as practicable after the receipt of the Auditor’s report in any year it shall be submitted to the States by the Finance Committee together with the accounts of the previous year together with the Finance Committee’s report thereon.”

2. This Law and the principal Law may be cited together as the Government of Alderney Laws, 1948 to 1955.

JAMES E. LE PAGE,

Her Majesty’s Greffier.