

PROJET DE LOI

ENTITLED

The Alderney (Application of Legislation) Law, 1948 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

© States of Guernsey

* Ordres en Conseil Vol. XIII, p. 448; as amended by the Alderney Water Supply (Transfer of Functions) Law, 1954 (Ordres en Conseil Vol. XVI, p. 124); the Alderney Major Roads and Main Sewerage (Transfer of Functions) Law, 1955 (Ordres en Conseil Vol. XVI, p. 126); the Alderney (Application of Legislation) (Amendment) Law, 1974 (Ordres en Conseil Vol. XXIV, p. 210); the Alderney (Application of Legislation) (Amendment) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 299); the Government of Alderney (Miscellaneous and Consequential Provisions) (Guernsey and Alderney) Law, 1987 (Ordres en Conseil Vol. XXX, p. 224); the Alderney (Application of Legislation) (Amendment) Law, 1997 (No. XVI of 1997, Ordres en Conseil Vol. XXXVII, p. 251); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Taxation of Real Property (Guernsey and Alderney) Ordinance, 2007 (No. XXXIII of 2007, Recueil d'Ordonnances Tome XXXII, p. 504); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 (Ordres en Conseil Vol. XXIII, p. 573); the Government of Alderney Law, 2004 (No. III of 2005, Ordres en Conseil Vol. XLV, p. 26); the Taxation of Real Property (Enabling Provisions) (Guernsey and Alderney) Law, 2005 (No. X of 2006).

PROJET DE LOI

ENTITLED

The Alderney (Application of Legislation) Law, 1948

ARRANGEMENT OF SECTIONS

1. Extension of enactments to Alderney.
2. Taxes, etc. to be leviable by States of Guernsey in Alderney.
3. Occupier's Rate to be leviable by States of Alderney.
4. Assessment of rateable value of real property in Alderney.
- 4A. No duty to value real property in Alderney from 1st January, 2008.
5. Conflict of Laws, etc.
6. ...
7. Amendment of Import Duties Act (Bailiwick of Guernsey), 1932.

SCHEDULE Subjects in respect of which Guernsey Legislation may be extended to Alderney.

PROJET DE LOI

ENTITLED

The Alderney (Application of Legislation) Law, 1948

WHEREAS it has been agreed between the States of Guernsey and the States of Alderney that financial and administrative responsibility for certain public services (hereinafter in this Law referred to as "**the transferred services**") in the Island of Alderney should be assumed by the States of Guernsey:

AND WHEREAS it has been further agreed between the States of Guernsey and the States of Alderney that the States of Guernsey shall be empowered to extend to the Island of Alderney such legislation as may be necessary or expedient for the working of the transferred services, and that certain taxes, licence fees, impôts and duties leviable in the Island of Guernsey shall be leviable by the States of Guernsey in the Island of Alderney:

NOW THEREFORE the States of Guernsey, in pursuance of their Resolution of the 5th day of November, 1948, and the States of Alderney, in pursuance of their Resolutions of the 16th day of July, 1948, and of the 27th day of October, 1948, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey and Alderney.

Extension of enactments to Alderney.

1. (1) The provisions of any enactment now or hereafter in force in the Island of Guernsey relating to any of the subjects set forth in the Schedule to this Law may be extended by Guernsey Ordinance to the Island of Alderney with effect from such date as may therein be specified not being earlier than the 1st day of

January, 1949, with such exceptions, adaptations and modifications, if any, as may be specified therein, and any such Ordinance may be varied or revoked by a subsequent Ordinance.

(2) The concurrence of the States of Alderney in any Law initiated by the States of Guernsey or any Guernsey Ordinance either of which relates to any of the subjects set forth in the said Schedule shall not be required for the effectual operation thereof in the Island of Alderney after the 31st day of December, 1948.

NOTES

The following Ordinances have been made under this Law:

Alderney (Application of Legislation) Ordinance, 1948;
Alderney Air Navigation Ordinance, 1949;
Alderney Public Health (Vermin) Law Application Ordinance, 1949;
Alderney Water Supply (Transfer of Functions) Ordinance, 1955;
Alderney Major Roads and Main Sewerage (Transfer of Functions) Ordinance, 1955;
Alderney (Application of Legislation) (Education) Ordinance, 1958;
Alderney (Immigration) (Repeal) Ordinance, 1959;
Alderney (Horse Tax) (Repeal) Ordinance, 1959;
Alderney (Application of Legislation) (Teachers' Superannuation) (Family Benefits) Ordinance, 1967.

In accordance with the provisions of the Taxation of Real Property (Enabling Provisions) (Guernsey and Alderney) Law, 2005, section 4(c), with effect from 13th November, 2006, this enactment is one of those that the States may repeal, amend, extend, adapt, modify or disapply by Ordinance made under the 2005 Law.

The following Ordinances have been made under section 1:

Alderney (Application of Legislation) (Cadastre) Ordinance, 1956;
Alderney (Application of Legislation) (Public Health) Ordinance, 1963;
Alderney (Application of Legislation) (States Civil Service Board) (Implementation) Ordinance, 1964;
Alderney (Application of Legislation) (Contributory Pensions Ordinances) (Repeal) Ordinance, 1964;
Alderney (Application of Legislation) (Education) Ordinance, 1965;
Alderney (Application of Legislation) (Education) Ordinance, 1966;
Alderney (Application of Legislation) (Public Health) Ordinance, 1968;

Alderney (Application of Legislation) (Food and Drugs) Ordinance, 1971;
Alderney (Application of Legislation) (Income Support) Ordinance, 1971;
Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 1971;
Alderney (Application of Legislation) (Repeals) Ordinance, 1972;
Alderney (Application of Legislation) (Cycle Tax) (Repeal) Ordinance, 1972;
Alderney (Application of Legislation) (Income Support) Ordinance, 1972;
Alderney (Application of Legislation) (Income Support) (No. 2) Ordinance, 1972;
Alderney (Application of Legislation) (Income Support) Ordinance, 1973;
Alderney (Application of Legislation) (Public Health) Ordinance, 1973;
Alderney (Application of Legislation) (Income Support) (No. 2) Ordinance, 1973;
Alderney (Application of Legislation) (Income Support) Ordinance, 1974;
Alderney (Application of Legislation) (Airport) Ordinance, 1974;
Alderney (Application of Legislation) (Adoption) Ordinance, 1974;
Alderney (Application of Legislation) (Income Support) (No. 2) Ordinance, 1974;
Alderney (Application of Legislation) (Income Support) Ordinance, 1975;
Alderney (Application of Legislation) (Income Support) (No. 2) Ordinance, 1975;
Alderney (Application of Legislation) (Income Support) Ordinance, 1976;
Alderney (Application of Legislation) (Food and Drugs) (Repeals) Ordinance, 1976;
Alderney (Application of Legislation) (Food and Drugs) Ordinance, 1976;
Alderney (Application of Legislation) (Income Support) (No. 2) Ordinance, 1976;
Alderney (Application of Legislation) (Food and Drugs) (No. 2) Ordinance, 1976;
Alderney (Application of Legislation) (Income Support) Ordinance, 1977;
Alderney (Application of Legislation) (Income Support) (No. 2) Ordinance, 1977;
Alderney (Application of Legislation) (Superannuation) (Teachers and Teachers' Families) Ordinance, 1978;
Alderney (Application of Legislation) (Income Support) Ordinance, 1978;
Alderney (Application of Legislation) (Adoption) Ordinance, 1979;
Alderney (Application of Legislation) (Income Support) Ordinance, 1979;

Consolidated text

Alderney (Application of Legislation) (Income Support) Ordinance, 1980;
Alderney (Application of Legislation) (Income Support) Ordinance, 1981;
Alderney (Application of Legislation) (Airport) Ordinance, 1981;
Alderney (Application of Legislation) (Income Support) Ordinance, 1982;
Alderney (Application of Legislation) (Education) Ordinance, 1982;
Alderney (Application of Legislation) (Education) Ordinance, 1983;
Alderney (Application of Legislation) (Income Support) (No. 2) Ordinance, 1985;
Public Health and Related Offences (Increase in Fines) Ordinance, 1986;
Airport Fees Ordinance, 1987;
Alderney (Application of Legislation) (Income Support) Ordinance, 1987;
Alderney (Application of Legislation) (Doctors, Dentists and Pharmacists) Ordinance, 1988;
Alderney (Application of Legislation) (Education) Ordinance, 1989;
Alderney (Application of Legislation) (Health Service) (Benefit) Ordinance, 1990;
Alderney (Application of Legislation) (Education) Ordinance, 1992;
Airport Fees (Amendment) Ordinance, 1993;
Alderney (Application of Legislation) (Education) (Amendment) Ordinance, 1993;
Alderney (Application of Legislation) (Income Support) Ordinance, 1994;
Alderney (Application of Legislation) (Health Service) (Benefit) (Amendment) Ordinance, 1995;
Alderney (Application of Legislation) (Health Service) (Benefit) (Amendment) (No. 2) Ordinance, 1995;
Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 1995;
Alderney (Application of Legislation) (Food and Drugs) Ordinance, 1996;
Alderney (Application of Legislation) (Health Service) (Benefit) (Amendment) Ordinance, 1996;
Alderney (Application of Legislation) (Adoption) Ordinance, 1997;
Alderney (Application of Legislation) (Food and Drugs) Ordinance, 1997;
Alderney (Application of Legislation) (Health Service) (Benefit) (Amendment) Ordinance, 1997;
Public Health (Amendment) Ordinance, 1998;
Alderney (Application of Legislation) (Child Protection) Ordinance, 2000;
Alderney (Application of Legislation) (Adoption) Ordinance, 2001;
Alderney (Application of Legislation) (Health Service) (Benefit) (Amendment) Ordinance, 2002;
Alderney (Application of Legislation) (Health Professionals) Ordinance, 2006;

Alderney (Application of Legislation) (Education) (No. 2) Ordinance, 2008;
Alderney (Application of Legislation) (Education) Ordinance, 2009;
Child Protection (Amendment) (Guernsey) Ordinance, 2010;
Public Health (Amendment) Ordinance, 2010;
Alderney (Application of Legislation) (Income Support) (Amendment) Ordinance, 2014;
Alderney (Application of Legislation) (Income Support) (Amendment) (No. 2) Ordinance, 2014;
Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015;
Children (Child Minders and Day Care Providers) (Guernsey and Alderney) Ordinance, 2015;
Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) (Amendment) Ordinance, 2015;
European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016;
Alderney (Application of Legislation) (Adoption) Ordinance, 2018;
Alderney (Application of Legislation) (Income Support) Ordinance, 2018.

Taxes, etc. to be leviable by States of Guernsey in Alderney.

2. On and after the 1st day of January, 1949, the taxes, licence fees, impôts and duties (other than Tonnage Dues and Wharfage) leviable by the States of Guernsey from time to time in the Island of Guernsey shall be leviable by the States of Guernsey in the Island of Alderney at the rates from time to time operative as regards the same in the Island of Guernsey and the product thereof shall accrue to the States of Guernsey, and the provisions of every Law from time to time in force in the Island of Guernsey and of every Guernsey Ordinance and Resolution of the States of Guernsey made in pursuance of any such Law and from time to time in force in relation to any such tax, licence fee, impôt or duty, shall extend so as to have effect in the Islands of Guernsey and Alderney as though those Islands were one:

PROVIDED always that any such Law or Ordinance shall have effect in the Island of Alderney subject to such exceptions, adaptations and modifications, if any, as may from time to time be specified by Guernsey Ordinance.

NOTES

The following Ordinances have been made under section 2:

Stamp Duty Laws (Application to Alderney) Ordinance, 1949;
Alderney (Application of Legislation) (Dog Licences) Ordinance,
1969;
Alderney (Application of Legislation) (Income Tax) Ordinance,
1979;
Alderney (Application of Legislation) (Education) Ordinance, 1983;
Alderney (Application of Legislation) (Dog Licences) Ordinance,
1983;
Document Duty Ordinance, 2003.

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, section 1(5), with effect from 1st October, 2004, any reference in this enactment to "impôt" shall be construed as a reference to excise duty.

Occupier's Rate to be leviable by States of Alderney.

3. On and after the 1st day of January, [1987], the States of Alderney, for the purpose of raising revenue towards financing the services for which the States of Alderney will continue to be responsible, shall levy an Occupier's Rate in each calendar year at a rate [prescribed in respect of that calendar year by an Ordinance made by the States of Alderney before the commencement of that calendar year] and provision may be made by Alderney Ordinance for declaring the incidence of such Occupier's Rate and for providing for the collection thereof.

NOTES

In section 3, the date in the first pair of square brackets, and the words in the second pair of square brackets, were substituted by the Alderney (Application of Legislation) (Amendment) Law, 1986, respectively section 1(a) and section 1(b), with effect from 1st January, 1987.

The following Ordinances have been made under section 3:

Alderney Occupiers' Rate Ordinance, 1949;
Alderney Occupiers' Rate (Amendment) Ordinance, 1972;
Alderney Occupiers' Rate (Amendment) Ordinance, 1994;
Occupier's Rate (Level for 2009) Ordinance, 2008;

Occupier's Rate (Level for 2010) Ordinance, 2009;
Occupiers' Rate (Level for 2011) Ordinance, 2010;
Occupier's Rate (Level for 2012) Ordinance, 2011;
Occupier's Rate (Level for 2013) Ordinance, 2012;
Occupier's Rate (Level for 2014) Ordinance, 2013;
Occupier's Rate (Level for 2015) Ordinance, 2014;
Occupier's Rate (Level for 2016) Ordinance, 2015;
Occupier's Rate (Level for 2017) Ordinance, 2016.

Assessment of rateable value of real property in Alderney.

4. Provision may be made by Guernsey Ordinance for empowering the States of Guernsey [Policy & Resources Committee], during such period or periods after the 31st day of December, 1948, as may, from time to time, be agreed between the States of Guernsey and the States of Alderney, to assess the rateable value of real property situate in the Island of Alderney and from time to time to rectify the assessment of the rateable value of any such property and for extending to the Island of Alderney the provisions of any Cadastre Law from time to time in force in the Island of Guernsey with such exceptions, adaptations and modifications as the Ordinance shall prescribe and any such Ordinance may be varied or revoked by a subsequent Ordinance.

NOTES

In section 4, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 15(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Treasury and Resources Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 15(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

The following Ordinance has been made under section 4:

Alderney Rateable Values Assessment Ordinance, 1949.

[No duty to value real property in Alderney from 1st January, 2008.

4A. Notwithstanding section 4 and any Ordinance or rule made under it, on and from the 1st January, 2008 –

- (a) there is no requirement –
 - (i) for the record of assessments of rateable value made under the Alderney Rateable Values Assessment Ordinance, 1949* to state the rateable value of any real property in Alderney, or
 - (ii) for any assessment of rateable value already stated therein to be rectified, and
- (b) there is no duty on [the Committee] to assess or determine the rateable value of any such real property for the purposes of the preparation or rectification of that record.]

NOTES

Section 4A was inserted by the Taxation of Real Property (Guernsey and Alderney) Ordinance, 2007, section 47, Schedule 2, with effect from 1st January, 2008.

In section 4A, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 1, with effect from 1st May, 2016.

* Recueil d'Ordonnances Tome X, p. 1.

Conflict of Laws, etc.

5. In any case where the law of the Island of Alderney is in conflict with any provision of a Law, Ordinance or Resolution, extended to that Island by or by virtue of this Law, the latter provision shall prevail.

Amendment of Agreement between Royal Court of Guernsey and Court of Alderney.

6. ...

NOTE

Section 6 was repealed by the Government of Alderney (Miscellaneous and Consequential Provisions) (Guernsey and Alderney) Law, 1987, section 2(2), with effect from 15th December, 1987.

Amendment of Import Duties Act (Bailiwick of Guernsey), 1932.

7. The Import Duties Act (Bailiwick of Guernsey), 1932, shall have effect henceforth subject to the following modifications –

For the definition of the expression "Appropriate Authority" therein contained there shall be substituted the following definition –

"Appropriate Authority" means the States Supervisor in the Island of Guernsey and includes his authorised subordinates."²

The provisions of section 2 of the said Act relative to the despatch of Orders made under that Act to the President of the States of Alderney, to the bringing of every such Order before the States of Alderney, to the postponement of the operation in Alderney of any such Order, to the cessation of operation of any such Order in Alderney, to the publication of Resolutions of the States of Alderney in relation to any such Order and to the duty of His

Majesty's Greffier in the Island of Alderney to forward a certified copy of every such Resolution to His Majesty's Greffier in the Island of Guernsey, shall cease to have effect.

So much of sections 18 and 19 of the said Act as require the Appropriate Authority to make payments into the Revenue of the Island of Alderney or to credit any amount to the Treasurer of the States of Alderney shall cease to have effect.

For section 36 of the said Act, there shall be substituted the following section –

"36. Provision may be made by Guernsey Ordinance for the purposes of carrying this Law into effect throughout the Bailiwick."

NOTES

The Law received Royal Sanction on 22nd December, 1948 and was registered on the Records of the Island of Guernsey and came into force on 30th December, 1948.

In accordance with the provisions of the Government of Alderney Law, 2004, section 25(1)(a), with effect from 1st May, 2005, the functions of the Greffier include those functions, other than those specified in section 15(a) of the 2004 Law (being those relating to the keeping of a record of legislation and the registering of enactments therein), which it was, immediately before 8th March 1949, the duty of the Greffier to perform and which are not assigned by law to any other person.³

SCHEDULE

Subjects in respect of which Guernsey Legislation may be extended to Alderney

- [Adoption.]
Airfield.
- [Child Care Services.]
Education.
Health Services.
Immigration.
Police.
- [...]
Social Services.
- [...]

NOTES

In the Schedule,

the word in the first pair of square brackets was inserted by the Alderney (Application of Legislation) (Amendment) Law, 1974, section 1, with effect from 29th May, 1974;

the words in the second pair of square brackets were inserted by the Alderney (Application of Legislation) (Amendment) Law, 1997, section 1, with effect from 19th August, 1997;

the words omitted in the third pair of square brackets were repealed by the Alderney Major Roads and Main Sewerage (Transfer of Functions) Law, 1955, section 1, with effect from 25th March, 1955;

the words omitted in the fourth pair of square brackets were repealed by the Alderney Water Supply (Transfer of Functions) Law, 1954, section 1, with effect from 25th March, 1955.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 7(b), with effect from 6th May, 2004.

² The functions, rights and liabilities of the Treasury and Resources Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Cadastre Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 7(b), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

² For subsequent amendments, see the consolidated text of the Import Duties Act (Bailiwick of Guernsey), 1932.

³ Previously, in accordance with the provisions of the Government of Alderney Law, 1948, section 64(1), with effect from 8th March, 1949, the office of Greffier du Roi ceased to exist; the functions of the Greffier in respect of keeping record of legislation and registering laws were transferred to the Court of Alderney (section 64(1)) and all other functions of the Greffier were, absent contrary provision in subsequent Ordinance, transferred to the Clerk of the Court (section 64(2)). In accordance with the provisions of the Government of Alderney Law, 1987, section 25(1)(a), with effect from 1st August, 1987, the functions of the Clerk of the Court included the functions, other than those specified in section 14(a) of the 1987 Law (being those relating to the keeping of a record of legislation and the registering of enactments therein), which it was, immediately before 8th March 1949, the duty of the Greffier to perform and which were not functions assigned by law to any other person or body.