

No. 1 - 2021

The Acquisition of Immovable Property by Aliens (Brexit) (Repeal) (Alderney) Regulations, 2020

Made 17th December, 2020

Coming into operation *Exit day*

Laid before the States 13th January 2021

THE POLICY AND FINANCE COMMITTEE, in exercise of the powers conferred on it by sections 5(1) and 11 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018^a, and upon receipt of the certificate required under section 5(3) of that Law, hereby makes the following Regulations:-

Repeal of the 1906 and 1973 Laws and related Ordinance.

1. The Loi relative à l'acquisition de Propriété Immobilière en cette Ile par des Etrangers, ou par des Sociétés Etrangères of 1906^b, the Acquisition of Immovable Property by Aliens or Foreign Companies (Alderney) Law, 1973^c and the Acquisition of Real Property by Aliens (Assignment of Functions of Procureur du Roi) Ordinance, 1965^d are repealed.

^a Order in Council No. I of 2019; as amended by G.S.I. No. 6 of 2020.

^b Ordres en Conseil Vol. IV, p. 106; see also Ordres en Conseil Vol. XXIV, p.33.

^c Ordres en Conseil Vol. XXIV, p. 33.

^d Alderney Ordinance No. III of 1965.

Citation.

2. These Regulations may be cited as the Acquisition of Immovable Property by Aliens (Brexit) (Repeal) (Alderney) Regulations, 2020.

Commencement.

3. These Regulations shall come into force on exit day.

Dated this seventeenth day of December, 2020

J. DENT
Chairman of the Policy and Finance Committee
For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations repeal the Loi relative à l'acquisition de Propriété Immobilière en cette Ile par des Etrangers, ou par des Sociétés Etrangères of 1906 (1906 Law) and the Acquisition of Immovable Property by Aliens or Foreign Companies (Alderney) Law, 1973 (1973 Law) which provides for an exception from the 1906 Law for nationals of European Union countries and companies, other corporations or partnerships incorporated or otherwise created in the European Union.

The 1906 Law requires certain procedures to be met before individuals, other than British nationals or other individuals who are subjects of the Queen (i.e. some commonwealth nationals), and certain foreign entities including companies or other corporations can buy real property or an interest in real property on Alderney. Such procedures require the person or company to send a declaration to the Greffier in Alderney. The Greffier then prepares a request to the Court in relation to the property acquisition which has to be approved by the Lieutenant-Governor before it is sent to the Court of Alderney for a decision.

The Laws have had limited practical application in recent years because of the exemptions relating to EU nationals and corporations and as the 1906 Law does not apply to commonwealth citizens who are subjects of the Queen. There is also a consequential repeal of a related 1965 Ordinance.

These Regulations will come into force on exit day within the meaning of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018.

DAVID KNIGHT
Alderney Greffier

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