

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Reform (Replacement of Conseillers) (Guernsey) Law, 1998

(Registered on the Records of the Island of Guernsey
on the 5th October, 1998.)



1998

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ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 5th day of October, 1998 before de Vic Graham Carey, Esquire, Deputy Bailiff; present:- Leonard Arthur Moss, Lawrence Oscar Ozanne, John Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory and Keith Bichard, O.B.E., Esquires, and The Reverend Peter Gerald Lane, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 21st day of July, 1998 approving and ratifying a *Projet de Loi* entitled "The Reform (Replacement of Conseillers) (Guernsey) Law, 1998", 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 of which Order in Council the tenor followeth:-

At the Court at Buckingham Palace

The 21st day of July 1998

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 9th day of July 1998 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) the humble Petition of the States of the Island of Guernsey, setting forth:-

"1. That, in pursuance of their Resolution of the 8th day of October 1997, the States of Deliberation at a meeting held on the 28th day of May, approved a Bill or "Projet de Loi" entitled "The Reform (Replacement of Conseillers) (Guernsey) Law, 1998", and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or "Projet de Loi" is as set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Reform (Replacement of Conseillers) (Guernsey) Law, 1998", and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou."

(b) the humble counter-petitions of Norman and Marion Lemprière, of David Jones and others, of the Transport and General Workers Union and of Conseiller Anthony Webber, relating to the said Projet de Loi:

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petitions and the said Projet de Loi 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 dismiss the said counter-petitions, to comply with the prayer of the said Petition of the States of the Island of Guernsey, 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, (a) to approve the dismissal of the said counter-petitions; (b) to approve of and 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 Islands of Guernsey, Herm and Jethou.

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 in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. H. Nicholls

PROJET DE LOI

ENTITLED

The Reform (Replacement of Conseillers) (Guernsey) Law, 1998

THE STATES, in pursuance of their resolutions of 8th October 1997(a) and 26th February 1998(b), have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Replacement of Conseillers by additional People's Deputies

Constitution of States of Deliberation.

1. In Article 1 of the Reform Law for paragraph (1) there is substituted:

"(1) The States of Deliberation shall be composed as follows:

- (a) The Bailiff;
- (b) (i) Her Majesty's Procureur;
(ii) Her Majesty's Comptroller;
- (c) Forty-five People's Deputies;
- (d) Ten Douzaine Representatives;
- (e) Two Alderney Representatives."

(a) On Article 10 of Billet d'État No. XVIII of 1997.

(b) On Article 17 of Billet d'État No. III of 1998.

Amendments to Reform Law consequential on replacement of Conseillers.

2. (1) The Reform Law is amended in accordance with the following provisions of this section.

(2) In Article 2 the words "Conseiller or", "Conseiller or of" and "as Conseiller or", wherever appearing, are repealed.

(3) In paragraph (2) of Article 4:

- (a) subparagraph (c) is repealed;
- (b) in subparagraph (f) for "Thirty-three" there is substituted "Forty-five".

(4) In Article 8 -

- (a) the words "of Conseiller or" are repealed;
- (b) paragraph (d)(c), is repealed;
- (c) in the marginal note the words "Conseiller or" are repealed.

(5) In Article 17 and the marginal note thereto the words "Conseiller", "Conseiller or" and "a Conseiller or", wherever appearing, are repealed.

(c) Paragraph (d) was inserted by the Reform (Amendment) (Guernsey) Law, 1988: Ordres en Conseil Vol. XXXI, p.58.

(6) Immediately after the words in Article 24 there is inserted "and "Alderney representative" has the meaning assigned by the States of Guernsey (Representation of Alderney) Law, 1978"(d).

Longer term of office of People's Deputies.

3. In Article 29 of the Reform Law(e) -

- (a) in paragraph (1), for "1994" there is substituted "2000", and for "thereafter triennially" there is substituted "in every fourth year thereafter";
- (b) in paragraph (2) for "the three year term then current" there is substituted "the four year term then current".

Electoral Districts

4. (1) In Article 26 of the Reform Law:

- (a) for paragraphs (1) and (2) there is substituted:

"(1) The Electoral Roll shall be divided into 10 sections whereof each shall represent one Parish; but where for the purpose of any election an Electoral District (hereinafter referred to as a "District") is an area other than one entire Parish, the section or sections of the Electoral Roll representing the Parish or Parishes concerned shall be subdivided and/or amalgamated to

(d) Ordres en Conseil Vol. XXVI, p.548; Order in Council No. VI of 1993.

(e) Article 29 was substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952: Ordres en Conseil Vol. XV, p. 279, and amended by section 11 of the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993 (Order in Council No. V of 1993).

produce the section of the Electoral Roll for that District at that election.

(2) For the purpose of elections to the office of People's Deputy Guernsey shall be divided into such number of Districts, each being identified by such boundaries, and each returning such number of the People's Deputies provided for in this Law, as may from time to time be prescribed by Resolution of the States.

PROVIDED THAT

- (i) everywhere in Guernsey shall be represented by at least one Deputy;
 - (ii) the allocation of numbers of Deputies shall be in accordance with the respective populations of the Districts; and
 - (iii) no such Resolution shall take effect before the next General Election of Deputies.";
- (b) immediately after paragraph (2) there is inserted:

"(2A) Where by virtue of any Resolution of the States under paragraph (2) of this Article a District includes the whole or part of more than one Parish the references to Parishes in paragraph (3) of this Article and in Articles 34(5) and 38 of this Law are to be construed as references to each of the Parishes concerned.";

- (2) Article 47 of the Reform Law is repealed.

- (3) For Article 48 of the Reform Law there is substituted:

"Herm and Jethou

48. In this Law "Guernsey" includes the Islands of Herm and Jethou, which Islands shall be deemed

- (a) for all purposes of this Law to be part of the Parish of St. Peter Port, and
- (b) for the purpose of elections of People's Deputies, to be part of such District within the Parish of St. Peter Port as may be specified in any Resolution of the States under Article 26(2) of this Law."

Consequential repeals

5. The enactments specified in column (1) of the Schedule to this Law are repealed to the extent specified in relation thereto in column (2) of that Schedule with effect from the dates specified in relation thereto in column (3) of that Schedule.

Interpretation and construction.

6. (1) In this Law references to "the Reform Law" are to the Reform (Guernsey) Law, 1948(f), as amended, extended or applied by or under any other enactment for the time being in force(g), and by this Law.

(f) Ordres en Conseil Vol. XIII, p.288.

(g) Ordres en Conseil Vol. XIV, p.407; Vol. XV, p.279; Vol. XVI, p.178; Vol. XVIII, p.275; Vol. XIX, pp.84 and 140; Vol. XXII, p.122; Vol. XXIII, p.476; Vol. XXV, p.326; Vol. XXVI, p.255; Vol. XXVIII, p.581; Vol. XXIX, p.56; Vol. XXX, p.16; Vol. XXXI, pp. 58 and 164; Vol. XXXII, p.41; No. V of 1993; Nos. II and XI of 1996; No. * of 1998.

- (2) This Law is to be construed as one with the Reform Law.

Citation and collective title.

7. (1) This Law may be cited as the Reform (Replacement of Conseillers) (Guernsey) Law, 1998.

(2) This Law and the Reform Law may be cited together as the Reform (Guernsey) Laws, 1948 to 1998.

Commencement and application.

8. (1) Sections 1 and 2 of this Law shall come into force on 1st May, 2000.

(2) The other provisions of this Law shall come into force (subject to subsection (3) of this section) on the day following its registration on the records of the Island of Guernsey.

(3) The amendments effected by sections 3 and 4 of this Law shall apply as respects the General Election to be held in April 2000 and in every fourth year thereafter, and that effected by section 3(b) shall apply as respects the term of office of any person elected in such an election.

Transitional Provisions.

9. (1) The States may exercise any of the powers conferred on them by Article 26(2) of the Reform Law, as substituted by section 4(1)(a) of this Law, at any time after the registration of this Law on the records of the Island of Guernsey; and any such Resolution passed before 1st January 2000 shall have effect as respects the General Election to be held in April 2000 and thereafter until further Resolution of the States under Article 26(2) of the Reform Law.

(2) It is hereby declared for the avoidance of doubt that a person in office as a Conseiller on 30th April, 2000 whose term of office as such would, apart from this Law, have continued beyond that date -

- (a) shall cease to hold the office of Conseiller on that date;
and
- (b) may (if he is otherwise eligible in accordance with the Reform Law) be a candidate at the General Election for People's Deputies to be held in April 2000.

SCHEDULE

Section 5.

CONSEQUENTIAL REPEALS

(1) <i>Enactment</i>	(2) <i>Extent of Repeal</i>	(3) <i>Effective date of repeal</i>
The Loi relative au Scrutin Secret, 1899(h)	In Articles 1,3 and 11 the words "Conseillers et"; and in Articles 5 and 6 the words "Conseiller ou".	1st May, 2000
The Public Assistance Law, 1937(i)	In Article 17(11) the words "Conseiller or".	1st May, 2000
The Reform (Amendment) (Guernsey) Law, 1972(j)	In section 2, the words "Conseiller or".	1st May, 2000
The Reform (Amendment) (Guernsey) Law, 1984(k)	The whole Law.	Day following registration of this Law.
The Reform (Amendment) (Guernsey) Law, 1988(l)	The whole Law.	1st May, 2000
The Reform (Amendment) (Guernsey) Law, 1990(m)	Section 3.	1st May, 2000

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- (h) Ordres en Conseil Vol. III, p.175 : the words hereby repealed were inserted by Order in Council No. V of 1993, section 18(3).
- (i) Ordres en Conseil Vol. XI, p.91 : the words hereby repealed were inserted by Order in Council No. II of 1996, section 1(4).
- (j) Ordres en Conseil Vol. XXIII, p.476 : the words hereby repealed were inserted by Order in Council No. V of 1993, section 18(4).
- (k) Ordres en Conseil Vol. XXVIII, p.581.
- (l) Ordres en Conseil Vol. XXXI, p.58.
- (m) Ordres en Conseil Vol. XXXII, p.41.

(1) <i>Enactment</i>	(2) <i>Extent of Repeal</i>	(3) <i>Effective date of repeal</i>
The Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993(n)	Sections 2(1), 2(2), 3, 8, 9, 11(1), 11(2)(a), 11(3), 11(4) and 12. Sections 1, 2(3), 4, 5, 6, 7, 18(3)(a), 18(3)(c) and 18(4).	Day following registration of this Law. 1st May, 2000
The Reform (Amendment) (No. 2) (Guernsey) Law, 1996(o)	The whole Law.	1st May, 2000
The Reform (Amendment) (Guernsey) Law, 1998(p)	Section 2(2).	1st May, 2000

A. E. BOHAN,
Her Majesty's Deputy Greffier.

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- (n) Order in Council No. V of 1993.
(o) Order in Council No. XI of 1996.
(p) Order in Council No. ** of 1998.