

PROJET DE LOI

ENTITLED

The Reform (Amendment) (Guernsey) Law, 1996 *

[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

* No. II of 1996, Ordres en Conseil Vol. XXXVI, p. 478.

PROJET DE LOI

ENTITLED

The Reform (Amendment) (Guernsey) Law, 1996

ARRANGEMENT OF SECTIONS

Franchise and elected office

1. Eligibility for elected office.
2. Eligibility for inscription on Electoral Roll.
3. Eligibility to vote at an election.
4. Legal Disability.

Miscellaneous minor amendments

5. Multiple nominations.
6. Timing of nominations.
7. Candidates' copies of Electoral Roll.
8. Place of recount.

Supplementary Provisions

9. Interpretation and construction.
10. Citation and collective title.
11. Commencement and application.

PROJET DE LOI

ENTITLED

The Reform (Amendment) (Guernsey) Law, 1996

THE STATES, in pursuance of their Resolutions of 22nd February, 1995^a and 26th July, 1995^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.

Franchise and elected office

Eligibility for elected office.

1. (1) Immediately after paragraph (d) of Article 8 of the Reform Law there is inserted –

"(e) he has not at any time during the five years immediately preceding the date of the election been sentenced for an offence by a court in the United Kingdom, any of the Channel Islands, or the Isle of Man, to imprisonment for a period of six months or more (whether suspended or not) without the option of a fine, unless that sentence was quashed or reduced to less than six months on appeal."

(2) In Article 17(2) of the Reform Law, paragraph (b) is

^a On Article 10 of Billet d'État No. V of 1995.

^b On Articles 7 and 8 of Billet d'État No. XVII of 1995.

redesignated as paragraph (c), and immediately before that paragraph there is inserted

—

"(b) has subsequently to such election been sentenced for an offence by a court in the United Kingdom, any of the Channel Islands, or the Isle of Man, to imprisonment for a period of six months or more (whether suspended or not) without the option of a fine, unless that sentence has been quashed or reduced to less than six months on appeal, or".

(3) At the end of the words in Article 51 of the Reform Law there is inserted "; and, for the avoidance of doubt, paragraphs (a) and (b) of Article 17(2) of this Law apply in the case of a Constable or Douzenier as in the case of a Conseiller or People's Deputy".

(4) At the end of the words in Article 17(11) of the Public Assistance Law 1937^c there is inserted "; and, for the avoidance of doubt, paragraphs (a) and (b) of Article 17(2) of the Reform (Guernsey) Law, 1948 apply in the case of a Procureur of the Poor or an Overseer of the Poor as in the case of a Conseiller or People's Deputy".¹

Eligibility for inscription on Electoral Roll.

2. For Article 27(1) of the Reform (Guernsey) Law, 1948 there is substituted —

"(1) A person shall be entitled to be inscribed on the Electoral Roll compiled for an electoral year (which expression shall, for the

^c Ordres en Conseil Vol. XI, p. 91; Vol. XIV, p. 363; Vol. XVI, p. 264; Vol. XVII, p. 255; Vol. XIX, p. 149; Vol. XX, p. 135; Vol. XXI, p. 34; Vol. XXII, p. 521; Vol. XXIX, p. 204; No. IV of 1990.

purposes of this Law, mean the period commencing on the 1st day of March in any year and ending on the succeeding last day of February) if that person –

- (a) is of the age of 18 years or over or will attain the age of 18 years before the commencement of that electoral year, and
- (b) is not subject to any legal disability, and
- (c) was ordinarily resident in this Island on any date during the period commencing on 1st September and ending on 31st October, both dates inclusive, in the preceding electoral year, and
- (d) has been ordinarily resident in this Island on the date referred to in sub-paragraph (c) either –
 - (i) for a period of at least two years immediately preceding that date, or
 - (ii) at any time before that date for a period or periods of at least five years in total, and
- (e) has, during the period commencing on 1st September and ending on 31st October, both dates inclusive, in the preceding electoral year, delivered to the Registrar-General, in respect of himself, in such form as the Registrar-General shall prescribe, an application for inclusion in that Electoral Roll:

Provided that a person entitled to be inscribed on the Electoral Roll for any electoral year specified in that behalf by an Ordinance of the States under this sub-paragraph shall, if he fulfils the conditions of sub-paragraphs (b), (c) and (d) of this paragraph, be entitled to be inscribed on the Electoral Roll for such other electoral years as the States may from time to time prescribe by such an Ordinance."²

Eligibility to vote at an election.

3. (1) In Article 27 of the Reform Law –

(a) in paragraph (2), for "Any person" there is substituted "Subject to paragraph (4) of this Article and to Article 27A of this Law, any person";

(b) immediately after paragraph (3)^d, there is inserted –

"(4) It is hereby declared for the avoidance of doubt that a person shall not vote at any election at a time when he is subject to any legal disability."³

(2) Immediately after Article 27 of the Reform Law there is inserted –

"Prisoners.

27A. (1) A person who is detained in prison on the day of an election under a sentence of imprisonment is not entitled to vote at that election.

^d Article 27(3) was inserted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952 (Ordres en Conseil Vol. XV, p. 279).

(2) A person who is detained in prison on the day of an election otherwise than under a sentence of imprisonment may vote at that election only if –

- (a) his name is entered in the register of absent voters and he votes by post in accordance with Part II of the Reform (Amendment) (Guernsey) Law, 1972, or
- (b) the Prison Governor (who has absolute discretion in the matter) permits him to vote in person."⁴

(3) In Article 34(9) of the Reform Law^e, immediately after "and shall determine" there is inserted ", subject to Articles 27(4) and 27A of this Law,".

(4) In the Reform (Amendment) (Guernsey) Law, 1972^f, immediately after paragraph (c) of section 3 there is inserted –

"(d) a person who is detained in prison otherwise than under a sentence of imprisonment."⁵

Legal Disability.

4. In Article 49 of the Reform Law for the definition of "Legal disability" there is substituted –

""Legal disability" means –

^e Article 34 was substituted by the Reform (Amendment) (Guernsey) Law, 1972 (Ordres en Conseil Vol. XXIII, p. 476).

^f Ordres en Conseil Vol. XXIII, p. 476.

- (i) certification as a person of unsound mind,
- (ii) subjection, in the case of a person of full age, to guardianship,
- (iii) detention ordered by a Law Officer in a hospital or institution, as a person in need of treatment for a mental ailment."

Miscellaneous minor amendments

Multiple nominations.

5. (1) Immediately after Article 32(3) of the Reform Law there is inserted –

"(4) In respect of any one candidate at an election the President of the States shall accept only the first valid nomination delivered to him, and any nomination subsequently delivered shall be of no effect."⁶

(2) Immediately after Article 57 of the Reform Law there is inserted –

"PROVIDED THAT in respect of any one candidate at an election the Returning Officer shall accept only the first valid nomination delivered to him, and any nomination subsequently delivered shall be of no effect.".

(3) In Article 5 of the Loi relative au Scrutin Secret, 1899^g –

(a) for "lequel en donnera connaissance" there is substituted "lequel donnera connaissance de la première nomination valide lui livrée";

(b) for "chaque nomination aussitôt livrée" there is substituted "de la première nomination valide aussitôt livrée pour chaque candidat".

NOTE

The Loi relative au Scrutin Secret, 1899, has since been repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, section 46(2), with effect from 22nd April, 2020.

Timing of nominations.

6. (1) In Article 5 of the Loi relative au Scrutin Secret, 1899^g, the words and figures "au moins 22 jours avant le jour fixé pour l'élection" are repealed.

(2) Section 18(3)(b) of the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993^h, is repealed.

NOTE

The Loi relative au Scrutin Secret, 1899, has since been repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, section 46(2), with

^g Ordres en Conseil Vol. III, p. 175; Vol. IV, p. 392; Vol. V, p. 444; Vol. VII, p. 310; No. V of 1993.

^g Ordres en Conseil Vol. III, p. 175; Vol. IV, p. 392; Vol. V, p. 444; Vol. VII, p. 310; No. V of 1993.

^h Ordre en Conseil No. V of 1993.

effect from 22nd April, 2020.

Candidates' copies of Electoral Roll.

7. In Article 36 of the Reform Law, for "made during the four weeks immediately preceding the date fixed for the holding of such election" there is substituted ", made between such date (being at least four weeks before the election) as the Registrar-General shall determine, and the election day itself,".⁷

Place of recount.

8. In Article 41 of the Reform Law, immediately after "in the Royal Court building" there is inserted ", or in such other place as the President of the States may direct,".⁸

Supplementary Provisions

Interpretation and construction.

9. (1) In this Law "**the Reform Law**" means the Reform (Guernsey) Law, 1948 as amendedⁱ.

(2) This Law is to be constructed as one with the Reform (Guernsey) Laws, 1948 to 1993.

Citation and collective title.

10. (1) This Law may be cited as the Reform (Amendment) (Guernsey) Law, 1996.

ⁱ Ordres en Conseil Vol. XIII, p. 288; Vol. XIV, p. 467; 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; No. VII of 1988; No. II of 1990; No. V of 1993.

(2) This Law and the Reform (Guernsey) Laws, 1948 to 1993 may be cited together as the Reform (Guernsey) Laws, 1948 to 1996.

Commencement and application.

11. (1) This Law shall come into force on the day following its registration on the records of Guernsey, and applies (subject to subsections (2) and (3) of this section) in relation to any election held thereafter.

(2) The amendments effected by subsections 1(2), 1(3) and 1(4) of this Law apply only in the case of a person who is –

(a) elected at an election held after this Law comes into force, or

(b) sentenced after this Law comes into force.

(3) The amendment effected by section 2 of this Law applies for the determination of entitlement to be inscribed on the Electoral Roll to be compiled for the electoral year commencing on 1st March 1997 and subsequent electoral years.

NOTE

The Law was registered on the Records of the Island of Guernsey on 4th June, 1996.

¹ For subsequent amendments, see the consolidated text of the Public Assistance Law, 1937.

² For subsequent amendments, see the consolidated text of the Reform (Guernsey) Law, 1948.

³ For subsequent amendments, see the consolidated text of the Reform (Guernsey) Law, 1948.

⁴ For subsequent amendments, see the consolidated text of the Reform (Guernsey) Law, 1948.

⁵ For subsequent amendments, see the consolidated text of the Reform (Amendment) (Guernsey) Law, 1972.

⁶ For subsequent amendments, see the consolidated text of the Reform (Guernsey) Law, 1948.

⁷ For subsequent amendments, see the consolidated text of the Reform (Guernsey) Law, 1948.

⁸ For subsequent amendments, see the consolidated text of the Reform (Guernsey) Law, 1948.