

PROJET DE LOI

ENTITLED

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

[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.

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* No. X of 1998, Ordres en Conseil Vol. XXXVIII, p. 295.

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ARRANGEMENT OF SECTIONS

Replacement of Conseillers by additional People's Deputies

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2. Amendments to Reform Law consequential on replacement of Conseillers.
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The Reform (Replacement of Conseillers) (Guernsey) Law, 1998

THE STATES, in pursuance of their resolutions of 8th October 1997^a and 26th February 1993^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 substituted¹

—

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

- (a) The Bailiff,
- (b) (i) Her Majesty's Procureur,
- (ii) Her Majesty's Comptroller,

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

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

- (c) Forty-five People's Deputies,
- (d) Ten Douzaine Representatives,
- (e) Two Alderney Representatives."

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(2) In Article 2² the words "Conseiller or", "Conseiller or of" and "as Conseiller or", wherever appearing, are repealed.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- (a) subparagraph (c) is repealed,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- (a) the words "of Conseiller or" are repealed,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 repealed³,
- (c) in the marginal note the words "Conseiller or" are repealed.

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

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17 and the marginal note thereto the words "Conseiller", "Conseiller or" and "a Conseiller or", wherever appearing, are repealed.

(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. 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

^d Ordres en Conseil Vol. XXVI, p. 54; 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).

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 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 District, 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.

(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

^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. III of 1998.

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.

NOTE

The Law was registered on the Records of the Island of Guernsey on 5th October, 1998.

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
CONSEQUENTIAL REPEALS

Section 5

(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".	1 st May, 2000
The Public Assistance Law, 1937 ⁱ	In Article 17(11) the words "Conseiller or".	1 st May, 2000
The Reform (Amendment) (Guernsey) Law, 1972 ^j	In section 2, the words "Conseiller or".	1 st 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.	1 st May, 2000

^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.

The Reform (Amendment) (Guernsey) Law, 1990 ^m	Section 3.	1 st May, 2000
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.	Day following Registration of this Law.
	Sections 1, 2(3), 4, 5, 6, 7, 18(3)(a), 18(3)(c) and 18(4).	1 st May, 2000
The Reform (Amendment) (No. 2) (Guernsey) Law, 1996 ^o	The whole Law.	1 st May, 2000
The Reform (Amendment) (Guernsey) Law, 1998 ^p	Section 2(2).	1 st May, 2000

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.

¹ For subsequent amendments, see the consolidated text of the Reform (Guernsey) Law, 1948.

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

^m Ordres en Conseil Vol. XXXII, p. 41.

ⁿ Order in Council No. V of 1993.

^o Order in Council No. XI of 1996.

^p Order in Council No. III of 1998.

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