

ORDER IN COUNCIL

**VII
2010**

ratifying a Projet de Loi

ENTITLED

The Reform (Guernsey) (Amendment) Law, 2009

(Registered on the Records of the Island of Guernsey
on the 5th August, 2010.)



2010

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

5th day of August, 2010 before Sir Geoffrey Rowland, Bailiff; present:- Stephen Edward Francis Le Poidevin, David Osmond Le Conte, John Ferguson, Stephen Murray Jones, Peter Sean Trueman Girard, Niall David McCathie, Esquires, and Margaret Ann Spaargaren, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 21st July, 2010, approving and ratifying a Projet de Loi entitled “The Reform (Guernsey) (Amendment) Law, 2009”, THE COURT, after the reading of the said Order in Council and after having heard Crown Advocate Robert Titterington, Contrôle Délégué, thereon, ORDERED that the said Order in Council be registered on the records of this Island.



At the Court at Buckingham Palace

THE 21st DAY OF JULY 2010

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

"In accordance with Your Majesty's General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

"That, in pursuance of their Resolutions of 28th September 2007 and 30th September 2009, the States of Deliberation at a meeting on 9th December 2009 approved a *Projet de Loi* entitled the Reform (Guernsey) (Amendment) Law, 2009 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Reform (Guernsey) (Amendment) Law, 2009, and to order that it shall have force of law in the Islands of Guernsey, Herm and Jethou.

"The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it".

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Islands of Guernsey, Herm and Jethou and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

Judith Simpson

PROJET DE LOI

ENTITLED

The Reform (Guernsey) (Amendment) Law, 2009

THE STATES, in pursuance of their Resolutions of the 28th September, 2007^a and the 30th September, 2009^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:-

Amendment of Law of 1948.

1. The Reform (Guernsey) Law, 1948, as amended^c is further amended as follows.

2. In Article 3 -

(a) in paragraph (1) -

(i) for "paragraphs (2), (3), (4) and (5)" substitute
"paragraphs (4) and (5)",

^a Article XVIII of Billet d'État No. XX of 2007.

^b Article XI of Billet d'État No. XXI of 2009.

^c Ordres en Conseil Vol. XIII, p. 288; Vol. XIV, p. 407; Vol. XV, p. 279; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, p. 84; Vol. XIX, p. 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, p. 164; Vol. XXXII, p. 41; Vol. XXXIV, p. 397; Vol. XXXVI, p. 478; No. III of 1998; No. X of 1998; No. XIII of 2003; No. III of 2004; No's. II and XX of 2007; No. XIII of 2008; the Royal Court (Reform) (Guernsey) Law, 2008 (No. XXII of 2008); also amended by Recueil d'Ordonnances Tome XXIX, p. 406; and Ordinance XXVI of 2008.

- (ii) for "twenty members" substitute "a number of voting Members equal to the nearest whole number above one half of the number of voting Members for the time being specified in Article 1",
 - (b) paragraphs (2) and (3) are repealed, and
 - (c) in paragraphs (4) and (5) for "Notwithstanding the provisions of paragraphs (1), (2) and (3)" substitute "Without prejudice to paragraph (1)".
3. In Article 20F(2)(e)(i)^d after "a reprimand" insert "or caution".

Amendment of Law of 1972.

4. The Reform (Amendment) (Guernsey) Law, 1972, as amended^e is further amended as follows.

5. For section 16 substitute the following -

"States employees and public officers may not be States Members.

16. (1) A States employee or public officer who is elected under the provisions of the principal Law to hold office as a member of the States of Deliberation may not take before the Royal Court the oaths required to be taken under Article 19 of the principal Law unless and until

^d Article 20F was inserted by No. II of 2007.

^e Ordres en Conseil Vol. XXIII, p. 476; Vol. XXVI, p. 255; Vol. XXXIV, p. 397; and No. XIII of 2003; also amended by Recueil d'Ordonnances Tome XXIX, p. 427; and Tome XXXI, p. 666.

he ceases to be a States employee or public officer (as the case may be).

(2) A member of the States of Deliberation who has taken the oaths referred to in subsection (1) must resign as such a Member before commencing employment as a States employee or commencing office as a public officer."

6. In section 18 -

(a) after the definition of "office of the States" insert the following definition -

"public officer" means a person who is -

- (a) the holder of judicial office in any court in the island of Guernsey,
- (b) a member of the regular armed forces,
- (c) a member of the Guernsey Financial Services Commission,
- (d) the Director General of the Guernsey Financial Services Commission,
- (e) the Director General of Utility Regulation,
- (f) the Data Protection Commissioner,
- (g) the Public Trustee, or

- (h) the holder of any other office specified by Ordinance of the States, ", and
- (b) in the definition of "States employee" after the words "employed by the States of Guernsey" insert "(whether on a full time or part time basis)".

Citation.

- 7. This Law may be cited as the Reform (Guernsey) (Amendment) Law, 2009.

K.H. TOUGH,
Her Majesty's Greffier.

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