

# ORDER IN COUNCIL

**VI**  
**1993**

ratifying a Projet de Loi

ENTITLED

## **The Election of Conseillers (Participation of Alderney) (Guernsey and Alderney) Law, 1993**

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(Registered on the Records of the Island of Guernsey  
on the 29th June, 1993.)

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1993

# ORDER IN COUNCIL



## IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 29th day of June, 1993 before Sir Graham Dorey, Kt., Bailiff;  
present:—Harry Wilson Bisson, Herbert Nicolle Machon, Geoffrey  
Ernest Le Page, Stanley Walter John Jehan, Esquires, Mrs. Dorothy  
Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris,  
Charles Anthony Spensley, Kenneth John Rowe, Lawrence Oscar  
Ozanne and John Richard Rowe Henry, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 12th May, 1993, approving and ratifying a *Projet de Loi* entitled “The Election of Conseillers (Participation of Alderney) (Guernsey and Alderney) Law, 1993”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ordered:-

1. That the said Order in Council be registered on the records of this Island; and
2. That an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty’s Greffier to the Clerk of the Court of Alderney for registration on the records of that Island of which Order in Council the tenor followeth:-

# **At the Court at Buckingham Palace**

The 12th day of May 1993

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 30th day of April 1993 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 the humble petition of the States of the Island of Guernsey setting forth:—

‘1. That, in pursuance of their Resolution of the 30th day of April 1992, the States of Deliberation at a meeting held on the 27th day of January 1993, approved a Bill or “Projet de Loi” entitled “The Election of Conseillers (Participation of Alderney) (Guernsey and Alderney) Law, 1993”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 5th day of March 1993, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. 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 Election of Conseillers (Participation of Alderney) (Guernsey and Alderney) Law, 1993”, and to order that the same shall have force of law in the Islands of Guernsey and Alderney.’

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition 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 comply with the prayer of the said petition 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, 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 and Alderney.

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 Islands, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*N. H. Nicholls*

(No.VI - 1993)  
PROJET DE LOI  
ENTITLED

**The Election of Conseillers (Participation of  
Alderney) (Guernsey and Alderney) Law, 1993**

THE STATES, in pursuance of the Resolution of the States of Guernsey of 30th April 1992(a) and the Resolution of the States of Alderney of 15th July 1992(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 and Alderney.

*Conseillers' elections*

**Participation of Alderney electorate.**

1.(1) At any election for the office of Conseiller held in accordance with the 1993 Law the people whose names are inscribed in the Alderney register of electors shall be entitled

(a) to vote, and

(b) to nominate eligible candidates,

in the same way as people whose names are inscribed on the Electoral Roll prepared for Guernsey in accordance with the Reform Law.

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(a) On Article 8 of Guernsey Billet d'Etat No. VIII of 1992.

(b) On Item 2 of the Alderney Billet d'Etat for 15th July 1992.

(2) In relation to any such election -

(a) the Island of Alderney shall be an Electoral District, and

(b) the Alderney register of electors shall be a section of the Electoral Roll.

**Alderney section of the Electoral Roll.**

2.(1) The Clerk of the States shall deliver to the Registrar-General, between 15th October and 15th November in 1993 and each succeeding third year, a certified copy of the Alderney register of electors prepared during that year pursuant to section 34(1) of the Government of Alderney Law 1987(c).

(2) Subject to any amendment made before the end of the calendar year in which it is delivered pursuant to a direction of the Court of Alderney under section 34(4) of the Government of Alderney Law, 1987 and communicated to the Registrar-General by the Clerk of the States, that certified copy of the Alderney register of electors shall constitute the Alderney section of the Electoral Roll for -

(a) the General Election of Conseillers, and

(b) any further election held in accordance with section 2(2) of the 1993 Law

during the calendar year following its delivery.

(3) The Clerk of the States shall deliver to the Registrar-General, as soon as possible after a date is fixed for any election to fill a casual vacancy under section 2(3) of the 1993 Law, a certified copy of the Alderney register of electors as most recently amended pursuant to section 34(2) of the Government of Alderney Law 1987; and that certified copy shall constitute the Alderney section of the Electoral Roll for that election.

**Application of Reform Laws.**

3.(1) In their application to Alderney as an Electoral District, to the Alderney section of the Electoral Roll, and to the conduct of Conseillers' elections in Alderney -

- (a) Part IV of the Reform Law (as adapted in relation to Conseillers' elections by the 1993 Law) applies subject to the modifications set out in subsection (2) of this section, and
- (b) sections 1 to 7 inclusive of the 1993 Law apply subject to subsection (3) of this section.

(2) In Part IV of the Reform Law:

- (a) Articles 25, 26(1) and (2), 27, 29(1) and (2), 34, 42, 47 and 48 do not apply;

- (b) Article 30 applies with the insertion of "in Guernsey" at the end of the words;
- (c) for "the States" wherever appearing, there is substituted "the States of Guernsey";
- (d) for the expressions "Constables of the Parishes", "Constable" and "Constables and Douzaines", wherever appearing, there is in each case substituted "Clerk of the States of Alderney".

(3) In the 1993 Law -

- (a) in section 4(2)(a)(ii) "Guernsey" includes Alderney;
- (b) the reference to "the States" in section 4(3) is to the States of Alderney as well as the States of Guernsey;
- (c) in the application of section 5:
  - (i) at least one such meeting as is mentioned therein shall be held in Alderney before every Conseillers' election;
  - (ii) the references to "the States" are to the States of Alderney;



(iii) the cost of calling and holding such meetings includes the reasonable travelling expenses of the candidates attending.

(4) A person whose name is inscribed in the Alderney register of electors and who, as respects any election for the office of Conseiller -

(a) will probably be out of Alderney at the time of that election; or

(b) is blind; or

(c) is suffering from a physical defect or disability by reason of which he is incapable of attending at the place in Alderney where the polling is to take place,

may vote by post in accordance with, and subject to, Part II of the Reform (Amendment) (Guernsey) Law, 1972(d) (rather than Schedule 1 to the Government of Alderney Law, 1987, which does not apply to Conseillers' elections).

(5) The Register maintained pursuant to Part II of the Reform (Amendment) (Guernsey) Law, 1972 as respects a Conseillers' election shall be divided into 11 sections, one for each of the 10 Electoral Districts in the Island of Guernsey and one for the Electoral District of Alderney.

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(d) Ordres en Conseil Vol. XXIII, p.476.

**States of Alderney contribution.**

4.(1) The States of Alderney are liable to contribute towards the expenses incurred by or on behalf of the States of Guernsey in connection with every Conseillers' election a sum certified by the Treasurer of the States of Guernsey as the amount due under this section.

(2) That amount is -

Ay. Roll

x £Exp.,

Gsy. Roll + Ay. Roll

where:

"Ay. Roll" is the number of people whose names are inscribed on the Alderney section of the Electoral Roll used at that election;

"Gsy. Roll" is the number of people whose names are inscribed on the Electoral Roll prepared for Guernsey in accordance with the Reform Law and used at that election;

"£Exp." is the total of all expenses incurred by or on behalf of the States of Guernsey in connection with that election, excluding the cost of calling and holding meetings in Guernsey under section 5 of the 1993 Law.

(3) The liability of the States of Alderney under this section is in addition to their liability to

meet the cost of calling and holding meetings in Alderney under section 5 of the 1993 Law as modified by section 3(3)(c) of this Law.

*Amendments consequential on changed functions  
of States of Election*

**Amendments to States of Guernsey (Representation of Alderney) Law.**

5.(1) The States of Guernsey (Representation of Alderney) Law, 1978(e) is amended in accordance with this section.

(2) In section 1 -

(a) delete "and, as respects the election of Conseillers, in the States of Election"; and

(b) delete "and the States of Election" from the marginal note.

(3) In section 2 -

(a) for subsection (1) substitute:

"(1) the Alderney Representatives shall be two in number."; and

(b) in subsection (2) delete "and each of the Alderney Representatives in the States of Election shall, as respects meetings thereof for the election of

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(e) Ordres en conseil Vol. XXVI, p.548.

Conseillers, be a Member of that Assembly".

(4) Delete paragraph (c) of section 3.

(5) In section 5, delete "or in the States of Election" and ", in the case of a representative to sit in the States of Deliberation or an alternative representative, he".

(6) In section 7(1) -

(a) in the definition of "meeting" delete "or of the States of Election"; and

(b) for the definition of "States of Deliberation and States of Election" substitute:

"**"States of Deliberation"**  
means the States of Deliberation  
of the Island of Guernsey.".

*Supplementary provisions*

**Interpretation and construction.**

6.(1) In this Law:

"the Alderney register of electors" means the register of electors prepared pursuant to section 34 of the Government of Alderney Law, 1987; and in sections 1 and 3(4) of this Law it means the certified copy of that register last delivered to the

Registrar-General in accordance with section 2 of this Law;

**"the Clerk of the States"** means the Clerk of the States of Alderney appointed under section 52(1) of the Government of Alderney Law, 1987;

**"the Reform Law"** means the Reform (Guernsey) Law, 1948(f), as amended, extended or applied by or under any other enactment for the time being in force in the Island of Guernsey(g) and by this Law;

**"the 1993 Law"** means the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993(h);

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

**Citation.**

7. This Law may be cited as the Election of Conseillers (Participation of Alderney) (Guernsey and Alderney) Law, 1993.

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

(g) Ordres en Conseil 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.

(h) Ordre en Conseil No. V of 1993.

Commencement.

8.(1) Section 5 of this Law shall come into force on 1st May, 1994.

(2) The other provision of this Law shall come into force one month after its registration on the records of the Island of Guernsey.