

ORDER IN COUNCIL

II
1996

ratifying a Projet de Loi

ENTITLED

The Reform (Amendment) (Guernsey) Law, 1996

(Registered on the Records of the Island of Guernsey
on the 4th June, 1996.)



1996

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 4th day of June, 1996 before de Vic Graham Carey, Esquire, Deputy Bailiff; present:—Stanley Walter John Jehan, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Lawrence Oscar Ozanne, John Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page and Stephen Edward Francis Le Poidevin, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 24th April, 1996, approving and ratifying a *Projet de Loi* entitled “The Reform (Amendment) (Guernsey) Law, 1996”, 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 Windsor Castle

The 24th day of April, 1996

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 12th day of March 1996 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 Resolutions of the 22nd day of February 1995 and the 26th day of July 1995, the States of Deliberation at a meeting held on the 25th day of October 1995 approved a Bill or “Projet de Loi” entitled “The Reform (Amendment) (Guernsey) Law, 1996”, 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 (Amendment) (Guernsey) Law, 1996”, and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou.”

“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, 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 (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 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".

(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.

(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".

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 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 -

(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.

- (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.”.

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.”.

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

- (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.

(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."

(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.".

Legal disability

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

(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.

"Legal disability" means -

- (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."

- (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";

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

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

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.

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,".

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,".

Supplementary provisions

Interpretation and construction

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

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

(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 is to be construed 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.

(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.