

ORDER IN COUNCIL

XVIII

1972

ratifying a Projet de Loi

ENTITLED

The Reform (Amendment) (Guernsey) Law, 1972

(Registered on the Records of the Island of Guernsey
on the 31st day of October, 1972.)



1972.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 31st day of October, 1972, before John Henry Loveridge, Esquire, C.B.E., Deputy Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin, Richard Alan Kinnersly, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C. and Richard Brook Sutcliffe, Esquire, Jurats:

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 23rd day of October, 1972, ratifying a *Projet de Loi* entitled "The Reform (Amendment) (Guernsey) Law, 1972", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Windsor Castle

The 23rd day of October 1972

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 11th day of October 1972, 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 27th day of October 1971 and the 27th day of September 1972, the States of Deliberation at a meeting held on the 27th day of September 1972 approved a Bill or “Projet de Loi” entitled “The Reform (Amendment) (Guernsey) Law, 1972” 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 in the words and figures 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, 1972 ” 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, as 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.

W. G. Agnew.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Reform (Amendment) (Guernsey) Law, 1972

THE STATES, in pursuance of their Resolutions of the twenty-seventh day of October, nineteen hundred and seventy-one, and the twenty-seventh day of September, nineteen hundred and seventy-two, 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.

PART I

Voting age and compilation of Electoral Roll

1. The Reform (Guernsey) Law, 1948, as amended (hereinafter referred to as "the principal Law")^(a), is hereby further amended as follows:—

Amend-
ments to
Law of
1948.

(a) sub-paragraph (a) of paragraph (1) of Article twenty-seven thereof is repealed and the following sub-paragraph is substituted therefor—

"(a) is of the age of eighteen years or over or will attain the age of eighteen years before the commencement of that electoral year;"

(b) Article 34 thereof is repealed and the following Article is substituted therefor—

(a) Ordres en Conseil Vol. XIII, p. 288; Vol. XIV, p. 407; Vol. XV, p. 279; Vol. XVIII, p. 275; Vol. XIX, p. 84 and p. 140.

“ 34. (1) The Registrar-General shall, during the period commencing on the first day of October in each year and ending on the thirty-first day of October in the same year, make available forms of application for inclusion on the Electoral Roll at such centres as he may specify by notice in the “Gazette Officielle” and on or before the seventh day of October in the year next preceding the year of a triennial election he shall, in addition, cause to be distributed to each dwelling in the Island such number of forms of application as he may consider necessary for the number of voters living therein.

(2) A person whose name is inscribed on the Electoral Roll for any electoral year and who, having changed his ordinary place of residence in this Island, desires to have his address changed on the Electoral Roll for the next succeeding electoral year may, during the period commencing on the first day of October in any year and ending on the twentieth day of January in the year next following, make application in that behalf to the Registrar-General in such form as may from time to time be prescribed by the Registrar-General.

(3) From the information delivered to him under the provisions of this Law the Registrar-General shall, on or before the thirty-first day of December in each year, compile the Electoral Roll for the next succeeding electoral year.

(4) Each section of the Electoral Roll shall contain the names and addresses of the persons residing in the District to which

that section relates, being persons entitled to have their names inscribed on the Electoral Roll.

(5) The section of the Electoral Roll in respect of each District shall be published for inspection under the control of the Constables and Douzaine of the parish to which the section relates during the period commencing on the second day of January and ending on the seventeenth day of January in each year at such suitable place in that District during such hours on each week day other than Saturday as shall from time to time be prescribed by the Registrar-General after consultation with those Constables.

(6) In each year all the sections of the Electoral Roll shall be published for inspection under the control of the Registrar-General during the period referred to in the last preceding subsection at such Offices of the States as he shall prescribe during such hours on each week day other than Saturday as he shall from time to time prescribe.

(7) The Registrar-General shall give previous notice by an announcement in the "Gazette Officielle" of the dates, times and places on, during and at which the Electoral Roll will be available for inspection.

(8) Any person claiming that he is entitled to have his name inscribed on any section of the Electoral Roll and that it is omitted from that section or that some material error in his name or address appears in that section, may, not later than the third week day after the close of the

period during which the Electoral Roll is available for inspection, deliver to the Registrar-General an application in writing to have his name and address inscribed on that section, or for the rectification of the error alleged; the Registrar-General shall, if he is satisfied of the existence of the omission or error, forthwith amend the Electoral Roll.

(9) The section of the Electoral Roll compiled, published and amended for any electoral year as in this Article provided in respect of each District shall constitute the Electoral Roll of that District during that electoral year and shall determine whether or not a person is entitled to vote in that District during that electoral year at an election for any of the offices of People's Deputy, Constable or Douzenier, and at any election a copy of the appropriate section shall be furnished free of charge by the Registrar-General to the Returning Officer of each District for each polling station in that District, and the Returning Officer shall ensure that a copy is available at each polling station in his District.

(10) A person who knowingly furnishes in an application under this Law any information required to be furnished which is false in any material particular or recklessly so furnishes any information which is false in a material particular shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds."

PART II

Voting by Post

2. Notwithstanding any of the provisions of the principal Law, a person whose name is inscribed on the Electoral Roll and who is a person to whom this Part of this Law applies (hereinafter referred to as "an absent voter") may vote by post in accordance with the succeeding provisions of this Part of this Law at an election for the office of People's Deputy (hereinafter referred to as "an election").

Postal voting
by absent
voters.

3. This Part of this Law applies to a person of any of the following categories, that is to say:—

Absent
voters.

- (a) a person who will probably be out of this Island at the time of an election;
- (b) a person who is blind;
- (c) a person who is suffering from a physical defect or disability by reason of which he is incapable of attending at a polling station to vote at an election.

4. (1) For the purposes of this Part of this Law the Registrar-General shall, on the coming into force of this Law, establish and thereafter maintain in a book kept solely for the purpose, a register of absent voters (hereinafter referred to as "the Register").

Register of
absent
voters.

(2) The Register shall be divided into ten sections, one for each Electoral District, for the purposes of making entries in accordance with the provisions of section six of this Law.

Application
by absent
voter to be
entered
on Register.

5. An absent voter who is desirous of voting by post at an election shall, not less than twelve days before the date appointed for the holding of that election, apply to the Registrar-General on such form as the Registrar-General may from time to time prescribe to have his name entered in the Register.

Entry on
Register by
Registrar-
General.

6. Upon receipt of an application under the provisions of the last preceding section, the Registrar-General shall, if he is satisfied that the applicant is an absent voter, enter the name and address of the absent voter in the section of the Register for the Electoral District in which he is entitled to vote and against such entry the Registrar-General shall enter the letter he has allocated for that Electoral District and a number personal to that absent voter for the election concerned; the names entered in the Register under this section shall be numbered consecutively throughout the respective sections of the Register.

Documents
to be sent
to absent
voters.

7. The Registrar-General shall, as soon as practicable, send by post to the absent voter—

- (a) a ballot paper,
- (b) a form of declaration of identity to be completed by the absent voter,
- (c) an envelope marked "BALLOT PAPER ENVELOPE", and
- (d) a pre-paid envelope addressed to the Registrar-General.

Form of
ballot
paper.

8. A ballot paper sent to an absent voter under the provisions of the last preceding section shall be in the same form as, and indistinguishable from, the

ballot paper delivered to other voters, not being absent voters, for the purposes of the election.

9. The letter and number of an absent voter as entered in the Register to whom a ballot paper has been sent under the provisions of section seven of this Law shall be marked by the Registrar-General on the counterfoil of the ballot paper and a mark shall be placed by him in the Register against the entry relating to the absent voter denoting that a ballot paper has been sent to him but without disclosing the number of the said ballot paper.

Marking of
counterfoil
and Register.

10. The number of a ballot paper sent to an absent voter under the provisions of section seven of this Law shall be marked—

Marking of
documents.

(a) on the form of declaration of identity, and

(b) on the envelope marked "BALLOT PAPER ENVELOPE",

sent as aforesaid and the letter of the Electoral District entered against the name of the absent voter in the Register and the personal number of the absent voter as so entered shall be marked on the pre-paid envelope addressed as aforesaid to the Registrar-General.

11. The Registrar-General shall, prior to the opening of the poll on the date appointed for the election, send to each Returning Officer a copy of the section of the Register for his Electoral District and marked by the Registrar-General against the entry relating to the absent voter denoting that a ballot paper has been sent to him but without disclosing the number of the said ballot paper.

Copies of
Register
to be
sent to
Returning
Officer.

Marking of
ballot paper
by absent
voter and
return to
Registrar-
General.

12. An absent voter to whom a ballot paper has been sent under the provisions of section seven of this Law shall mark that ballot paper in accordance with the provisions of the law from time to time regulating the procedure for Secret Ballot and the ballot paper shall be placed and sealed by him in the envelope marked "BALLOT PAPER ENVELOPE" and returned together with the completed declaration of identity in the pre-paid envelope to the Registrar-General so as to reach him not later than the day immediately preceding the date appointed for the holding of the election.

Envelope
to be
sent to
Returning
Officer.

13. The Registrar-General shall, upon receipt of a pre-paid envelope sent to him under the provisions of the last preceding section, cause the said envelope to be delivered unopened to the Returning Officer of the Electoral District indicated by the letter on the envelope so as to reach him prior to the close of the poll on the date appointed for the holding of the election.

Recording
of vote
of absent
voter.

14. (1) The Returning Officer shall, on the date appointed for the holding of an election, cause the pre-paid envelope sent to him under the provisions of the last preceding section to be opened in the presence of the two scrutineers appointed by him under the provisions of Article thirty-seven of the principal Law and, after satisfying himself that the number on the form of declaration of identity coincides with the number on the envelope marked "BALLOT PAPER ENVELOPE" and that the form of declaration of identity has been duly completed, he shall place the envelope marked "BALLOT PAPER ENVELOPE" unopened in the ballot box provided for the election and attach the form of declaration of identity and the pre-paid envelope to the copy of the section of the Register

for his Electoral District sent to him as aforesaid save that if the said numbers do not coincide as aforesaid, the Returning Officer shall endorse the form of declaration of identity with the words "VOTE REJECTED" and place the envelope marked "BALLOT PAPER ENVELOPE" and the form of declaration of identity and the pre-paid envelope in a container used solely for that purpose.

(2) On the conclusion of the voting but before the ballot box is sealed in pursuance of Article thirty-eight of the principal Law, the Returning Officer shall seal in a separate package used solely for that purpose the forms of declaration of identity and the pre-paid envelopes and the copy of the section of the Register for his Electoral District to which they are attached and in a separate package any form of declaration of identity endorsed with the words "VOTE REJECTED" together with the "BALLOT PAPER ENVELOPE" and pre-paid envelope relating thereto.

(3) On the completion of the counting of the votes in pursuance of Article thirty-eight of the principal Law the Returning Officer shall seal, in a package used solely for that purpose, the ballot paper envelopes taken from the ballot box.

15. (1) Before the expiration of the period of forty-eight hours next succeeding the date appointed for the holding of an election the Returning Officer shall deliver to the Registrar-General the three sealed packages referred to in subsections (2) and (3) of the last preceding section.

Documents
to be
returned by
Returning
Officer to
Registrar-
General
and destruc-
tion thereof.

(2) Not earlier than forty-eight hours after the public declaration of the poll by the Returning Officer, or in the event of a re-count pursuant to Article forty-one of the principal Law not earlier than forty-eight hours after the result of that re-count has been published by the President of the

States, the Registrar-General shall destroy all the sealed packages delivered to him in pursuance of subsection (1) of this section.

PART III

States Employees

States
employees
elected not
to take
oath of
office or
allegiance.

16. A States Employee who is elected under the provisions of the principal Law to hold office as a member of the States of Deliberation shall not be permitted to take before the Royal Court the oaths required to be taken in pursuance of the provisions of Article nineteen of the principal Law unless he has previously ceased to be a States Employee.

PART IV

General

Repeals.

17. The Laws set out in the left hand column of the Schedule to this Law are hereby repealed to the extent set out in the right hand column of that Schedule.

Interpreta-
tion.

18. In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the law from time to time regulating the procedure for Secret Ballot” means the Law entitled “Loi relative au Scrutin Secret” registered on the twenty-eighth day of October, eighteen hundred and ninety-nine, as amended(b);

(b) Ordres en Conseil Vol. III, p. 175; Vol. V, p. 444; Vol. VII, p. 310

“Office of the States” means any office, building, room or place used for the purpose of the States;

“States Employee” means a person employed by the States of Guernsey in such circumstances that the said States have the right to require that he shall devote the whole of his services to such employment during all hours of work normally applicable thereto.

19. This Law and the principal Law shall be construed as one and this Law and the Reform (Guernsey) Laws, 1948 to 1963, may be cited together as the Reform (Guernsey) Laws, 1948 to 1972. Construction and collective title.

20. This Law may be cited as the Reform (Amendment) (Guernsey) Law, 1972, and shall be deemed to have come into operation on the first day October, nineteen hundred and seventy-two. Citation and commencement.

SCHEDULE

Section seventeen

Repeals

Laws	Extent of Repeal
The States Employees (Ineligibility for Membership of the States of Deliberation) Law, 1949(c).	The whole Law.
The Reform (Guernsey) Law, 1948 (Amendment) Law, 1952.	Paragraph (h) of section one.
The Reform (Amendment) (Guernsey) Law, 1963.	Section two.

R. H. VIDELO,

Her Majesty's Greffier.