

PROJET DE LOI

ENTITLED

The Reform (Guernsey) Law, 1948 *

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Ordres en Conseil Vol. XIII, p. 288; as amended by the: Reform (Guernsey) Amendment Law, 1950 (Ordres en Conseil Vol. XIV, p. 407); Reform (Guernsey) Law, 1948 (Amendment) Law, 1952 (Ordres en Conseil Vol. XV, p. 279); Appointment of Her Majesty's Sheriff (Guernsey) Law, 1955 (Ordres en Conseil Vol. XVI, p. 178); Reform (Amendment) (Guernsey) Law, 1960 (Ordres en Conseil Vol. XVIII, p. 275); Reform (Amendment) (Guernsey) Law, 1962 (Ordres en Conseil Vol. XIX, p. 84); Reform (Amendment) (Guernsey) Law, 1963 (Ordres en Conseil Vol. XIX, p. 140); Deputy Bailiff (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 122); Reform (Amendment) (Guernsey) Law, 1972 (Ordres en Conseil Vol. XXIII, p. 476); Reform (Amendment) (Guernsey) Law, 1975 (Ordres en Conseil Vol. XXV, p. 326); Reform (Amendment) (Guernsey) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 255); Reform (Amendment) (Guernsey) Law, 1984 (Ordres en Conseil Vol. XXVIII, p. 581); Reform (Amendment) (Guernsey) Law, 1985 (Ordres en Conseil Vol. XXIX, p. 56); Reform (Amendment) (Guernsey) Law, 1987 (Ordres en Conseil Vol. XXX, p. 16); Reform (Amendment) (Guernsey) Law, 1988 (Ordres en Conseil Vol. XXXI, p. 58); Reform (Amendment No. 2) (Guernsey) Law, 1988 (Ordres en Conseil Vol. XXXI, p. 164); Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); Reform (Amendment) (Guernsey) Law, 1990 (Ordres en Conseil Vol. XXXII, p. 41); Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993 (No. V of 1993, Ordres en Conseil Vol. XXXIV, p. 397); Reform (Amendment) (Guernsey) Law, 1996 (No. II of 1996, Ordres en Conseil Vol. XXXVI, p. 478); Reform (Guernsey) Law, 1998 (No. III of 1998, Ordres en Conseil Vol. XXXVIII, p. 150); Reform (Replacement of Conseillers) (Guernsey) Law, 1998 (No. X of 1998, Ordres en Conseil Vol. XXXVIII, p. 295); Reform (Guernsey) (Amendment) Law, 2003 (No XIII of 2003); Reform (Amendment No. 2) (Guernsey) Law, 2003 (No. III of 2004, Ordres en Conseil Vol. XLIV(1), p. 29); Emergency Powers (Bailiwick of Guernsey) (Amendment) Law, 2005 (No. VII of 2005); Reform (Guernsey) (Amendment) Law, 2006 (No. II of 2007); Reform (Guernsey) (Amendment) Law, 2007 (No. XX of 2007); Reform (Guernsey) (Amendment) Law, 2008 (No. XIII of 2008); Royal Court (Reform) (Guernsey) Law, 2008 (No. XXII of 2008); Reform (Guernsey) (Amendment) Law, 2009 (No. VII of 2010); Reform (Guernsey) (Amendment) Law, 2011 (No. II of 2012); Civil Contingencies (Bailiwick of Guernsey) Law, 2012 (No. XIV of 2012); States (Reform) (Guernsey) Law, 2015 (No. XVII of 2015); Reform (Guernsey) (Amendment) Law, 2019 (No. XI of 2019); Reform (Guernsey) (Amendment) (No. 2) Law, 2019 (No. II of 2020); Reform (Guernsey) (Amendment) Law, 2020 (No. XIV of 2020); Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); House Committee (Transfer of Functions) Ordinance, 2008 (No. XXVI of 2008, Recueil d'Ordonnances Tome XXXIII, p. 126); Reform (Guernsey) (Amendment) Ordinance, 2011 (No. XXXII of 2011); Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); Reform (Guernsey) Law, 1948 (Amendment) Ordinance, 2019 (No. XXVII of 2019); Reform (Guernsey) Law, 1948 (Amendment) (No. 2) Ordinance, 2019 (No. IV of 2020); Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020 (No. XI of 2020); Resolution of the States of 12th December, 1996, concerning Billet d'État No. XXVII; and as modified, in part, by the: Elections Ordinance, 2020 (No. XXI of 2020); Parochial Elections (St Martin and the Vale) Regulations, 2019 (G.S.I. No. 124 of 2019). See also the: Royal Court of Guernsey (Miscellaneous Reform Provisions) Law, 1950 (Ordres en Conseil Vol. XIV, p. 388); Judgments (Reciprocal Enforcement) (Guernsey) Law, 1957 (Ordres en Conseil Vol. XVII, p.

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote above. 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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178); Service of Process and Taking of Evidence (Guernsey) Law, 1957 (Ordres en Conseil Vol. XVII, p. 203); States of Guernsey (Representation of Alderney) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 548); Criminal Justice (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 172); Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 (No. IX of 1996, Ordres en Conseil Vol. XXXVI, p. 639); Electoral Roll Ordinance, 1999 (No. IX of 1999, Recueil d'Ordonnances Tome XXVIII, p. 232); Resolution of the States of 27th November, 2002 (Billet d'État XXII, Article XXI, Proposition 1).

PROJET DE LOI

ENTITLED

The Reform (Guernsey) Law, 1948

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PROJET DE LOI

ENTITLED

The Reform (Guernsey) Law, 1948 ¹

THE STATES have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

PART I

The States of Deliberation

Constitution.

1. [(1) The States of Deliberation shall be composed as follows –

- (a) The Bailiff,
- (b) (i) Her Majesty's Procureur,
(ii) Her Majesty's Comptroller,
- (c) [Thirty-eight] People's Deputies,
- (d) ...
- (e) Two Alderney Representatives.]

(2) The Bailiff shall be *ex-officio* [Presiding Officer] of the States

of Deliberation and shall from time to time nominate in writing one or more Members to perform the duties of Acting [Presiding Officer] [in the absence or incapacity of both the Bailiff and the Deputy Bailiff or in the absence or incapacity of the Deputy Bailiff during a vacancy in the office of Bailiff], and may at any time in writing revoke such nominations or any of them. The Member who is at the time senior in order of appointment shall perform the duties of Acting [Presiding Officer], unless such senior Member shall for any reason decline to act, whether generally or in relation to any particular matter, in which case the Member next senior in order of appointment shall act either generally or in the particular matter, as the case may be, and with the like power of declining to act, and so in turn until the Member junior in order of appointment shall have been reached, who shall be bound to act.

(3) In case of a vacancy in the office of Bailiff, the nominations of the former holder of that office shall remain in force under the conditions set out in the last preceding paragraph until such time as the next succeeding holder of that office shall have made his nominations, whereupon the former nominations shall cease to be valid.

(4) The Acting [Presiding Officer] shall have in relation to the performance of the duties of his office all the powers and be subject to all the duties of the [Presiding Officer].

- (5) (a) The [Presiding Officer], or the Acting [Presiding Officer], as the case may be, shall have no original vote [and no casting vote, and in the event of an equality of votes he shall (except in the case of an election) declare the proposition lost].
- (b) The Members, other than the [Presiding Officer] or the Acting [Presiding Officer], as the case may be, His Majesty's Procureur and His Majesty's Comptroller,

shall each have one vote.

NOTES

In Article 1,

paragraph (1) was substituted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 1, with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law;

the words in square brackets in sub-paragraph (c) of paragraph (1) were substituted by the States (Reform) (Guernsey) Law, 2015, section 5(1)(a), with effect from 1st May, 2016;

sub-paragraph (d) of paragraph (1) was repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(2), with effect from 1st May, 2004;

the words "Presiding Officer" in square brackets, wherever occurring, were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004;

the words in the third pair of square brackets in paragraph (2) were substituted by the Deputy Bailiff (Guernsey) Law, 1969, section 4, Schedule, with effect from 9th September, 1969;

the words in the third pair of square brackets in sub-paragraph (a) of paragraph (5) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(4), with effect from 1st May, 2004.

In its application to the General Election of People's Deputies to be held on 7th October, 2020, and the further General Election of People's Deputies to be held in June 2025, this Law is modified, in part, in accordance with the provisions of the Elections Ordinance, 2020, section 1, with effect from 1st July, 2020.

The following Ordinance has been made under this Law:

Electoral Roll Ordinance, 1999.

The following cases have referred to this Law:

Bordeaux Vineries Limited v. States of Guernsey (1993) 16.GLJ.85;
Angenent v. Pring 2005–06 GLR 1;

Angenent v. Pring 2005–06 GLR 11;

States v. Jersey Fishermen's Association Limited, IF Limited, Interfish Wirons Limited, Scerene Fishing Company Limited and Lovell 2005–06 GLR 226;

Jersey Fishermen's Association Limited, IF Limited, Interfish Wirons Limited, Scerene Fishing Company Limited and Lovell v. States 2007–08 GLR 36.

*In accordance with the provisions of the Reform (Guernsey) Law, 1998, section 7(2), with effect from 27th May, 1998, this Law, when cited together with the Reform (Guernsey) Laws, 1948 to 1996 and the 1998 Law, may be cited as the Reform (Guernsey) Laws, 1948 to 1998.*²

[Jurat may not be People's Deputy or Douzenier.]

2. A Jurat shall vacate his office on being elected as People's Deputy or Douzenier and a People's Deputy or Douzenier shall vacate his office on being elected as Jurat.]

NOTE

*Article 2 was substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(5), with effect from 1st August, 2003.*³

Quorum.

3. (1) Subject to the provisions of [paragraphs (4) and (5)] of this Article the [Presiding Officer] or acting [Presiding Officer], as the case may be, and [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] shall form a Quorum of the States of Deliberation.

(2) ...

(3) ...

[(4) [Without prejudice to paragraph (1)] of this Article any resolution of the States of Deliberation directing the preparation of legislation to repeal or vary any of the provisions of this Law which is carried by a majority of less than two-thirds of the members present and voting shall not be deemed to have been

carried before the expiration of seven days from the date of the resolution:

Provided that where before the expiration of the aforesaid seven days an application in writing signed by not less than seven members of the States of Deliberation is made in that behalf to the [Presiding Officer] such resolution shall be brought back before the States of Deliberation by the [Presiding Officer] as soon as may be after the expiration of three months from the date of the resolution whereupon such resolution shall be declared lost unless confirmed by a simple majority.

(5) [Without prejudice to paragraph (1)] of this Article any resolution of the States of Deliberation approving a Projet de Loi intended to repeal or vary any of the provisions of this Law and authorising the Bailiff to present a most Humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto which is carried by a majority of less than two-thirds of the members present and voting shall not be deemed to have been carried before the expiration of seven days from the date of the resolution:

Provided –

- (i) that where before the expiration of the aforesaid seven days an application in writing signed by not less than seven members of the States of Deliberation is made in that behalf to the [Presiding Officer] such resolution shall be brought back before the States of Deliberation by the [Presiding Officer] as soon as may be after the expiration of three months from the date of the resolution whereupon such resolution shall be declared lost unless confirmed by a simple majority, and

- (ii) that the provisions of this paragraph shall not apply to a resolution approving a Project de Loi in respect of which the resolution directing the preparation of the necessary legislation was confirmed in accordance with the provisions of the proviso to paragraph (4) of this Article.]

NOTES

In Article 3,

the words, figures and parentheses in the first and fourth pairs of square brackets in paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2009, respectively section 2(a)(i) and section 2(a)(ii), with effect from 5th August, 2010;⁴

the words "Presiding Officer" in square brackets, wherever occurring, were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004;

paragraph (2) and paragraph (3) were repealed by the Reform (Guernsey) (Amendment) Law, 2009, section 2(b), with effect from 5th August, 2010;⁵

paragraph (4) and paragraph (5) were inserted by the Reform (Amendment) (Guernsey) Law, 1987, section 1(d), with effect from 19th May, 1987;

the words, figures and parentheses in the first pairs of square brackets within paragraph (4) and paragraph (5) were substituted by the Reform (Guernsey) (Amendment) Law, 2009, section 2(c), with effect from 5th August, 2010.

PART II

The States of Election

Constitution.

4. (1) During the period from the 1st day of October, 1948, to the 31st

day of December, 1948, both dates inclusive, the States of Election shall be composed as follows –

- (a) the Bailiff,
- (b) the [16] Jurats (Jurés-Justiciers),
- (c) the ten Rectors,
- (d)
 - (i) His Majesty's Procureur,
 - (ii) His Majesty's Comptroller,
- (e) thirty-four Douzaine Representatives,
- (f) the eighteen People's Deputies.

(2) On and after the 1st day of January, 1949, the States of Election shall be composed as follows –

- (a) the Bailiff,
- (b) the [16] Jurats (Jurés-Justiciers),
- (c) ...
- (d) the ten Rectors,
- (e)
 - (i) His Majesty's Procureur,
 - (ii) His Majesty's Comptroller,

(f) [thirty-eight] People's Deputies,

(g) thirty-four Douzaine Representatives[:

Provided that a Rector shall not, by reason only of being a Rector, be eligible to exercise any of the functions appertaining to the office of Rector as a member of the States of Election under this Law unless he shall have had his ordinary place of residence in this Island for the twelve months immediately prior to the date of the exercise of such functions.]

(3) The Bailiff shall be ex-officio [Presiding Officer] of the States of Election and his powers and duties as such in relation to the nominations of Acting [Presiding Officers], and the duration of the validity of such nominations shall be in all respects similar to his powers and duties in relation to such nominations in respect of the States of Deliberation as provided in paragraphs (2) and (3) of Article 1 of this Law.

(4) The Acting [Presiding Officer] shall have in relation to the performance of the duties of his office all the powers and be subject to all the duties of the [Presiding Officer].

(5) (a) The [Presiding Officer], or the Acting [Presiding Officer], as the case may be, shall have no original vote, but in the event of an equality of votes he shall have a casting vote, which shall be exercisable by private intimation to the Scrutineers appointed by the assembly.

(b) The other Members may each vote in one capacity only.

NOTES

In Article 4,

the figures in square brackets in sub-paragraph (b) of paragraph (1) and sub-paragraph (b) of paragraph (2) were substituted by the Royal Court (Reform) (Guernsey) Law, 2008, section 9(1), with effect from 29th October, 2008;

sub-paragraph (c) of paragraph (2) was repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 2(3)(a), with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law;

the words in square brackets in sub-paragraph (f) of paragraph (2) were substituted by the States (Reform) (Guernsey) Law, 2015, section 5(1)(b), with effect from 1st May, 2016;⁶

the proviso to paragraph (2) was substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(2), with effect from 1st May, 1994;⁷

the words "Presiding Officer" in square brackets, wherever occurring, were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004.

Functions of the States of Election.

5. [(1) The function of the States of Election shall be to elect persons to the office of Jurat.]

[(2) [The following provisions apply to an election for the office of Jurat –]

- (a) no candidate shall be declared elected unless he has polled a number of votes greater than one half of the number of members of the States of Election present at the meeting at which the election is held,

- (b) voting shall be by secret ballot irrespective of the number of candidates offering themselves for election,
- (c) where more than one ballot becomes necessary, the ballots shall be held at the same meeting of the States of Election and the candidate with the lesser or least number of votes, as the case may be, in any ballot in which no candidate is declared elected shall be eliminated from the next ballot, [...]
- (d) not more than one vacancy shall be filled at any one meeting of the States of Election, [and.
- (e) the ballot papers shall be kept in a sealed box, and after the elected candidate has been sworn in the ordinary manner, the ballot papers shall be destroyed].]

NOTES

In Article 5,

paragraph (1) was substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(3)(a), with effect from 1st May, 1994;⁸

paragraph (2) was substituted by the Reform (Amendment) (Guernsey) Law, 1962, section 1, with effect from 21st January, 1963;⁹

first, the words in the first pair of square brackets within paragraph (2) were substituted, second, the word omitted in square brackets at the end of subparagraph (c) of paragraph (2) was repealed and, third, subparagraph (e) and the word in square brackets immediately after subparagraph (d) thereof were inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 2, with effect from 22nd April, 2020.¹⁰

Quorum.

6. [(1) A quorum of the States of Election shall be the [Presiding Officer] or Acting [Presiding Officer], as the case may be, and at least sixty other members.]

(2) In case at any meeting there shall not be a Quorum present, the [Presiding Officer] or Acting [Presiding Officer], as the case may be, may convene a fresh meeting by publishing in two daily newspapers published locally in the English language or, if there be only one such newspaper, then in that newspaper, a notice stating that at the meeting previously convened there was not a Quorum of Members present, and fixing a date for a fresh meeting, which meeting shall thereupon be lawfully convened for that date.

NOTES

In Article 6,

paragraph (1) was substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(4), with effect from 1st May, 1994;¹¹

the words "Presiding Officer" in square brackets, wherever occurring, were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004.

PART III

GENERAL

States of Deliberation and of Election

Procedure.

7. (1) The States of Deliberation may by Resolution decide the Rules of Procedure to be applicable from time to time in and in relation to assemblies of the States of Deliberation or of the States of Election, and may likewise at any time vary, revoke or suspend such Rules or any of them.

(2) Subject as aforesaid, the Rules of Procedure, not being inconsistent with any of the provisions of this Law, which are applicable in or in relation to either assembly on the 31st day of December, 1948, whether by Law or Custom or by Resolution of the States of Deliberation, shall continue to be applicable thereafter.

(3) The States of Deliberation are hereby empowered, after the date last mentioned, to repeal by Resolution with effect on such date or dates as shall be provided therein the provisions as to procedure in or in relation to either assembly of any Law, other than this Law, in force on the 31st day of December, 1948.

Eligibility as [...] People's Deputy.

8. Any person of full age shall be eligible to hold the office [...] of People's Deputy provided that –

(a) ...

(b) ...

[(c) he is ordinarily resident in this Island on the date of his nomination as a candidate for that office, and]

[(d) he has been ordinarily resident in this Island –

(i) for a period of two years immediately before that date, or

(ii) for a period or periods of at least five years in the aggregate at any time before that date,]

- [(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][,
- (f) he is inscribed on the Electoral Roll.]

NOTES

In Article 8,

the words omitted in the first pair of square brackets therein, and in the Article heading thereto, were repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, respectively section 2(4)(a) and section 2(4)(c), with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law;

paragraph (a) was repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(6), with effect from 1st August, 2003;

paragraph (b) was repealed by the States (Reform) (Guernsey) Law, 2015, section 5(c), with effect from 16th February, 2016;

paragraph (c) was substituted, and paragraph (d) was inserted, by the Reform (Guernsey) (Amendment) Law, 2006, section 1, with effect from 19th February, 2007;¹²

paragraph (e) was inserted by the Reform (Amendment) (Guernsey) Law, 1996, section 1(1), with effect from 5th June, 1996;

paragraph (f) was inserted, and the punctuation at the end of paragraph (e) substituted, by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 3, with effect from 22nd April, 2020.

[Nomination of Jurat.]

9. (1) Every candidate for the office of [Jurat [...]] shall be nominated

in writing by a Member of the States of Election or by a Douzenier and such nominations shall be seconded in writing by another such Member or Douzenier. Such nomination, duly seconded, shall be [delivered to the [Presiding Officer] of the States of Election not later than such time on such day, being a day before the fifteen days next preceding the day fixed for the election, as the [Presiding Officer] may appoint] and shall be accompanied by a certificate in writing, signed by the candidate, stating his willingness to serve in the office if elected [...].

[(2) Before the election the Presiding Officer shall, by means of an announcement in the Gazette Officielle, notify the Members of the States of Election of the nominations delivered to him in accordance with paragraph (1).]

NOTES

In Article 9,

the Article heading was substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(5)(c), with effect from 1st May, 1994;¹³

the word in the first pair of square brackets was substituted by the Reform (Amendment) (Guernsey) Law, 1960, section 1(c)(i), with effect from 20th December, 1960;

the words omitted in square brackets within the first pair of square brackets in paragraph (1) were repealed by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(5)(a), with effect from 1st May, 1994;

the words in the second pair of square brackets in paragraph (1) were substituted by the Reform (Amendment) (Guernsey) Law, 1960, section 1(c)(ii), with effect from 20th December, 1960;

the words in square brackets within the second pair of square brackets in paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004;

the words omitted in the third pair of square brackets in paragraph (1) were repealed by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(5)(a), with effect from 1st May, 1994;

paragraph (2) (which was previously repealed by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, respectively section 10(5)(b), with effect from 1st May, 1994) was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 4, with effect from 22nd April, 2020.

Election of Conseillers.

10. ...

NOTE

Article 10 was repealed by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(6), with effect from 1st May, 1994.¹⁴

Member voting in election at which he is a candidate.

11. ...

NOTE

Article 11 was repealed by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(6), with effect from 1st May, 1994.

Casual vacancies for office of Conseiller.

12. ...

NOTE

Article 12 was repealed by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(6), with effect from 1st May, 1994.¹⁵

Term of office of a person filling a casual vacancy in the office of Conseiller.

13. ...

NOTE

Article 13 was repealed by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(6), with effect from 1st May, 1994.

Election of ten Douzaine Representatives to the States of Deliberation.

14. ...

NOTE

Article 14 was repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(7), with effect from 1st August, 2003.¹⁶

Douzaine Representatives in the States of Election.

15. [(1) The Douzaine Representatives in the States of Election shall consist of [thirty four] Douzaine Representatives elected for each meeting of the States of Election by their respective Douzaine, as follows –

- (a) from the Parish of Saint Peter Port, [nine] Douzeniers,
- (b) from the Parish of Saint Sampson, [five] Douzeniers,
- (c) from the Parish of the Vale, [five] Douzeniers,
- (d) from the Parish of the Castel, [five] Douzeniers,
- (e) from the Parish of Saint Saviour, [two Douzeniers],
- (f) from the Parish of Saint-Peter-in-the-Wood, [one

Douzenier],

- (g) from the Parish of Torteval, [one Douzenier],
- (h) from the Parish of the Forest, [one Douzenier],
- (i) from the Parish of Saint Martin, [four] Douzeniers, and
- (j) from the Parish of Saint Andrew, [one Douzenier]:

Provided that the States may at any time by resolution vary, in accordance with the numbers of the respective populations of the Electoral Districts concerned, the allocation of the numbers of [...] Douzaine Representatives as between the aforesaid Parishes so, however, that the total number of [...] Douzaine Representatives shall remain at [thirty-four].]

(2) ...

(3) On the issue of a Billet d'État convening a meeting of the States of Election, the Constables of each Parish in which it shall be requisite so to do for the purposes of this Article shall cause the Douzaine of that Parish to elect Douzaine Representatives, in accordance with the provisions of paragraph (1) thereof, and shall deliver a certificate to His Majesty's Greffier in writing under their hands not later than three o'clock in the afternoon of the working day next preceding the date of the meeting of the States of Election, as to the Douzaine Representatives so elected.

NOTES

In Article 15,

paragraph (1) was substituted by the Reform (Amendment No. 2)

(Guernsey) Law, 1988, section 1, with effect from 14th February, 1989;¹⁷

the words in the first pair of square brackets in paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(8)(a), with effect from 1st May, 2004;

the words in square brackets in, first, sub-paragraph (a), sub-paragraph (b), sub-paragraph (d), sub-paragraph (e) and sub-paragraph (i) and, second, sub-paragraph (f), sub-paragraph (g), sub-paragraph (h) and sub-paragraph (j) of paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(8)(b) and section 1(8)(c), with effect from 1st May, 2004;¹⁸

the word in square brackets in sub-paragraph (c) of paragraph (1) was substituted in accordance with the provisions of the Resolution of the States of 12th December, 1996, concerning Billet d'État No. XXVII;

the words omitted in the twelfth and thirteenth pairs of square brackets in paragraph (1) were repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(8)(d)(i), with effect from 1st May, 2004;

the words in the fourteenth pair of square brackets in paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(8)(d)(ii), with effect from 1st May, 2004;

paragraph (2) was repealed by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(d), with effect from 16th August, 1952.

The following Resolution has been made by the States under Article 15:

Resolution of 12th December, 1996, concerning Billet d'État No. XXVII.

[Duty of a Douzaine Representative in the States of Election.]

16. A Douzaine Representative shall not be bound in the States of Election to vote in accordance with any direction or instruction given him by the Douzaine which he represents, and he shall be free on all occasions to cast his vote in accordance with his conscience.]

NOTE

Article 16 was substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(9), with effect from 1st May, 2004.

Resignation of [...] People's Deputy [...].

17. (1) A [...] People's Deputy [...] may at any time resign his office, provided that –

- (a) he shall inform the [Presiding Officer] of the States in writing under his hand of his desire so to do, and
- (b) his resignation shall not take effect until it has been accepted by the States of Deliberation.

(2) If it shall appear to the Royal Court on petition brought by the Law Officers of the Crown or either of them that [...] a People's Deputy –

- (a) did not at the time of his election possess the qualifications required by the provisions of Article 8 of this Law, [...] or
- [(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]
- [(c)] has not, whether by reason of illness, absence or otherwise, for twelve consecutive months, fulfilled the duties of his office,

the Court shall so declare and thereupon the office of such [...] People's Deputy shall

be vacated.

(3) A copy of any such petition shall be served by His Majesty's Sergeant at the residence in this Island of such [...] People's Deputy, with a written notice stating the date of the hearing, unless such [...] People's Deputy [...] has no residence in this Island, [in which case] the Law Officers of the Crown or either of them shall, in lieu of causing such service to be effected, cause to be inserted in the "Gazette Officielle" appearing in the week preceding the date of the hearing a notice stating that the petition will be brought, the date of the hearing thereof and the reasons for its being brought.

NOTES

In Article 17,

the words omitted in the first pair of square brackets in the Article heading, and in the first pair of square brackets in paragraph (1) thereof, were repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 2(5), with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law;

the words omitted in the second pair of square brackets in the Article heading, and in the second pair of square brackets in paragraph (1) thereof, were repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(10), with effect from 1st May, 2004;

the words in square brackets in sub-paragraph (a) of paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004;

the words omitted in the first pair of square brackets in paragraph (2) and in the first and second pairs of square brackets in paragraph (3) were repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 2(5), with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law;

first, the words omitted in square brackets in paragraph (2)(a) were repealed, second, the words omitted in the third pair of square brackets in paragraph (3) were repealed and, third, the words in the fourth pair of square brackets in paragraph (3) were substituted by the States (Reform) (Guernsey) Law, 2015, section 5, respectively paragraph (d)(i), paragraph (d)(ii)(A) and paragraph (d)(ii)(B), with effect from 16th February, 2016;

sub-paragraph (b) of paragraph (2) was inserted, and the original sub-paragraph (b) thereof was re-designated as "(c)", by the Reform (Amendment) (Guernsey) Law, 1996, section 1(2), with effect from 5th June, 1996, subject to the provisions of section 11(2) of the 1996 Law.

Membership of States Committees.

18. Save as may hereafter be specifically provided by Resolution of the States, in all cases in which the President or any Member of any Committee (however described) of the States is required by enactment or by resolution of the States to be a Member of the States, Jurats, Rectors and Douzeniers who at the commencement of this Law are serving on any such Committee may continue in office on that committee and may be re-elected thereto, and Jurats, Rectors or Douzeniers may be elected to any such committee notwithstanding that they are not Members of the States.

Oath of Office and Allegiance.

19. Every Member of the States of Deliberation shall before entering office take before the Royal Court an oath of office in the form appropriate to such office, and the oath of allegiance.

NOTE

In accordance with the provisions of the States of Guernsey (Representation of Alderney) Law, 1978, section 2(4), with effect from 1st January, 1980, the provisions of this Article shall not apply to the Alderney Representatives in the States of Deliberation.

Validity of acts done by unqualified persons.

20. The acts and proceedings of any person elected to the States of Deliberation or of Election and having acted as a Member thereof shall, notwithstanding his disqualification or want of qualification, be deemed to have been as valid and effectual as if he had been qualified to be a Member thereof.

[Absolute privilege for Members in course of States proceedings.]

20A. (1) No civil or criminal proceedings may be instituted against a Member of the States of Deliberation for or in respect of –

- (a) any words spoken before, or written in any report to, the States of Deliberation or any department, or
- (b) any matter or thing brought by him in or before the States of Deliberation or any department by requête, amendment, sursis, question, report or other written document.

(2) No civil or criminal proceedings may be instituted against a Member of the States of Election for or in respect of –

- (a) any words spoken before, or written in any report to, the States of Election, or
- (b) any matter or thing brought by him in or before the States of Election by written document.

[(3) No civil or criminal proceedings may be instituted against a Dean of the Douzaine of any Parish of the Island of Guernsey or an independent Member appointed by the Chairman of the Panel of Members for or in respect of any words spoken or written as a consequence of that person's role in a Board appointed in accordance with section 5 of the Administrative Decisions (Review) (Guernsey) Law, 1986^α.]]

^α Ordres en Conseil Vol. XXIX, p.381; amended by Order in Council X of

NOTES

Article 20A was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

In section 20A, subsection (3) was inserted by the Reform (Guernsey) Law, 1948 (Amendment) Ordinance, 2019, section 1, with effect from 27th November, 2019.

[Protection of persons responsible for States publications.]

20B. (1) No civil or criminal proceedings may be instituted against any person for or in respect of the publication by him or his servant or agent of any document by order or under the authority of the States or any department.

(2) For the purposes of paragraph (1), a certificate under the hand of the Chief Executive of the States stating that a document was published by order or under the authority of the States or any department is conclusive evidence of that fact.]

NOTE

Article 20B was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

[Protection of persons who publish extracts, etc, of States documents.]

20C. No civil or criminal proceedings may be instituted against any person for or in respect of the publication by him or his servant or agent, in good faith and without malice, of any account, summary or abstract of, or any extract from, any document published by order or under the authority of the States or any department.]

2019; there are other amendments not relevant to this enactment.

NOTE

Article 20C was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

[Protection of persons who publish reports of States proceedings.]

20D. No civil or criminal proceedings may be instituted against any person for or in respect of the publication by him or his servant or agent of a fair and accurate report of any proceedings in public of the States of Deliberation or the States of Election unless the publication is shown to be made with malice, but –

- (a) this Article does not apply to the publication to the public, or a section of the public, of matter which is not of public concern and the publication of which is not for the public benefit, and
- (b) nothing in this Article shall be construed –
 - (i) as protecting the publication of matter the publication of which is prohibited by law, or
 - (ii) as limiting or abridging any privilege subsisting apart from this section.]

NOTE

Article 20D was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

[Protection of persons appearing before Committees.]

20E. A person attending to give evidence to or to produce any document

before –

- [(a) the Scrutiny Management Committee or any standing or ad hoc panel appointed pursuant to the powers and duties of that Committee to carry out particular aspects of its mandate, or to scrutinise particular matters within its mandate, on that Committee’s behalf,] or
- (b) a panel established pursuant to Article 20F to investigate an allegation or complaint that there has been a failure to comply with a code of conduct or a breach or abuse of privilege,

is entitled, in respect of any evidence given or document produced by him, to the same immunities and privileges as if he were a witness before the Royal Court[, including privilege against self-incrimination and legal professional privilege].]

NOTES

Article 20E was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

In Article 20E, first, paragraph (a) was substituted and, second, the words in the second pair of square brackets were inserted by the Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020, section 3, respectively paragraph (a) and paragraph (b), with effect from 4th May, 2020.¹⁹

[Code of conduct.]

20F. (1) The States of Deliberation may by resolution adopt (and subsequently amend, revoke or replace) a code of conduct –

- (a) prescribing or, as may be appropriate, regulating the duties, standards, propriety and conduct, in public life,

of People's Deputies, and

- (b) containing such other provision in relation to those matters as the States of Deliberation think fit.
- (2) A code of conduct may, without limitation, make provision –
- (a) for the investigation and disposal of allegations and complaints that a People's Deputy –
 - (i) has failed to comply with the code, or
 - (ii) has been guilty of any breach or abuse of privilege,
 - (b) for the establishment of a panel or panels to investigate such allegations and complaints, and the constitution, powers and proceedings of any such panel,
 - (c) requiring any People's Deputy under investigation by a panel to co-operate fully with it,
 - (d) without prejudice to subparagraph (b), empowering the panel to request the production of documents from any person (including the People's Deputy under investigation) and to request any person to appear before it,
 - (e) for the sanctions to be available against an offending People's Deputy, which may include –

- (i) a reprimand [or caution], or
- (ii) suspension or expulsion (for example, by debarring him from proceedings of, or terminating his membership of, the States of Deliberation or any department, or by removing any of his functions in relation to such proceedings).

(3) People's Deputies must comply with a code of conduct in all aspects of their public life and are bound by any decision made under it; and the code and any such decision shall have effect for the purposes of –

- (a) this Law,
- (b) the States Committees (Constitution and Amendment) (Guernsey) Law, 1991^{*} and any resolution of the States of Deliberation thereunder, and
- (c) the Rules of Procedure of the States of Deliberation,

the provisions of which shall apply accordingly.

(4) This Article applies in relation to –

- (a) an Alderney Representative, and
- (b) a member of a department who is not also a Member of

^{*} Order in Council No. XX of 1991.

the States of Deliberation as set out in Article 1(1), [and

- (c) a person who has at any time been a member of the States of Deliberation,]

as it applies in relation to a People's Deputy; and references in this Article to a People's Deputy shall be construed accordingly.]

NOTES

Article 20F was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

In Article 20F,

the words in square brackets in sub-paragraph (e)(i) of paragraph (2) were inserted by the Reform (Guernsey) (Amendment) Law, 2009, section 3, with effect from 5th August, 2010;

sub-paragraph (c) of paragraph (4), and the word immediately after sub-paragraph (b) thereof, were inserted by the Reform (Guernsey) (Amendment) Ordinance, 2011, section 1, with effect from 1st November, 2011.

[Interpretation of Articles 20A to 20F.]

20G. In Articles 20A to 20F –

"code of conduct" means a code of conduct adopted under Article 20F(1),

"department" means any department, council, committee or authority, however called, of the States, including, for the avoidance of doubt

–

- (a) the Board of Governors of the Ladies' College and the

Board of Directors of Elizabeth College, and

(b) the Priaulx Library Council,

"document" includes an enactment,

"to publish" includes –

- (a) to make known, distribute or transmit to any person,
- (b) to publish in any electronic or other non-visible or non-legible form from which the content may, by any means, be reproduced in visible or legible form,
- (c) to broadcast by means of wireless telegraphy within the meaning of section 19 of the Wireless Telegraphy Act 1949^{**}, and
- (d) to include in a programme service within the meaning of section 201 of the Broadcasting Act 1990^{***},

and related expressions shall be construed accordingly,

"States" means the States of Guernsey.]

^{**} An Act of Parliament (1949 c. 54); extended to the Bailiwick by United Kingdom S.I. 1952/1900.

^{***} An Act of Parliament (1990 c. 42); extended to the Bailiwick by United Kingdom S.I. 1991/1709.

NOTE

Article 20G was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

[Power to amend by Ordinance.]

- 20H.** (1) The States of Deliberation may by Ordinance amend –
- (a) Articles 20A to 20G, and
 - (b) any other provision of this Law for the purpose of giving effect to –
 - (i) those Articles, as from time to time amended, and
 - (ii) any code of conduct.
- (2) An Ordinance under paragraph (1) –
- (a) may be amended or repealed by a subsequent Ordinance, and
 - (b) may contain such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient, including (without limitation) provision as to the creation and punishment of offences[, and
 - (c) may apply any of those provisions, with or without modification, to any standing or *ad hoc* panel appointed pursuant to the powers and duties of any Committee of

the States to carry out particular aspects of its mandate on that Committee's behalf.]

(3) The provisions of Article 3(5) (including, for the avoidance of doubt, the proviso thereto) apply in relation to an Ordinance under this Article as those provisions apply in relation to a *Projet de Loi* intended to repeal or vary any of the provisions of this Law.]

NOTES

Article 20H was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

In Article 20H, the punctuation at the end of paragraph (2)(b) was substituted and paragraph (2)(c) was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 5, with effect from 22nd April, 2020.

The following Ordinances have been made under Article 20H:

*Reform (Guernsey) (Amendment) Ordinance, 2011;
Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020.*

[Scrutiny.]

20I. (1) The States may by Ordinance make any such provision as might be made by Order in Council to facilitate the effective scrutiny by the Scrutiny Management Committee of the conduct, policies, use of resources, and activities in general, of any committee of the States of Guernsey, any person or statutory body whose functions include functions of a public nature, and any other organisation which is or has been in receipt of public funds.

(2) Without prejudice to the generality of the foregoing, an Ordinance made under this Article may in particular –

- (a) confer on witnesses appearing before the Scrutiny Management Committee or any standing or *ad hoc*

panel appointed by that Committee immunity from civil or criminal proceedings in respect of words spoken before it or contained in any document submitted to and accepted by it as evidence,

- (b) provide that answers given, statements made, and (once accepted as evidence) documents produced, by such a witness shall not be admissible in evidence against that person in any other civil or criminal proceedings,
- (c) specify circumstances in which, and procedures in accordance with which, any immunity and exclusion described in paragraphs (a) and (b) respectively may be withdrawn by the person chairing a meeting of that Committee or any such panel,
- (d) make provision in respect of the power of the Scrutiny Management Committee to request any person to –
 - (i) appear before that Committee or any standing or *ad hoc* panel appointed by that Committee, and
 - (ii) give evidence and produce documents to that Committee or any such panel,
- (e) provide for any specified court in Guernsey, on the application of the Scrutiny Management Committee, to order any person to –
 - (i) appear before that Committee or any standing or *ad hoc* panel appointed by that Committee, and

- (ii) give evidence and produce documents to that Committee or any such panel, and
- (f) make it an offence, punishable on conviction by imprisonment for a term of up to 2 years and to a fine of up to level 5 on the Uniform Scale, for any person to —
 - (i) disobey an order of a Guernsey court requiring that person so to appear or to produce documents, or
 - (ii) refuse to be examined before, or to answer any lawful and relevant question put by, that Committee or panel,
 - (iii) knowingly or recklessly give false or misleading oral or written evidence to that Committee or panel,
 - (iv) obstruct, deter, harass or molest any person who has been required or requested to appear before or produce documents to that committee or panel.

(3) In this Article "**proceedings**" includes disciplinary proceedings before an internal or professional tribunal; and in this Article and Article 20E, "**the Scrutiny Management Committee**" means the States Scrutiny Management Committee.]

NOTES

Article 20I was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 6, with effect from 22nd April, 2020.

The following Ordinance has been made under Article 20I:

Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020.

Review in ten years.

21. ...

NOTE

Article 21 was repealed by the Royal Court (Reform) (Guernsey) Law, 2008, section 9(2), with effect from 29th October, 2008.

Duties of H.M. Greffier, H.M. Sheriff and H.M. Sergeant.

22. (1) His Majesty's Greffier shall be Clerk and Registrar to the States of Deliberation and of Election and shall when so directed by the States of Deliberation act in the like capacity to any Committee of that assembly.

(2) His Majesty's Sheriff and his Majesty's Sergeant shall be officers of the States of Deliberation and of Election and shall obey the directions of the [Presiding Officer] of either assembly in the fulfilment of any ministerial functions required to be exercised by them for or on behalf of either assembly.

NOTE

In Article 22, the words in square brackets in paragraph (2) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004.

Abolition of Cantonal Douzaines.

23. On and after the 30th day of September, 1948, the members of the four Cantonal Douzaines of the Parish of Saint Peter Port shall cease to be eligible as Members of the States of Election, and on and after the 31st day of December, 1948, those Douzaines shall cease to exist.

Interpretation.

24. In Parts I and II and in this Part of this Law the expressions "**Douzenier**" and "**Douzaine Representative**" shall include a Constable of a Parish [and "**Alderney Representative**" has the meaning assigned by the States of Guernsey (Representation of Alderney) Law, 1978^{****}].

NOTE

In Article 24, the words in square brackets were inserted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 2(6), with effect from 1st May, 2000.

PART IV

Election of People's Deputies

[Compilation of Electoral Roll by Registrar-General.

25. (1) The Electoral Roll of this Island shall be compiled by the Registrar-General in accordance with the provisions of this Law.

[(2) [Subject to Article 34A (Application for name and address to be omitted from Electoral Roll),] there shall be shown on the Electoral Roll in respect of every voter his surname, [forenames] and full postal address, and such distinguishing number as shall be assigned to him for the purpose by the Registrar-General[; and

Ordres en Conseil Vol. XXVI, p. 548; Order in Council No. VI of 1993.

also, in the case of a person inscribed on that Electoral Roll when his age is [15 years], that person's date of birth].]

[(3) The Electoral Roll shall remain valid until such date as the States may determine by Ordinance; and when, pursuant to an Ordinance under this paragraph, the Electoral Roll ceases to be valid, it shall be replaced by a new Electoral Roll which shall be compiled by the Registrar-General in accordance with the provisions of this Law and to which the provisions of this paragraph shall apply in all respects]

[(4) The Electoral Roll shall be divided into 10 sections whereof each shall represent one Parish.].]

NOTES

Article 25 was substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(e), with effect from 16th August, 1952.

In Article 25,

paragraph (2) was substituted by the Reform (Amendment) (Guernsey) Law, 1975, section 1(d), with effect from 21st October, 1975;

the words in the first and second pairs of square brackets in paragraph (2) were, respectively, inserted and substituted and paragraph (4) was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 7, with effect from 22nd April, 2020;

the words in the third pair of square brackets in paragraph (2) were inserted by the Reform (Amendment No. 2) (Guernsey) Law, 2003, section 1(2), with effect from 19th January, 2004;

the word and figures in the square brackets within the third pair of square brackets in paragraph (2) were substituted by the Reform (Guernsey) (Amendment) Law, 2007, section 2, with effect from 18th December, 2007;

paragraph (3) was inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(11), with effect from 1st August, 2003.

The following Ordinances have been made under Article 25:

*Electoral Roll Ordinance, 2011;
Electoral Roll Ordinance, 2015;
Electoral Roll Ordinance, 2019.*

[The Electoral District, and polling stations.]

26. [(1) ...]

[(2) In the General Election to be held in [2021], and thereafter, for the purposes of elections to the office of People's Deputy Guernsey shall comprise one Electoral District returning 38 People's Deputies.]

[(2A) ...]

(3) [...] Polling stations shall be established by [the Registrar-General] in accordance with any Resolution of the States for the time being in force in that behalf [and the Registrar-General] may provide for the establishment of such additional polling stations [...] as [he] may deem convenient to the electorate.

NOTES

In Article 26,

first, the Article heading was substituted, second, paragraph (1) (which paragraph was previously substituted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 4(1)(a), with effect from 6th October 1998, subject to the provisions of both section 8(3) and the transitional provisions in section 9(1) of the 1998 Law) was repealed, third, paragraph (2) was substituted, fourth, paragraph (2A) (which paragraph was originally inserted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 4(1)(b), with effect from 6th October 1998, subject to the provisions of section 8(3) of the 1998 Law) was repealed and, fifth, the words omitted in the first pair of square brackets in paragraph (3) were repealed, those in the second and third pairs therein were substituted, the word omitted in the fourth pair therein was repealed and the word in the fifth pair therein was substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 8(a), Article 8(b), Article 8(c), Article 8(d) and Article 8(e), with effect from 22nd April, 2020²⁰

the date in square brackets within paragraph (2) was substituted by

the Reform (Guernsey) (Amendment) Law, 2020, section 1(2), with effect from 29th June, 2020.

In its application to the General Election of People's Deputies to be held on 7th October, 2020, and the further General Election of People's Deputies to be held in June 2025, paragraph (2) of this Article is modified in accordance with the provisions of the Elections Ordinance, 2020, section 1(a), with effect from 1st July, 2020.

Persons entitled to vote.

27. [(1) A person shall be entitled to be inscribed on the Electoral Roll if he –

(a) is of the age of [[15 years] or over:

PROVIDED that a person shall not vote at any election before he attains the age of [16 years]], and

(b) ...

(c) is ordinarily resident in this Island on the date of his application to be inscribed, and

(d) has been ordinarily resident in this Island on the date referred to in subparagraph (c) either –

(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 delivered to the Registrar-General, in respect of

himself, in such form as the Registrar-General shall prescribe, an application for inclusion in the Electoral Roll.]

[(1AA) Notwithstanding paragraph (1), a person who on the date of his application to be inscribed on the Electoral Roll has not been ordinarily resident in this Island for the period or periods specified in item (i) or (ii) of paragraph (1)(d) –

- (a) is, subject to compliance with the other subparagraphs of paragraph (1), entitled to be inscribed on the Electoral Roll, but
- (b) may not vote at any election before he has been ordinarily resident in this Island for the period or periods specified in the said item (i) or (ii).]

[(1A) A person making an application for inclusion on the Electoral Roll in pursuance of this Article shall declare on the application form that he, and any other person included on the form, was ordinarily resident in this Island on the date of the application[, and, in the case of a person whose age is [15 years] on that date, that person's date of birth].]

[(1B) The Registrar-General may, on receipt of an application for inclusion on the Electoral Roll, request the applicant to provide evidence of his date of birth.

(1C) If in the opinion of the Registrar-General the applicant fails unreasonably to provide evidence of his date of birth on a request being made under paragraph (1B), or the evidence provided shows that the person is not entitled to be inscribed on the Electoral Roll, or the Registrar-General is otherwise not satisfied with the evidence provided, the Registrar-General –

- (a) shall refuse to grant the application, if the evidence shows that the person is not entitled to be inscribed on the Electoral Roll, and
- (b) may refuse to grant the application until evidence of the applicant's date of birth which he considers satisfactory is provided, in any other case.]

(2) [Subject to paragraph (4) of this Article and to Article 27A of this Law, [and to the provisions of any Ordinance made under section 15A of the Reform (Amendment) (Guernsey) Law, 1972,] any person] whose name is inscribed on the section of the Electoral Roll [representing a Parish] may vote at any polling station in [that Parish] [...].

[(3) Subject to paragraph (3B), at an election the Central Returning Officer shall cause to be kept at each polling station by the Polling Station Officer a list (hereinafter referred to as "**a list of voters**") which shall, in respect of every person who voted at that polling station, specify his surname, the initials of his forenames and the number assigned to him pursuant to Article 25(2), and the Central Returning Officer shall cause the lists from each polling station to be compared and shall report to the Law Officers of the Crown the name and address of any person appearing to have voted more than once at that election.]

[(3A) The list of voters to be kept [...] at each polling station under paragraph (3) may be kept in such form as the [Central Returning Officer] thinks fit, including, without limitation, in electronic form.]

[(3B) The States' Assembly and Constitution Committee may, after consulting the Registrar-General, make regulations empowering the Central Returning Officer to provide to each Polling Station Officer a mechanism different

from a list of voters for recording the details of persons voting at the Polling Station Officer's polling station, for the purpose of more efficiently identifying persons who have voted more than once at the election.

(3C) The States' Assembly and Constitution Committee may not make regulations under paragraph (3B) unless the Registrar-General has confirmed that he is satisfied that the specified mechanism does not threaten the secret ballot in particular or the integrity of the election in general.

(3D) Regulations under paragraph (3B) may provide that the mechanism specified in the regulations –

- (a) shall be used instead of a list of voters, or
- (b) may be used as an alternative to, or in addition to, a list of voters.]

[(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 [under the age of [16 years] [...]] [...].]

[(5) For the purposes of this Part, a person is "**ordinarily resident**" in Guernsey during any period if throughout that period he was living lawfully in, and had his home in, Guernsey; and for these purposes a person may be ordinarily resident in Guernsey if he has no fixed or permanent address.]

NOTES

In Article 27,

paragraph (1) was substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(12), with effect from 1st August, 2003;²¹

the words in square brackets in sub-paragraph (a) of paragraph (1) were substituted by the Reform (Amendment No. 2) (Guernsey) Law, 2003, section 1(3), with effect from 19th January, 2004;

the words and figures in the first and second pairs of square brackets within the square brackets in sub-paragraph (a) of paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2007, respectively section 3(a) and section 3(b), with effect from 18th December, 2007;

first, paragraph (1)(b) was repealed and, second, the words omitted in, first, the second pair of square brackets within the first pair of square brackets within paragraph (4) and, second, the second pair of square brackets within paragraph (4) were repealed by the States (Reform) (Guernsey) Law, 2015, section 5, respectively paragraph (e)(i) and paragraph (e)(ii), with effect from 16th February, 2016;²²

paragraph (1AA) and paragraph (3A) were inserted by the Reform (Guernsey) (Amendment) Law, 2011, respectively section 2 and section 3, with effect from 17th January, 2012;

paragraph (1A) (which was originally inserted by the Reform (Amendment) (Guernsey) Law, 1985, section 1(a)(iii), with effect from 30th September, 1985) was substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 13(1)(b), with effect from 1st September, 1993;

the words in square brackets in paragraph (1A) were inserted by the Reform (Amendment No. 2) (Guernsey) Law, 2003, section 1(4), with effect from 19th January, 2004;

the word and figures in the square brackets within the square brackets in paragraph (1A) were substituted by the Reform (Guernsey) (Amendment) Law, 2007, section 4, with effect from 18th December, 2007;

first, paragraph (1B) (which paragraph was originally inserted by the Reform (Amendment) (Guernsey) Law, 1985, section 1(a)(iii), with effect from 30th September, 1985, then repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(13), with effect from 1st August, 2003) and paragraph (1C) was inserted, second the words in square brackets within the first pair of square brackets in paragraph (2) were inserted and the words in the second and third pairs of square brackets in that paragraph were substituted, third, paragraph (3) was substituted, fourth, the words omitted in the first pair of square brackets within paragraph (3A) were repealed and the words in the second pair of square brackets therein were substituted, fifth, paragraph (3B), paragraph (3C) and paragraph (3D) and, sixth, paragraph (5) were inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 9(a), Article 9(b), Article 9(c), Article 9(d), Article 9(e) and Article 9(f), with effect from 22nd April, 2020;²³

the words in the first pair of square brackets in paragraph (2) were

substituted by the Reform (Amendment) (Guernsey) Law, 1996, section 3(1)(a), with effect from 5th June, 1996;

the words omitted in the fourth pair of square brackets in paragraph (2) were repealed by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(f)(ii), with effect from 16th August, 1952;

paragraph (4) was inserted by the Reform (Amendment) (Guernsey) Law, 1996, section 3(1)(b), with effect from 5th June, 1996;

the words in square brackets in paragraph (4) were inserted by the Reform (Amendment No. 2) (Guernsey) Law, 2003, section 1(5), with effect from 19th January, 2004;

the word and figures in the square brackets within the square brackets in paragraph (4) were substituted by the Reform (Guernsey) (Amendment) Law, 2007, section 5, with effect from 18th December, 2007.

The following Ordinances have effect as if made under Article 27:

*Electoral Roll Ordinance, 1995;
Electoral Roll Ordinance, 1996;
Electoral Roll Ordinance, 1999.*

[Prisoners.]

27A. (1) ...

(2) A person who is detained in prison on the day of an election [whether or not] 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 any Ordinance thereunder], or
- (b) the Prison Governor (who has absolute discretion in the matter) permits him to vote in person.]

NOTES

Article 27A was inserted by the Reform (Amendment) (Guernsey) Law, 1996, section 3(2), with effect from 5th June, 1996.

In Article 27A,

paragraph (1) was repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(14)(a), with effect from 1st August, 2003;

the words in the first pair of square brackets in paragraph (2) were substituted and those in the second pair therein inserted by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(14)(b) and section 1(14)(c), with effect from 1st August, 2003.

[Abolition of mental incapacity to vote.]

27B. Any rule of law which provides that a person is subject to a legal incapacity to vote by reason of his or her mental state is abolished.]

NOTE

Article 27B was inserted by the States (Reform) (Guernsey) Law, 2015, section 5(f), with effect from 16th February, 2016.

Persons not to vote unless inscribed on the Electoral Roll. Penalties for plural voting.

28. (1) A person shall not vote at any election unless [he is of the age of [16 years] or over and] his name is inscribed on the Electoral Roll [and (subject to the provisions of any Ordinance made under Article 34B and under section 15A of the Reform (Amendment) (Guernsey) Law, 1972) a person shall vote only in the Parish in respect of which his name appears in the Electoral Roll], and having once voted at any election he shall not thereafter vote or attempt or purport to vote in respect thereof but no such subsequent vote or attempted or purported vote shall invalidate the election in respect of which the same was or was attempted or purported to be given.

(2) Any person who fraudulently puts or attempts to put or causes

to be put into any ballot box any paper other than the ballot paper which he is authorised to put therein shall be guilty of an offence [and liable on conviction to a fine not exceeding level 5 on the uniform scale, or to imprisonment for a term not exceeding three months, or to both].

NOTES

In Article 28,

the words in square brackets in paragraph (1) were inserted by the Reform (Amendment No. 2) (Guernsey) Law, 2003, section 1(6), with effect from 19th January, 2004;

the word and figures in the square brackets within the square brackets in paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2007, section 6, with effect from 18th December, 2007;

the words in the second pair of square brackets in paragraph (1) were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 10, with effect from 22nd April, 2020;

the words and figure in square brackets in paragraph (2) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(15), with effect from 1st August, 2003.²⁴

[Holding of Deputies' Elections.]

[29. (1) General Elections for the office of People's Deputy shall be held in [2021] during the month of [June] and [in every fourth year thereafter] during the month of [June], and, subject to the provisions of Article 19 of this Law, the persons elected shall take office on the 1st day of [July] next following their election, save that if at any General Election there shall be no candidate or an insufficient number of candidates [...], an election to fill any vacancy not filled at that General Election shall be held as soon as may be thereafter [...] and any candidate elected thereat shall retire from office on the date on which he would have so retired had he been elected at that General Election.

(2) A casual vacancy in the office of Deputy occurring before the

first day of [December] next preceding the date of a General Election shall be filled by election and any person so elected shall hold office for the remainder of [the four year term then current] [or, in the case of the General Election held on the 27th day of April, 2016, until the 30th day of June, [2021]], but if such vacancy occurs after [the 30th day of November] next preceding the date of a General Election it shall be in the discretion of the [Presiding Officer] of the States whether or not an election shall be held to fill the vacated office until the date of such General Election.

[(2A) ...]

(3) The date for the holding of any election shall be appointed by Ordinance.

[(4) The States may from time to time by Ordinance modify the application of this Article, and any other provision in this Part, for the purpose of enabling a General Election to be held at a time other than as provided for in paragraph (1).

(5) The provisions of Article 3(5) (including, for the avoidance of doubt, the proviso thereto) apply in relation to an Ordinance under paragraph (4) as those provisions apply in relation to a *Projet de Loi* intended to repeal or vary any of the provisions of this Law.]]

NOTES

Article 29 was substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(g), with effect from 16th August, 1952.

In Article 29,

the Article heading was substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 11(2)(f), with effect from 31st March, 1994;

the date "2021" in square brackets, wherever occurring, was

*substituted by the Reform (Guernsey) (Amendment) Law, 2020, section 1(2), with effect from 29th June, 2020;*²⁵

*the words in the third pair of square brackets in paragraph (1) were substituted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 3(a), with effect from 6th October 1998, subject to the provisions of section 8(3) of the 1998 Law;*²⁶

*the word "June" in square brackets, wherever occurring in paragraph (1), was substituted by the States (Reform) (Guernsey) Law, 2015, section 5(1)(g)(i)(B), with effect from 1st May, 2016;*²⁷

*the word "July" in square brackets in paragraph (1) was substituted by the States (Reform) (Guernsey) Law, 2015, section 5(1)(g)(i)(C), with effect from 1st May, 2016;*²⁸

the words omitted in the sixth and seventh pairs of square brackets within paragraph (1) were repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 11, with effect from 22nd April, 2020;

*paragraph (2A) was originally inserted by the Reform (Guernsey) (Amendment) Law, 2020, section 1(3), with effect from 29th June, 2020, subject to the provisions of section 3 of the 2020 Law, whereby that amendment ceased to have effect on 1st January, 2022;*²⁹

the words in the first and fourth pairs of square brackets in paragraph (2) were substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, respectively section 11(2)(d) and section 11(2)(e), with effect from 31st March, 1994;

the words in the second pair of square brackets in paragraph (2) were substituted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 3(b), with effect from 6th October 1998, subject to the provisions of section 8(3) of the 1998 Law;

the words in the third pair of square brackets in paragraph (2) were inserted by the States (Reform) (Guernsey) Law, 2015, section 5(1)(g)(ii), with effect from 1st May, 2016;

the words in the fifth pair of square brackets in paragraph (2) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004;

paragraph (4) and paragraph (5) were inserted by the Reform (Guernsey) (Amendment) Law, 2020, section 1(4), with effect from 29th June, 2020.

In its application to the General Election of People's Deputies to be held on 7th October, 2020, and the further General Election of People's Deputies to be held in June 2025, paragraph (1), paragraph (2) and paragraph (2A) of

this Article are modified in accordance with the provisions of the Elections Ordinance, 2020, respectively section 1(b), section 1(c) and section 1(d), with effect from 1st July, 2020.³⁰

The following Ordinances have been made under Article 29:

People's Deputy (Saint Andrew) Election Ordinance, 1954;
People's Deputies General Election Ordinance, 1955;
People's Deputy (Torteval) Election Ordinance, 1956;
People's Deputy (Vale) Election Ordinance, 1957;
People's Deputy (St. Martin's) Election Ordinance, 1957;
People's Deputies General Election Ordinance, 1958;
People's Deputy (Castel) Election Ordinance, 1958;
People's Deputy (Vale) Election Ordinance, 1960;
People's Deputies General Election Ordinance, 1961;
People's Deputy (Torteval) Election Ordinance, 1963;
People's Deputies General Election Ordinance, 1964;
People's Deputies (General Election) Ordinance, 1966;
People's Deputy (Saint Peter Port) Election Ordinance, 1968;
People's Deputy (St. Peter Port) (No. 2) Election Ordinance, 1968;
People's Deputy (Vale) Election Ordinance, 1968;
People's Deputy (Castel) Election Ordinance, 1969;
People's Deputy (Saint Peter Port) Election Ordinance, 1969;
People's Deputy (Saint Peter Port) (No. 2) Election Ordinance,
1969;
People's Deputies (General Election) Ordinance, 1969;
People's Deputy (Saint Andrew) Election Ordinance, 1971;
People's Deputy (Saint Sampson) Election Ordinance, 1972;
People's Deputy (Forest) Election Ordinance, 1972;
People's Deputies (General Election) Ordinance, 1972;
People's Deputy (Vale) Election Ordinance, 1973;
People's Deputy (Forest) Election Ordinance, 1975;
People's Deputies (General Election) Ordinance, 1975;
People's Deputy (Saint Peter Port) Election Ordinance, 1977;
People's Deputy (Saint Saviour) Election Ordinance, 1978;
People's Deputies (General Election) Ordinance, 1978;
People's Deputy (Saint Peter Port) Election Ordinance, 1979;
People's Deputy (Saint Peter Port) Election Ordinance, 1980;
People's Deputy (Saint Saviour) Election Ordinance, 1981;
People's Deputies (General Election) Ordinance, 1981;
People's Deputies (Saint Peter Port, Saint Peter-in-the-Wood, the
Forest and Saint Martin) Elections Ordinance, 1983;
People's Deputy (Saint Peter Port) Election Ordinance, 1983;
People's Deputies (General Election) Ordinance, 1984;
People's Deputy (Saint Peter Port) Election Ordinance, 1984;
People's Deputy (Saint Martin) Election Ordinance, 1985;
People's Deputy (Castel) Election Ordinance, 1985;
People's Deputy (Vale) Election Ordinance, 1987;
People's Deputies (General Election) Ordinance, 1987;
People's Deputy (Saint Peter Port) Election Ordinance, 1988;

People's Deputies (General Election) Ordinance, 1990;
People's Deputy (Saint Peter Port) Election Ordinance, 1992;
General Elections Ordinance, 1993;
General Elections Ordinance, 1996;
By-Elections Ordinance, 1998;
General Election Ordinance, 1999;
By-Election Ordinance, 2001;
By-election (Vale) Ordinance, 2003;
By-election (Saint Sampson) Ordinance, 2003;
By-election (Saint Peter Port South) Ordinance, 2005;
Elections Ordinance, 2007;
By-election (Saint Peter Port North) Ordinance, 2015;
By-election (Vale) Ordinance, 2016;
Elections Ordinance, 2020.

[Secret ballot, and number of votes that may be cast in a General Election.]

30. (1) Voting in an election for the office of People's Deputy shall be by secret ballot, carried out by means of a ballot paper marked in such a manner that its authenticity can be verified, and placed in a ballot box suitable for the purpose.

(2) In the General Election to be held in [2021] and at each General Election thereafter, a person entitled to vote in accordance with this Law may cast votes for up to 38 candidates.]

NOTES

Article 30 was substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 12, with effect from 22nd April, 2020.

In Article 30, the date in square brackets within paragraph (2) was substituted by the Reform (Guernsey) (Amendment) Law, 2020, section 1(2), with effect from 29th June, 2020.

In its application to the General Election of People's Deputies to be held on 7th October, 2020, and the further General Election of People's Deputies to be held in June 2025, paragraph (2) of this Article is modified in accordance with the provisions of the Elections Ordinance, 2020, section 1(d), with effect from 1st July, 2020.

Procedure in case of equality of votes.

31. Where at an election two or more candidates secure an equal number of votes and the addition of one vote to his poll would have entitled any such candidate to be declared elected, [the result shall be determined by the drawing of lots, overseen by the Central Returning Officer].

NOTE

In Article 31, the words in square brackets were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 13, with effect from 22nd April, 2020.

Nominations.

32. (1) Every nomination of a candidate for office as a People's Deputy shall be in writing signed by two persons whose names are inscribed [on the Electoral Roll, and shall otherwise be made in such form as the Presiding Officer of the States directs, and shall be delivered to the Presiding Officer not later than such time on such day as the Presiding Officer may appoint in accordance with a recommendation made by the States' Assembly and Constitution Committee].

(2) Every such nomination shall be accompanied by a declaration in writing signed by the candidate declaring [–

- (a) that he is eligible under the provisions of this Law to hold the office of People's Deputy,
- (b) his unspent convictions which resulted in sentences of imprisonment as defined in the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 in any jurisdiction anywhere in the world, other than convictions in respect of an act or default which would not constitute an offence if committed in Guernsey; or,

if he has no such unspent convictions, declaring that to be the case.]

[(3) The Presiding Officer of the States may, in respect of any declaration made by a candidate under paragraph (2)(b), take such steps as he reasonably considers necessary and proportionate to verify the information in the declaration, and (subject, for the avoidance of doubt, to any court order to the contrary) he shall require such declarations to be destroyed as soon as reasonably practicable after the conclusion of the election to which they relate.]

[(4) In respect of any one candidate at an election the [Presiding Officer] of the States shall accept only the first valid nomination delivered to him, and any nomination subsequently delivered shall be of no effect.]

NOTES

In Article 32,

first, the words in square brackets in paragraph (1) were substituted, second, the words in square brackets in paragraph (2) were inserted and, third, paragraph (3) was substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 14(a), Article 14(b) and Article 14(c), with effect from 22nd April, 2020;³¹

paragraph (4) was inserted by the Reform (Amendment) (Guernsey) Law, 1996, section 5(1), with effect from 5th June, 1996;

the words in square brackets within paragraph (4) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004.

Number of candidates not exceeding number of seats vacant.

33. At any election where the number of candidates is not greater than the number of seats vacant [...], the [Presiding Officer] of the States shall, after the time fixed for the delivery of nominations has elapsed, declare such candidate or candidates elected, and shall thereupon give notice of such election by means of a

notice in the vestibule of the Royal Court and by an announcement in the "Gazette Officielle".

NOTES

In Article 33,

the words omitted in the first pair of square brackets were repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 15, with effect from 22nd April, 2020;

the words in the second pair of square brackets were substituted inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004.

Compilation, publication and correction of Electoral Roll.

[34.][(A1) Paragraphs (5) – (7) (relating to the publication and availability for inspection of the Electoral Roll) of this Article are subject to Article 34A (application for name and address to be omitted from Electoral Roll).]

[(1) The Registrar-General shall [...] 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 September (or on or before such other day, or during such other period, as may be specified by Ordinance of the States made under this paragraph) in any year so specified] 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 [...] and who, having changed his ordinary place of residence in this Island, desires to have his address changed on the Electoral Roll [...] may [...] 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 [...] compile the Electoral Roll [...].

(4) Each section of the Electoral Roll shall contain the names and addresses of the persons residing in the [Parish] 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 [Parish] shall be published for inspection [in such manner, at such time and place and for such period as the [Committee for Home Affairs] may prescribe by rules made under this paragraph].

(6) In each year all the sections of the Electoral Roll shall be published for inspection [in such manner, at such time and place and for such period as the [Committee for Home Affairs] may prescribe by rules made under this paragraph].

(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 [...] 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.

[(8A) The Registrar-General may remove a person's name and

address from any section of the Electoral Roll on the grounds that that person –

- (a) is no longer resident at that address, or
- (b) is deceased.]

[(8AA) The Registrar-General may remove a person's name and address from the Electoral Roll on an application being made to him in accordance with this Article, or of his own volition in circumstances where he is satisfied that one of the grounds in paragraph (8A) is satisfied in respect of that person.]

[(8B) An application for the removal of a person's name and address under paragraph (8A) may be made –

- (a) in the case of an application by virtue of subparagraph (a) of that paragraph, by the current occupier of the dwelling of that address, the application being accompanied by a declaration by the applicant stating that the person named in the Electoral Roll is no longer resident at that address, or
- (b) in the case of an application by virtue of subparagraph (b) of that paragraph, by a relative, acquaintance or neighbour of the person named in the Electoral Roll, the application being accompanied by a death certificate relating to that person (or, at the discretion of the Registrar-General, a document of equivalent effect and authority).

(8C) An application or declaration under paragraph (8B) shall be made in such form and manner and accompanied by such information, documents and

other material as the Registrar-General may require.]

[(9) Subject to the provisions of any Ordinance made under Article 34B (Supplementary Electoral Roll) of this Law, and under section 15A (Ordinances as to postal voting, etc.) of the Reform (Amendment) (Guernsey) Law, 1972, the section of the Electoral Roll compiled and amended as in this Article provided in respect of each Parish shall constitute the Electoral Roll of that Parish and shall determine, subject to Articles 27(4) and 27A of this Law, whether or not a person is entitled to vote in that Parish 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 each Polling Station Officer, and each Polling Station Officer shall ensure that a copy is available at his polling station.]

[(9A) The copy of the appropriate section of the Electoral Roll to be furnished by the Registrar-General to [each Polling Station Officer] under paragraph (9) may be furnished in such form and by such means as the Registrar-General thinks fit, including, without limitation, in electronic form and by electronic means.]

[(9B) In paragraphs 9 and 9A, references to a Polling Station Officer include references to the Returning Officer for the election where the election in question is an election to the office of Constable or Douzenier.]

(10) A person who knowingly furnishes [in or for the purposes of an application or declaration] under this Law any [information, document or other material] required to be furnished which is false in any material particular or recklessly so furnishes any [information, document or other material] which is false in a material particular shall be guilty of an offence and liable, on conviction, [to a fine not exceeding level 5 on the uniform scale, or to imprisonment for a term not exceeding three months, or to both].

[(11) Notwithstanding the preceding provisions of this Article, the Electoral Roll shall be closed –

- (a) in respect of an election for the office of People's Deputy, on the date appointed by Ordinance of the States,
- (b) in respect of an election for the office of Constable or Douzenier, on the date appointed by order of the [States Assembly and Constitution Committee],

and, during the period beginning on the date of closure and ending on the date of the election, no entry in the Electoral Roll shall be made or amended.

[(11A) Notwithstanding paragraph (11) [and the provisions of any Ordinance made under Article 34B], the Registrar-General may at any time amend the Electoral Roll or any entry therein in order to rectify any formal defect or any administrative or clerical error or omission, whether on the application in writing of the person in respect of whom the defect, omission or error has occurred or of his own motion.

(11B) An application under paragraph (11A) shall be made in such form and manner and accompanied by such information, documents and other material as the Registrar-General may require.]

[(12) ...]]

NOTES

Article 34 was substituted by the Reform (Amendment) (Guernsey) Law, 1972, section 1(b), with effect from 1st October, 1972.³²

In Article 34,

first, paragraph (A1) was inserted, second, the word "Parish" in square brackets, wherever occurring in paragraphs (4) and (5), was substituted, third, the words "Committee for Home Affairs" in square brackets, wherever occurring in paragraphs (5) and (6), were substituted, fourth, paragraph (8AA) was inserted, fifth, paragraph (9) (which was originally substituted by the Reform (Amendment) (Guernsey) Law, 1972, section 1(b), with effect from 1st October, 1972) was substituted, sixth, the words in square brackets within paragraph (9A) were substituted, seventh, paragraph (9B) was inserted, eighth, the words in square brackets within paragraph (11A) were inserted and, ninth, paragraph (12) (which paragraph was originally inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(16)(i), with effect from 1st August, 2003) was repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 16(a), Article 16(b), Article 16(c), Article 16(d), Article 16(e), Article 16(f), Article 16(g), Article 16(h) and Article 16(i), with effect from 22nd April, 2020;³³

the words omitted in the first pair of square brackets in paragraph (1) were repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(16)(a), with effect from 1st August, 2003;³⁴

the words in the second pair of square brackets in paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(16)(b), with effect from 1st August, 2003;³⁵

the words omitted in the square brackets in paragraph (2), paragraph (3) and paragraph (8) were repealed by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(16)(c), section 1(16)(d) and section 1(16)(f), with effect from 1st August, 2003;³⁶

the words in square brackets in paragraph (5) and paragraph (6) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(16)(e), with effect from 1st August, 2003;

the words "States Assembly and Constitution Committee" in square brackets in paragraph (11) were substituted by the House Committee (Transfer of Functions) Ordinance, 2008, section 3, with effect from 24th September, 2008;³⁷

first, paragraph (8A), paragraph (8B) and paragraph (8C) and, second, paragraph (9A) were inserted and, third, the words in the first and, fourth, the second and third pairs of square brackets in paragraph (10) were substituted and, fifth, paragraph (11A) and paragraph (11B) were inserted by the Reform (Guernsey) (Amendment) Law, 2011, respectively section 4, section 5, section 6(a), section 6(b) and section 7, with effect from 17th January, 2012;

the words and figure in the fourth pair of square brackets in

*paragraph (10) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(16)(h), with effect from 1st August, 2003;*³⁸

paragraph (11) was inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(16)(i), with effect from 1st August, 2003.

*The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the States Assembly and Constitution Committee and its Chairman by the House Committee (Transfer of Functions) Ordinance, 2008, section 1, with effect from 24th September, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.*³⁹

The following Ordinances have been made under Article 34:

*Electoral Roll Ordinance, 1996;
Electoral Roll Ordinance, 1999;
By-election (Saint Peter Port South) Ordinance, 2005;
Elections Ordinance, 2007;
Electoral Roll Ordinance, 2011;
Electoral Roll Ordinance, 2015;
By-election (Vale) Ordinance, 2016;
Electoral Roll Ordinance, 2019;
Elections Ordinance, 2020.*

The following Rules have been made under Article 34:

*Electoral Roll (Public Inspection) Rules, 2020;
Electoral Roll (Public Inspection) (Amendment) Rules, 2021.*

The following Orders have been made under Article 34:

*Electoral Roll (Closure) (Annual Elections of Constables and Douzeniers) Order, 2004;
Electoral Roll (Closure) (St Pierre du Bois By-election) Order, 2004;
Electoral Roll (Closure) (By-Elections of Constables and Douzeniers) Order, 2006.*

In accordance with the provisions of the Electoral Roll Ordinance, 1999, section 1, with effect from 28th July, 1999, the specified year for the purposes of Article 34(1) is 1999.

[Application for name and address to be omitted from Electoral Roll.]

34A. (1) A person may apply to the Registrar-General for the person's name and address to be omitted from the Electoral Roll published for inspection in accordance with paragraphs (5) to (7) of Article 34 and rules made thereunder (in this

Article and Articles 35, 48A and 72B, the "**Published Electoral Roll**").

(2) For the avoidance of doubt, the omission of a person's name and address from the Published Electoral Roll in consequence of an application under paragraph (1) does not affect a person's entitlement to vote at an election.

(3) An application under paragraph (1) may only be made on the grounds that the person, his family or his property would be at risk of harm or damage if the person's name and address were included in the Published Electoral Roll, and shall be made in such form and manner and accompanied by such information, documents and other material as the Registrar-General may direct.

(4) On an application being made under paragraph (1), if the Registrar-General is satisfied that the grounds in paragraph (3) are made out, he shall grant the application and take all reasonable steps to ensure that the applicant's name and address are omitted from the Published Electoral Roll.

(5) In either of the circumstances set out in paragraph (6), the Registrar-General may inscribe or re-inscribe in the Published Electoral Roll the name and address of a person that have been omitted from the Published Electoral Roll pursuant to an application in accordance with this Article.

(6) Those circumstances are –

- (a) on a request being made to the Registrar-General by the person, and
- (b) on the volition of the Registrar-General, where –
 - (i) the Registrar-General is satisfied that there are no longer grounds for the omission, and

- (ii) the person has consented in writing to the inscription or re-inscription.]

NOTE

Article 34A was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 17, with effect from 22nd April, 2020.

[Supplementary Electoral Roll.]

34B. (1) Subject to the provisions of paragraph (2), the States may by Ordinance make such provision from time to time as it thinks fit in respect of the creation of a Supplementary Electoral Roll, for the purpose of enabling persons eligible for inscription on the Electoral Roll who apply after the date of closure of the Electoral Roll prior to an election to be inscribed on that Supplementary Electoral Roll and to vote in that election, while maintaining the integrity of that election.

(2) Without prejudice to the generality of the foregoing, an Ordinance under this Article –

- (a) shall specify the period (which may be specified as ending on any date after the closure of the Electoral Roll and before the date of the election in question) during which a person may apply for inscription on the Supplementary Electoral Roll,
- (b) may provide that specified provisions of this Law and the Reform (Amendment) (Guernsey) Law, 1972 apply *pari passu*, or with such modifications as may be specified, in respect of the Supplementary Electoral Roll as they apply in respect of the Electoral Roll, and

- (c) may place restrictions on the methods by which persons inscribed on the Supplementary Electoral Roll may vote in the election in question, including (but not limited to) providing that a person inscribed on the Supplementary Electoral Roll may not vote by postal vote.]

NOTE

Article 34B was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 17, with effect from 22nd April, 2020.

Copies of [Published Electoral Roll and candidates' criminal conviction declarations] to be kept at Greffe and [office of the Registrar-General].

35. [(1) [Subject to rules made under paragraphs (2) and (3),] a copy of the [Published Electoral Roll and of the declarations of candidates made under Article 32(2)(b) ("criminal conviction declarations")] shall be kept at the Greffe and at the [office of the Registrar-General] and shall be available during their respective normal office hours for inspection by the public.

[(2) The [Committee for Home Affairs] may by rules made under this paragraph make such provision as they think fit in relation to –

- (a) the persons or classes of persons to whom copies of the [Electoral Roll and the Published Electoral Roll] shall be made available,
- (b) the manner in which, the means by which and the times and places at which copies of the [Electoral Roll and the Published Electoral Roll] shall be made available, and

- (c) the charges and conditions subject to which copies of the [Electoral Roll and the Published Electoral Roll] shall be made available.]

[(3) The States' Assembly and Constitution Committee may by rules made under this paragraph make such provision as they think fit in relation to –

- (a) the persons or classes of persons to whom copies of criminal conviction declarations shall be made available,
- (b) the manner in which, the means by which and the times and places at which copies of criminal conviction declarations shall be made available,
- (c) the charges and conditions subject to which copies of criminal conviction declarations shall be made available, and
- (d) the publication and making available for inspection of information relating to the verification of criminal conviction declarations.

(4) Subject to paragraphs (5) and (6), rules made under paragraph (2) may make different provision in relation to the availability of the Electoral Roll, and of the Published Electoral Roll.

(5) Rules made under paragraph (2) must provide that only the Published Electoral Roll shall be available to candidates.

(6) When making rules under this Article, the Committee for Home Affairs must consider whether such rules would create or increase a risk of harm of the type described in Article 34A(3).]

NOTES

In Article 35,

first, the words in the first pair of square brackets in the Article heading were substituted, second, the words in the first pair of square brackets in paragraph (1) were inserted and the words in the second pair of square brackets therein were substituted, third, the words "Electoral Roll and the Published Electoral Roll" in square brackets, wherever occurring within paragraph (2), and the words "Committee for Home Affairs" in the first pair of square brackets within that paragraph were substituted and, fourth, paragraph (3), paragraph (4), paragraph (5) and paragraph (6) were inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 18(a), Article 18(b), Article 18(c) and Article 18(d), with effect from 22nd April, 2020;⁴⁰

the words in the second pair of square brackets in the Article heading, and in the third pair of square brackets in paragraph (1) thereof, were substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 16(1), with effect from 30th June, 1993;

paragraph (2) was inserted, and the existing text re-numbered as paragraph (1), by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(17)(b) and section 1(17)(a), with effect from 1st August, 2003.

The following Rules have been made under Article 35:

Criminal Conviction Declarations of Candidates (Public Inspection) Rules, 2020;
Electoral Roll (Availability) Rules, 2020.

[Candidates permitted to procure copies of relevant section of Electoral Roll.

36. ...]

NOTE

Article 36 (which was previously substituted by the Reform (Amendment) (Guernsey) Law, 1978, section 1(c), with effect from 21st March, 1978, subject to the saving in section 3 of the 1978 Law) was repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(18), with effect from 1st August, 2003.⁴¹

[**Election officers**].

37. At every election the Royal Court, on the application of one of the Law Officers of the Crown, shall appoint –

- [(a) a Polling Station Officer for each polling station, who shall appoint such Deputy Polling Station Officers to assist him as he may deem necessary, and who shall have the duties set out in Article 38, and
- (b) a Central Returning Officer, who shall appoint such Scrutineers to assist him as he may deem necessary, and who shall cause the votes cast in the Electoral District to be counted,

and every Polling Station Officer and the Central Returning Officer shall on appointment be sworn as such before the Royal Court.]]

NOTES

Article 37 was substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(19), with effect from 1st August, 2003.

In Article 37, first, the Article heading and, second the words in square brackets were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 19(a) and Article 19(b), with effect from 22nd April, 2020.

Supervision of Ballot.

[38. (1) The Polling Station Officers shall supervise the conduct of the ballot in their respective polling stations and in particular shall seal the ballot boxes at the conclusion of the voting and shall hand the same to the Central Returning Officer, who shall cause all the votes cast in the Electoral District to be counted and shall forthwith communicate the result of such count to the Presiding Officer of the States.

(2) The Central Returning Officer may make arrangements for votes cast in a general election to be counted electronically if in his opinion and the opinion of the Registrar-General those arrangements would not threaten the integrity of the election.]

NOTE

Article 38 was substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, section 20, with effect from 22nd April, 2020.⁴²

[Presence of candidates etc. at count.]

38A. (1) Throughout the time during which the votes cast at an election [...] are being counted [...], any candidate [...] is entitled to be present at [the count] if he has complied, and for so long as he continues to comply, with this Article and all rules made thereunder.

(2) A candidate may, in accordance with any rules made under this Article, nominate one other person to exercise his entitlement under paragraph (1) of this Article in place of, but not as well as, himself.

(3) A candidate or his nominated representative present at any counting of votes pursuant to this Article –

(a) is to be given by [the Central Returning Officer] all such reasonable facilities for overseeing the

proceedings, and all such information in respect of them, as can be given consistently with their orderly conduct and the proper discharge of [the Central Returning Officer]'s duties in connection with them, but

- (b) must not impede the efficient counting of votes, and
- (c) must comply with all rules made under this Article and with all reasonable directions given by [the Central Returning Officer].

(4) The [States Assembly and Constitution Committee] may make rules under this Article –

- (a) requiring candidates who intend to be present at any counting of votes to notify such persons, within such times and in such manner as the rules may specify,
- (b) limiting the description of persons who may be nominated by candidates pursuant to paragraph (2) of this Article, and making provision as to notifications concerning persons so nominated,
- (c) regulating the conduct of persons present at any counting of votes pursuant to this Article,
- (d) making provision generally for the rights conferred by this Article to be exercised without affecting the fairness and efficiency of the counting of votes.

(5) All rules made under this Article shall be laid as soon as

possible before a meeting of the States; and if at that or their next meeting the States resolve to annul them then the rules shall cease to have effect, but without prejudice to anything done under the rules or to the making of new rules under this Article.]

NOTES

Article 38A was inserted by the Reform (Guernsey) Law, 1998, section 2(1), with effect from 27th May, 1998.

In Article 38A,

first, the words omitted in the first, second and third pairs of square brackets in paragraph (1) were repealed and those in the fourth pair therein substituted and, second, the words "the Central Returning Officer" in square brackets, wherever occurring in paragraph (3), were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 21(a) and Article 21(b), with effect from 22nd April, 2020;

the words in square brackets in paragraph (4) were substituted by the House Committee (Transfer of Functions) Ordinance, 2008, section 3, with effect from 24th September, 2008.⁴³

The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the States Assembly and Constitution Committee and its Chairman by the House Committee (Transfer of Functions) Ordinance, 2008, section 1, with effect from 24th September, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.⁴⁴

The following Rules have been made under Article 38A:

*Elections (Presence of Candidates at Count) Rules, 1999;
Elections (Presence of Candidates at Count) Rules, 2020.*

[Maintenance of order at elections.]

38B. [(1) A Polling Station Officer or Deputy Polling Station Officer may require any person who he considers is behaving in a disorderly or indecent manner in, or in the precincts of, a polling station to leave that polling station and its precincts.

(1A) The Central Returning Officer or any Scrutineer may require

any person who he considers is behaving in a disorderly or indecent manner in, or in the precincts of, a place where votes are being counted to leave that place and its precincts.]

- (2) Any person who –
 - (a) behaves in a disorderly or indecent manner in, or in the precincts of, a polling station or a place where votes are being counted, or
 - (b) fails to comply with a requirement imposed under paragraph (1) of this Article, or
 - (c) contravenes paragraph (b) or paragraph (c) of Article 38A(3) of this Law,

is guilty of an offence and liable, on conviction, to a fine not exceeding level 5 on the uniform scale, or to imprisonment for a term not exceeding three months, or to both.]

NOTES

Article 38B was inserted by the Reform (Guernsey) Law, 1998, section 3, with effect from 27th May, 1998.

In Article 38B, paragraph (1) was substituted and paragraph (1A) inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 22, with effect from 22nd April, 2020.

[Rules as to conduct of elections, etc.]

38C. The [States Assembly and Constitution Committee] may make such rules as it thinks fit in respect of –

- (a) the conduct of, and procedures concerning, elections, and
- (b) the conduct and functions, during elections, of candidates, [the Central Returning Officer, Polling Station Officers, Deputy Polling Station Officers] and other persons or classes of persons prescribed by the rules.]

NOTES

Article 38C was inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(22), with effect from 1st August, 2003.

In Article 38C,

the words in the first pair of square brackets were substituted by the House Committee (Transfer of Functions) Ordinance, 2008, section 3, with effect from 24th September, 2008;⁴⁵

the words in the second pair of square brackets were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 23, with effect from 22nd April, 2020.

The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the States Assembly and Constitution Committee and its Chairman by the House Committee (Transfer of Functions) Ordinance, 2008, section 1, with effect from 24th September, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.⁴⁶

[Complaints as to conduct of elections.]

38D. (1) The States may by Ordinance make such provision as they think fit in relation to the making and determination of complaints concerning –

- (a) the conduct of elections,
- (b) breaches of procedures concerning elections,

- (c) the conduct, during elections, of candidates, returning officers and other persons or classes of persons prescribed by rules under Article 38C, and
 - (d) breaches by such persons of their functions during elections.
- (2) An Ordinance under this Article –
- (a) may, without limitation, prescribe –
 - (i) the person, body, court or tribunal to which complaints are to be made,
 - (ii) the proceedings and powers of, and the practice and procedure to be followed before, that person, body or tribunal,
 - (iii) the persons or bodies who may make complaints,
 - (iv) the matters in respect of which complaints may be made, and
 - (v) the manner of making complaints,
 - (b) may contain incidental, consequential, supplementary and transitional provisions,
 - (c) may create offences and prescribe civil and criminal

sanctions and penalties,

- (d) may empower the [States Assembly and Constitution Committee] to make rules as to any matter in relation to which an Ordinance may make provision under this Article, and
- (e) may be amended or repealed by a subsequent Ordinance hereunder.]

NOTES

Article 38D was inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(22), with effect from 1st August, 2003.

In Article 38D, the words in square brackets were substituted by the House Committee (Transfer of Functions) Ordinance, 2008, section 3, with effect from 24th September, 2008.⁴⁷

The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the States Assembly and Constitution Committee and its Chairman by the House Committee (Transfer of Functions) Ordinance, 2008, section 1, with effect from 24th September, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.⁴⁸

[Hours of polling.]

39. (1) Subject to the provisions of paragraph (2) of this Article, at every election the polling stations shall open at ten o'clock in the morning and shall be kept open until eight o'clock in the evening of the same day.

[(2) The States' Assembly and Constitution Committee may, after consulting the Registrar-General, make regulations from time to time varying the times at which the polling stations shall open and close and may so provide that specified polling stations, or polling stations in specified Parishes, shall open and

close at different times.]]

NOTES

Article 39 was substituted by the Reform (Amendment) (Guernsey) Law, 1978, section 1(d), with effect from 21st March, 1978, subject to the saving in section 3 of the 1978 Law.⁴⁹

In Article 39, paragraph (2) was substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 24, with effect from 22nd April, 2020.

The following Regulations have been made under Article 39(2):

Polling Stations (Hours of Opening) (Revocation) Regulations, 2020;

Polling Stations (Hours of Opening) (No. 2) Regulations, 2020.

Duties on completion of Ballot.

40. On completion of the count as aforesaid [the Central Returning Officer shall] return the voting slips to the ballot boxes, re-seal the said boxes, keep them in safe custody and deliver them to His Majesty's Greffier [within the two days next following], together with the keys thereof, the counterfoils of the voting slips, any unused voting slips and the lists of voters.

NOTES

In Article 40,

the words in the first pair of square brackets were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 25, with effect from 22nd April, 2020;

the words in the second pair of square brackets were substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(i), with effect from 16th August, 1952.

Recount.

41. If the total of the votes cast for any successful candidate does not exceed by more than two per centum of the total number of persons voting [...] the total of the votes cast for any unsuccessful candidate, such unsuccessful candidate may, by notice in writing delivered to the [Presiding Officer] of the States not later than twenty-four hours after the public declaration of the poll by [the Central Returning Officer], demand a recount, and such recount shall be carried out in the Royal Court building[, or in such other place as the [Presiding Officer] of the States may direct,] as soon as practicable thereafter by independent scrutineers appointed by the [Presiding Officer] of the States. The candidate demanding the recount and any other candidate at that election [...] may be present during the recount, and such recount shall be final and conclusive [...]. On completion of the recount, the scrutineers shall report the result of the same to the [Presiding Officer] of the States, who shall publish such result by causing a notice to be posted in the vestibule of the Royal Court.

NOTES

In Article 41,

first, the words in the first pair of square brackets were repealed, second, the words in the third pair of square brackets were substituted, third, the words omitted in the sixth and, fourth, seventh pairs of square brackets were repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 26(a), Article 26(b), Article 26(c) and Article 26(d), with effect from 22nd April, 2020;

the words "Presiding Officer" in square brackets, wherever occurring, were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004;

the words in the fourth pair square brackets were inserted by the Reform (Amendment) (Guernsey) Law, 1996, section 8, with effect from 5th June, 1996.

Register to be kept of persons under disability.

42. ...

NOTE

Article 42 was repealed by the States (Reform) (Guernsey) Law, 2015, section 5(h), with effect from 16th February, 2016.⁵⁰

Persons physically incapable of recording a vote.

43. Persons entitled to vote attending at any polling station who are physically incapable of recording their vote or who declare that they are unable to read may apply to the person in charge of that polling station, who shall thereupon cause the vote of such voter to be marked on a ballot paper in manner directed by such voter, and the ballot paper placed in the ballot box, and shall make a record in writing of his having done so, which record shall include the name and address of the incapacitated person and the cause of his incapacity, and shall be delivered to [the Central Returning Officer].

NOTE

In Article 43, the words in square brackets were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 27, with effect from 22nd April, 2020.

[Expenditure by candidates and political parties].

44. (1) Save as hereinafter provided no candidate in any election shall in respect of such election expend any sum of money or give any value in money's worth otherwise than in accordance with such provisions as shall, from time to time, be prescribed by Ordinance[...].

[(1A) An Ordinance under paragraph (1) may make provision in respect of expenditure by political parties, and by candidates in an election who are members of, or otherwise affiliated to, political parties and restrictions thereon; and such an Ordinance may set permitted levels of expenditure by candidates and by

political parties, and make other related provision, including (but not limited to) allowing for candidates to transfer a defined percentage of their permitted expenditure as candidates to a political party, for that party to spend on promotion of the party and its policies.

(1B) Without prejudice to the generality of paragraph (1A), an Ordinance under paragraph (1) may provide that where a political party contravenes a restriction therein on expenditure by political parties, one or more specified officers of that political party shall be guilty of an offence and shall be liable on conviction to a fine not exceeding level 5 on the uniform scale.]

(2) Any candidate who contravenes, whether by himself or by his servant or agent, any of the provisions of this Article or of any Ordinance made thereunder, shall be guilty of an offence and shall be liable on conviction [to a fine not exceeding level 5 on the uniform scale and in addition to such fine shall, if a successful candidate, and if the Royal Court so orders on the application of Her Majesty's Procureur, forfeit his seat:]

PROVIDED ALWAYS that[, whether on a prosecution under this paragraph or on an application under this paragraph for the forfeiture of a seat,] if it is shown to the satisfaction of the Court that such contravention arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith, the [...] Court may make an order relieving the candidate from the consequences of such contravention.

NOTES

In Article 44,

first, the Article heading was substituted, second, the words omitted in square brackets in paragraph (1) were repealed and, third, paragraph (1A) and paragraph (1B) were inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 28, with effect from 22nd April,

2020;

*the words and figure in the first pair of square brackets in paragraph (2) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(23)(a), with effect from 1st August, 2003;*⁵¹

the words in the second pair of square brackets in paragraph (2) were inserted, and the words omitted in the third pair of square brackets therein were repealed, by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(23)(b)(i) and section 1(23)(b)(ii), with effect from 1st August, 2003.

The following Ordinances have been made under Article 44(1):

*Elections Ordinance, 2007;
By-election (Saint Peter Port North) Ordinance, 2015;
Electoral Expenditure Ordinance, 2020.*

[Donations.]

44A. (1) The Third Schedule ("Donations"), which makes provision for the purposes of this Law in respect of –

- (a) when gifts, loans and the supply of goods and services are donations,
- (b) the value to be attributed to a donation, and
- (c) related matters,

shall have effect.

(2) A political party, or a candidate in an election for the office of People's Deputy, may not keep an anonymous donation; and for the purposes of this Law, a donation is anonymous if the recipient is unable to ascertain the identity of the donor.

(3) A political party, or a candidate in an election for the office of

People's Deputy, may not keep a donation from –

- (a) an individual, if that individual is not eligible to be inscribed on the Electoral Roll, or
- (b) any legal person, unincorporated association or other body based outside Guernsey.

(4) A political party which, or candidate for the office of People's Deputy who, receives a donation of a type described in paragraphs (2) or (3) must, within ten working days of its receipt –

- (a) return it to the donor, or
- (b) send it to the Greffier for the Greffier to pay it to the States.

(5) The States' Assembly and Constitution Committee may issue guidance in respect of subsections (3) and (4).

(6) A candidate who fails to comply with a prohibition or requirement in this Article, and the treasurer of a political party which fails to comply with such a prohibition or requirement, is guilty of an offence and is liable on conviction to a fine.]

NOTE

Article 44A was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 29, with effect from 22nd April, 2020.

[Returns of expenditure by, and donations received by, candidates and political

parties].

45. (1) Every candidate at any election shall during the [fourteen days] next following the date of such election submit to [the Central Returning Officer] a return showing full particulars of all moneys or money's worth expended or given by him in respect of such election, and shall submit therewith vouchers supporting such disbursements and a declaration in writing signed by him that the particulars shown in such return are to the best of his knowledge and belief correct.

[(1A) Every political party which supported or endorsed candidates at any election shall during the fourteen days next following the date of such election submit to the Central Returning Officer a return, in such form as the Central Returning Officer may direct, showing full particulars of all moneys or money's worth expended or given by that party in respect of its promotion of the party or its policies at such election, and shall submit therewith vouchers supporting such disbursements and a declaration in writing signed by two office-holders of the party that the particulars shown in such return are to the best of their knowledge and belief correct.

(1B) Every candidate at any election, and every political party which supported or endorsed candidates at any election, shall during the fourteen days next following the date of such election submit to the Central Returning Officer a return, in such form as the Central Returning Officer may direct, showing the donations received by that candidate or party in respect of the election of a value equal to or greater than £50 or, if no such donations have been received, a nil return, and shall submit therewith a declaration in writing signed by the candidate, or two office-holders of the party (as the case may be), that the particulars shown in such return are to the best of their knowledge and belief correct.

(1C) The States may by Ordinance amend the monetary figure in paragraph (1B).]

(2) Any candidate [or any leader or treasurer of a political party,] who supplies particulars which he knows or ought to have known to be false, or otherwise contravenes the requirements of paragraph (1) of this Article shall be guilty of an offence and, subject to the like proviso as is made to paragraph (2) of [Article 44], shall be liable on conviction to the same penalties as are in that paragraph specified.

NOTES

In Article 45,

first, the Article heading and, second, the words in the second pair of square brackets in paragraph (1) were substituted, third, paragraph (1A), paragraph (1B) and paragraph (1C) were inserted and, fourth, the words in the first pair of square brackets in paragraph (2) were inserted and those in the second pair of square brackets therein were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 30(a), Article 30(b), Article 30(c) and Article 30(d), with effect from 22nd April, 2020;

the words in the first pair of square brackets in paragraph (1) were substituted by the Reform (Amendment) (Guernsey) Law, 1978, section 1(e), with effect from 21st March, 1978, subject to the saving in section 3 of the 1978 Law.

[Expenditure by persons other than candidates.]

45A. (1) Except as authorised under the provisions of Article 44 of this Law, a person shall not expend any sum of money or give any value in money's worth with a view to promoting or procuring the election of a candidate in any election:

Provided that nothing in this Article shall be taken to restrict the publication in a newspaper or in a broadcast by radio or television of a statement presenting the views of a candidate.

(2) Any person who contravenes the provisions of this Article shall be guilty of an offence and liable, on conviction, [to a fine not exceeding level 5 on

the uniform scale].]

NOTES

Article 45A was inserted by the Reform (Amendment) (Guernsey) Law, 1975, section 1(g), with effect from 21st October, 1975.

In Article 45A, the words and figure in square brackets in paragraph (2) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(24), with effect from 1st August, 2003.⁵²

Obligation of secrecy.

46. (1) Every person appointed to be in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

(2) Every person who acts in contravention of the last preceding paragraph shall be liable on conviction to imprisonment with or without hard labour for a term not exceeding six months.

NOTES

In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(2), with effect from 21st January, 1980, "[n]o person shall be sentenced by a Court to imprisonment with hard labour; and every enactment conferring power on a court to pass a sentence of imprisonment with hard labour in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this Law; and so far as any enactment requires or permits prisoners to be kept to hard labour it shall cease to have effect".

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offence in subsection (2), a court, instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

List of Electoral Districts and allocation of Deputies.

47. ...

NOTE

Article 47 was repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 4(2), with effect from 6th October 1998, subject to the provisions of section 8(3) of the 1998 Law.

[Herm and Jethou.]

48. In this Law "**Guernsey**" includes the Islands of Herm and Jethou, which Islands shall be deemed [...]

[...] for all purposes of this Law to be part of the Parish of St. Peter Port[...].]

NOTES

Article 48 was substituted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 4(3), with effect from 6th October 1998, subject to the provisions of section 8(3) of the 1998 Law.

In Article 48, the symbol, parentheses, letters and words omitted in the first, second and third pairs of square brackets were repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 31, with effect from 22nd April, 2020.

In accordance with paragraph (3) of the Resolution of the States of 27th November, 2002 (Billet d'État XXII, Article XXI, Proposition 1), the Islands of Herm and Jethou shall form part of the District of St. Peter Port South.

[Appeals.]

48A. (1) A person aggrieved by a decision of the Registrar-General to refuse to –

- (a) inscribe or re-inscribe his name and address in the Electoral Roll,
- (b) remove his name and address from the Electoral Roll,
- (c) omit his name and address from the Published Electoral Roll under Article 34A, or
- (d) inscribe or re-inscribe his name and address in the Published Electoral Roll under Article 34A,

may appeal to the Court against the decision.

(2) The grounds of an appeal under this Article are that –

- (a) the decision was *ultra vires* or there was some other error of law,
- (b) the decision was unreasonable,
- (c) the decision was made in bad faith,
- (d) there was a lack of proportionality, or
- (e) there was a material error as to the facts or as to the procedure.

(3) An appeal under this Article shall be instituted –

- (a) within a period of 28 days immediately following the date of the notice of the Registrar-General's decision, and
- (b) by summons served on the Registrar-General stating the grounds and material facts on which the appellant relies.

(4) The Registrar-General may, where an appeal under this Article has been instituted, apply to the Court, by summons served on the appellant, for an order that the appeal shall be dismissed for want of prosecution; and on hearing the application the Court may –

- (a) dismiss the appeal or dismiss the application (in either case on such terms and conditions as the Court may direct), or
- (b) make such other order as the Court considers just.

The provisions of this subparagraph are without prejudice to the inherent powers of the Court or to the provisions of rule 52 of the Royal Court Civil Rules, 2007.

(5) On an appeal under this section the Court may –

- (a) set the decision of the Registrar-General aside and, if the Court considers it appropriate to do so, remit the matter to the Registrar-General with such directions as the Court thinks fit, or
- (b) confirm the decision.

(6) An appeal from a decision of the Court under this Article lies to the Court of Appeal on a question of law.

(7) In this section "**the Court**" means the Royal Court sitting as an Ordinary Court, constituted by the Bailiff sitting unaccompanied by the Jurats.]

NOTE

Article 48A was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 32, with effect from 22nd April, 2020.

[Political Parties.]

48B. The Fourth Schedule (Political Parties) shall have effect.]

NOTE

Article 48B was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 32, with effect from 22nd April, 2020.

[False, deceptive or misleading statements in respect of criminal conviction declarations.]

48C. (1) A person commits an offence if, when making a declaration under Article 32(2)(b) (a criminal conviction declaration) he does any of the following –

- (a) makes a statement which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,

- (b) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,
- (c) produces or furnishes or causes or permits to be produced or furnished any information or document which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular, or
- (d) recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information or document which is false, deceptive or misleading in a material particular.

(2) A person who commits an offence under this Article is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding twice level 5 on the uniform scale, or to both.

(3) Where a person is convicted of an offence under this Article, the States may by Resolution declare that he is ineligible to hold office as a People's Deputy, or as a member of a States' Committee who is not a People's Deputy, until the next General Election for the office of People's Deputy; and where the States makes a Resolution under this subparagraph in respect of such a person –

- (a) that person may not hold such office for that period, as set out in the Resolution of the States, and
- (b) if that person is currently holding office as a People's Deputy, that office shall immediately be vacated.]

NOTE

Article 48C was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 32, with effect from 22nd April, 2020.

Interpretation.

49. In this Part of this Law unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them

—

[...]

["**Central Returning Officer**": see Article 37,]

"**Election**" means election to the office of People's Deputy,

["**Deputy Polling Station Officer**": see Article 37,]

["**donation**" and related terms: see the Third Schedule,]

["**ordinarily resident**": see Article 27(5),]

["**Polling Station Officer**": see Article 37,]

["**Published Electoral Roll**": see Article 34A(1),]

["**Registrar-General**" means the Registrar General of Electors, and the functions of that office shall be performed by [the Chief Executive of the States of Guernsey] or by such other person as the States may, from time to time, by Ordinance appoint to perform the functions of that office and the States may in addition, from time to time, by Ordinance designate such other

person to perform the functions of that office during the absence or incapacity of [the Chief Executive of the States of Guernsey] or other person appointed as aforesaid.]

NOTES

In Article 49,

the words omitted in the first pair of square brackets (which words were previously substituted by the Reform (Amendment) (Guernsey) Law, 1996, section 4, with effect from 5th June, 1996) were repealed by the States (Reform) (Guernsey) Law, 2015, section 5(i), with effect from 16th February, 2016;

the definitions of the expressions "Central Returning Officer", "Deputy Polling Station Officer", "donation", "ordinarily resident", "Polling Station Officer" and "Published Electoral Roll" were inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 33, with effect from 22nd April, 2020;

the definition of the expression "Registrar-General" was substituted by the Reform (Amendment) (Guernsey) Law, 1985, section 1(c), with effect from 30th September, 1985;

the words "the Chief Executive of the States of Guernsey" in square brackets, wherever occurring, were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 3, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

PART V

[Election of Parish Officials]

Application of Law to election of Constables and douzeniers.

50. Notwithstanding any enactment or rule to the contrary, after the 30th day of November, 1948, every election to the office of Constable or Douzenier shall be governed by the provisions of this Part of this Law, but nothing therein contained shall affect the completion of the term of office of any Constable or Douzenier

elected on or before the last mentioned date.

NOTE

In the heading of Part V, the words in square brackets were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 34, with effect from 22nd April, 2020.

Eligibility for office.

51. Only those persons eligible for the office of People's Deputy shall be eligible for the office of Constable or Douzenier, save that any such person shall, in order to be so eligible, be ordinarily resident in the Parish concerned at the date of his nomination and, if elected, shall hold office for so long only as he continues to reside therein[; 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].

NOTE

In Article 51, the words in square brackets were inserted by the Reform (Amendment) (Guernsey) Law, 1996, section 1(3), with effect from 5th June, 1996, subject to the provisions of section 11(2) of the 1996 Law.

Persons entitled to vote.

52. Only those persons whose names are inscribed on the section of the Electoral Roll relating to the Parish concerned shall be entitled to vote at an election.

[Terms of office and casual vacancies.

52A. (1) Subject to Articles 17(2) and 51 of this Law, and to paragraph (2) of this Article –

- (a) the term of office of a Douzenier shall be [four years]

commencing on 1st January following his election, and

- (b) the term of office of a Constable shall be three years commencing on 1st January following his election:

PROVIDED THAT if a Constable notifies the Dean of his Parish's Douzaine before the end of October in his first or second year of office that he so wishes then his term of office shall expire at the end of that year;

BUT PROVIDED FURTHER THAT if both Constables of a parish give such notice in the same year only that given by the Senior Constable shall be effective.

(2) If a Constable or Douzenier dies, ceases to reside in the parish concerned, [resigns his office in accordance with paragraph (4) of this Article,] or is discharged from his office by the Royal Court –

- (a) the resulting casual vacancy shall be filled by an election if it occurred more than five whole months before the end of the term of the office vacated, and in any other case may be so filled at the discretion of the Dean of the Parish's Douzaine,
- (b) a person elected to fill such a vacancy shall take office upon complying with Article 61 of this Law and shall hold office (subject to Articles 17(2) and 51 of this Law, and to paragraph (3) of this Article) for the remainder of the term of the office vacated.

(3) In the case of a person elected to fill a casual vacancy in the office of Constable –

- (a) for the purposes of both subparagraphs (a) and (b) of paragraph (2) of this Article any notice given before the occurrence of the vacancy under the proviso to subparagraph (1)(b) of this Article shall be taken into account, and
- (b) if no such notice has been given by his predecessor, he shall be entitled to give any such notice as his predecessor could have given if the vacancy had not occurred.

[(4) A Constable or Douzenier may at any time resign his office, provided that –

- (a) he gives –
 - (i) in the case of the office of Constable, to the Dean of the Douzaine, or
 - (ii) in the case of the office of Douzenier, to the Senior Constable,

written notice of his wish to resign, and

- (b) his resignation shall not take effect until the expiration of a period of 7 days from the date upon which the Dean, or Constable, as the case may be, receives notice under subparagraph (a)(i) or (ii).]]

NOTES

Article 52A was inserted by the Reform (Guernsey) Law, 1998, section 4(1), with effect from 27th May, 1998, subject to the transitional provisions in section 8(3) of the 1998 Law.

In Article 52A,

the words in square brackets in, first, sub-paragraph (a) of paragraph (1) and, second, paragraph (2) were, respectively, substituted and inserted by the Reform (Guernsey) (Amendment) Law, 2008, respectively section 1(2) and section 1(3), with effect from 30th July, 2008, subject to the transitional provisions in section 3 of the 2008 Law;

paragraph (4) was inserted by the Reform (Guernsey) (Amendment) Law, 2008, section 1(4), with effect from 30th July, 2008, subject to the transitional provisions in section 3 of the 2008 Law.

Application of Part IV of this Law.

53. [(1)] The provisions of Part IV of this Law shall, subject to the modifications in this Part of this Law contained, apply, so far as the same are applicable, to elections to the offices of Constable and Douzenier.

[(2) The States may by Ordinance make such further provision as may be necessary or expedient to modify the application of the provisions of Part IV of this Law to elections to the offices of Constable and Douzenier.]

NOTE

In Article 53, first, the text was renumbered as paragraph (1) and, second, paragraph (2) was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 35, with effect from 22nd April, 2020.

Responsibility for conduct of Elections.

54. [(1) In any election –

- (a) for the office of Constable, the Dean of the Parish concerned, or if he is absent, indisposed or otherwise unable to act the Vice-Dean, or if both are absent, indisposed, or otherwise unable to act, a Douzenier appointed in that behalf by the Douzaine,
- (b) for the office of Douzenier, the Senior Constable of the Parish concerned, or if he is absent, indisposed or otherwise unable to act the Junior Constable, or if both are absent, indisposed or otherwise unable to act, a Douzenier appointed in that behalf by the Douzaine

shall be responsible for fixing the place of the electors' meeting, for fixing the [...] time of the election, and for the conduct of the election.]

(2) The person so responsible as aforesaid shall be the Returning Officer for the election and shall preside at any meeting of electors.

(3) The Returning Officer may appoint such persons as he may deem necessary to assist him in the execution of his duties.

[(4) The election shall be held –

- (a) on the first Wednesday of November, [...]
- (b) if the first Wednesday of November falls on the 5th November, then on the first Tuesday of November, [or]
- [(c) on such other date as the States Assembly & Constitution Committee may prescribe by regulations

in any particular case,]

and, if a secret ballot is demanded pursuant to the provisions of Article 59, it shall be held on the third Wednesday of November[, or on such other date as the States Assembly & Constitution Committee may prescribe by regulations; and regulations made under this paragraph may include such consequential, incidental and supplemental provision as appears necessary or expedient to that Committee, including (without prejudice to the generality of the foregoing) provision modifying the application of Articles 55 (notice of elections), 56 (duty of Registrar-General to supply Roll) and 57 (nominations) in any particular case].]

[(5) The States may by Ordinance amend the provisions of paragraph (4).]

NOTES

In Article 54,

paragraph (1) was substituted by the Reform (Guernsey) Law, 1998, section 4(2), with effect from 27th May, 1998;

the words omitted in square brackets in paragraph (1) were repealed, and paragraph (4) and paragraph (5) were inserted, by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(25)(a) and section 1(25)(b), with effect from 1st August, 2003;

first, the word omitted in square brackets at the end of subsection (4)(a) was repealed, second, the word in square brackets at the end of subsection (4)(b), third, paragraph (c) of subsection (4) and, fourth, the words in the fourth pair of square brackets within that subsection were inserted by the Reform (Guernsey) Law, 1948 (Amendment) (No. 2) Ordinance, 2019, section 1(1), respectively paragraph (a), paragraph (b), paragraph (c) and paragraph (d), with effect from 10th December, 2019.

The following Regulations have been made under Article 54:

*Parochial Elections (St Martin and the Vale) Regulations, 2019;
Parochial Elections (St Saviour) Regulations, 2021;
Parochial Elections (St Martin) Regulations, 2021;
Parochial Elections (Vale) Regulations, 2021;*

Parochial Elections (Vale) (No. 2) Regulations, 2021;
Parochial Elections (St Peter Port) Regulations, 2021;
Parochial Elections (St Peter Port) Regulations, 2022;
Parochial Elections (St Peter Port) (No. 2) Regulations, 2022.

Notice of Elections.

55. Notice of an election shall be given by the person responsible for the conduct thereof, not less than fourteen days in advance of the date fixed therefor, by an announcement in the "Gazette Officielle", of the date, time and place of the electors' meeting, which announcement shall also invite the submission of nominations, and a further announcement showing that date, time and place and containing particulars of the nominations received, shall be made by publication in two daily newspapers published locally in the English language or, if there be only one such newspaper, then in that newspaper, [on any three days within the period of the six days immediately preceding the election].

NOTE

In Article 55, the words in square brackets were substituted by the Reform (Amendment) (Guernsey) Law, 1985, section 1(d), with effect from 30th September, 1985.

Duty of Registrar-General to supply Roll.

56. The Registrar-General shall supply to the Returning Officer for each election a copy of the section of the Electoral Roll relating to the Parish concerned.

Nominations.

57. Every nomination of a candidate for the office of Constable or Douzenier shall be in writing, signed by two persons whose names are inscribed on the section of the Electoral Roll representing the Parish concerned, and such nominations shall be delivered to the Returning Officer [not later than 16.00 on the seventh day (not counting any intervening Saturday, Sunday or Public Holiday)

before the day fixed for the holding of the election], and, in the case of an election for the office of Douzenier, shall be accompanied by a declaration in writing signed by the candidate and signifying his consent to be a candidate for that office[:

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.]

NOTES

In Article 57,

the words in the first pair of square brackets were substituted by the Reform (Guernsey) Law, 1998, section 4(3), with effect from 27th May, 1998, subject to the transitional provisions in section 8(4) of the 1998 Law;

the proviso thereto was inserted by the Reform (Amendment) (Guernsey) Law, 1996, section 5(2), with effect from 5th June, 1996.

Number of candidates not exceeding vacancies.

58. At any election where the number of candidates is not greater than the number of offices vacant, the Returning Officer shall, at the electors' meeting, declare such candidate or candidates elected.

Contested Election.

59. At any election where the number of candidates is greater than the number of offices vacant the following procedure shall be adopted –

- (1) The Returning Officer shall, at the electors' meeting, read to the meeting the names of the candidates and of the persons who have signed the respective nominations, in the order in which those nominations shall have been received by him, and shall ask the meeting to vote on the question whether or not they desire a secret

ballot to be held. A secret ballot shall be held if not less than seven electors present demand it. The Returning Officer shall explain that a secret ballot may be demanded by not less than seven electors and that, if such a ballot be held, the formalities of a ballot for an election to the office of People's Deputy will, so far as the same are applicable, be observed in the holding thereof.

(2) If a secret ballot be not demanded –

- (a) the Returning Officer shall cause a voting paper to be delivered to, and only to, every elector present, who shall record his vote by writing thereon the name of the candidate (or the names of the candidates if there be more than one vacancy to be filled) for whom he wishes to vote,
- (b) the Returning Officer shall then cause the voting papers to be collected and the votes counted, and shall declare the result of the election to the meeting,
- (c) the provisions of Part IV of this Law shall be applied as nearly as possible to a case of an equality of votes and to the right to demand a re-count,
- (d) the Returning Officer shall be responsible for the safe custody of the voting papers after the same have been collected, and he shall destroy them after, but not before, the successful candidate has taken the oath of office.

(3) If a secret ballot be demanded, a record of that fact shall be

made by the Returning Officer, who shall thereupon declare the meeting closed. He shall then [make arrangements in accordance with the provisions of this paragraph] [...] for the holding of an election [on the third Wednesday of November (or on such other date as the States, by Ordinance under Article 54(5) [(or the States Assembly & Constitution Committee, by regulations made under Article 54(4))], may prescribe)] [at each polling station which shall be established by the Constables in accordance with the provisions of the next following Article and shall give notice of [such time and date] and of the location of each such polling station by means of an announcement in the "Gazette Officielle", and shall be responsible for the supply of ballot papers at each such polling station.] The ensuing election shall be held in the manner prescribed for elections for the office of People's Deputy.

(4) The Returning Officer shall be responsible for the safe custody of the ballot papers, and shall destroy the same after, but not before, the successful candidate shall have taken the oath of office.

NOTES

In Article 59,

the words in the first and third pairs of square brackets in paragraph (3) were, respectively, substituted and inserted by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(26)(a) and section 1(26)(c), with effect from 1st August, 2003;

the words omitted in the second pair of square brackets in paragraph (3) were repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(26)(b), with effect from 1st August, 2003;

the words in square brackets within the third pair of square brackets were inserted by the Reform (Guernsey) Law, 1948 (Amendment) (No. 2) Ordinance, 2019, section 1(2), with effect from 10th December, 2019;

the words in the fourth pair of square brackets in paragraph (3)

were substituted by the Reform (Amendment) (Guernsey) Law, 1978, section 1(f), with effect from 21st March, 1978, subject to the saving in section 3 of the 1978 Law;

the words in square brackets within the fourth pair of square brackets in paragraph (3) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(26)(d), with effect from 1st August, 2003.

[Polling Stations.]

60. Where at any election a secret ballot is demanded as aforesaid, the Constables of the Parish concerned shall provide for the establishment of a polling station therein and may provide for the establishment of such additional polling stations therein as they may deem to be convenient to the electorate.]

NOTE

Article 60 was substituted by the Reform (Amendment) (Guernsey) Law, 1978, section 1(g), with effect from 21st March, 1978, subject to the saving in section 3 of the 1978 Law.

Oath of office.

61. After any election every successful candidate shall take an oath of office before the Royal Court at the instance of the Law Officers of the Crown or either of them, and after the taking of such oath the validity of the election shall not be further subject to question.

[Election of other Parish officials.]

61A. (1) Subject to the provisions of paragraph (2), the procedure for electing parochial officers other than Constables and Douzeniers (including the elected members of committees established by Parishes) shall be that prescribed, in such manner as it thinks fit, by the Douzaine of the Parish concerned.

(2) Before prescribing a procedure under paragraph (1), the

Douzaine of the Parish concerned shall consult Her Majesty's Procureur.]

NOTE

Article 61A was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 36, with effect from 22nd April, 2020.

Interpretation.

62. In this Part of this Law the following expressions shall unless the context otherwise requires, have the meanings hereby respectively assigned to them

—

"Election" shall mean an election to the office of Constable or Douzenier,

"Registrar-General" shall have the same meaning as in Part IV of this Law.

PART VI

*Transfer to the States of Deliberation of Functions of a legislative nature
hitherto exercised by the Royal Court*

Date and extent of transfer.

63. On and after the day following the date of the holding of the Chief Pleas after Christmas, 1948, subject to the provisions of this Part of this Law, the powers and functions of a legislative nature theretofore exercised by the Royal Court whether sitting as a Court of Chief Pleas or otherwise shall cease to be exercised by the Royal Court and those powers and functions shall thenceforth vest in and be exercised by the States of Deliberation (hereinafter in this Part of this Law referred to as **"the States"**) or by the States [Policy & Resources Committee] in accordance with

the provisions of this Part of this Law and every enactment conferring power on the Royal Court to exercise any such powers and functions by way of Ordinance shall thenceforth be construed as having conferred the like power on the States of Deliberation or on the States [Policy & Resources Committee], as may be appropriate under the provisions aforesaid, in the place and stead of the Royal Court and where under any enactment, whether commencing before or after the said date, power is conferred on the States to make any Ordinance, that enactment shall be construed as conferring power on the States [Policy & Resources Committee], within the limits of that Committee's authority as defined in this Part of this Law, to make that Ordinance.

NOTES

In Article 63, the words "Policy & Resources Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016.⁵³

The functions, rights and liabilities of the Legislation Select Committee and its Minister arising under or by virtue of Article 63 of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁵⁴

The following case has referred to Article 63:

Jersey Fishermen's Association Limited, IF Limited, Interfish Wirons Limited, Scerene Fishing Company Limited and Lovell v. States 2007–08 GLR 36.

The date of the holding of the Chief Pleas after Christmas, 1948 was 17th January, 1949.

[...] Defence Regulations and Rules of Procedure.

64. (1) Notwithstanding the provisions of the last preceding Article, powers and functions of a legislative nature as regards the following matters, namely

—

- (a) the making, variation, modification, and revocation or continuation of Defence Regulations in force or to be in force within the Bailiwick of Guernsey or some part thereof, and
- (b) the making, variation, modification and revocation of Rules of Procedure in the Royal Court and any Division thereof and in any Court subordinate thereto,

shall [in the case of powers and functions referred to in subparagraph (a) vest in and be exercisable by the States [Civil Contingencies Authority] and shall in the case of powers and functions referred to in subparagraph (b)] continue as hitherto to vest in and be exercised by the Royal Court.

(2) The Royal Court shall exercise such powers and functions by way of Orders to be styled "Orders of the Royal Court" and no such Order shall lapse, unless expressed so to do, by mere effluxion of time.

[(3) Regulations of the States [Civil Contingencies Authority] made by virtue of paragraph (1) shall be laid before a meeting of the States as soon as possible, and if the States resolve at that meeting or their next meeting that the regulations be annulled they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations.]

NOTES

In Article 64,

the words omitted in the Article heading were repealed, and the words in square brackets in paragraph (1) were inserted, by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(27)(a) and section 1(27)(b), with effect from 1st August, 2003;

*the words "Civil Contingencies Authority" in square brackets, wherever occurring, were substituted by the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, section 26(2), Schedule 3, Part III, with effect from 4th February, 2013;*⁵⁵

paragraph (3) was inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(27)(c), with effect from 1st August, 2003.

The following have been made by Order of the Royal Court under Article 64:

- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) Order, 1950 (O.R.C. No. I of 1950);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 2) Order, 1950 (O.R.C. No. II of 1950);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 3) Order, 1950 (O.R.C. No. VII of 1950);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) Order, 1951 (O.R.C. No. II of 1951);*
- Defence Regulation 62 (Variation to extend to Alderney) Order, 1951 (O.R.C. No. III of 1951);*
- Saisie Procedure (Simplification) (Bailiwick) Order, 1952 (O.R.C. No. III of 1952);*
- Matrimonial Causes Rules, 1952 (O.R.C. No. IV of 1952);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) Order, 1952 (O.R.C. No. VI of 1952);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 2) Order, 1952 (O.R.C. No. VII of 1952);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) Order, 1953 (O.R.C. No. I of 1953);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 2) Order, 1953 (O.R.C. No. III of 1953);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 3) Order, 1953 (O.R.C. No. IV of 1953);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) Order, 1954 (O.R.C. No. I of 1954);*
- Competent Authority (Alderney) (Revocation) Order, 1954 (O.R.C. No. III of 1954);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 2) Order, 1954 (O.R.C. No. IV of 1954);*
- Defence (Finance) (Guernsey) Regulations, 1945 (Revocation) Order, 1955 (O.R.C. No. II of 1955);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) Order, 1955 (O.R.C. No. III of 1955);*
- Maintenance Orders (Facilities for Enforcement) (Guernsey) Rules, 1955 (O.R.C. No. V of 1955);*
- Court of Alderney (Robes) Order, 1955 (O.R.C. No. VII of 1955);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) Order, 1956 (O.R.C. No. III of 1956);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No.*

- 2) Order, 1956 (O.R.C. No. IV of 1956);
Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) Order, 1958 (O.R.C. No. I of 1958);
Judgments (Reciprocal Enforcement) (Guernsey) Rules, 1972;
Matrimonial Causes (Amendment) Rules, 1973;
Matrimonial Causes (Amendment) (No. 2) Rules, 1973;
Judgments (Reciprocal Enforcement) (Amendment) (Guernsey) Rules, 1975;
Matrimonial Causes (Amendment) Rules, 1980;
Royal Court (Despatch of Business) Order, 1982;
Royal Court (List of Advocates) Order, 1982;
Royal Court (Plaids d'Héritage) Order, 1982;
Committal Proceedings (Written Statements) Rules, 1983;
Matrimonial Causes (Amendment) Rules, 1983;
Committal Proceedings (Written Statements) (Amendment) Rules, 1986;
Eviction Actions Order, 1986;
Royal Court (Non-contentious Applications) Rules, 1988;
Curatelle Rules, 1989;
Companies (Application for change of name) Procedure Rules, 1989;
Royal Court (Non-contentious Applications) (Amendment) Rules, 1989;
Magistrate's Court (Criminal Appeals) Rules, 1989;
Magistrate's Court (Criminal Appeals) (Amendment) Rules, 1989;
Advocate's Trust Accounts Rules, 1989;
Advocate's Trust Accounts Rules, 1989;
Advocate's Accounts Rules, 1989;
Advocates' Accounts (Deposit Interest) Rules, 1989;
Eviction Procedures Rules, 1989;
Saisie Procedure (Simplification) (Bailiwick) (Amendment) Order, 1989;
Royal Court (Affidavits) Civil Rules, 1990;
Royal Court (Non-contentious Applications) (Amendment) Rules, 1990;
Juvenile Court (Criminal Cases) Rules, 1990;
Royal Court (Criminal Procedure) Rules, 1991;
Juvenile Court (Criminal Cases) (Amendment) Rules, 1994;
Royal Court (Election of Counsel) Order 1994;
Royal Court (Plaids d'Héritage) Order, 1995;
Royal Court (Non-contentious Applications) Rules, 1995;
Matrimonial Causes (Amendment) Rules, 2001;
Royal Court (Signing of Summonses) Order, 2003;
Royal Court (Publication of Notices, etc) Order, 2006;
Royal Court Civil Rules, 2007;
Royal Court Civil Rules (Amendment) Order, 2008;
Matrimonial Causes (Amendment) Rules, 2017.

The following cases have referred to Article 64:

Angenent v. Pring 2005–06 GLR 1;
Angenent v. Pring 2005–06 GLR 11.

In accordance with the provisions of the Royal Court of Guernsey (Miscellaneous Reform Provisions) Law, 1950, section 12, with effect from 11th September, 1951, the power of the Royal Court to make, vary, modify and revoke rules of procedure in the Royal Court and any division thereof in pursuance of the provisions of this section shall include power to make rules of procedure varying, modifying or revoking any rule of procedure operative in pursuance of customary or enacted Law.

In accordance with the provisions of the Judgments (Reciprocal Enforcement) (Guernsey) Law, 1957, with effect from 6th April, 1957, the power of the Royal Court to make rules of court under this section shall include power to make rules of court for the purposes set in section 5 of the 1957 Law.

In accordance with the provisions of the Service of Process and Taking of Evidence (Guernsey) Law, 1957, section 9, as and when that section enters into force, the power of the Royal Court to make rules of court under this section shall include a power to make rules of court from time to time—

- (a) *for any purpose for which rules of court may be made under Part II of the 1957 Law, and*
 - (b) *for the purposes of giving effect to Part III of the 1957 Law and regulating the procedure thereunder.*
-

The States [Scrutiny Management Committee].

65. (1) There shall be set up by the States, as soon as may be after the 1st day of January, 1949, a States Standing Committee to be styled "the States [Scrutiny Management Committee]" (hereinafter in this Part of this Law referred to as "**the Committee**") [...].

[(2) The constitution of the Committee shall be such as shall, from time to time, be prescribed by the States by Resolution.]

(3) ...

(4) ...

(5) ...

NOTES

In Article 65,

the words "Scrutiny Management Committee" in square brackets, wherever occurring, substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 8(a), Schedule 2, Part 6, paragraph 1, with effect from 1st May, 2016;⁵⁶

first, the words omitted in the second pair of square brackets in paragraph (1) were repealed and, second, paragraph (2) was substituted and paragraph (3), paragraph (4) and paragraph (5) were repealed by the Reform (Amendment) (Guernsey) Law, 1990, respectively section 1(a) and section 1(b), with effect from 20th March, 1990, subject to the savings in section 2 of the Law of 1990.⁵⁷

The functions, rights and liabilities of the Legislation Select Committee and its Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Scrutiny Management Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 8(a), Schedule 2, Part 6, paragraph 1, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁵⁸

Functions of the Committee.

66. The functions of the Committee shall be as follows –

- (1) To review and revise every *Projet de Loi* presented to the Committee by a Law Officer of the Crown for the purpose of ensuring that the same is in accordance with and will effectually carry into effect any Resolution of the States designated to be implemented thereby and to transmit the same to the States for the consideration and for the decision (subject to the Sanction of His Most Excellent Majesty in Council) of the States.
- (2) To review and revise every draft Ordinance presented to the

Committee by a Law Officer of the Crown at the instance of the States or of some Authority, Board, Committee or Council of the States [and to transmit the same –

(a) to the States for consideration and decision of the States, or

(b) where the Policy and Resources Committee is of opinion that the immediate or early enactment thereof is necessary or expedient in the public interest under Article 66A, to the Policy and Resources Committee for consideration and order of that Committee.]

(3) ...

(4) ...

NOTE

In Article 66, first, the words in square brackets in paragraph (2) were inserted and, second, paragraph (3) and paragraph (4) were repealed, by the States (Reform) (Guernsey) Law, 2015, respectively section 5(1)(j)(i) and section 5(1)(j)(ii), with effect from 1st May, 2016.

[Power of Policy and Resources Committee to enact Ordinances.]

66A. (1) Where, in the case of any draft Ordinance transmitted under paragraph (2)(b) of Article 66, the Policy and Resources Committee is of opinion that the immediate or early enactment thereof is necessary or expedient in the public interest, the Policy and Resources Committee shall have power to order that the same shall be operative either immediately or upon such then future date as it shall prescribe and thereupon the Ordinance shall have effect accordingly:

PROVIDED that every Ordinance coming into effect by virtue of this paragraph shall be laid before the States as soon as may be after the making thereof in such manner as the States may, by general resolution, from time to time direct and if, at the Meeting of the States in the course of which any Ordinance made by the Policy and Resources Committee is laid before them or at the next subsequent Meeting, the States resolve that the Ordinance be annulled, the Ordinance shall cease to have effect but without prejudice to anything previously done thereunder or to the making by the Policy and Resources Committee of any new Ordinance.

(2) For the purpose of removing doubts, it is hereby declared that on an Ordinance ceasing to have effect by virtue of a Resolution of the States under the proviso to paragraph (1) of this Article, any other Ordinance which was modified or extended or repealed in whole or in part by the first-mentioned Ordinance shall thenceforth have effect, notwithstanding such modification, extension or repeal as though such modification, extension or repeal had not been effected.

(3) In paragraph (2)(b) of Article 66 and in this Article, **"the Policy and Resources Committee"** means the States Policy and Resources Committee.]

NOTES

Article 66A was inserted by the States (Reform) (Guernsey) Law, 2015, section 5(1)(k), with effect from 1st May, 2016.

The following Ordinances have been made under Article 66A:

Côte d'Ivoire (Restrictive Measures) (Guernsey) (Repeal) Ordinance, 2016;

Beneficial Ownership of Legal Persons (Guernsey) (Amendment) Ordinance, 2017;

Beneficial Ownership of Legal Persons (Guernsey) (Amendment) (No. 2) Ordinance, 2017;

Document Duty (Amendment) Ordinance, 2017;

Document Duty (Anti-Avoidance) (Guernsey) Law, 2017 (Commencement and Amendment) Ordinance, 2017;

Document Duty (Anti-Avoidance) (Rates) Ordinance, 2017;

Document Duty (Guernsey) Law, 2017 (Commencement and Amendment) Ordinance, 2017;
Document Duty (Rates) Ordinance, 2017;
Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2017;
Transfer of Funds (Guernsey) Ordinance, 2017;
Video-Recorded Evidence (Bailiwick of Guernsey) Ordinance, 2017;
Post Office (Bailiwick of Guernsey) Law, 2001 (Amendment) Ordinance, 2018;
Regulation of Investigatory Powers (Bailiwick of Guernsey) (Amendment) Ordinance, 2018;
Road Traffic (Miscellaneous Amendments) Ordinance, 2018;
Document Duty (Amendment) Ordinance, 2019;
European Communities (Official Controls) (Implementation and General Provisions) (Guernsey) Ordinance, 2019;
European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019;
European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019;
Import Duties (Tariff and Related Provisions) (Bailiwick of Guernsey) Ordinance, 2019;
International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019;
Lighting of Vehicles and Skips (Amendment) Ordinance, 2019;
Motor Vehicles (International Circulation) (Amendment) Ordinance, 2019;
Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019;
Road Traffic (Guernsey) Ordinance, 2019;
Road Traffic (Miscellaneous Provisions) (Guernsey) Ordinance, 2019;
Road Traffic (Motor Vehicles and Trailers) (Periodic Technical Inspections) Ordinance, 2019;
Road Traffic (Trailer Registration) Ordinance, 2019;
Seat Belts (Amendment) Ordinance, 2019;
Driving Licences (Guernsey) (Amendment) Ordinance, 2020;
European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Guernsey) Ordinance, 2020;
Health and Safety at Work (General) (Guernsey) (Amendment) Ordinance, 2020;
Income Tax (Surcharges) (Amendment) (Guernsey) Ordinance, 2020;
International Trade Agreements (General Implementation) (Bailiwick of Guernsey) Ordinance, 2020;
Plant Health (Enabling Provisions) (Guernsey) Law, 2014 (Commencement) (Amendment) Ordinance, 2020;
Plant Health (Implementation) (Guernsey) Ordinance, 2020;
Public Transport (Amendment) Ordinance, 2020;
World Trade Organization (Privileges and Immunities) (Bailiwick of Guernsey) Ordinance, 2020;

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Privileges and Immunities) (Bailiwick of Guernsey) Ordinance, 2021;

Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law (Amendment) Ordinance, 2021.

The following Ordinances have effect, in accordance with the provisions of section 5(2) of the States (Reform) (Guernsey) Law, 2015, as if made under Article 66A:

Coast Protection Ordinance, 1949;
Dutiable Goods (Returns) Ordinance, 1949;
Automobile Amendment Law Commencement Ordinance, 1950;
Cutting of Hedges Ordinance, 1953;
Bills of Exchange (Guernsey) Law, 1958 (Commencement) Ordinance, 1958;
States Water Supply (Commencement) Ordinance, 1958;
Official Publications (Amendment) Ordinance, 1965;
People's Deputies (General Election) Ordinance, 1966;
Wharfage (Guernsey) Law, 1970 (Commencement) Ordinance, 1971;
Social Insurance (Limited Medical Benefit) (Guernsey) Ordinance, 1971;
Social Insurance (Medical Certification) (Amendment) (Guernsey) Ordinance, 1971;
Social Insurance (Amendment and Repeals) (Guernsey) Ordinance, 1971;
Income Support (Implementation) Ordinance, 1971;
Alderney (Application of Legislation) (Income Support) Ordinance, 1971;
People's Deputy (Forest) Election Ordinance, 1972;
Official Publications (Amendment) Ordinance, 1973;
Motor Vehicles (International Circulation) Ordinance, 1974;
Motor Vehicles (International Motor Insurance Card) Ordinance, 1974;
Water Byelaws (Restrictions) Ordinance, 1976;
Supplementary Family Allowances (Guernsey) Law, 1976 (Commencement) Ordinance, 1976;
People's Deputy (Saint Saviour) Election Ordinance, 1981;
People's Deputies (Saint Peter Port, Saint Peter-in-the-Wood, the Forest and Saint Martin) Elections Ordinance, 1983;
Royal Bank of Scotland (Guernsey) Law, 1985 (Appointed Day) Ordinance, 1985;
Judgments (Interest) (Repeal) Ordinance, 1986;
Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1988;
Traffic Signs and Traffic Light Signals (Amendment) Ordinance, 1989;
Prohibited and One-Way Streets (Amendment) (No. 3) Ordinance, 1991;

Public Transport (Amendment) Ordinance, 1993;
Special Constabulary (Amendment) (No. 2) Ordinance, 1993;
Electoral Roll Ordinance, 1995;
Driving Licences (Amendment) (No. 3) (Guernsey) Ordinance, 1996;
Alderney (Application of Legislation) (Health Service) (Benefit)
(Amendment) Ordinance, 1997;
Magistrate's Court and Miscellaneous Reforms (Guernsey) Law,
1996 (Commencement) Ordinance, 1997;
Water Restrictions (Amendment) Ordinance, 1997;
Motor Taxation and Licensing (Guernsey) Law, 1987
(Commencement) Ordinance, 2001;
Health Service (Benefit) (Amendment) (No. 3) Ordinance, 2003;
Reform (Guernsey) (Amendment) Law, 2003 (Commencement)
Ordinance, 2003;
Bar (Amendment) Ordinance, 2004;
Burma (Sale, Supply, Export, Technical Assistance, Financing and
Financial Assistance and Shipment of Equipment) (Penalties and Licences)
(Guernsey) (Amendment) Ordinance, 2004;
Gambling (Crown and Anchor) (Guernsey) (Amendment) Ordinance,
2004;
States Audit Commission (Guernsey) (Repeal) Law, 2004
(Commencement) Ordinance, 2004;
Boats and Vessels (Registration, Speed Limits and Abatement of
Noise) (Amendment) Ordinance, 2005;
Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey)
(Enforcement of Overseas Confiscation Orders) (Amendment) Ordinance,
2006;
European Communities (Bailiwick of Guernsey) (Amendment)
Ordinance, 2006;
Machinery of Government (Transfer of Functions) (Guernsey)
Ordinance, 2006;
Machinery of Government (Transfer of Functions) (Guernsey) (No.
3) Ordinance, 2006;
Prison Administration (Guernsey) (Amendment) Ordinance, 2006;
Criminal Justice (International Co-operation) (Enforcement of
Overseas Forfeiture Orders) (Bailiwick of Guernsey) Ordinance, 2007;
Limited Partnerships (Guernsey) (Amendment) Law, 2006
(Commencement) Ordinance, 2007;
Motorcycle Licence Plates (Guernsey and Alderney) Ordinance,
2007;
Terrorism and Crime (Enforcement of External Orders) (Bailiwick of
Guernsey) Ordinance, 2007;
Alderney (Application of Legislation) (Education) (No. 2)
Ordinance, 2008;
Companies (Guernsey) Law, 2008 (Amendment) Ordinance, 2008;
Companies (Guernsey) Law, 2008 (Amendment) (No.2) Ordinance,
2008;
Companies (Guernsey) Law, 2008 (Commencement) Ordinance,
2008;
Education (Compulsory School Age) (Guernsey) (No.2) Ordinance,

2008;
 Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008 (Amendment) Ordinance, 2008;
 Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007 (Amendment) Ordinance, 2008;
 Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008 (Amendment) Ordinance, 2008;
 Road Traffic (Drink Driving) (Amendment) Ordinance, 2008;
 Alderney (Application of Legislation) (Education) Ordinance, 2009;
 Cash Controls Law (Definition of Cash) (Bailiwick of Guernsey) Ordinance, 2009;
 Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009;
 Gambling (Betting) (Amendment) Ordinance, 2009;
 Judgments (Reciprocal Enforcement) (Amendment) Ordinance, 2009;
2009;
 Public Holidays Ordinance, 2009;
 Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Ordinance, 2009;
 Fees, Charges and Penalties (Guernsey) (Amendment) Ordinance, 2010;
 Health Service (Benefit) (Amendment) (No. 2) Ordinance, 2011;
 Libya (Restrictive Measures) (Guernsey) (Amendment) (No. 3) Ordinance, 2011;
 Income Tax (Pension Amendments) (Guernsey) Ordinance, 2012;
 Public Holidays (Diamond Jubilee) Ordinance, 2012;
 Foreign Tax (Retention Arrangements) (Guernsey and Alderney) (Amendment) Ordinance, 2013;
 Iran (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2013;
 Libya (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2013;
 Mental Health (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2013;
 North Korea (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2013;
 North Korea (Restrictive Measures) (Guernsey) (Amendment) (No. 2) Ordinance, 2013;
 Rehabilitation of Offenders (Bailiwick of Guernsey) (Amendment) Ordinance, 2013;
 Income Tax (Approved International Agreements) (Implementation) (Guernsey) Ordinance, 2013;
 Aviation Registry (Guernsey) (Amendment) Ordinance, 2014;
 Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008 (Amendment) Ordinance, 2014;
 Companies (Guernsey) Law, 2008 (Amendment) Ordinance, 2014;
 Crimea and Sevastopol (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2014;
 Income Tax (Guernsey) (Miscellaneous Amendments) Ordinance, 2014;

Income Tax (Guernsey) (Amendment) (No. 2) Ordinance, 2014;
Income Tax (Guernsey) (Amendment) (No. 3) Ordinance, 2014;
Protection of Investors (Limitation of Liability) (Bailiwick of
Guernsey) Ordinance, 2014;
Aviation Registry (Interests in Aircraft) (Guernsey) Ordinance,
2015;
Cremation (Longue Hougue Facility) Ordinance, 2015;
Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014
(Commencement and Amendment) Ordinance, 2015;
Sark General Purposes and Advisory and Finance and Commerce
Committees (Transfer of Functions) (Guernsey) Ordinance, 2015;
Income Tax (Zero 10) (Company Intermediate Rate) (Amendment)
(Guernsey) (No. 2) Ordinance, 2015;
Public Transport (Amendment) Ordinance, 2016.

Approval of subordinate legislation by Committee and States in lieu of Royal Court.

67. Where in any enactment it is provided that rules, regulations or other subordinate legislation, however described, prepared by any Authority, Board, Committee or Council of the States shall only come into operation after having received the approval of the Royal Court, that enactment shall, instead, be deemed to provide that on and after the day following the date of the holding of the Chief Pleas after Christmas, 1948, any such rules, regulations or other subordinate legislation as shall not have been approved by the Royal Court before that day shall only come into operation after having been reviewed by the Committee and after having received the approval of the States. Such approval shall be given by way of Ordinance.

New style of Ordinances.

68. Ordinances made by the States or by [the Policy & Resources Committee] shall be styled "Ordinances of the States" and no such Ordinance unless its period of operation be limited by express words or by operation of law, shall lapse merely by effluxion of time.

NOTES

In Article 68, the words in square brackets were substituted by the

Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016.

The functions, rights and liabilities of the Legislation Select Committee and its Minister arising under or by virtue of Article 68 of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

Making of Orders under Defence Regulations.

69. On and after the day following the date of the holding of the Chief Pleas after Christmas, 1948, the Royal Court shall cease to be a Competent Authority under any Defence Regulation and the powers and functions theretofore vesting in the Royal Court as a Competent Authority under that Defence Regulation shall thenceforth for so long as that Defence Regulation continues in force vest in and be exercised by [the Policy & Resources Committee] as a Competent Authority thereunder but without prejudice to anything previously done thereunder.

NOTES

In Article 69, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016.

The functions, rights and liabilities of the Legislation Select Committee and its Minister arising under or by virtue of Article 68 of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

Permanent and Provisional Ordinances existing at Chief Pleas after Christmas.

1948.

70. On and after the day following the date of the holding of the Chief Pleas after Christmas, 1948, Ordinances of the Royal Court –

- (1) which after receiving the approval of the States, have before that day been made Permanent Ordinances by the Royal Court and are still in force, shall, until repealed, continue in force,
- (2) which by virtue of the provisions of any Order in Council are Permanent Ordinances and are still force, shall, until repealed, continue in force,
- (3) made before that day which are Provisional Ordinances and are still in force, shall, unless previously repealed, continue in force as Provisional Ordinances until the 1st day of January, 1950, and shall thenceforth become Permanent Ordinances of the States:

PROVIDED that the Committee shall review all such Provisional Ordinances as are referred to in paragraph (3) of this Article and shall report to the States thereon and if, at any time during the calendar year 1949, the States resolve that any such Provisional Ordinance shall be annulled, the same shall cease to have effect as though it had been repealed but without prejudice to anything previously done thereunder.

Power of Committee to repeal or vary Ordinances.

71. [The Policy & Resources Committee], within the limits of the latter's authority and subject to the provisions of paragraph (4) of Article 66 of this Law, and the States shall have power, from time to time, to repeal, suspend, vary or modify any

Ordinance made by the Royal Court (except in relation to any of the matters referred to in paragraph (1) of Article 64 of this Law) or by the States or by [the Policy & Resources Committee].

NOTES

In Article 71, the words "The Policy & Resources Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016.

The functions, rights and liabilities of the Legislation Select Committee and its Minister arising under or by virtue of Article 68 of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The following Ordinances have been made under Article 71:

*Public Health (Amendment) Ordinance, 2010;
European Communities (Food and Feed Controls) (Guernsey)
Ordinance, 2016.*

PART VII

Miscellaneous and Repeals

Number of votes restricted to number of vacancies.

72. No person shall vote or purport to vote at any election for a greater number of candidates than there are seats vacant, and any vote cast or purported to be cast in contravention of this Article shall be void.

[Duty to refer certain matters to the States of Deliberation.]

72A. (1) Where it is proposed that –

- (a) a provision of a draft Act of the Parliament of the United Kingdom should apply directly to Guernsey, or
- (b) an Order in Council should be made –
 - (i) extending to Guernsey a provision of an Act of the Parliament of the United Kingdom,
 - (ii) extending to Guernsey a Measure, pursuant to the Channel Islands (Church Legislation) Measures 1931[§] and 1957^{§§}, or
 - (iii) that is otherwise expressed to have effect in, or to be applicable to or otherwise binding upon, Guernsey,

the Policy and Resources Committee shall, unless that Committee considers it unnecessary, submit the proposal to the States of Deliberation, in order that the States may signify their views on it.

- (2) Where, upon transmission of –
 - (a) an Act of the Parliament of the United Kingdom containing a provision described in paragraph (1)(a), or
 - (b) an Order in Council described in paragraph (1)(b),

[§] 21 and 22 Geo.V. No. 4 and 5.

^{§§} 5 and 6 Eliz. 2, No. 1.

to the Royal Court for registration, it appears to the Royal Court that the States of Deliberation have not signified their agreement to the substance of the provision or Order in Council –

- (i) the Royal Court shall refer the provision or Order in Council, as the case may be, to the Policy and Resources Committee, and
- (ii) the Policy and Resources Committee shall, unless that Committee considers it unnecessary, submit it to the States in accordance with paragraph (1).

(3) In this Article "**Policy and Resources Committee**" has the meaning given in Article 66A(3).]

NOTE

Article 72A was inserted by the Reform (Guernsey) (Amendment) Law, 2019, section 2, with effect from 4th November, 2019.

[General Election Observers.]

72B. (1) The States' Assembly and Constitution Committee may, after consultation with the Policy & Resources Committee, appoint one or more observers of a General Election.

(2) The States' Assembly and Constitution Committee shall, as soon as possible after making an appointment under subparagraph (1), present a report to the States of Deliberation informing the States of the appointment.

(3) An observer appointed under subparagraph (1) shall have the

right –

- (a) to be provided by the Registrar-General with a copy of the Published Electoral Roll,
- (b) to be present in any polling station –
 - (i) while preparations are being made to open the poll,
 - (ii) during the poll, and
- (c) to be present during any count of the votes cast in the election.

(4) When exercising a right conferred by paragraph (3) an observer must not –

- (a) attempt to influence a voter, or
- (b) do anything to compromise the secrecy or integrity of voting in an election.

(5) When exercising a right conferred by paragraph (3) an observer must comply with any direction given to him by the Central Returning Officer, a Polling Station Officer or a Deputy Polling Station Officer.

(6) A person who contravenes paragraph (4) or (5) is guilty of an offence and is liable on conviction to a fine not exceeding level 5 on the Uniform Scale.

(7) The States may by Ordinance make further provision in relation to observers appointed under this Article.]

NOTE

Article 72B was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 37, with effect from 22nd April, 2020.

[Costs of elections.]

72C. The States shall bear the costs of the election of Jurats and of elections to the office of People's Deputy, and each Parish shall bear the costs of the election of its officers.]

NOTE

Article 72C was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 37, with effect from 22nd April, 2020.

Disqualification of Advocates for the office of Constable.

73. ...

NOTE

Article 73 was repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(28), with effect from 1st August, 2003.

Limitation of the application of the Secret Ballot Laws.

74. ...

NOTE

Article 74 was repealed by the Reform (Guernsey) (Amendment) (No. 2) Law,

2019, Article 38, with effect from 22nd April, 2020.

[Saving of powers for existing States of Deliberation and Election.]

75. (1) The Conseillers and People's Deputies due to retire on the 31st day of December, 1954 shall continue in office until the 31st day of March, 1955, and the Douzaine Representatives in office on the 30th day of November, 1954, shall continue to hold office until the 31st day of March 1955, and any Douzaine Representative elected after the 30th day of November, 1954, to fill a casual vacancy shall hold office until the 31st day of March, 1955.

(2) The Conseillers due to retire on the 31st day of December, 1957, shall continue in office until the 31st day of March, 1958.]

NOTE

Article 75 was substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(k), with effect from 16th August, 1952.

Repeals.

76. The enactments set out in the first column of the Second Schedule to this Law shall be repealed to the extent and on the dates indicated in the second and third columns respectively of that Schedule.

Saving.

77. The repeal of section 3 of the States (Election of People's Deputies) (Special Provisions) Law, 1945, shall not affect the continuance of the qualification for office in respect of residence of any People's Deputy elected or deemed to have been elected at the General Election to be held during the month of December, 1948.

[Power to amend Third and Fourth Schedules by Ordinance.]

77A. The States may by Ordinance amend the Third and Fourth Schedules

to this Law.]

NOTE

Article 77A was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 39, with effect from 22nd April, 2020.

[General provisions as to Ordinances.]

77B. (1) An Ordinance under this Law –

- (a) may be amended or repealed by a subsequent Ordinance hereunder, and
- (b) may contain such consequential, incidental, supplementary, savings and transitional provision as may appear to be necessary or expedient, including provision amending any enactment.

(2) Any power conferred by this Law to make an Ordinance may be exercised –

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised –

- (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
- (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same class of case for different purposes,
- (iii) any such provision either unconditionally or subject to any prescribed conditions.]

NOTE

Article 77B was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 39, with effect from 22nd April, 2020.

[General provisions as to regulations.]

77C. (1) Any regulations under this Law –

- (a) may be amended or repealed by subsequent regulations hereunder,
- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the States' Assembly and Constitution Committee or the Committee for Home Affairs (as the case may be) to be necessary or expedient,
- (c) shall be laid before a meeting of the States of Deliberation as soon as possible and shall, if at that or

the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

(2) Any power conferred by this Law to make regulations may be exercised –

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

(b) so as to make, as respects the cases in relation to which it is exercised –

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

(iii) any such provision either unconditionally or subject to any prescribed conditions.]

NOTES

Article 77C was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 39, with effect from 22nd April, 2020.

The following Regulations have been made under Article 77C:

Registration of Political Parties (Fees) Regulations, 2020;
Polling Stations (Hours of Opening) (Revocation) Regulations,
2020;
Polling Stations (Hours of Opening) (No. 2) Regulations, 2020;
Parochial Elections (St Saviour) Regulations, 2021;
Parochial Elections (St Martin) Regulations, 2021;
Parochial Elections (Vale) Regulations, 2021;
Parochial Elections (Vale) (No. 2) Regulations, 2021;
Parochial Elections (St Peter Port) Regulations, 2021;
Parochial Elections (St Peter Port) Regulations, 2022;
Parochial Elections (St Peter Port) (No. 2) Regulations, 2022.

[General provisions as to rules.]

78. Rules made by the [States Assembly and Constitution Committee]
[and the Committee for Home Affairs] under any provision of this Law –

- (a) shall be laid as soon as possible before a meeting of the States and shall, if at that or their next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new rules under that provision,
- (b) may contain incidental, consequential, supplementary and transitional provisions, and
- (c) may be amended or repealed by subsequent rules under that provision.]

NOTES

Article 78 was inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(29), with effect from 1st August, 2003.

In Article 78,

the words in the first pair of square brackets were substituted by the House Committee (Transfer of Functions) Ordinance, 2008, section 3, with effect from 24th September, 2008;⁵⁹

the words in the second pair of square brackets were inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 40, with effect from 22nd April, 2020.

The Law received Royal Sanction on 5th August, 1948 and was registered on the Records of the Island of Guernsey and came into force on 28th August, 1948.

The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the States Assembly and Constitution Committee and its Chairman by the House Committee (Transfer of Functions) Ordinance, 2008, section 1, with effect from 24th September, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.⁶⁰

FIRST SCHEDULE

Article 47(1)

ALLOCATION OF DEPUTIES BETWEEN THE ELECTORAL DISTRICTS

...

NOTE

The First Schedule was repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 41, with effect from 22nd April, 2020.⁶¹

SECOND SCHEDULE

Article 76

REPEALS

<i>Law</i>	<i>Extent of Repeal</i>	<i>Date of Repeal</i>
Réforme des États, registered on the Records on 27 th December, 1844	Articles 1, 2, 3, 4 and 5	On date of registration of this Law
	Articles 6, 7 and 14	So far as the same concern the States of Election, on the 30 th September, 1948, and, so far as they concern the States of Deliberation, on the 31 st December, 1948
	Articles 8, 9, 10, 11 and 12	On the 31 st December, 1948
	Articles 15 and 16	On such date after the 31 st December, 1948, as the States of Deliberation shall by Resolution appoint
	Article 17	On the 30 th September, 1948
De l'Eligibilité des Douzeniers de Canton à la Charge de Douzenier de Paroisse,	Article 5	On date of registration of this Law

registered on the Records on 2 nd August, 1851		
Articles Supplémentaires à la Loi de 1844 qui Règle la Constitution des États, registered on the Records on 25 th June, 1853	Article 1	So far as the same concerns the States of Election, on the 30 th September, 1948, and, so far as it concerns the States of Deliberation, on the 31 st December, 1948
	Articles 2, 3, 4 and 5	On date of registration of this Law
Constitution des États Articles Supplémentaires à la Loi de 1844, registered on the Records on 6 th August, 1864	The Whole Law	On such date after the 31 st December, 1948, as the States of Deliberation shall by Resolution appoint
Loi relative à la Réforme des États de Délibération, registered on the Records on 26 th August, 1899	Articles II, VIII, IX and X	On the 31 st December, 1948
Loi relative à la Douzaine de la Ville et Paroisse de Saint Pierre Port, registered on the Records on 13 th October, 1900	The Whole Law	On date of registration of this Law
Loi relative aux États	The Whole Law	On the 30 th September, 1948

d'Election, registered on the Records on 29 th June, 1901		
Loi Supplémentaire à la Loi réglant la Constitution des États (1844), registered on the Records on 8 th June, 1915	The Whole Law	On such date after the 31 st December, 1948, as the States of Deliberation shall by Resolution appoint
Loi Supplémentaire à la Loi relative à la Réforme des États de Délibération, registered on the Records on 30 th October, 1920	Articles I and V	On the 31 st December, 1948
	Articles VIII, X, XI, XIII and XVI	On the 30 th September, 1948
	Articles XIV, XV, XVII and XVIII	On date of registration of this Law
Loi Supplémentaire à la Loi relative à la Réforme des États de Délibération, 1923	The Whole Law	On the 30 th September, 1948
Loi Supplémentaire à la Loi relative à la Réforme des États de Délibération, 1938	The Whole Law	On the 31 st December 1948
Loi Supplémentaire relative à la Réforme des États (No. 2), 1938	The Whole Law	On the 30 th September, 1948
Loi relative à la Réforme des	The Whole Law	On the 30 th September, 1948

États, 1939		
Loi provisoire supplémentaire à la Loi relative à la Réforme des États (No. 2, 1940)	Articles 1, 2 and 4	On the 31 st December, 1948
	Article 3.	On date of registration of this Law.
Loi relative à la Réforme des États (1940)	The Whole Law	On date of registration of this Law
Loi Supplémentaire à la Loi relative à la Réforme des États de Délibération, 1941	The Whole Law	On date of registration of this Law
The States (Election of People's Deputies) (Special Provisions) Law, 1945	The Whole Law except section 3 thereof	On the 30 th September, 1948
	Section 3	On the 31 st March, 1949

[THIRD SCHEDULE

Article 44A

DONATIONS

Money.

1. (1) A gift of money is a donation if –
 - (a) it is made at any time before the date of the election and the giver signifies, expressly or otherwise, that the money is intended for use to pay the recipient's election expenses, or
 - (b) it is made after the time and date appointed by the Presiding Officer of the States for the closing of nominations under Article 32(1), and is either made anonymously or the giver does not signify the intended use of the money.
- (2) A loan of money is a donation if –
 - (a) it is made either at no cost to the recipient or on terms below the commercial rate for the loan, and
 - (b) it is made –
 - (i) at any time before the election and the lender signifies, expressly or otherwise, that the loan is intended for use to pay the recipient's election expenses, or

- (ii) after the time and date appointed by the Presiding Officer of the States for the closing of nominations under Article 32(1), and is either made anonymously or the lender does not signify the intended use of the loan.

(3) A gift or loan of money is made at the time when the money is given or lent to the recipient or, if earlier, the time when the giver or lender informs the recipient of his intention to make the gift or loan.

Goods and services.

2. (1) A supply of goods (including by way of loan or rental) or a supply of services is a donation if –

- (a) it is made free of charge or at a discount to the open market value of or rate for the supply of the goods or services, and
- (b) it is made –
 - (i) at any time before the election, and the person making the supply signifies, expressly or otherwise, that the goods or services are intended for use to promote or procure the candidate's election,
 - (ii) after the time and date appointed by the Presiding Officer of the States for the closing of nominations under Article 32(1), and is either made anonymously or the person making the

supply does not signify the intended use of the goods or services.

(2) A supply of goods or services is made at the time when the goods or services are provided to the recipient.

Value attributable to loans, goods and services.

3. (1) The value of a donation that is a loan of money is the amount equal to the difference between the cost to the recipient if the loan had been made on commercial terms, and the actual cost to the recipient.

(2) The value of a donation of goods is the amount equal to the difference between the open market value of the goods and the actual cost to the recipient.

(3) The value of a donation of the use of goods is the amount equal to the difference between the open market rate for the use of the goods and the actual cost to the recipient.

(4) The value of a donation of the supply of services is the amount equal to the difference between the open market value rate for their supply and the actual cost to the recipient.

Exceptions: States Committees, and services of an individual provided without charge.

4. (1) If a Committee of the States disseminates information about or on behalf of candidates in an election on the same terms to each candidate, that Committee is not making a donation.

(2) If an individual is providing his own services, that individual is not making a donation if those services are provided –

- (a) as a volunteer,
- (b) without charge, and
- (c) otherwise than in the course of the individual's employment, trade, profession or any other business.

Exceptions: newspapers and broadcasts.

5. (1) Subject to subparagraph (2), the publication of any matter relating to an election –

- (a) in a newspaper or periodical circulating in Guernsey,
- (b) in a programme broadcast by a television or radio service provider, or
- (c) on a website as part of the news service of a television or radio service provider or news agency,

is not a donation.

(2) Subparagraph (1) does not apply to an advertisement.

(3) Where the publisher of a newspaper or periodical circulating in Guernsey also publishes an edition of the newspaper or periodical on the internet, the reference in subparagraph (1)(a) to a newspaper or periodical includes the edition of it published on the internet.

(4) Where a television or radio service provider makes a programme accessible by streaming or downloading from a website, the reference in

subparagraph (1)(b) to the broadcast programme includes the programme as it may be accessed from a website.]

NOTE

The Third Schedule was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 42, Schedule 1, with effect from 22nd April, 2020.

[FOURTH SCHEDULE

Article 48B

POLITICAL PARTIES

Political parties must be registered.

1. (1) A political party may not support or endorse any candidate for election to the office of People's Deputy unless it is registered under this Schedule.

(2) For the purposes of this Law, a "**political party**" means a free association of persons, one of the aims of which is to participate in the management of public affairs, including through the presentation of candidates to free and democratic elections.

Application for registration as a political party.

2. (1) A political party that wishes to be registered under this Schedule shall apply to the Greffe.

(2) A political party that wishes to be registered under this Schedule must have a leader, treasurer and secretary, all of whom must be natural persons; and for the avoidance of doubt, a person may hold more than one such office.

(3) Subject to subparagraph (4), an application under subparagraph (1) shall be in such form as the Greffe may from time to time direct.

(4) An application under subparagraph (1) must contain the following information in respect of the political party –

(a) its name, and any abbreviation of its name,

- (b) its emblem (if any),
- (c) the full names of its leader, treasurer and secretary and any other office-holders,
- (d) its constitution (setting out information relating to the purpose and structure of the party including but not limited to its aims and objectives, one of which must be the support or endorsement of candidates for the office of People's Deputy, and its membership rules),
- (e) its most recent financial accounts, prepared in line with generally accepted accounting standards, and
- (f) its postal address in Guernsey,

and must be signed by at least two members of the party who are inscribed on the Electoral Roll.

(5) An application under subparagraph (1) must be accompanied by such fee not exceeding £200 as the States' Assembly and Constitution Committee may prescribe by regulations.

Determination of application for registration as a political party.

3. (1) The Greffier shall determine applications for registration as a political party.

(2) Subject to subparagraph (3), the Greffier must grant an application for registration as a political party if he is satisfied that the application complies with the requirements set out in paragraph 2.

(3) The Greffier may not grant an application for registration as a political party if in his opinion the name, any abbreviation of the name, or emblem of the political party is –

- (a) offensive or otherwise inappropriate, or
- (b) the same as the name, abbreviation or emblem of any other organisation, or of such similarity to the name, abbreviation or emblem of another organisation that it might reasonably be confused with it.

The Register of Political Parties.

4. (1) The Greffier shall establish and maintain a Register of Political Parties (in this Schedule, "**the Register**").

(2) The Register shall be kept in such form as the Greffier thinks fit, including in electronic form only.

(3) Where the Greffier grants an application for registration of a political party, he must register that party by entering in the Register the information set out at subparagraphs 2(4)(a) – (f) in respect of that party.

Public inspection of the Register and other documents.

5. A person may inspect the Register, and any document filed pursuant to a requirement imposed by this Schedule, at the Greffe during normal office hours.

Change of name or emblem of registered political party.

6. (1) A registered political party may apply to the Greffier for the name, any abbreviation of that name, or the emblem of a registered political party to be changed.

(2) An application under subparagraph (1) shall be signed by the leader, treasurer or secretary of the party and accompanied by evidence that the decision to make the change was made in accordance with the party's constitution.

(3) An application under subparagraph (1) must be accompanied by such fee not exceeding £100 as the States' Assembly and Constitution Committee may prescribe by regulations.

(4) The Greffier must grant an application under subparagraph (1) if he is satisfied that the application complies with the requirements set out in paragraphs (2) and (3) and he is not of the opinion set out in paragraph 3(3).

Change of other particulars of registered political party.

7. (1) A registered political party must notify the Greffier in writing of a change to any of the following –

- (a) its constitution,
- (b) its leader, treasurer or secretary, or
- (c) its postal address.

(2) A notification under paragraph (1) must be made within ten working days of the change in question occurring, and shall be signed by the leader, treasurer or secretary of the political party and accompanied by evidence that the decision to make the change was made in accordance with the party's constitution.

(3) Where the change was to the political party's constitution, the notification must be accompanied by a copy of the new constitution.

(4) On receipt of a notification under this paragraph, if he is satisfied that it complies with subparagraphs (2) and (3), the Greffier must enter the notified particulars in the Register.

Accounts.

8. During the month of February each year the treasurer of a registered political party must file with the Greffier financial accounts, for the previous calendar year (or for the part of the previous calendar year it has been a registered political party, if shorter), prepared in line with generally accepted accounting standards.

Removal from the Register.

9. (1) The Greffier shall remove a political party from the Register –
- (a) upon an application being made to the Greffier that is signed by the leader and one other office-holder of the party, and that is accompanied by evidence that the decision to apply for removal from the Register was made in accordance with the party's constitution,
 - (b) of his own volition if he is satisfied that –
 - (i) the party has not supported or endorsed a candidate for election to the office of People's Deputy at either of the two previous general Elections,
 - (ii) the party has failed to comply with paragraphs 7 (Change of other particulars of registered political party) or 8 (Accounts), or

- (iii) the party has ceased to exist or is otherwise no longer functioning as a political party.

(2) Unless he is satisfied that the party has ceased to exist, the Greffier must notify the party at least two months before removing it from the Register under subparagraph (1)(b).

Appeals.

- 10.** (1) A person aggrieved by a decision of the Greffier to –
- (a) refuse to grant an application to register a political party,
 - (b) refuse to grant an application to change the name or emblem of a registered political party, or
 - (c) remove a political party from the Register.

may appeal to the Court against the decision.

- (2) The grounds of an appeal under this Article are that –
- (a) the decision was *ultra vires* or there was some other error of law,
 - (b) the decision was unreasonable,
 - (c) the decision was made in bad faith,
 - (d) there was a lack of proportionality, or

- (e) there was a material error as to the facts or as to the procedure.

(3) An appeal under this section shall be instituted –

- (a) within a period of 28 days immediately following the date of the notice of the Greffier's decision, and
- (b) by summons served on the Greffier stating the grounds and material facts on which the appellant relies.

(4) The Greffier may, where an appeal under this section has been instituted, apply to the Court, by summons served on the appellant, for an order that the appeal shall be dismissed for want of prosecution; and on hearing the application the Court may –

- (a) dismiss the appeal or dismiss the application (in either case on such terms and conditions as the Court may direct), or
- (b) make such other order as the Court considers just.

The provisions of this subparagraph are without prejudice to the inherent powers of the Court or to the provisions of rule 52 of the Royal Court Civil Rules, 2007.

(5) On an appeal under this paragraph the Court may –

- (a) set the decision of the Greffier aside and, if the Court considers it appropriate to do so, remit the matter to the Greffier with such directions as the Court thinks fit, or

(b) confirm the decision.

(6) An appeal from a decision of the Court under this Article lies to the Court of Appeal on a question of law.

(7) In this paragraph "**the Court**" means the Royal Court sitting as an Ordinary Court, constituted by the Bailiff sitting unaccompanied by the Jurats.]

NOTES

The Fourth Schedule was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 43, Schedule 2, with effect from 22nd April, 2020.

The following Regulations have been made under the Fourth Schedule:

Registration of Political Parties (Fees) Regulations, 2020.

¹ The Law was previously modified by the Emergency Powers (Coronavirus) (States Procedures) (Guernsey) Regulations, 2020, regulation 1, with effect from 9th April, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2020, regulation 36, with effect from 16th April, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020, regulation 36, with effect from 15th May, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2020, regulation 33, with effect from 13th June, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021, regulation 17K, with effect from 26th January, 2021; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021, regulation 27, with effect from 5th February, 2021; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2021, regulation 27, with effect from 5th March, 2021.

² Previously, collective title provisions were included in the Reform (Guernsey) Amendment Law, 1950, section 4; the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, section 2; the Reform (Amendment) (Guernsey) Law, 1960, section 2(2); the Reform (Amendment) (Guernsey) Law, 1962, section 2(2); the Reform (Amendment) (Guernsey) Law, 1963, section 3; the Reform (Amendment) (Guernsey) Law, 1972, section 19; the Reform (Amendment) (Guernsey) Law, 1975,

section 2(2); the Reform (Amendment) (Guernsey) Law, 1978, section 4(2); the Reform (Amendment) (Guernsey) Law, 1984, section 4; the Reform (Amendment) (Guernsey) Law, 1985, section 3; the Reform (Amendment) (Guernsey) Law, 1987, section 3; the Reform (Amendment) (Guernsey) Law, 1988, section 4; the Reform (Amendment) (Guernsey) Law, 1990, section 7; the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 21; the Reform (Amendment) (Guernsey) Law, 1996, section 10(2); the Reform (Amendment) (No. 2) (Guernsey) Law, 1996, section 3; the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 7(2).

³ Prior to its substitution, Article 2 was amended by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 2(2), with effect from 1st May, 2000.

⁴ Paragraph (1) was previously amended by the Reform (Amendment) (Guernsey) Law, 1987, section 1(a), with effect from 19th May, 1987.

⁵ Prior to their repeal, paragraph (2) and paragraph (3) were amended by the Reform (Amendment) (Guernsey) Law, 1987, respectively section 1(b) and section 1(c), with effect from 19th May, 1987; and the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004.

⁶ These words were previously substituted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 2(3)(b), with effect from 1st May, 2000.

⁷ Prior to this substitution, the first proviso to Article 4(2) was inserted by the Reform (Amendment) (Guernsey) Law, 1978, section 1(a), with effect from 21st March, 1978, subject to the saving in section 3 of the 1978 Law; the second proviso thereto was inserted by the Reform (Amendment) (Guernsey) Law, 1984, section 1, with effect from 29th January, 1985.

⁸ Prior to its substitution, paragraph (1) was amended by the Appointment of Her Majesty's Sheriff (Guernsey) Law, 1955, section 2, with effect from 18th June, 1955.

⁹ Prior to its substitution, paragraph (2) was amended by the Appointment of Her Majesty's Sheriff (Guernsey) Law, 1955, section 2, with effect from 18th June, 1955.

¹⁰ The words in the first pair of square brackets were previously substituted, in part, by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(3)(b), with effect from 1st May, 1994.

¹¹ Prior to its substitution, paragraph (1) was substituted by the Reform (Amendment) (Guernsey) Law, 1978, section 1(b), with effect from 21st March, 1978, subject to the saving in section 3 of the 1978 Law.

¹² Prior to its substitution, paragraph (c) was amended by the Reform (Amendment) (Guernsey) Law, 1960, section 1(a), with effect from 20th December, 1960; paragraph (d) was previously repealed by the Reform (Amendment) (Guernsey) Law, 1960, section 1(b), with effect from 20th December, 1960; re-inserted by the Reform (Amendment) (Guernsey) Law, 1988, section 1, with effect from 21st June,

1988, then repealed again by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 2(4)(b), with effect from 1st May, 2000.

13 Prior to its substitution, the Article heading was amended by the Reform (Amendment) (Guernsey) Law, 1960, section 1(c), with effect from 20th December, 1960.

14 Prior to its repeal, Article 10 was amended by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(a), with effect from 16th August, 1952; the Reform (Amendment) (Guernsey) Law, 1975, section 1(a), with effect from 21st October, 1975.

15 Prior to its repeal, Article 12 was amended by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(b), with effect from 16th August, 1952; the Reform (Amendment) (Guernsey) Law, 1975, section 1(b), with effect from 21st October, 1975.

16 Prior to its repeal, Article 14 was amended by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(c), with effect from 30th November, 1954; the Reform (Guernsey) Law, 1998, section 1, with effect from 27th May, 1998, subject to the transitional provisions in section 8(2) of the 1998 Law.

17 Prior to its substitution, paragraph (1) was substituted by the Reform (Amendment) (Guernsey) Law, 1975, section 1(c), with effect from 21st October, 1975.

18 The word in square brackets in paragraph (a) was previously substituted in accordance with the provisions of the Resolution of the States of 12th December, 1996, concerning Billet d'État No. XXVII.

19 Paragraph (a) was previously amended by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 11, with effect from 1st May, 2016; the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 14, with effect from 1st May, 2016. The functions, rights and liabilities of the Scrutiny Management Committee and its President or Vice-President, where first mentioned in that paragraph, were transferred to and vested in them from, respectively, the Public Accounts Committee and its Minister by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 11, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance; and the functions, rights and liabilities of the Scrutiny Management Committee and its President or Vice-President, where second mentioned in that paragraph, were transferred to and vested in them from, respectively, the Scrutiny Committee and its Minister by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 14, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

20 Paragraph (2) was previously substituted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 4(1)(a), with effect from 6th October

1998, subject to the provisions of both section 8(3) and the transitional provisions in section 9(1) of the 1998 Law.

²¹ Prior to its substitution, paragraph (1) was substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(f)(i), with effect from 16th August, 1952; and the Reform (Amendment) (Guernsey) Law, 1996, section 2, with effect from 5th June, 1996, subject to the provisions of section 11(3) of the 1996 Law; and amended by the Reform (Amendment) (Guernsey) Law, 1963, section 1, with effect from 9th August, 1963; the Reform (Amendment) (Guernsey) Law, 1972, section 1(a), with effect from 1st October, 1972; the Reform (Amendment) (Guernsey) Law, 1985, section 1(a), with effect from 30th September, 1985; the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 13(1)(a), with effect from 1st September, 1993.

²² The words omitted in the second pair of square brackets within the first pair of square brackets within paragraph (4) were previously inserted, in part, by the Reform (Amendment No. 2) (Guernsey) Law, 2003, section 1(5), with effect from 19th January, 2004.

²³ Paragraph (3) was originally inserted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(f)(iii), with effect from 16th August, 1952; and amended by the Reform (Amendment) (Guernsey) Law, 1975, section 1(e), with effect from 21st October, 1975.

²⁴ Prior to their substitution, these words were amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

²⁵ This date, where first appearing, was previously substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 11(2)(a), with effect from 31st March, 1994; the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 3(a), with effect from 6th October 1998, subject to the provisions of section 8(3) of the 1998 Law; the States (Reform) (Guernsey) Law, 2015, section 5(1)(g)(i)(A), with effect from 1st May, 2016; and, where second appearing, was previously inserted by the States (Reform) (Guernsey) Law, 2015, section 5(1)(g)(ii), with effect from 1st May, 2016.

²⁶ Prior to its substitution, the date in the first pair of square brackets was substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 11(2)(a), with effect from 31st March, 1994.

²⁷ This word was previously substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 11(2)(b), with effect from 31st March, 1994.

²⁸ This word was previously substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 11(2)(c), with effect from 31st March, 1994.

²⁹ Paragraph (2) was also amended, in part, by the Reform (Guernsey) (Amendment) Law, 2020, section 1(3), with effect from 29th June, 2020, subject to

the provisions of section 3 of the 2020 Law, whereby that amendment ceased to have effect on 1st January, 2022.

30 Prior to their ceasing to have effect on 1st January, 22, paragraph (2) (in part) and paragraph 2(A) were also modified in accordance with the provisions of the Elections Ordinance, 2020, respectively section 1(c) and section 1(d), with effect from 1st July, 2020.

31 The words in paragraph (1) were previously amended by the Reform (Amendment) (Guernsey) Law, 1960, section 1(d), with effect from 20th December, 1960; the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 14, with effect from 30th June, 1993; the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004.

32 Prior to its substitution, Article 34 was substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(h), with effect from 16th August, 1952; and amended by the Reform (Guernsey) Amendment Law, 1950, section 1, with effect from 21st October, 1950; the Reform (Amendment) (Guernsey) Law, 1963, section 2, with effect from 9th August, 1963.

33 First, the words "Committee for Home Affairs" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 27, with effect from 6th May, 2004; the House Committee (Transfer of Functions) Ordinance, 2008, section 3, with effect from 24th September, 2008; the functions, rights and liabilities of the States Assembly and Constitution Committee and its Chairman arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the House Committee and of Chairman by the House Committee (Transfer of Functions) Ordinance, 2008, section 1, with effect from 24th September, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance; and the functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were previously transferred to them from the States Procedures and Constitution Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 27, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance. Second, paragraph (9) was previously amended by the Reform (Guernsey) (Amendment) Law, 2003, section 1(16)(g), with effect from 1st August, 2003; the Reform (Amendment) (Guernsey) Law, 1996, section 3(3), with effect from 5th June, 1996. Third, paragraph 12 was previously amended by the Reform (Guernsey) (Amendment) Law, 2011, section 8, with effect from 17th January, 2012.

34 Prior to their repeal, these words were amended by the Reform (Amendment) (Guernsey) Law, 1985, section 1(b)(i), with effect from 30th September, 1985.

35 Prior to their substitution, these words were amended by the Reform (Amendment) (Guernsey) Law, 1985, section 1(b)(i), with effect from 30th September, 1985; and the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 13(2), with effect from 1st September, 1993.

36 Prior to their repeal, the words in the third pair of square brackets in paragraph (2) were amended by the Reform (Amendment) (Guernsey) Law, 1985, section 1(b)(ii), with effect from 30th September, 1985.

37 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 27, with effect from 6th May, 2004.

38 These words and figure were previously amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

39 The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were previously transferred to them from the States Procedures and Constitution Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 27, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

40 The words "Committee for Home Affairs" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 27, with effect from 6th May, 2004; the House Committee (Transfer of Functions) Ordinance, 2008, section 3, with effect from 24th September, 2008; the functions, rights and liabilities of the States Assembly and Constitution Committee and its Chairman arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the House Committee and of Chairman by the House Committee (Transfer of Functions) Ordinance, 2008, section 1, with effect from 24th September, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance; and the functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were previously transferred to them from the States Procedures and Constitution Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 27, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

41 Prior to its repeal, Article 36 was amended by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 15, with effect from 30th June, 1993; and the Reform (Amendment) (Guernsey) Law, 1996, section 7, with effect from 5th June, 1996.

42 Prior to its substitution, Article 38 was amended by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 16(2), with effect from 30th June, 1993; the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004; the Reform (Guernsey) (Amendment) Law, 2003, section 1(20), with effect from 1st August, 2003.

43 These words were previously substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(21), with effect from 1st August, 2003; the

Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 27, with effect from 6th May, 2004.

44 The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were previously transferred to them from the States Procedures and Constitution Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 27, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

45 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 27, with effect from 6th May, 2004.

46 The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were previously transferred to them from the States Procedures and Constitution Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 27, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

47 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 27, with effect from 6th May, 2004.

48 The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were previously transferred to them from the States Procedures and Constitution Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 27, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

49 Prior to its substitution, Article 39 was previously substituted by the Reform (Amendment) (Guernsey) Law, 1975, section 1(f), with effect from 21st October, 1975.

50 Prior to its repeal, Article 42 was amended by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(j), with effect from 16th August, 1952; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

51 Prior to their substitution, these words and figure were previously amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

52 Prior to their substitution, these words and figure were previously amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

53 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 20, with effect from 6th May, 2004.

54 The functions, rights and liabilities of the Legislation Select Committee and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Legislation Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 20, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

55 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 14, with effect from 6th May, 2004; and the functions rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Law were transferred to them from, respectively, the Emergency Council and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 14, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; and by the Emergency Powers (Bailiwick of Guernsey) (Amendment) Law, 2005, section 9, with effect from 12th May, 2005; and the functions, rights and liabilities of the Policy Council and of the Chief Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Emergency Powers Authority and its Chairman by the Emergency Powers (Bailiwick of Guernsey) (Amendment) Law, 2005, section 8, with effect from 12th May, 2005, subject to the savings and transitional provisions in section 10 of the 2005 Law.

56 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 20, with effect from 6th May, 2004.

57 Prior to their repeal, the words in paragraph (1) were amended by the Reform (Guernsey) Amendment Law, 1950, section 2, with effect from 21st October, 1950; prior to its substitution, paragraph (2) was previously substituted by the Reform (Guernsey) Amendment Law, 1950, section 3, with effect from 21st October, 1950.

58 The functions, rights and liabilities of the Legislation Select Committee and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Legislation Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 20, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

59 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 27, with effect from 6th May, 2004.

60 The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were previously transferred to them from the States Procedures and Constitution Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 27, with effect from 6th May, 2004, subject to the

savings and transitional provisions in section 4 of the 2003 Ordinance.

61 Prior to its repeal, the First Schedule was amended in accordance with paragraph (1) of the Resolution of the States of 27th November, 2002 (Billet d'État XXII, Article XXI, Proposition 1).