

# ORDER IN COUNCIL

V  
1993

ratifying a Projet de Loi

ENTITLED

## **The Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993**

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

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## **The Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993**

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## **The Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993**

**THE STATES**, in pursuance of their Resolutions of 28th September, 1989<sup>a</sup>, 29th January, 1992<sup>b</sup>, 30th April, 1992<sup>c</sup> and 25th November, 1992<sup>d</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

### *Election of Conseillers by popular Island-wide vote*

#### **Popularly elected Conseillers.**

1. With effect from 1st May 1994 the office of Conseiller shall be held by persons elected thereto by popular vote of the persons whose names are inscribed on the Electoral Roll, instead of by persons elected thereto by the States of Election.

#### **Holding of Conseillers' elections.**

2. (1) General Elections for the office of Conseiller shall be held in 1994 during the month of March and thereafter triennially during the month of March.

(2) If there are not enough candidates to fill all of the vacancies at such a General Election a further election shall be held, as soon as possible after

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<sup>a</sup> On Article 12 of Billet d'État No. XVI of 1989.

<sup>b</sup> On Article 1 of Billet d'État No. I of 1992.

<sup>c</sup> On Article 8 of Billet d'État No. VIII of 1992.

<sup>d</sup> On Article 8 of Billet d'État No. XXI of 1992

those candidates have been declared elected under Article 33 of the Reform Law, in order to fill the remaining vacancies.

(3) A casual vacancy in the office of Conseiller shall be filled by an election if it occurred when the term of the office vacated had more than five whole months to run, and may be so filled at the discretion of the President of the States in any other case.

### **Conseillers' term of office.**

3. (1) Conseillers elected at a General Election shall take office (subject to Article 19 of the Reform Law) on 1st May following their election and shall hold office (subject to Article 17 of the Reform Law and section 12 of this Law) for six years from that date.

(2) Conseillers elected at an election held in accordance with section 2(2) of this Law shall take office upon complying with Article 19 of the Reform Law and shall hold office (subject to Article 17 of the Reform Law and section 12 of this Law) for six years from 1st May in the year of their election.

(3) Conseillers elected to fill a casual vacancy shall take office upon complying with Article 19 of the Reform Law and shall hold office (subject to Article 17 of the Reform Law) for the remainder of the term of the vacated office.

### **Candidates' prospectuses.**

4. (1) A candidate at a contested election for the office of Conseiller shall be entitled, if all directions given in respect of that election under paragraph (2) (b) of this section have been complied with in his case, to have his prospectus distributed at the cost of the States in accordance with this section at least one week before the date of the election.

(2) The President of the States shall, in respect of each such election, specify by directions given under this subsection -

- (a) whether the distribution referred to in subsection (1) of this section is to be effected:
  - (i) by delivery (by post or otherwise) to each person whose name is inscribed on the Electoral Roll; or
  - (ii) by delivery to each household in Guernsey; or
  - (iii) by publication in, or as a supplement to, a daily newspaper published in Guernsey;
- (b) the conditions to be complied with as respects submission by candidates of copies of their prospectuses for that distribution, and as respects the length, dimensions and form of those prospectuses;
- (c) the detailed arrangements for that distribution, and such incidental matters as may require specification.

(3) The President of the States, the Registrar-General, the States, their servants and agents shall incur no liability, and shall be immune from all suit (whether civil or criminal), arising in any way whatsoever out of -

- (a) the reproduction or delivery of such prospectuses, or
- (b) failure to do so.

(4) The right conferred on a candidate by subsection (1) of this section is not to be construed as absolving him from any liability or suit (whether civil or criminal) which might otherwise arise.

(5) In this section, and in section 5 of this Law, "contested election" means an election in which the number of candidates is greater than the number of seats vacant.

**Pre-election meetings.**

5. (1) Before every contested election for the office of Conseiller each candidate shall be invited to put forward his views at a series of meetings.

(2) The number of such meetings held before any such election and the Electoral Districts in which they are held shall be determined by resolution of the States.

(3) The Registrar-General shall -

- (a) determine the date and precise location of each such meeting;
- (b) appoint an independent person to preside;
- (c) generally make all necessary arrangements.

(4) Subject to any resolution of the States regarding procedure at such meetings, the person presiding shall control the proceedings and the conduct of people attending, and may in particular require any person disrupting the meeting to leave.

(5) The cost of calling and holding such meetings shall be met by the States.

**Conduct of Conseillers' elections.**

6. (1) Subject to this Law, the provisions of Part IV of the Reform Law, except Article 29(1) and (2) and Article 47, apply in relation to elections for the office of Conseiller as they apply in relation to elections for the office of People's Deputy; and "People's Deputy" and related expressions used in that part of the Reform Law are to be construed accordingly.

(2) In the application of Part IV of the Reform Law to elections for the office of Conseiller -

- (a) Article 32 applies with the substitution of "Electoral Roll" for "section of the Electoral Roll representing the District for which the candidate intends to stand", and with the deletion of paragraph (3);
- (b) Article 33 applies subject to the deletion of "for that District";
- (c) Article 36 applies with the substitution of "the Electoral Roll" for "the section of the Electoral Roll concerning the District for which he is a candidate";
- (d) Article 44(1) applies with the deletion of "the appropriate section of";



- (e) Article 45(1) applies with the substitution of "Registrar-General" for "Returning Officer";
- (f) Article 45A(1)<sup>e</sup> applies subject to sections 4 and 5 of this Law as respects costs met by the States thereunder.

**Result and re-count.**

7. (1) As soon as reasonably practicable after each Returning Officer has communicated the result of the count in his district to the President of the States in accordance with Article 38 of the Reform Law, the President of the States shall combine the results so reported and publish the combined result by causing a notice to be posted in the vestibule of the Royal Court.

(2) In the application of Article 41 of the Reform Law to elections for the office of Conseiller all references to the District are deleted and "the President of the States" is substituted for "the Returning Officer".

*Election of People's Deputies and Douzaine Representatives*

**People's Deputies.**

8. With effect from 1994 -

- (a) the triennial General Elections for the office of People's Deputy shall be held during April; and

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<sup>e</sup> Article 45A was inserted by the Reform (Amendment) (Guernsey) Law, 1975: Ordres en Conseil Vol. XXV, p.326.

- (b) People's Deputies shall take office (subject to Article 19 of the Reform Law) on 1st May following their election.

**Douzaine Representatives.**

9. With effect from 1994 Douzaine Representatives shall be elected during April and shall take office (subject to Article 19 of the Reform Law) on 1st May following their election.

*Provisions consequential to sections 1 to 9*

**Functions of the States of Election.**

10. (1) The Reform Law is amended in accordance with this section.

(2) For both of the provisos to paragraph (2) of Article 4<sup>f</sup> the following single proviso is substituted:

"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) In Article 5 -

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<sup>f</sup> Those provisos were inserted by the Reform (Amendment) (Guernsey) Laws, 1978 and 1984: Ordres en Conseil Vol. XXVII, p.255 and Vol. XXVIII, p.581.

- (a) for paragraph (1) there is substituted:

"(1) The function of the States of Election shall be to elect persons to the office of Jurat.";

- (b) in paragraph (2), for "the offices of Jurat and Conseiller" there is substituted "the office of Jurat".

- (4) In Article 6<sup>g</sup>, for paragraph (1) there is substituted:

"(1) A quorum of the States of Election shall be the President or Acting President, as the case may be, and at least sixty other members.".

- (5) In Article 9<sup>h</sup>, -

- (a) in paragraph (1), the words "or Conseiller", and the words "and, in the case of a Conseiller, certifying that he is eligible under the provisions of this Law to hold that office" are repealed;

- (b) paragraph (2) is repealed;

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<sup>g</sup> Article 6(1) was substituted by the Reform (Amendment) (Guernsey) Law, 1978: Ordres en Conseil Vol. XXVI, p.255.

<sup>h</sup> Article 9(1) was amended in material respects by the Reform (Amendment) (Guernsey) Law, 1960: Ordres en Conseil Vol. XVIII, p.275.

(c) for the marginal note there is substituted "Nomination of Jurat".

(6) Articles 10, 11, 12 and 13<sup>i</sup> are repealed.

**Later elections and extended terms.**

11. (1) In Article 14(1) of the Reform Law<sup>j</sup>, for "March 1955" substitute "April 1994", for "March" substitute "April", and for "April" substitute "May".

(2) In Article 29 of the Reform Law(j):

(a) for "1955" substitute "1994";

(b) for "March", wherever appearing, substitute "April";

(c) for "April" substitute "May";

(d) for "November" substitute "December";

(e) for "the 31st day of October" substitute "the 30th day of November";

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<sup>i</sup> Articles 10(1) and 12 were substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952 : Ordres en Conseil Vol. XV, p.279; Article 10(2A) and (2B) were inserted by the Reform (Amendment) (Guernsey) Law, 1975 : Ordres en Conseil Vol. XXV, p.326.

<sup>j</sup> Articles 14(1) and 29 were substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952 : Ordres en Conseil Vol. XV, p.279.

(f) for the marginal note substitute "Holding of Deputies' Elections".

(3) The Conseillers, People's Deputies and Douzaine Representatives due to retire on 31st March, 1994 shall continue to hold office until 30th April, 1994.

(4) The Presidents and members of States Committees due to retire on 30th April, 1994, 30th April, 1995 and 30th April, 1996 shall continue in office, subject to the provisions of the Reform Law and any resolution of the States pursuant to the States Committees (Constitution and Amendment) (Guernsey) Law, 1991<sup>k</sup>, until 31st May, 1994, 31st May, 1995 and 31st May, 1996, respectively.

(5) In subsections (3) and (6) of section 92 of the Social Insurance (Guernsey) Law, 1978<sup>l</sup> for "the thirtieth day of April" substitute "31st May".

(6) In section 4(3) of the Administrative Decisions (Review) (Guernsey) Law, 1986<sup>m</sup> for "May" substitute "June".

#### **The 1994 Conseillers' election.**

12. (1) The Conseillers who would, apart from this Law, have been due to retire on 31st March 1997 shall only continue in office (unless re-elected thereto in March 1994) until 30th April, 1994.

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<sup>k</sup> Ordre en Conseil No. XX of 1991.

<sup>l</sup> Ordres en Conseil Vol. XXVI, p.292.

<sup>m</sup> Ordres en Conseil Vol. XXIX, p.381.

(2) Of the Conseillers elected at the General Election held in March 1994, or at any further election held in 1994 in accordance with section 2(2) of this Law, six of them shall hold office only until 30th April, 1997.

(3) The Conseillers to retire under subsection (2) of this section are the six elected with the fewest votes:

Provided that:

- (i) if no more than 12 candidates contest the March 1994 General Election of Conseillers the six to retire under subsection (2) of this section shall be determined by agreement or, failing agreement, by lot in such manner as the President of the States decides;
- (ii) an equality of votes shall be resolved by lot in such manner as the President of the States decides.

*Miscellaneous amendments to the Reform Laws*

**Inscription on the Electoral Roll.**

13. (1) In Article 27 of the Reform Law:

- (a) for the proviso to subparagraph (1)(e) substitute:

"Provided that a person entitled to be inscribed on the Electoral Roll for any electoral year specified in that behalf by an Ordinance of the States under this sub-

paragraph shall, if he fulfils the conditions of sub-paragraphs (b), (c) and (d) of this paragraph, be entitled to be inscribed on the Electoral Roll for such other electoral years as the States may from time to time prescribe by such an Ordinance.";

(b) for paragraph (1A)<sup>n</sup> substitute:

"(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.".

(2) In Article 34(1) of the Reform Law<sup>o</sup> for "in the year next preceding the year of a triennial election" substitute "in any year specified in that behalf by an Ordinance of the States under this paragraph".

#### **Close of nominations.**

14. In Article 32(1) of the Reform Law<sup>p</sup> for "fifteen" substitute "22".

#### **Electoral Roll for candidates.**

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<sup>n</sup> Paragraph (1A) was substituted by the Reform (Amendment) (Guernsey) Law, 1985: Ordres en Conseil Vol. XXIX, p.56.

<sup>o</sup> Article 34(1) was substituted by the Reform (Amendment) (Guernsey) Law, 1972: Ordres en Conseil Vol. XXIII, p.476.

<sup>p</sup> Article 32(1) was amended on material repeals by the Reform (Amendment) (Guernsey) Law, 1960: Ordres en Conseil Vol. XVIII, p.275.

**15. In Article 36 of the Reform Law<sup>q</sup> -**

- (a) for "not more than five copies" substitute "one free copy";
- (b) for "on payment to Her Majesty's Greffier" to the end substitute "and not more than four additional copies on payment to Her Majesty's Greffier of such sum as the States Advisory and Finance Committee may from time to time specify by regulations made under this Article. Such regulations 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."

**Display of Electoral Roll and election results**

**16. (1)** In Article 35 of the Reform Law, and in the marginal note to that Article, for "States Office" substitute "office of the Registrar-General".

(2) In Article 38 of the Reform Law the words "and to every other Returning Officer" and the words "and the result of the voting in respect of every other District in which an election has been held" are repealed.

**Absent voters.**

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<sup>q</sup> Article 365 was substituted by the Reform (Amendment) (Guernsey) Law, 1978 : Ordres en Conseil Vol. XXVI, p.255.



17. Immediately after section 6 of the Reform (Amendment) (Guernsey) Law, 1972 insert:

**"Effect of registration and removal of name.**

6A(1) A person shall not vote in person at an election whilst his name is entered in the Register.

(2) The Registrar-General shall delete from the Register the name of any person who applies in that behalf on a form prescribed by the Registrar-General before the documents referred to in section 7 of this Law are sent to him."

**Consequential repeals and amendments.**

18. (1) Paragraphs (a) and (b) of section 1 of the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952<sup>r</sup> and paragraphs (a) and (b) of section 1 of the Reform (Amendment) (Guernsey) Law, 1975<sup>s</sup> are repealed.

(2) Paragraphs (a) and (b) of section 1 of the Reform (Amendment) (Guernsey) Law, 1978<sup>t</sup> are repealed.

(3) In the Loi relative au Scrutin Secret, 1899 <sup>u</sup> -

(a) in Articles 1, 3 and 11, for "des Députés" substitute "des Conseillers et Députés";

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<sup>r</sup> Ordres en Conseil Vol. XV, p.279.

<sup>s</sup> Ordres en Conseil Vol. XXV, p.326.

<sup>t</sup> Ordres en Conseil Vol. XXVI, p.255.

<sup>u</sup> Ordres en Conseil Vol. III, p.175.

(b) in Article 5, for "quinze jours" substitute "22 jours";

(c) in Articles 5 and 6, for "ou Député" substitute "ou Conseiller ou Député"

(4) In section 2 of the Reform (Amendment) (Guernsey) Law, 1972<sup>v</sup> for "People's Deputy" substitute "Conseiller or People's Deputy".

### **Interpretation and construction.**

19. (1) In this Law references to "the Reform Law" are to the Reform (Guernsey) Law, 1948<sup>w</sup> as amended extended or applied by or under any other enactment for the time being in force<sup>x</sup> and by this Law.

(2) This Law is to be construed as one with the Reform (Guernsey) Laws, 1948 to 1990.

### **Citation.**

20. This Law may be cited as the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993.

### **Collective title.**

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<sup>v</sup> Ordres en Conseil Vol. XXIII, p.476.

<sup>w</sup> Ordres en Conseil Vol. XIII, p.288.

<sup>x</sup> Ordres en Conseil Vol. XIV, p.467; Vol. XV, p.279; Vol. XVI, p.178; Vol. XVIII, p.275; Vol. XIX, pp.84 and 140; Vol. XXII, p.122; Vol. XXIII, p.476; Vol. XXV, p.326; Vol. XXVI, p.255; Vol. XXVIII, p.581; Vol. XXIX, p.56; Vol. XXX, p.16; No. VII of 1988; No. II of 1990.

21. This Law and the Reform (Guernsey) Laws, 1948 to 1990 may be cited together as the Reform (Guernsey) Laws, 1948 to 1993.

**Commencement and application.**

22. (1) This Law shall come into force as follows:

- (a) section 13, on 1st September, 1993;
- (b) section 11, on 31st March, 1994;
- (c) section 10, on 1st May, 1994;
- (d) the other provisions, on the day after the registration of this Law on the records of the Island of Guernsey.

(2) Sections 1 to 9 and 18 of this Law shall apply only as respects elections held during or after 1994.