

# PROJET DE LOI

ENTITLED

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

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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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\* No. V of 1993 (Ordres en Conseil Vol. XXXIV, p. 397); as amended by the Social Insurance (Amendment) (Guernsey) Law, 1995 (No. VI of 1995, Ordres en Conseil Vol. XXXVI, p. 123); the Reform (Amendment) (Guernsey) Law, 1996 (No. II of 1996, Ordres en Conseil Vol. XXXVI, p. 478); the Reform (Amendment) (No. 2) (Guernsey) Law, 1996 (No. IX of 1996, Ordres en Conseil Vol. XXXVI, p. 652); the Reform (Guernsey) Law, 1998 (No. III of 1998, Ordres en Conseil Vol. XXXVIII, p. 150); the Reform (Replacement of Conseillers) (Guernsey) Law, 1998 (No. X of 1998, Ordres en Conseil Vol. XXXVIII, p. 295).

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

### ARRANGEMENT OF SECTIONS

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

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...

#### *Election of People's Deputies and Douzaine Representatives*

8. ...
9. ...

#### *Provisions consequential to sections 1 to 9*

10. Functions of the States of Election.
11. Later elections and extended terms.
12. ...

#### *Miscellaneous amendments to the Reform Law*

13. Inscription on the Electoral Roll.
14. Close of nominations.
15. Electoral Roll for candidates.
16. Display of Electoral Roll and election results.
17. Absent voters.

#### *General and supplementary provisions*

18. Consequential repeals and amendments.
19. Interpretation and construction.
20. Citation.
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22. Commencement and application.

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

**THE STATES**, in pursuance of their Resolutions of 28<sup>th</sup> September, 1989<sup>a</sup>, 29<sup>th</sup> January, 1992<sup>b</sup>, 30<sup>th</sup> April, 1992<sup>c</sup> and 25<sup>th</sup> 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. ...

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#### **NOTE**

*Section 1 was repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 5, Schedule, with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law.*

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

2. (1) ...

(2) ...

(3) ...

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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.

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**NOTES**

*In section 2,*

*subsection (1) and subsection (2) were repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 5, Schedule, with effect from 6th October, 1998;<sup>1</sup>*

*subsection (3) was repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 5, Schedule, with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law.*

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**Conseillers' term of office.**

**3.**     ...

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**NOTE**

*Section 3 was repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 5, Schedule, with effect from 6th October, 1998, subject to the transitional provisions in section 9(2) of the 1998 Law.*

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**Candidates' prospectuses.**

**4.**     ...

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**NOTE**

*Section 4 was repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 5, Schedule, with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law.*

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**Pre-election meetings.**

**5.**     ...

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**NOTE**

*Section 5 was repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 5, Schedule, with effect from 1st May, 2000.*

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**Conduct of Conseillers' elections.**

6. ...

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**NOTE**

*Section 6 was repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 5, Schedule, with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law.<sup>2</sup>*

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**Result and re-count.**

7. ...

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**NOTE**

*Section 7 was repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 5, Schedule, with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law.*

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*Election of People's Deputies and Douzaine Representatives*

**People's Deputies.**

8. ...

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**NOTE**

*Section 8 was repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 5, Schedule, with effect from 6th October, 1998.*

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**Douzaine Representatives.**

9. ...

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**NOTE**

*Section 9 was repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 5, Schedule, with effect from 6th October, 1998.*

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*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 –

(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."

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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).

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

- (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,
  - (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) ...

- (2) In Article 29 of the Reform Law<sup>j</sup> –
- (a) ...
  - (b) for "March", wherever appearing, substitute "April",
  - (c) for "April" substitute "May",
  - (d) for "November" substitute "December",
  - (e) for "the 31<sup>st</sup> day of October" substitute "the 30<sup>th</sup> day of

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<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).

<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).

November",

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

(3) ...

(4) ...

(5) ...

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

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**NOTE**

*In section 11,*

*subsection (1), subsection (2)(a), subsection (3) and subsection (4) were repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 5, Schedule, with effect from 6th October, 1998;*

*subsection (5) was repealed by the Social Insurance (Amendment) (Guernsey) Law, 1995, section 3, with effect from 11th July, 1995.*

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**The 1994 Conseillers' election.**

**12.** ...

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**NOTE**

*Section 12 was repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 5, Schedule, with effect from 6th October, 1998, subject to the transitional provisions in section 9(2) of the 1998 Law.*

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*Miscellaneous amendments to the Reform Laws*

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



**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 subparagraph shall, if he fulfils the conditions of subparagraphs (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".

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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).

**Electoral Roll for candidates.**

**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."<sup>3</sup>

**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.**

**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

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<sup>q</sup> Article 36 was substituted by the Reform (Amendment) (Guernsey) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 255).

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."

*General and supplementary provisions*

**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) ...

(a) ...

(b) ...

(c) ...

(4) ...

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**NOTES**

*In section 18,*

*subsection (3)(a), subsection (3)(c) and subsection (4) were*

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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.

*repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 5, Schedule, with effect from 1st May, 2000;*

*subsection (3)(b) was repealed by the Reform (Amendment) (Guernsey) Law, 1996, section 6(2), with effect from 5th June, 1996.*

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**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.**

**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 1<sup>st</sup> September, 1993,

(b) section 11, on 31<sup>st</sup> March, 1994,

(c) section 10, on 1<sup>st</sup> May, 1994,

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<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.

- (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.

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**NOTE**

*The Law was registered on the Records of the Island of Guernsey on 29th June, 1993.*

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<sup>1</sup> Prior to its repeal, subsection (3) was substituted by the Reform (Amendment) (No. 2) (Guernsey) Law, 1996, section 1(1), with effect from 17th December, 1996, subject to the provisions of section 1(2) of the 2006 Law.

<sup>2</sup> Prior to its repeal, section 6 was amended by the Reform (Guernsey) Law, 1998, section 2(2), with effect from 27th May, 1998.

<sup>3</sup> Article 36 has since been repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(18), with effect from 1st August, 2003.