

PROJET DE LOI

ENTITLED

The States of Guernsey (Representation of Alderney) Law, 1978 *

[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.

© States of Guernsey

* Ordres en Conseil Vol. XXVI, p. 548; as amended by the Government of Alderney (Miscellaneous and Consequential Provisions) (Guernsey and Alderney) Law, 1987 (Ordres en Conseil Vol. XXX, p. 224); the Election of Conseillers (Participation of Alderney) (Guernsey and Alderney) Law, 1993 (No. VI of 1993).

PROJET DE LOI

ENTITLED

The States of Guernsey (Representation of Alderney) Law, 1978

ARRANGEMENT OF SECTIONS

1. Representation of Alderney in the States of Deliberation.
2. Numbers, rights, etc. of Alderney Representatives.
3. Election of representatives and alternative representatives of Alderney.
4. Alternative representatives in the States of Deliberation.
5. Period of office and filling of vacancies.
6. H.M. Greffier to be notified of elections.
7. Interpretation.
8. Repeals.
9. Citation.
10. Commencement.

PROJET DE LOI

ENTITLED

The States of Guernsey (Representation of Alderney) Law, 1978

THE STATES, in pursuance of their Resolution of the twenty-eighth day of September, nineteen hundred and seventy-seven, 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 and Alderney.

Representation of Alderney in the States of Deliberation [...].

1. The people of the Island of Alderney shall, for so long as the Alderney (Application of Legislation) Law, 1948^a, continues in force, be entitled to be represented in the States of Deliberation [...] by representatives styled "Alderney Representatives".

NOTE

In section 1, and the marginal note thereto, the words omitted in square brackets were repealed by the Election of Conseillers (Participation of Alderney) (Guernsey and Alderney) Law, 1993, respectively section 5(2)(a) and section 5(2)(b), with effect from 1st May, 1994.

Numbers, rights, etc. of Alderney Representatives.

2. [(1) The Alderney Representatives shall be two in number.]

^a Ordres en Conseil Vol. XII, p. 448.

(2) Subject to the provisions of subsection (4) of section four of this Law, each of the Alderney Representatives in the States of Deliberation shall be a Member of that Assembly [...], and they shall be entitled to exercise and enjoy all the rights and privileges of membership accordingly.

(3) The provisions of Article nineteen of the Reform (Guernsey) Law, 1948^b (which requires the taking of an oath of office and the oath of allegiance before the Royal Court by every Member of the States of Deliberation before entering office) shall not apply to the Alderney Representatives in the States of Deliberation.

NOTE

In section 2, subsection (1) was substituted, and the words omitted in square brackets in subsection (2) were repealed, by the Election of Conseillers (Participation of Alderney) (Guernsey and Alderney) Law, 1993, respectively section 5(3)(a) and section 5(3)(b), with effect from 1st May, 1994.

Election of representatives and alternative representatives of Alderney.

3. The States of Alderney shall, at each annual meeting, elect –
- (a) two members of the States of Alderney (hereinafter called "**representatives**") to sit in the States of Deliberation as representatives of Alderney,
 - (b) two other members of the States of Alderney (hereinafter called "**alternative representatives**") to sit in the States of Deliberation in place of the

^b Ordres en Conseil Vol. XIII, p. 288.

representatives elected under the last preceding paragraph if appointed to do so by the President of the States of Alderney in accordance with the provisions of section four of this Law,

(c) ...

NOTE

In section 3, paragraph (c) was repealed by the Election of Conseillers (Participation of Alderney) (Guernsey and Alderney) Law, 1993, section 5(4), with effect from 1st May, 1994.

Alternative representatives in the States of Deliberation.

4. (1) The President of the States of Alderney may appoint an alternative representative to sit at a meeting of the States of Deliberation in place of a representative if –

- (a) that representative is for any reason unable to sit at the meeting, or
- (b) the President of the States of Alderney is of opinion that, by reason of his special knowledge or experience of the matters to be discussed, it is expedient that an alternative representative should sit at the meeting in place of that representative.

(2) An appointment made by the President of the States of Alderney under the provisions of the last preceding subsection shall be made in the form of a certificate signed and dated by the said President which shall specify –

- (a) the name of the alternative representative,
- (b) the name of the representative whom the alternative representative is to replace,
- (c) the meeting or meetings of the States of Deliberation at which the alternative representative is appointed to sit.

(3) An alternative representative shall not be entitled to sit at a meeting of the States of Deliberation unless the certificate appointing him to sit at the meeting shall have been delivered to Her Majesty's Greffier not later than three o'clock in the afternoon of the working day next preceding the meeting:

Provided that where the certificate has not been delivered to Her Majesty's Greffier by the said hour it may be delivered to the President of the States of Guernsey who may, in his discretion, permit the alternative representative to sit at the meeting.

(4) Where an alternative representative has been appointed in accordance with the foregoing provisions of this section to sit at a meeting of the States of Deliberation in place of a representative, the provisions of section two of this Law shall have effect in relation to that meeting as though the alternative representative, and not the representative whom he replaces, were an Alderney Representative in the States of Deliberation.

Period of office and filling of vacancies.

5. A person elected under the provisions of this Law to represent Alderney in the States of Deliberation [...] and a person elected as an alternative representative shall hold office as such until the next annual meeting after his

election unless he dies or resigns or [...] ceases to be a member of the States of Alderney:

Provided that the States of Alderney may, from time to time, by Ordinance vary the term of office for which such elections shall be made, and shall fill a casual vacancy among the persons so elected at the next practicable meeting of the States of Alderney.

NOTE

In section 5, the words omitted in the first and second pairs of square brackets were repealed by the Election of Conseillers (Participation of Alderney) (Guernsey and Alderney) Law, 1993, section 5(5), with effect from 1st May, 1994.

H.M. Greffier to be notified of elections.

6. The Clerk of the States of Alderney shall, as soon as may be practicable, inform Her Majesty's Greffier of the name of every person elected by the States of Alderney under the provisions of this Law.

Interpretation.

7. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"**alternative representative**" has the meaning assigned to it by paragraph (b) of section three of this Law and includes a person elected to fill a casual vacancy in the office of alternative representative in accordance with the provisions of section five of this Law,

["**annual meeting**" means the meeting of the States of Alderney held

under section 41(2) of the Government of Alderney Law, [1986],]

"certificate" means a certificate issued by the President of the States of Alderney under the provisions of subsection (2) of section four of this Law,

"meeting" means a meeting of the States of Deliberation [...] convened by a Billet d'État issued by the President of the States of Guernsey,

"the President of the States of Alderney" includes any person for the time being lawfully performing the functions of the President of the States of Alderney,

"the President of the States of Guernsey" includes any person for the time being lawfully performing the functions of the President of the States of Guernsey,

"representative" has the meaning assigned to it by paragraph (a) of section three of this Law and includes a person elected to fill a casual vacancy in the office of representative in accordance with the provisions of section five of this Law,

["States of Deliberation" means the States of Deliberation of the Island of Guernsey.]

(2) Except in so far as the context otherwise requires, any reference in this Law to any other enactment shall be construed as a reference to that enactment as repealed and re-enacted, amended, extended or applied by or under any other enactment including this Law.

(3) The Interpretation (Guernsey) Law, 1948^d, shall apply to the interpretation of this Law in the Islands of Guernsey and Alderney.

NOTES

In section 7,

the definition in square brackets of the expression "annual meeting" in subsection (1) was substituted by the Government of Alderney (Miscellaneous and Consequential Provisions) (Guernsey and Alderney) Law, 1987, section 4(3), with effect from 15th December, 1987;

the words omitted in square brackets in the definition of the expression "meeting" in subsection (1) were repealed by the Election of Conseillers (Participation of Alderney) (Guernsey and Alderney) Law, 1993, section 5(6)(a), with effect from 1st May, 1994;

the definition in square brackets of the expression "States of Deliberation" in subsection (1) was substituted by the Election of Conseillers (Participation of Alderney) (Guernsey and Alderney) Law, 1993, section 5(6)(b), with effect from 1st May, 1994.

The Government of Alderney Law, 1987 has since been repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.

The date in square brackets in the definition of the expression "annual meeting" shown, incorrectly, in the printed version of this section as "1986" should read "1987".

Repeals.

8. (1) Sub-paragraph (ii) of paragraph (b) of subsection (1) and subsection (2) of section forty-seven of the Government of Alderney Law, 1948, are hereby repealed.

^d Ordres en Conseil Vol. XIII, p. 355.

(2) The States of Guernsey (Representation of Alderney) Law, 1949^e, is hereby repealed.

NOTES

The Government of Alderney Law, 1948 has since been repealed by the Government of Alderney Law, 1987, section 63(1), Schedule 3, with effect from 1st August 1987, subject to the savings and transitional provisions in section 63(2) and section 64 of the 1987 Law.

The Government of Alderney Law, 1987 has since been repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.

Citation.

9. This Law may be cited as the States of Guernsey (Representation of Alderney) Law, 1978.

Commencement.

10. This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States of Guernsey.

NOTE

The Law was brought into force on 1st January, 1980 by the States of Guernsey (Representation of Alderney) Law, 1978 (Commencement) Ordinance, 1979, section 1.

^e Ordres en Conseil Vol. XIV, p. 115.