

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The States of Alderney Elections Law, 1970

(Registered on the Records of the Island of Guernsey
on the 21st day of April, 1970.)



1970.

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ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 21st day of April, 1970, before Sir William Arnold, Kt., C.B.E., Bailiff; present :—Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Albert Victor Dorey, Esquire, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Edward Martel, Jean Le Pelley and Walter Francis Robin, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order dated the 24th day of March, 1970, of the Counsellors of State in Council on behalf of Her Majesty, being authorised thereto by Letters Patent dated the 27th day of February, 1970, ratifying a *Projet de Loi* of the States of Alderney entitled "The States of Alderney Elections Law, 1970", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth:—

At the Court of Saint James

The 24th day of March, 1970

PRESENT,

Her Majesty Queen Elizabeth The Queen
Mother

Her Royal Highness The Princess Margaret,
Countess of Snowdon

LORD PRESIDENT

LORD CHALFONT

CHANCELLOR OF THE DUCHY OF LANCASTER

MRS HART

WHEREAS Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the 27th day of February 1970, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness The Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, His Royal Highness The Prince Charles, Prince of Wales, Her Royal Highness The Princess Margaret, Countess of Snowdon, His Royal Highness The Duke of Gloucester and His Royal Highness Prince William of Gloucester, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

AND WHEREAS Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness The Prince Philip, Duke of Edinburgh, His Royal Highness The

Prince Charles, Prince of Wales, Her Royal Highness The Princess Margaret, Countess of Snowdon, and His Royal Highness Prince William of Gloucester while absent from the United Kingdom:

And whereas there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 19th day of March 1970, in the words following, viz:—

“Your Majesty having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of Sydney Peck Herivel, Esquire, C.B.E., D.S.C., President of the States of Alderney, setting forth:—

‘That at a meeting of the States of Alderney held on the 5th day of February 1970 the States adopted a Resolution that a *Projet de Loi* entitled “The States of Alderney Elections Law, 1970” be approved: That at the meeting of the States aforesaid Your Humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said *Projet de Loi* be sanctioned: That the said *Projet de Loi* is set forth in the words and figures of the Schedule hereunto annexed: And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the *Projet de Loi* entitled “The States of Alderney Elections Law, 1970” and order that the same shall have the force of law within the Island of Alderney.’

“The Lords of the Committee, in obedience to Your Majesty’s said Order of Reference, have

taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

NOW, THEREFORE, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, Countess of Snowdon, being authorized thereto by the said Letters Patent, have taken the said Report into consideration, and do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf approve of and ratify the said Projet de Loi, and order, as it is hereby ordered, that the same shall have the force of Law within the Island of Alderney.

AND do hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and also the Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. E. Leigh.

Projet de Loi referred to in the foregoing
Order in Council

PROJET DE LOI

ENTITLED

The States of Alderney Elections Law, 1970

WHEREAS on the third day of December, nineteen hundred and sixty-nine, there was purported to be held an election for the office of President of the States of Alderney:

AND WHEREAS on the thirteenth day of December, nineteen hundred and sixty-nine, there was purported to be held an election to elect three persons as members of the States of Alderney:

AND WHEREAS the said election for the office of President of the States of Alderney and the said election of three persons as members of the said States were invalid by reason of the fact that the period in respect of each of the said elections for the receipt of nominations was not a period ending not less than ten days before the day appointed for the said elections respectively as required by section seven of the Alderney States Election Procedure Ordinance, 1954:

NOW THEREFORE the States, in pursuance of their Resolution of the seventh day of January, nineteen hundred and seventy, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

Elections to
be held in
1970.

1.—(1) Notwithstanding the provisions of subsection (1) and subsection (2) of section thirty-four of the Law of 1948:—

(a) an ordinary election to fill the places of the three members of the States who retired by effluxion of time on the first day of January, nineteen hundred and seventy, and

(b) an election for the office of President, shall be held on such days, being days not later than the expiration of the period of two months commencing on the date of the coming into force of this Law, as the States may by Resolution appoint.

(2) The day appointed in pursuance of the provisions of the preceding subsection for the election for the office of President shall be a day not less than seven days before the day appointed for the ordinary election in pursuance of the provisions of the said subsection.

Entry upon
and term of
office.

2.—(1) Subject to the provisions of section thirty of the Law of 1948, a member of the States elected at the ordinary election held in pursuance of the provisions of subsection (1) of the preceding section shall come into office as soon as the result of the said election is declared by the returning officer.

(2) A member of the States elected at the ordinary election held in pursuance of the provisions of subsection (1) of section one of this Law shall, unless he dies or resigns or vacates office by reason of the provisions of Part IV of the Law 1948, retire on the first day of January, nineteen hundred and seventy-three.

Special
election if
vacancy in
office of
President.

3. If, a person having been elected to the office of President in pursuance of the provisions of subsection (1) of section one of this Law, a vacancy

occurs in the office of President before the normal expiry of his term of office, a special election shall be held to fill the vacancy unless it occurs after the expiry of two years reckoned from the day of the President's election, in which case the vacancy shall remain unfilled until the next election of a President in pursuance of the provisions of the Law of 1948.

4. The provisions of the Law of 1948 set out in the Schedule to this Law and the provisions of the Alderney States Election Procedure Ordinance, 1954, shall apply to and for the purposes of the elections held in pursuance of the provisions of this Law as they apply to and for the purposes of an election of members of the States or an election of the President, as the case may be.

Application
of certain
provisions
of the Law
of 1948.

5. It is hereby declared for the avoidance of doubt that any election of a member of the States held prior to the month of December, nineteen hundred and sixty-nine, shall be deemed to have been validly held and shall not hereafter be impugned.

Past
elections.

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

Interpreta-
tion.

“the Law of 1948” means the Government of Alderney Law, 1948, as amended;

“an ordinary election” has the same meaning as that expression has in the Law of 1948.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

Citation.

7. This Law may be cited as the States of Alderney Elections Law, 1970.

SCHEDULE

Section four

PROVISIONS OF THE LAW OF 1948 TO APPLY TO
ELECTIONS HELD IN ACCORDANCE WITH THIS LAW

Subsection (1) and subsection (3) of section thirty-one

Section thirty-three

Section thirty-five

Section thirty-nine

Section forty

Section forty A.

R. H. VIDELO,

Her Majesty's Greffier.