

# ORDER IN COUNCIL

**II**  
**1977**

rattifing a Projet de Loi

ENTITLED

## **The Government of Alderney (Amendment) Law, 1977**

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(Registered on the Records of the Island of Guernsey  
on the 17th day of May, 1977.)

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1977.

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 17th day of May, 1977, before Charles Keith Frossard, Esquire, Deputy Bailiff; present:— Claude Fortescue Nason, Esquire, Stanley Walter Gavey, Esquire, O.B.E., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Richard Alan Kinnersly, Esquire, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C. and Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Jurats.*

The Deputy Bailiff having this day placed before the Court an Order dated the 30th day of March, 1977 of the Counsellors of State in Council on behalf of Her Majesty, being authorised thereto by Letters Patent dated the 3rd day of February, 1977, ratifying a *Projet de Loi* of the States of Alderney entitled "The Government of Alderney (Amendment) Law, 1977", 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 30th day of March 1977

PRESENT,

### The Counsellors of State in Council

WHEREAS Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 3rd day of February 1977, to delegate to the six Counsellors of State therein named or any two or more of them 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 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 25th day of March 1977, 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 a humble Petition of Jon Kay-Mouat, Esquire, President of the States of Alderney, setting forth:

“That at meetings of the States of Alderney held on the 3rd day of November 1976, the 15th day of December 1976 and the 5th day of January 1977, the States adopted a Resolution that a Projet de Loi entitled “The Government of Alderney (Amendment) Law, 1977” be approved: That at the meetings 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 be 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 Government of Alderney (Amendment) Law, 1977" and to 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 Projet de Loi annexed thereto, 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 authorised 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 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, of the said Island of Guernsey, 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 Government of Alderney (Amendment) Law, 1977**

THE STATES, in pursuance of their Resolutions of the third day of September, nineteen hundred and seventy-five, and of the seventh day of April, nineteen hundred and seventy-six, 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.

#### PART I

##### INTERPRETATION

1. (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.

“absent voter” means a person to whom this Law applies by virtue of the provisions of section three of this Law;

“the ballot paper envelope” has the meaning assigned thereto by paragraph (c) of subsection (1) of section seven of this Law;

“the covering envelope” has the meaning assigned thereto by paragraph (d) of subsection (1) of section seven of this Law;

“election” means any election held in pursuance of the provisions of the principal Law for the office of President or Member of the States;

“electoral year” means, in relation to the register of electors, the period of twelve months next following the fifteenth day of October in any year, being the period in respect of which the register of electors has been prepared before that day by the Clerk of the States in pursuance of the provisions of subsection (1) of section thirty-nine of the principal Law;

“the Law of 1900” means the Law entitled “Loi relative au Scrutin Secret”, registered on the twenty-seventh day of January, nineteen hundred(a);

“the principal Law” means the Government of Alderney Law, 1948(b);

“the register of absent voters” means the register required to be established and maintained under the provisions of subsection (1) of section four of this Law;

“the register of electors” means the register prepared by the Clerk of the States in pursuance of the provisions of subsection (1) of section thirty-nine of the principal Law and for the time being in force;

“registration number” means, in relation to any absent voter and as respects any election, the number inscribed on the register of absent voters against the name of that voter in respect of that election in pursuance of the provisions of subsection (1) of section six of this Law.

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(a) Ordres en Conseil Vol. III, p. 184.

(b) Ordres en Conseil Vol. XIII, p. 416.

(2) The Interpretation (Guernsey) Law, 1948(c), shall apply to the interpretation of this Law as it applies to the interpretation of a Guernsey enactment.

(3) Except where the context otherwise requires, any reference in this Law to any other enactment shall be construed as a reference to that enactment as amended, extended, repealed or replaced by or under any other enactment including this Law.

## PART II

### POSTAL VOTING BY ABSENT VOTERS

2. Notwithstanding any of the provisions of the principal Law, a person whose name is inscribed on the register of electors for any electoral year may vote by post in accordance with the following provisions of this Law at any election held during that years if he is a person to whom this Law applies as respects that election. Postal voting by absent voters.

3. This Law applies, as respects any election, to a person who— Absent voters.

- (a) is blind;
- (b) will probably be out of this Island at the time of that election;
- (c) is suffering from a physical defect or disability by reason of which he is incapable of attending at the place at which the polling at that election is to take place.

4. (1) The Clerk of the States shall establish and maintain a register of absent voters in a book kept solely for the purpose. Register of absent voters.



(2) The register of absent voters shall be in such form as the Clerk of the States shall from time to time determine and shall be open for inspection at the States Office at all reasonable times.

Application  
for  
registration  
as absent  
voter.

5. A person who, as respects any election, is an absent voter and who desires to vote by post at that election shall, not less than twelve days before the day on which that election is to be held, apply to the Clerk of the States to have his name inscribed on the register of absent voters; and such application shall be made in writing in such form as the Clerk of the States shall from time to time determine.

Registration  
of absent  
voters.

6. (1) Where, upon application being made to him under and in accordance with the provisions of the last foregoing section, the Clerk of the States is satisfied that the applicant is an absent voter as respects the election to which the application relates and the name of the applicant is inscribed on the register of electors for the electoral year in which that election is to be held, the Clerk of the States shall inscribe on the register of absent voters, in a separate section thereof relating solely to that election—

- (a) the name and usual address of the applicant;
- (b) the address of the applicant to which the documents referred to in the next following section are to be sent in accordance with the provisions of that section in the case where that address is different from the usual address of the applicant;
- (c) against the name of the applicant, a number which shall be personal to the applicant.

(2) The numbers appearing in the same section of the register of voters in pursuance of the provisions of subsection (1) of this section shall be consecutive.

7. (1) The Clerk of the States shall, as soon as may be practicable before the day on which any election is to be held, send by post to every absent voter whose name is inscribed on the register of absent voters in respect of that election—

Issue of  
postal ballot  
papers etc.

- (a) a ballot paper;
- (b) a form of declaration of identity;
- (c) an envelope marked "BALLOT PAPER ENVELOPE" (hereafter in this Law referred to as "the ballot paper envelope"); and
- (d) a pre-paid envelope addressed to the Clerk of the States (hereafter in this Law referred to as "the covering envelope").

(2) The said ballot paper shall be in the same form as, and indistinguishable from, the ballot papers delivered to voters who are not absent voters.

(3) The said form of declaration of identity shall be such as the Clerk of the States shall from time to time determine.

8. (1) The registration number of an absent voter shall be inscribed by the Clerk of the States on the counterfoil of the ballot paper issued to that absent voter under the provisions of the last foregoing section, and the Clerk of the States shall mark the entry relating to that absent voter in the register of absent voters so as to indicate that a ballot paper has been so issued, but without disclosing the number of that ballot paper.

Marking of  
documents  
by Clerk of  
the States.

(2) The number of a ballot paper issued to an absent voter under the provisions of the last foregoing section shall be inscribed by the Clerk of the States on the form of declaration of identity and on the ballot paper envelope issued as aforesaid to that voter, and the registration number of that voter shall be inscribed by the Clerk of the States on the covering envelope issued as aforesaid to that voter.

Marking of  
ballot paper  
by absent  
voter etc.

9. An absent voter to whom a ballot paper has been issued under the provisions of section seven of this Law shall—

- (a) mark the ballot paper in accordance with the provisions of the Law of 1900;
- (b) after so marking the ballot paper, place and seal it in the ballot paper envelope issued to him as aforesaid;
- (c) complete the form of declaration of identity issued to him as aforesaid and place and seal it and the said ballot paper envelope in the covering envelope so issued to him; and
- (d) send the said covering envelope, with the ballot paper envelope and form of declaration of identity duly sealed inside it, by post to the Clerk of the States so as to reach him not later than the day next preceding the day on which the election to which those documents relate is to be held.

Placing of  
ballot paper  
envelopes in  
ballot box.

10. Subject to the provisions of subsection (1) of the next following section, the Clerk of the States shall, as soon as may be after the opening of the poll at an election and in the presence of a Jurat—

- (a) open the covering envelope sent to him by an absent voter at that election in pursuance of the last foregoing section;
- (b) place the ballot paper envelope contained in that covering envelope unopened in the ballot box provided in accordance with the Law of 1900 for the purposes of that election;

and, on the completion of the counting of the votes cast at that election, shall place and seal all the covering envelopes and forms of declaration of identity in a packet kept solely for the purpose.

11. (1) In any case where, at an election—

Rejected  
votes.

- (a) the covering envelope, or an envelope purporting to be the covering envelope, issued to an absent voter does not have inscribed on it the registration number of that absent voter for that election;
- (b) the covering envelope does not contain separately both the ballot paper envelope and the form of declaration of identity;
- (c) the covering envelope contains more than one form of declaration of identity or more than one ballot paper envelope;
- (d) the form of declaration of identity has not been duly completed;
- (e) the number inscribed on the form of declaration of identity and on the ballot paper envelope contained in the same covering envelope are not the same;
- (f) the number inscribed on the form of declaration of identity or on the ballot paper envelope contained in the same covering envelope is not the same as the number of

the ballot paper issued for that election to the absent voter who signed that form;

the Clerk of the States shall, with the assent of a Jurat, endorse the covering envelope or envelope purporting to be the covering envelope, as the case may be, with the words "VOTE REJECTED", such endorsement to be authenticated by the signature of that Jurat.

(2) Upon the endorsement of any such envelope as aforesaid at any election, the Clerk of the States shall place it, with the contents thereof attached to it, in a packet kept solely for the purpose and, on the completion of the counting of the votes cast at that election, shall seal such packet.

(3) Where a ballot paper envelope contains more than one ballot paper, the ballot papers contained in that envelope shall be null and void.

(4) Where the number inscribed on the ballot paper envelope is not the same as the number inscribed on the ballot paper contained in that envelope, the ballot paper shall be null and void.

Destruction  
of sealed  
packets.

12. The Clerk of the States shall, with the assent of a Jurat and not earlier than forty-eight hours next following the day on which an election has been held, destroy the sealed packets referred to in section ten and subsection (2) of section eleven of this Law.

### PART III

#### MISCELLANEOUS

Voting  
offences.

13. (1) Any person who—

- (a) votes more than once at an election, whether in person, by post or both in person and by post; or

(b) makes an application or declaration under this Law which he knows to be false;  
shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

(2) An election shall not be invalidated by reason of the fact that any person has been convicted of an offence under this section in relation to that election.

14. The States may from time to time by Resolution prescribe the rules of procedure applicable to meetings of the States, and may in the like manner suspend, vary or revoke any such rules. Rules of procedure in the States.

15. The Law entitled "Loi relative à la réforme des Etats de l'Ile d'Auregny", registered on the Records of the Island of Guernsey on the twenty-sixth day of January, nineteen hundred and sixteen (d), is hereby repealed. Repeal.

16. (1) This Law may be cited as the Government of Alderney (Amendment) Law, 1977. Citation, construction and commencement.

(2) This Law shall be construed as one with the principal Law.

(3) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States, and different dates may be so appointed under this subsection for different purposes.

R. H. VIDELO,  
Her Majesty's Greffier.