

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Reform (Guernsey) Law, 1948 (Amendment) Law, 1952.

(Registered on the Records of the Island of Guernsey
on the 16th day of August, 1952.)



1973.

VIII
1952

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 16th day of August, 1952, before Henry James Casey, Esquire, M.B.E., M.C., Lieutenant-Bailiff; present: Ernest de Garis, Esquire, O.B.E., Sir John Leale, Arthur Falla, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx and Stephen James Falla, Esquires, Jurats.

The Lieutenant-Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 29th day of July, 1952, ratifying a *Projet de Loi* entitled "The Reform (Guernsey) Law, 1948 (Amendment) Law, 1952",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 29th day of July, 1952.

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT.

EARL DE LA WARR.

MISS HORSBRUGH.

MR. BUCHAN-HEPBURN.

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 24th day of July, 1952, 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 the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 16th day of April, 1952, the States of Deliberation at a meeting held on the 16th day of July, 1952, approved a Bill or “Projet de Loi” entitled “The Reform (Guernsey) Law, 1948 (Amendment) Law, 1952” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction

to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Reform (Guernsey) Law, 1948 (Amendment) Law, 1952" and to order that the same shall have the force of Law in the Islands of Guernsey, Herm and Jethou.'

"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."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Herm and Jethou.

AND HER MAJESTY doth 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 all other persons whom it may concern, are to take notice and govern themselves accordingly.

F. J. FERNAU.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Reform (Guernsey) Law, 1948 (Amendment) Law, 1952.

THE STATES, in pursuance of their Resolutions of the 16th day of April, 1952, 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.

1. The Reform (Guernsey) Law, 1948 as amended by the Reform (Guernsey) Amendment Law, 1950 (hereinafter referred to as "the principal Law") is hereby further amended as follows:—

(a) paragraph (1) of Article 10 of the principal Law is hereby repealed and the following paragraph is substituted therefor—

(1) Elections for the Office of Conseiller shall be held in the month of February in 1955 and thereafter triennially in that month on such date as the President may appoint and subject to the provisions of Article 19 of this Law the persons elected shall take office on the 1st day of April next following their election.

(b) Article 12 of the principal Law is hereby repealed and the following Article is substituted therefor—

"12. A casual vacancy in the office of Conseiller shall be filled, subject, in case there shall not be a greater number of can-

didates than there are vacancies, to the provisions of paragraph (3) of Article 10 of this Law, by election by the States of Election on such day as the President of the States of Election shall appoint, save that if such vacancy occurs after the 31st day of August in the year preceding the year of a triennial election to that office and the vacancy would fall to be filled at that election, it shall be in the discretion of the President whether such vacancy shall or shall not be filled pending that triennial election.”;

(c) Article 14 of the principal Law is hereby amended as follows—

(i) paragraph (1) of the said Article shall cease to have effect on the 30th day of November, 1954, and thereafter the following paragraphs shall be substituted therefor—

“(1) The Douzaine of each parish shall, in the month of March, 1955, and in the month of March of every subsequent year, elect one Douzaine Representative from that Douzaine who shall sit as a member of the States of Deliberation during the period of twelve months commencing on the following 1st day of April.”;

(ii) immediately after paragraph (2) of the said Article there is hereby inserted the following additional paragraph—

“(2A) A casual vacancy in the office of Douzaine Representative shall be filled by election by the Douzaine as soon as may be after the occurrence of the vacancy and the person so elected shall

hold office until the date upon which the person in whose place he was elected would normally have retired.”;

- (iii) immediately after paragraph (3) of the said Article there is hereby inserted the following additional paragraph—

“(4) Every election held under this Article shall, if there be more than one candidate, be by secret ballot.”;

- (d) paragraph (2) of Article 15 is hereby repealed;

- (e) Article 25 of the principal Law is hereby repealed and the following Article is substituted therefor—

“25. (1) The Electoral Roll of this Island shall be compiled by the Registrar-General in accordance with the provisions of this Law.

(2) There shall be shown on the Electoral Roll in respect of every voter his surname, Christian names and full postal address.”;

- (f) Article 27 of the principal Law is hereby amended as follows—

- (i) paragraph (1) of the said Article is hereby repealed and the following paragraph substituted therefor—

- (1) A person shall be entitled to be inscribed on the Electoral Roll compiled for an electoral year (which expression shall, for the purposes of this Law, mean the period commencing on the 1st day of March in any year and ending on the succeeding last day of February) if that person—

- (a) is of full age or will attain that age before the commencement of that electoral year;

- (b) is not an alien;
- (c) has had his ordinary place of residence in this Island during the period commencing on the 1st day of April and ending on the 15th day of September in the preceding electoral year;
- (d) is not subject to any legal disability; and
- (e) has, during the period commencing on the 15th day of September and ending on the 31st day of October, both dates inclusive, in the preceding electoral year, delivered to the Registrar-General, in respect of himself, in such form as the Registrar-General shall prescribe, an application for inclusion in that Electoral Roll:

PROVIDED that a person entitled to be inscribed on the Electoral Roll for the electoral year in which a triennial election is held shall, if he fulfills the conditions of sub-paragraphs (b), (c) and (d) of this paragraph and without making any further application in that behalf, be entitled to be inscribed on the Electoral Roll for the two succeeding electoral years, and a person entitled to be inscribed on the Electoral Roll for the first of such two succeeding electoral years or on the Electoral Roll for the

electoral year commencing on the 1st day of March, 1953, shall, subject as aforesaid, be entitled without making a further application in that behalf to be inscribed on the Electoral Roll for the next succeeding electoral year.”;

(ii) in paragraph (2) of the said Article all the words after “in that District” are hereby repealed;

(iii) immediately after paragraph (2) of the said Article there is hereby inserted the following additional paragraph—

“(3) At an election the Returning Officer of each District shall cause to be kept at each polling station in that District a list (hereinafter referred to as “a list of voters”) which shall contain the full names and addresses of all the persons who voted at that polling station and in any District where there is more than one polling station the Returning Officer shall cause the lists from each polling station in that District to be compared and shall report to the Law Officers of the Crown the name and address of any person appearing to have voted more than once at that election.”;

(g) Article 29 of the principal Law is hereby repealed and the following Article substituted therefor—

“29. (1) General Elections for the office of People’s Deputy shall be held in 1955 during the month of March and thereafter triennially during the month of March, and, sub-

ject to the provisions of Article 19 of this Law, the persons elected shall take office on the 1st day of April next following their election, save that if at any General Election there shall be no candidate or an insufficient number of candidates for any District, an election to fill any vacancy not filled at that General Election shall be held as soon as may be thereafter in respect of that District and any candidate elected thereat shall retire from office on the date on which he would have so retired had he been elected at that General Election.

(2) A casual vacancy in the office of Deputy occurring before the first day of November next preceding the date of a General Election shall be filled by election and any person so elected shall hold office for the remainder of the three year term then current, but if such vacancy occurs after the 31st day of October next preceding the date of a General Election it shall be in the discretion of the President of the States whether or not an election shall be held to fill the vacated office until the date of such General Election.

(3) The date for the holding of any election shall be appointed by Ordinance.”;

(h) Article 34 of the principal Law is hereby repealed and the following Article is substituted therefor—

“ 34. (1) The Registrar-General shall, during the period commencing on the 15th day of September and ending on the 31st day of October in 1952, and during the same period in each year thereafter, make avail-

able forms of application for inclusion on the Electoral Roll at such centres as he may specify by notice in the 'Gazette Officielle', and on or before the 7th day of October, 1952, and thereafter on or before the 7th day of October in the year next preceding the year of a triennial election he shall, in addition, distribute to each dwelling in the Island such number of such forms of application as he may consider necessary for the number of voters living therein.

(2) A person whose name is inscribed on the Electoral Roll for any electoral year and who, having changed his ordinary place of residence in this Island, desires to have his address changed on the Electoral Roll for the next succeeding electoral year may, during the period commencing on the 15th day of September and ending on the 31st day of October, make an application in that behalf to the Registrar-General in such form as may from time to time be prescribed by the Registrar-General.

(3) From the information delivered to him under the provisions of this Law the Registrar-General shall, by the 10th day of January in each year, compile the Electoral Roll for the succeeding electoral year.

(4) Each section of the Electoral Roll shall contain the names and addresses of the persons residing in the District to which that section relates, being persons entitled to have their names inscribed on the Electoral Roll.

(5) In any year in which a triennial election is to be held, the section of the Electoral Roll in respect of each District

shall be published for inspection under the control of the Constables and Douzaine of the parish concerned, from the 11th day of January to the 17th day of January, both days inclusive, at such suitable place in that District, during such five hours on each working day other than Thursday and during such three hours on Thursday, as shall be prescribed by the Registrar-General after consultation with those Constables.

(6) In any other year all the sections of the Electoral Roll shall be published for inspection under the control of the Registrar-General for the like period and during the like hours but only at such central place as he shall prescribe.

(7) The Registrar-General shall give previous notice by an announcement in the 'Gazette Officielle' of the dates, times and places on, during and at which the Electoral Roll will be available for inspection.

(8) Any person claiming that he is entitled to have his name inscribed on any section of the Electoral Roll and that it is omitted from that section or that some material error in his name or address appears in that section, may, not later than the third working day after the close of the period during which the Electoral Roll is available for inspection, deliver to the Registrar-General an application in writing to have his name and address inscribed on that section, or for the rectification of the error alleged; the Registrar-General shall, if he is satisfied of the existence of the omission or error, forthwith amend the Electoral Roll.

(9) The section of the Electoral Roll compiled, published and amended for any electoral year as in this Article provided in respect of each District shall constitute the Electoral Roll of that District during that electoral year and shall determine whether or not a person is entitled to vote in that District during that electoral year at an election for any of the offices of People's Deputy, Constable or Douzenier, and at any election a copy of the appropriate section shall be furnished free of charge by the Registrar-General to the Returning Officer of each District for each polling station in that District, and the Returning Officer shall ensure that a copy is available at each polling station in his District.

(10) Notwithstanding anything in this Law contained, the Electoral Roll in force on the 30th day of November, 1952, shall continue in force until the 28th day of February, 1953.

(11) A person who knowingly furnishes in an application under this Law any information required to be furnished which is false in any material particular shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.”;

- (i) in Article 40 of the principal Law the words “on the following day” are hereby repealed and the words “within the two days next following” are hereby substituted therefor;
- (j) in Article 42 of the principal Law there shall be inserted immediately after the words “from such detention” the words “or who have died in any week” and there

shall further be inserted immediately after the words "shall be furnished" the words "at the end of that week";

- (k) Article 75 of the principal Law is hereby repealed and the following Article is substituted therefor—

"75. (1) The Conseillers and People's Deputies due to retire on the 31st day of December, 1954 shall continue in office until the 31st day of March, 1955, and the Douzaine Representatives in office on the 30th day of November, 1954, shall continue to hold office until the 31st day of March, 1955, and any Douzaine Representative elected after the 30th day of November, 1954, to fill a casual vacancy shall hold office until the 31st day of March, 1955.

(2) The Conseillers due to retire on the 31st day of December, 1957, shall continue in office until the 31st day of March, 1958."

2. This Law, the Reform (Guernsey) Law, 1948, and the Reform (Guernsey) Amendment Law, 1950, may be cited together as the Reform (Guernsey) Laws, 1948 to 1952.

JAMES E. LE PAGE,

Her Majesty's Greffier.