

ORDER IN COUNCIL

**XIX
1978**

ratifying a Projet de Loi

ENTITLED

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

(Registered on the Records of the Island of Guernsey
on the 22nd day of January, 1979.)



ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 22nd day of January, 1979, before Sir John Loveridge, Kt., C.B.E., 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., Walter Francis Robin, Richard Alan Kinnersly, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe, Richard Oliver Symons, 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 Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 15th day of November, 1978, ratifying a *Projet de Loi* entitled "The States of Guernsey (Representation of Alderney) Law, 1978", 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 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 at Buckingham Palace

The 15th day of November 1978

PRESENT,

The Queen's Most Excellent Majesty in Council

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 9th day of November 1978 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 28th day of September 1977, the States of Deliberation at a meeting held on the 31st May 1978 approved a Bill or “Projet de Loi” entitled “The States of Guernsey (Representation of Alderney) Law, 1978”, which Bill is designed to apply to the Islands of Guernsey and Alderney and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 16th day of August 1978 considered the Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. 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 States of Guernsey (Representation of Alderney) Law, 1978", and to order that the same shall have force of law in the Islands of Guernsey and 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."

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 and Alderney.

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.

N. E. Leigh

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

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 and the States of Election.
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.

Representa-
tion of
Alderney in
the States of
Deliberation
and the
States of
Election.

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 and, as respects the election of Conseillers, in the States of Election by representatives styled "Alderney Representatives".

Numbers,
rights, etc. of
Alderney
Representa-
tives.

2. (1) The Alderney Representatives shall—

- (a) in the States of Deliberation, be two in number; and
- (b) in respect of meetings of the States of Election for the election of Conseillers, be four in number.

(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 each of the Alderney Representatives in the States of Election shall, as respects meetings thereof for the

(a) Ordres en Conseil Vol. XII, p. 448.

election of Conseillers, 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.

3. The States of Alderney shall, at each annual meeting, elect—

Election of representatives and alternative representatives of Alderney.

(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 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) four persons to sit in the States of Election as representatives of Alderney.

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—

Alternative representatives in the States of Deliberation.

(b) Ordres en Conseil Vol. XIII, p. 288.

- (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.

5. A person elected under the provisions of this Law to represent Alderney in the States of Deliberation or in the States of Election 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, in the case of a representative to sit in the States of Deliberation or an alternative representative, he ceases to be a member of the States of Alderney:

Period of office and filling of vacancies.

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.

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.

H.M. Greffier to be notified of elections.

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:—

Interpretation.

“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” has the meaning assigned to it by subsection (1) of section forty-seven of the Government of Alderney Law, 1948, as amended(c);

“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 or of the States of Election convened by a Billet d’Etat 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” and “States of Election” mean respectively the States of Deliberation of the Island of Guernsey and the States of Election 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

(c) Ordres en Conseil Vol. XIII, p. 416; Vol. XXIII, p. 157.

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.

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. Repeals.

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

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

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

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

(*d*) Ordres en Conseil Vol. XIII, p. 355.

(*e*) Ordres en Conseil Vol. XIV, p.115.