

PROJET DE LOI

ENTITLED

The States Committees (Constitution and Amendment) (Guernsey) Law, 1991 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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.

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* No. XX of 1991 (Ordres en Conseil Vol. XXXIII, p. 471); as amended by the States (Reform) (Guernsey) Law, 2015 (No. XVII of 2015).

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ARRANGEMENT OF SECTIONS

1. Constitution of States Committees.
2. Amendment to Industrial Disputes Law.
3. Amendment to Hawkers Laws.
4. Repeals.
5. Citation.

SCHEDULE Enactments repealed.

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The States Committees (Constitution and Amendment) (Guernsey) Law, 1991

THE STATES, in pursuance of their Resolutions of 6th March and 14th March, 1991^a, 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 Guernsey.

Constitution of States Committees.

1. (1) Subject to subsection (2), the constitution of any committee may be prescribed by Resolution^b of the States.

(2) A Resolution under subsection (1) or under any relevant enactment shall not apply in relation to a committee to the extent that contrary provision is made in relation thereto by an enactment.

(3) In this section –

"committee" means any committee, board, authority or other body of the States, whether established by Resolution or by an enactment,

"relevant enactment" means an enactment providing (in whatever terms) that the constitution of a committee shall be prescribed by Resolution of the States.

(4) In this section and in any relevant enactment the expression

^a Article IX of Billet d'État No. V, 1991 and Article XII of Billet d'État No. VII, 1991.

^b See Resolution of 29 April 1992 & Article IX of Billet d'État No. VIII, 1992.

"constitution" includes all aspects of the committee's constitution and all matters ancillary thereto including (without prejudice to the generality of the foregoing) –

- (a) the size and composition of the committee's membership,
- (b) the nomination, election, co-option, term of office, retirement and replacement of the committee's members, Presidents and Vice-Presidents,
- (c) the qualifications for office (including any requisite special interests) and the termination of office of the committee's members, Presidents and Vice-Presidents, and the designation of classes of persons who are disqualified from office,
- (d) the committee's quorum and its voting procedures,
- (e) the conduct of the committee's proceedings,
- (f) the establishment, functions and constitution of the committee's sub-committees, and
- (g) the frequency with which and manner in which the committee is to be convened.

[(5) For the avoidance of any doubt and subject to subsection (2), a Resolution under subsection (1) or under any relevant enactment may include provision that a committee's membership shall consist of members, the majority or a minority of whom are not elected members of the States; provided that no person shall be elected or appointed to the office of President of a committee, unless the person is an elected member of the States.]

NOTE

In section 1, subsection (5) was inserted by the States (Reform) (Guernsey)

Law, 2015, section 6, with effect from 1st May, 2016.

Amendment to Industrial Disputes Law.

2. In Article 21 of the Industrial Disputes and Conditions of Employment Law, (1947), as amended^c, in the definition of "the Committee" for the words "Labour and Welfare Committee" substitute "Board of Employment, Industry and Commerce or such other committee as the States may by Resolution appoint".

NOTE

The Industrial Disputes and Conditions of Employment Law, (1947) has since been repealed by the Industrial Disputes and Conditions of Employment (Guernsey) Law, 1993, section 19, with effect from 1st October, 1993.

Amendment to Hawkers Laws.

3. (1) In section 20(1) of the Hawkers and Non-Resident Traders (Guernsey) Law, 1980, as amended^d, in the definition of "the Board" for "Ordinance" substitute "Resolution".

(2) In section 3 of the Hawkers and Non-Resident Traders (Amendment) (Guernsey) Law, 1989, for "Ordinance" substitute "Resolution".

Repeals.

4. The enactments specified in the Schedule are repealed.

Citation.

5. This Law may be cited as the States Committees (Constitution and Amendment) (Guernsey) Law, 1991.

NOTE

^c Ordres en Conseil Vol. XIII, p. 1; Vol. XXIII, p. 211.

^d Ordres en Conseil Vol. XXVII, p. 218; and No. XVII of 1989.

The Law received Royal Sanction on 19th November, 1991 and was registered on the Records of the Island of Guernsey and came into force on 20th January, 1992.

SCHEDULE
ENACTMENTS REPEALED

Section [3]

1. The States Committees (Guernsey) Law, 1949^d.
2. The States Committees (Special Provisions) (Guernsey) Law, 1950^e.
3. The States Committees (Amendment) Law, 1953^f.
4. The States Board of Administration (Transfer of Functions) Law, 1974^g.
5. Paragraph 16 of Schedule 2 to the Financial Services Commission (Bailiwick of Guernsey) Law, 1987^h.
6. Section 2 of the Trading Stamps (Amendment) (Guernsey) Law, 1990ⁱ.
7. Articles 3(8) and 4 of the Mental Treatment Law (Guernsey) 1939^j.
8. The States Committees (Special Provisions) (Amendment) (Guernsey) Law, 1986^k.

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| d | Ordres en Conseil Vol. XIV, p. 187. |
| e | Ordres en Conseil Vol. XIV, p. 439. |
| f | Ordres en Conseil Vol. XV, p. 407. |
| g | Ordres en Conseil Vol. XXIV, p. 250. |
| h | No. XIX of 1987. |
| i | No. XXII of 1990. |
| j | Ordres en Conseil Vol. XI, p. 405. |
| k | No. IX of 1986. |

NOTES

The Trading Stamps (Amendment) (Guernsey) Law, 1990 has since been repealed by the Trading Stamps (Repeal) (Guernsey) Law 1999, section 1, with effect from 12th April, 1999.

The figure in square brackets shown, incorrectly, in the printed version of this section as "3" should read "4".
