



Members of the States of Deliberation
and their Committees

The Rules of Procedure of the States of Deliberation
and their Committees

Code of Conduct for States' Members

Rules for Payments to States' Members, etc.

The Reform (Guernsey) Law, 1948, as amended

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

The States Reform (Guernsey) Law, 2015

As at 15th April, 2024



MEMBERS

of the

STATES OF DELIBERATION

and the Membership of

States' Committees, Authorities, Boards and Commissions

States of Deliberation

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MEMBERS OF THE STATES OF DELIBERATION

PRESIDING OFFICER

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HIS MAJESTY'S COMPTROLLER

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ACTING PRESIDING OFFICERS

1. Deputy John A. B. Gollop
2. Deputy Peter J. Roffey
3. Deputy Lyndon S. Trott

PEOPLE'S DEPUTY

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Offices held:

Member: Committee for Education, Sport & Culture
Committee for Home Affairs



*First elected:
16th October, 2020*

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Offices held:

President: Overseas Aid & Development Commission
Member: Development & Planning Authority
Member: Transport Licensing Authority



*First elected:
16th October, 2020*

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Offices held:

President: Committee for Health & Social Care



*First elected:
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Offices held:

President: Scrutiny Management Committee

Member: States' Assembly & Constitution Committee



*First elected:
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(also 01.05.12 – 30.04.16)*

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Offices held:

Vice-President: Committee for Health & Social Care

Member: Committee for Employment & Social Security



*First elected:
16th October, 2020*

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Offices held:

Member: Committee *for* Education, Sport & Culture

Member: Committee *for the* Environment & Infrastructure

First elected:
16th October, 2020

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Offices held:

President: Transport Licensing Authority

First elected:
1st May, 2004

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Offices held:

President: Committee *for the* Environment & Infrastructure

Vice-President: Committee *for* Employment & Social Security

First elected:
1st May, 2016

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Offices held:

President: Committee for Education, Sport & Culture

*First elected:
1st May, 2016*

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Offices held:

Member: Scrutiny Management Committee

Member: Development & Planning Authority

*First elected:
16th October, 2020*

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Offices held:

Vice-President: Scrutiny Management Committee

Member: Committee for the Environment & Infrastructure

Member: States' Assembly & Constitution Committee

*First elected:
16th October, 2020*

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Offices held:

Vice-President: Committee for Economic Development

Member: Committee for Employment & Social Security

*First elected:
16th October, 2020*

Peter Terence Richard FERBRACHE

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*First elected:
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Offices held:

Vice-President: Committee for the Environment & Infrastructure

*First elected:
16th October, 2020*

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Offices held:

Acting Presiding Officer: States of Deliberation

Member: Policy & Resources Committee



*First elected:
1st May, 1997*

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Offices held:

Vice-President: Committee for Education, Sport & Culture



*First elected:
16th October, 2020*

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*First elected:
16th October, 2020*

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Offices held:

President: Committee for Economic Development



*First elected:
19th October, 2016*

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Offices held:

Member: Committee for Economic Development

Member: Development & Planning Authority



*First elected:
16th October, 2020*

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16th October, 2020*

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Offices held:

Member: Policy & Resources Committee



*First elected:
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[also 1.5.00-30.4.08]*

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Offices held:

Member: Committee for Health & Social Care



*First elected:
1st May, 2016*

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*First elected:
16th October, 2020*

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Offices held:

Member: Committee *for* Health & Social Care

Member: Committee *for* the Environment & Infrastructure

*First elected:
16th October, 2020*

Liam Jude McKENNA

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Offices held:

Member: Committee *for* Home Affairs

Member: States' Assembly & Constitution Committee

Member: Transport Licensing Authority



*First elected:
16th October, 2020*

Carl Peter MEERVELD

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Offices held:

President: States' Assembly & Constitution Committee

Chairman: Panel of Members

*First elected:
1st May, 2016*

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Offices held:

Member: Committee for Economic Development

Member: States' Trading Supervisory Board



*First elected:
16th October, 2020*

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Offices held:

Member: Policy & Resources Committee



*First elected:
16th October, 2020*

Victoria Sarah OLIVER

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Offices held:

President: Development & Planning Authority



*First elected:
1st May, 2016*

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Offices held:

Vice-President: States' Trading Supervisory Board



*First elected:
2nd December, 2015
[also 1.5.04-30.4.12]*

Robert George PROW

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Offices held:

President: Committee for Home Affairs



*First elected:
1st May, 2016*

Lester Carlson QUERIPEL

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Offices held:

Member: Committee for Employment & Social Security



*First elected:
1st May, 2012*

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Offices held:

Acting Presiding Officer: States of Deliberation

President: Committee for Employment & Social Security

President: States' Trading Supervisory Board



*First elected:
1st May, 2016
[also 1.4.82-31.3.91
& 1.5.00-30.4.08]*

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Offices held:

Vice-President: Policy & Resources Committee



*First elected:
1st May, 2012*

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Offices held:

Vice-President: States' Assembly & Constitution Committee



*First elected:
1st May, 2012*

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Offices held:

Vice-President: Development & Planning Authority

Member: Committee *for* Home Affairs



*First elected:
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Offices held:

President: Policy & Resources Committee

Acting Presiding Officer: States of Deliberation



*First elected:
1st May, 2000*

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Offices held:

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Member: Committee *for* Economic Development



*First elected:
16th October, 2020*

ALDERNEY REPRESENTATIVES

Stephen ROBERTS

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Offices held:

Member: Committee *for* Education, Sport & Culture

Member: Transport Licensing Authority



*First elected:
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Offices held:

Member: Committee *for* Health & Social Care



*First elected:
9th January, 2019*

PARLIAMENTARY TEAM

STATES' GREFFIER

Simon Michael Davidson ROSS
States Greffier

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ASSISTANT STATES' GREFFIER

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PARLIAMENTARY OFFICER

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STATES COMMITTEES, AUTHORITIES, BOARDS AND COMMISSIONS


Membership and Contact Details

The States of Guernsey official website is www.gov.gg

If no e-mail address is listed, the Committee concerned can be contacted through the above website's 'Contact Us' page. When using this facility it would assist if the Committee or Service Area to whom the question is addressed is specified.

POLICY & RESOURCES COMMITTEE

Sir Charles Frossard House, La Charroterie, St. Peter Port, GY1 1FH

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 policyandresources@gov.gg

President:

Deputy L. Trott

Vice-President:

Deputy H. Soulsby

Member:

Deputy J. Le Tocq

Deputy R. Murray

Deputy J. Gollop

COMMITTEE FOR ECONOMIC DEVELOPMENT

Market Building Fountain Street, St Peter Port, GY1 3GX

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President: Deputy N. Inder
Vice-President: Deputy S. Falla
Member: Deputy A. Kazantseva-Miller
Deputy N. Moakes
Deputy S. Vermeulen

Non-States members: Mr Andrew Niles
Mr Anthony Mancini

COMMITTEE FOR EDUCATION, SPORT & CULTURE

Sir Charles Frossard House, La Charroterie, St. Peter Port, GY1 1FH

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President: Deputy A. Dudley-Owen
Vice-President: Deputy S. Haskins
Member: Deputy S. Aldwell
Deputy A. Cameron
Alderney Representative S. Roberts

Non-States member: Mrs Diane. Mitchell

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

Edward T. Wheadon House, Le Truchot, St Peter Port, GY1 3WH

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 employmentandsocialsecurity@gov.gg

President: Deputy P. Roffey
Vice-President: Deputy L. de Sausmarez
Member: Deputy T. Bury
Deputy S. Falla
Deputy L. Queripel

Non-States members: Mr Ross J. Le Brun
Mr Mark R. Thompson

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

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President: Deputy L. de Sausmarez

Vice-President: Deputy A. Gabriel

Member: Deputy A. Cameron
Deputy S. Fairclough
Deputy A. Matthews

Non-States Members: Mr Mark. Palfrey

COMMITTEE FOR HEALTH & SOCIAL CARE

Le Vauquière Office, Rue Mignot, St. Andrew, GY6 8TW

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President: Deputy A. Brouard

Vice-President: Deputy T. Bury

Member: Deputy M. Leadbeater
Deputy A. Matthews
Alderney Representative A. Snowdon

Non-States members: Mr George A. Oswald

COMMITTEE FOR HOME AFFAIRS

Sir Charles Frossard House, La Charroterie, St. Peter Port, GY1 1FH

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President: Deputy R. Prow

Vice-President: Deputy S. Vermeulen

Members: Deputy S. Aldwell
Deputy L. McKenna
Deputy A. Taylor

Non-States member: Mr Peter Harwood

CIVIL CONTINGENCIES AUTHORITY

Sir Charles Frossard House, La Charroterie, St. Peter Port, GY1 1FH

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Chair:

*(*President of Policy & Resources):* Deputy P. Ferbrache

Members:

President, Committee for the Environment & Infrastructure (+): Deputy L. de Sausmarez

President, Committee for Health & Social Care (+): Deputy A. Brouard

President, Committee for Home Affairs (+): Deputy R. Prow

(In the absence of both the President and the Vice-President such other member of the Policy and Resources Committee as the President may nominate)*

(+ In the absence of the President, the Vice-President of that Committee and in the absence of the Vice-President a member of that Committee nominated by that President)

DEVELOPMENT & PLANNING AUTHORITY

Sir Charles Frossard House, La Charroterie, St. Peter Port, GY1 1FH

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President: Deputy V. Oliver

Vice-President: Deputy A. Taylor

Member: Deputy C. Blin
Deputy J. Dyke
Deputy A. Kazantseva-Miller

OVERSEAS AID & DEVELOPMENT COMMISSION

Sir Charles Frossard House, La Charroterie, St. Peter Port, GY1 1FH

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President: Deputy C. Blin

Vice-President: Miss Judith. E Moore

Member: Mr Bryan Pill
Mr Christopher Gregg
Dr Lindsay Jefferies
Dr Michelle Le Cheminant
Mr Mike Allen

SCRUTINY MANAGEMENT COMMITTEE

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<i>President:</i>	Deputy Y. Burford
<i>Vice-President:</i>	Deputy S. Fairclough
<i>Member:</i>	Deputy J. Dyke

<i>Non-States members:</i>	Ms. Grace Ruddy Mr John Whittle
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STATES' ASSEMBLY & CONSTITUTION COMMITTEE

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STATES' TRADING SUPERVISORY BOARD

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<i>President:</i>	Deputy P. Roffey
<i>Vice-President:</i>	Deputy C. Parkinson
<i>Member:</i>	Deputy N. Moakes

<i>Non-States members:</i>	Mr Mark R Thompson Dr Simon Thornton
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TRANSPORT LICENSING AUTHORITY

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<i>President:</i>	Deputy D. De Lisle
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PANEL OF MEMBERS

Sir Charles Frossard House, La Charroterie, St. Peter Port, GY1 1FH

 227000

<i>Chairman:</i>	Deputy C.P. Meerveld
<i>Vice-Chairman:</i>	Christine Goodlass
<i>Other Members:</i>	All the Deans of the Douzaines All States' Members who have held a seat in the States for three years or more

The Panel of Members is established under section 4 of [The Administrative Decisions \(Review\) \(Guernsey\) Law, 1986 \(as amended\)](#). Information on the Review Board and the Independent Complaints Panel can be found on www.gov.gg/reviewboard.

NON-GOVERNMENTAL BODIES

ELIZABETH COLLEGE BOARD OF DIRECTORS

Elizabeth College, The Grange, St. Peter Port, GY1 2PY

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📠 714176

✉ office@elizabethcollege.gg

Chairman: The Dean of Guernsey (*ex officio*)
The Very Rev'd Timothy R. Barker

Directors appointed by the Lieutenant-Governor:

Mrs Kate Ovenden
Mr Steve Sharman

Directors appointed by the States:

(2021) Deputy Stephen Falla
(2022) Mr Mark Thompson
(2023) Deputy Lyndon S. Trott
(2024) Mr Andreas Tautscher
(2025) Mrs Michelle Galpin
(2026) Mrs Rosy Bowyer

** date indicates year in which term expires*

THE LADIES' COLLEGE BOARD OF GOVERNORS

The Ladies' College, Les Gravées, St. Peter Port, GY1 1RW

☎ 721602

📠 724209

✉ enquiries@ladiescollege.ac.gg

Chairman: (2022) Advocate Caroline Chan

States appointed Members:

(2023) Mr Brian Acton
(2022) Mrs Catharine Walter

Committee for Education, Sport & Culture nominated Members:

(2024) Mr Peter Miller
(2022) Dr Mary Short

Nominated by the above three categories:

(2023) Deputy Heidi J. R. Soulsby
(2024) Ms Cathryn L. Perkins

** date indicates year in which term expires*

GUILLE-ALLÈS LIBRARY COUNCIL

Market Street, St. Peter Port, GY1 1HB

☎ 720392

✉ ga@library.gg

President: The Bailiff (ex officio)

Other ex-officio: The Deputy Bailiff
H.M. Procureur

*Chairman,
Board of Management:* Mr Richard Hamilton

Trustees: Mrs Caroline Lane (*also Board of Management*)
Mr David Clark (*also Board of Management*)
Mr Ian P. Bloese (*also Board of Management*)
Dr Darryl Ogier (*also Board of Management*)
Advocate Simon Howitt
Mr Steve Williams

Members appointed by the States:
Deputy Andrea Dudley-Owen
Deputy Chris Blin

Readers' Representatives: Mrs Rose Ann Moore
Mr R. Carter
Miss Elaine Lefeuvre

Staff: Cornelia James, Chief Librarian

PRIAULX LIBRARY COUNCIL

Priaulx Library, Candie Road, St Peter Port, GY1 1UG

☎ 721998

✉ info@priaulxlibrary.gg

Trustees

Appointed by the States: Mr Nik van Leuven (Chairman)
Mr Rob Grant

The senior descendant of
Osmond de Beauvoir Priaulx: Mr Marcus Priaulx

Ordinary Members:

Ex-officio: The Dean of Guernsey:
The Very Rev'd Timothy R. Barker
The Principal of Elizabeth College:
Mrs Jennifer Palmer

Appointed by the
Lieutenant-Governor: (2023) Mr A. Hunter Adam

Appointed by the States: (2022) Mrs Yasmin Le Huray
(2023) Mr Paul R. Le Pelley

Senior Library Staff Mr Steve Foote - Chief-Executive
Miss Sue Laker - Chief Librarian

** date indicates year in which term expires*

COMMONWEALTH PARLIAMENTARY ASSOCIATION Guernsey Branch – Executive Committee

The Greffe, Royal Court House, St. Peter Port, GY1 2PB

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Chairman: Deputy L. Trott

Vice-Chairman: Deputy H. Soulsby

Other Members: Deputy S. Aldwell
Deputy T. Bury
Deputy S. Falla
Deputy V. Oliver

As at 31st March, 2023



THE RULES OF PROCEDURE OF THE STATES OF DELIBERATION AND THEIR COMMITTEES

**As prescribed by Resolutions of the States of the 27th of November, 2015,
the 17th of March, 2016, the 7th September, 2016, the 7th June, 2017,
6th June, 2018, 20th July, 2018, 26th October, 2018, 12th June, 2019, 27th June, 2019,
18th July, 2019, 26th September, 2019, 17th October, 2019, 27th November, 2019,
26th February, 2020, 18th March 2020, 22nd May, 2020, 25th August, 2020, 24th March, 2021
25th March, 2021, 15th July, 2021, 23rd July, 2021, 26th May, 2022, 31st March, 2022,
27th January, 2023 and 31st March, 2023**

**Made under
The Reform (Guernsey) Law, 1948, as amended,
and
The States Committees
(Constitution and Amendment) (Guernsey) Law, 1991,
and
The States Reform (Guernsey) Law, 2015.**

THE STATES OF DELIBERATION AND THEIR COMMITTEES

RULES

THE STATES, in pursuance of their Resolutions of 27 November, 2015¹, and in exercise of the powers conferred on them by Article 7 of the Reform (Guernsey) Law, 1948², the States Committees (Constitution and Amendment) (Guernsey) Law, 1991 and the States Reform (Guernsey) Law, 2015³, hereby resolve that the following shall be the Rules of Procedure in and in relation to assemblies of the States of Deliberation.

Preamble

These States' Rules contain two sections:

- Section 1 – Rules of Procedure (procedures to be followed before and during States' Meetings generally)
- Section 2 – Committee Rules (which govern the operation of Committees of the States)
- Appendix A – The mandates of all the Committees of the States and several non-governmental bodies.

These Rules should also be read in conjunction with the following pieces of legislation:

- The Reform (Guernsey) Law, 1948, as amended
- The States (Reform) (Guernsey) Law, 2015
- The States Committees (Constitution and Amendment) (Guernsey) Law, 1991

In particular:

The Reform (Guernsey) Law, 1948, as amended, sets out:

- That there shall be 40 Members of the States – 38 People's Deputies in Guernsey and two Alderney Representatives;
- The functions of the Legislation Review Panel and the Policy & Resources Committee when the latter is making urgent Ordinances.

The States (Reform) (Guernsey) Law, 2015 sets out:

The rules for a Committee delegating its functions to a member(s) of the Committee;
The rules for a Committee assigning functions to another Committee.

¹ on Article 1 of Billet d'État No. XXII of 2015

² Ordres en Conseil Vol. XII, p. 288

³ on Article 3 of Billet d'État No. XVI of 2015

General Principles

In Guernsey, parliamentary and governing functions are fused in one body, the States of Deliberation. Guernsey is governed not just through its parliament but by its parliament. In practice, most day-to-day functions are carried out by Committees of the States, each of which is independently responsible to the States of Deliberation. Committees of the States – individually or collectively – are in no way analogous to an executive or government. A Committee is in effect an agent of the States of Guernsey exercising functions conferred on it by resolution of, or legislation approved by, the States of Deliberation.

The States of Deliberation:

- o allocate the functions of government;
- o carry out the functions of government which they have retained – for example, policy determination;
- o debate and vote upon proposals to enact, amend or repeal legislation;
- o debate and vote upon proposals for taxation and expenditure;
- o scrutinise and hold to account the policies, decisions and administration of those functions of government which they have allocated to their Committees.

It is conducive to effective and efficient governance that matters should be dealt with at their appropriate level.

The States should concern themselves with debating legislation, broad policies and priorities, items of significant expenditure and matters of major public interest, and setting the framework in which the rest of the administration should operate.

The Policy & Resources Committee is the senior Committee of the States. It should concentrate on leadership and co-ordination of the work of the States, fiscal policy and economic affairs, and representing the Island in external relations.

Most policy-making, regulatory and public service functions are delegated to one of six Principal Committees. They should focus on developing policy, advising the States on policy, reviewing performance and budgets, and delivering, or overseeing the delivery of, services with a view to securing improved outcomes for the community.

There are other Committees of the States, which may be designated Authority, Board, Commission or Committee, with responsibilities, *inter alia*, for scrutinising policy, financial affairs and legislation, for specific regulatory functions, for the procedures of the States and their Committees, and for the commercial and trading interests of the States.

The civil service should run public services in accordance with policies set down by the States and their Committees.

Generally the principle of subsidiarity should apply: as far as possible matters ought to be handled by the smallest, lowest or least centralised competent authority.

Section 1: The Rules of Procedure of the States of Deliberation

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Dates of Meetings

1. (1) The States' Assembly & Constitution Committee shall submit, in the six months prior to a General Election, a policy letter setting out the dates on which it proposes that States' Meetings should be convened during the States' term immediately following that General Election, having first taken into account the dates of school terms and any other information which it considers relevant. The policy letter referred to above shall also include proposals setting out the Committee or Committees whose President or Presidents will be obliged to make statements, and for the States of Alderney statement to be made by one of the Alderney Representatives, under the provisions of Rules 10(4) and (5) at each ordinary Meeting during the said period.
- (2) Ordinarily the first day of a Meeting shall be a Wednesday, except for the Meetings held to consider the annual Budget of the States and the policy letter of the Committee *for* Employment & Social Security on the uprating of non-contributory benefits which shall begin on the first Tuesday in November, and the Government Work Plan and States' Accounts which shall be considered at the same dedicated Meeting in June which shall begin on a Tuesday except in general election years when they will be considered at a later date in that year.
- (3) The dates on which States' Meetings shall be convened, in respect of the relevant period set out in paragraph 1, subject to the other provisions of these Rules, shall be as set out in Schedule 1 to these Rules.

Convening of Meetings

2. (1) A Meeting of the States shall be convened by the Presiding Officer for each of the dates agreed by the States after consideration of a policy letter submitted under the terms of Rule 1. Each Meeting shall be convened by means of a Billet d'État containing, as determined by the provisions of Rule 3, the titles of original propositions designed to enable the States to make resolutions thereon after being debated at the Meeting.
- (2) Subject to paragraph (3) below, a Billet d'État shall be issued by the Greffier on behalf of the Presiding Officer as soon as possible after the States' Meeting at which its contents were decided.
- (3) The Billet d'État for a special Meeting shall be issued by the Greffier on behalf of the Presiding Officer as soon as possible after the original propositions which it will contain have been published.
- (4) Notwithstanding the provisions of Rule 1 and the other provisions of this Rule the Presiding Officer may, if in his or her opinion circumstances so require, instruct the Greffier to issue an additional Billet d'État in respect of a Meeting for which a Billet

d'État has already been issued and any such additional Billet d'État shall contain the titles of original propositions designed to enable the States to make resolutions thereon after being debated at the Meeting.

- (5) Notwithstanding the provisions of Rule 1 and the foregoing provisions of this Rule the Presiding Officer may, if in his or her opinion circumstances so require, convene a Meeting in such manner and at such notice for such date as he or she shall decide. Before convening a Meeting under the provisions of this paragraph, the Presiding Officer shall inform His Excellency the Lieutenant Governor and Commander-in-Chief of the date proposed for the Meeting.

Submission of items to the States

3. (1) Any supporting policy letter or requête or motion must be attached to the original proposition at the time of submission.
- (2) Any proposition in respect of an election to a vacant office shall be submitted by the Presiding Officer who alone shall have the right to determine the Billet d'État in which the proposition shall appear.
- (3) A Committee of the States may submit a report for inclusion as an appendix to a Billet d'État which Committee alone shall have the right to determine the Billet d'État in which the appendix shall appear. The Greffier shall circulate and publish it as set out in paragraph (5) as if it were an original proposition.
- (4) The submission of secondary propositions shall be subject to the provisions of Rule 24(1).
- (5) On receipt of an original proposition submitted for consideration by the States the Greffier shall cause it to be published within one working day on the States' website, or as soon as possible thereafter, and in such other form as he or she may determine. The Greffier shall also notify all Members that the item is on the website and send it to them by the method which the Member has chosen. The Greffier shall simultaneously transmit the item to the Presiding Officer and the Policy & Resources Committee and shall also cause a notice of its title to be posted on the noticeboard in the Royal Court building.
- (6) On receipt of an original proposition or set of original propositions the Greffier shall allocate it an identification number which shall be used in all official references to it. This shall be in the form "P. year / serial number of proposition" (e.g. P. 20XX/1). Any matter relating to the original proposition or set of original propositions, that is to say an amendment, sursis, letter of comment or other motion on it, shall have the same identification number as the principal item with a distinguishing code (e.g. P. 20XX/1 Amdt 1).

- (7) On receipt of a new matter for consideration by the States, the Policy & Resources Committee shall determine the future States' Meeting at which it proposes that the item should be debated and the order of the debate, having taken into account the nature and significance of the item, the volume of the other business already arranged for future Meetings, and any preferred date which might have been expressed by the Committee or group of Members, as the case may be, under the provisions of Rule 4(2).
- (8) The Policy & Resources Committee shall have the right to propose the Meeting and the order of debate within each Meeting in respect of the following categories of business only as listed in Rule 9: Rule 9(1)(g). Amendments under the provisions of paragraph (16) are permitted only in respect of those categories of business or items within them. Those categories of business shall be marked in the Schedule with an asterisk ("*").
- (9) The Policy & Resources Committee shall propose at an ordinary Meeting only of the States the future Meeting at which it proposes that an item be considered, by means of the inclusion of the item (that is to say the title only of the original propositions concerned) in a Schedule for future States' business.
- (10) Any original proposition which has been submitted to the Greffier before 15.00 on the working day preceding the eleventh clear day (excluding Saturdays, Sundays and public holidays) before an ordinary Meeting shall be included in the Schedule for future States' business considered at that Meeting.
- (11) Any original proposition which proposes the approval of any of:
- (a) a *Projet de Loi* or draft Ordinance; or
 - (b) a Government Work Plan; or
 - (c) a draft Strategic Land Use Plan, or any amendment to such a Plan, which is laid before the States pursuant to section 5(3) of the Land Planning and Development (Guernsey) Law, 2005; or
 - (d) any proposals for a Development Plan, Subject Plan or Local Planning Brief or any amendment to such a Plan or Brief, which is laid before the States pursuant to section 9(4) of the Land Planning and Development (Plans) Ordinance, 2007; or
 - (e) any proposals in the annual policy letter of the Committee *for* Employment & Social Security concerning contributory benefit and contribution rates,
- shall be published not later than five weeks before the States' Meeting at which they are debated.

- (12) Original propositions in respect of the States' Accounts shall be published not later than three weeks before the States' Meeting at which they are debated.
- (13) Original propositions in respect of the annual Budget of the States and the policy letter of the Committee *for* Employment & Social Security on the uprating of non-contributory benefits shall be published not later than four weeks before the States' Meeting at which they are debated.
- (14) A Schedule for future States' business shall be provided by the Policy & Resources Committee to the Greffier before 15.00 on the day before the second clear day (excluding Saturdays, Sundays and public holidays) before the ordinary Meeting at which its contents will be debated as an item under Rule 9(1)(i) and shall be issued by the Greffier as soon as it is received.
- (15) Any item which was listed for consideration at the Meeting but consideration of which, either in part or in whole, was adjourned or deferred to the next Meeting under the provisions of Rule 6(3)(c) shall be treated as automatically included in the part of the Schedule for future States' business in respect of the next Meeting as an item under Rule 9(1)(f).
- (16) Subject to the provisions of paragraph (8), when the proposal in paragraph (9) is considered, any Member may propose by means of an amendment an alternative Meeting or a different order of business within a Meeting at which the item will be listed for consideration.
- (17) The provisions of Rule 24(2) shall not apply in respect of an amendment laid under the provisions of paragraph (16).
- (18) In respect of an amendment laid under the provisions of paragraph (16), speeches shall be permitted only by the proposer of the amendment, the President of the Committee concerned, or the lead requérant in the case of a requête or the lead Member of the seven Members who have brought a motion under the terms of Rules 21 or 22, and the President of the Policy & Resources Committee and shall be restricted to a maximum of two minutes each and no other debate shall be permitted on the amendment.
- (19) The Policy & Resources Committee shall have the right to submit letters of comment on items submitted for consideration by the States. The Scrutiny Management Committee shall also have the right to submit letters of comment on items submitted for consideration by the States. Any letter of comment shall be submitted to the Greffier for publication and he or she shall cause it to be circulated as if it was an original proposition under the terms of paragraph (5) and it shall be given the same identification number as the principal item with a distinguishing code (e.g. P. 20XX/1 PRC Lett Com or P. 20XX/1 SMC Lett Com).

- (20) The dates and purpose of special Meetings of the States shall be listed in Schedules for future States' business as soon as the dates on which they will be held have been determined by the States in accordance with the provisions of Rule 1(1). No amendment to their proposed place in the Schedules shall be permitted except by the President of the Policy & Resources Committee.
- (21) Every original proposition for the approval of a Projet de Loi or a draft Ordinance, and every Ordinance or Statutory Instrument laid before the States, shall be accompanied by a brief explanatory memorandum approved by H.M. Procureur.
- (22) Any States' Member of a Committee who dissents from all or some of the original propositions submitted by that Committee may deliver to the Committee a minority report which shall be published as an annex to the policy letter.
- (23) The Greffier, in consultation with the Presiding Officer, shall issue directives setting out the conditions with which the submission of a proposition and any accompanying policy letter or requête or motion must comply, including, but not restricted to, template, font, font size, margins, layout, etc.
- (24) Any proposition the effect of which is to note the contents of an accompanying policy letter shall be construed as a neutral motion, neither implying assent for, nor disapproval of, the contents of the policy letter concerned.
- (25) Any proposition which contains the words "the States" shall be construed (unless defined to the contrary) as meaning the States of Deliberation of the Island of Guernsey.

Information to include in motions laid before the States

- 4. (1) Every proposition laid before the States shall, other than in the case of a proposition of a type described in paragraph (4), have appended to it a statement explaining or asserting:
 - a) whether the proposition contributes to the States' objectives and policy plans and, where it is asserted that it so does, how;
 - b) what joint working or consultation (if any) has taken place with other Committees or relevant stakeholders in the preparation of the propositions;
 - c) that it has been submitted to His Majesty's Procureur for advice on any legal or constitutional implications; and
 - d) where there are financial implications to the States, the estimate of the financial implications to the States of carrying the proposal into effect;

provided that:

the proposer(s) of such a proposition may request from any Committee any information required to enable such an estimate to be included or appended and the Committee shall thereupon provide complete and accurate information to enable the proposer(s) to set out the estimate.

- (2) A policy letter accompanying an original proposition shall also include a statement explaining or asserting:
 - a) how the propositions relate to the Committee's purpose and policy responsibilities (Principal Committees) or duties and powers (other Committees); and
 - b) whether each of the propositions is supported unanimously or by a majority of the Committee and, if the latter, which member or members are not in support of which propositions should be identified.
- (3) Every original proposition laid before the States may be accompanied by a statement from the Committee or group of Members, as the case may be, expressing its or their preferred date and an explanation, if required, when the item should be considered by the States.
- (4) For the purposes of paragraph (1) the types of proposition that do not need to have a statement appended to them are:
 - propositions from the Presiding Officer
 - propositions proposing the approval or adoption of legislation
 - motions of no confidence
 - motions of censure
 - propositions in relation to the adoption of the Schedule for future States' business
 - motions to debate an appendix report.

Seating arrangements

5. The Presiding Officer shall determine the seating arrangements in the States' Chamber. Before doing so he or she shall consult the States' Assembly & Constitution Committee on the matter.

Hours of sittings, extensions and adjournments

6. (1) Unless the convening notice specifies otherwise, a Meeting shall ordinarily commence at 09.30.
- (2) Unless the business of a Meeting is previously concluded ordinarily the Meeting shall on each day thereof:

- (a) be adjourned by the Presiding Officer as near as may be to 12.30;
- (b) resume at 14.30;
- (c) be adjourned by the Presiding Officer, in accordance with paragraph (3) or (4), as near as may be to 17.30;

Provided that:

the Presiding Officer may propose at any time that the Meeting continues outside those times or is adjourned to another day.

- (3) When a meeting falls to be adjourned under sub-paragraph (2) (c) (or the proviso thereto) the adjournment shall normally be:
 - (a) from the first day of the Meeting, until 09.30 on the following day;
 - (b) from the second day of the Meeting, until 09.30 on the next following day;
 - (c) from the third day of the Meeting, until 09.30 on the next scheduled date of a Meeting.
- (4) If, when an adjournment to a subsequent day is announced, a Member proposes a different date or time for the adjourned Meeting, that proposition may at the discretion of the Presiding Officer be briefly debated, and, if approved, the Meeting shall be adjourned accordingly.

Opening of Meetings, etc.

- 7. (1) If His Excellency the Lieutenant Governor decides to attend a Meeting, the Sheriff shall escort him into the States' Chamber and announce him.
- (2) The Greffier shall recite the Lord's Prayer in French at the commencement of each day of a Meeting, and shall pronounce the Grace in French at its close.
- (3) The Greffier shall, immediately after the opening prayer, call the roll of Members; and Members present when their names are called shall reply: "Présent(e)".
- (4) The Greffier shall then read the convening notice contained in the Billet d'État.
- (5) A Member who is absent when his or her name is called shall not be entitled to speak or vote until he or she has been relevé(e) by the Presiding Officer and his or her presence has been recorded.

Order

8. (1) The Presiding Officer shall be responsible for maintaining order at a Meeting and, subject to the provisions of these Rules, shall regulate the conduct of business therein.
- (2) While the States are in session Members shall not have any communication with a person in the public gallery.
- (3) The Presiding Officer may issue directives relating to the presentation and conduct of Members during meetings.
- (4) The Presiding Officer shall be assisted in the preservation of order by the Sheriff and the Sergeant.
- (5) It shall be the duty of every Member to observe due decorum in a Meeting and, in particular, to observe the rulings of the Presiding Officer.
- (6) The Presiding Officer, after having called the attention of the States to the conduct of a Member who persists in irrelevance or tedious repetition of his or her own or other Members' arguments in the debate, shall direct the said Member to discontinue his or her speech.
- (7) If on any occasion the Presiding Officer considers that the conduct of a Member is grossly disorderly or offensive he or she shall forthwith put the following proposition in relation to the said Member, namely –
"That (naming the said Member) be suspended from the service of the States", and no debate on or amendment to any such proposition shall be permitted. If the proposition is carried, the Member suspended shall be directed forthwith by the Presiding Officer to withdraw from the Meeting and leave the precincts of the States' Chamber, and any such suspension shall continue to have effect until the close of the business of the Meeting on the day on which such suspension was imposed.
- (8) Where a case of grave disorder arises in a Meeting the Presiding Officer may, if he or she thinks it necessary, adjourn the Meeting without putting a proposition.

The Business of the Meeting

9. (1) Unless the States resolve otherwise, the business at an ordinary Meeting shall be taken in the following order:
- (a) communications by the Presiding Officer including *in memoriam* tributes;
 - (b) statements;
 - (c) questions;

- (d) elections and appointments;
 - (e) motions to debate an appendix report (1st stage);
 - (f) items adjourned or deferred from previous Meetings of the States;
 - (g) all other types of business not otherwise named;
 - (h) motions to debate an appendix report (2nd stage);
 - (i) Schedule for future States' business.
- (2) An ordinary Meeting shall not be closed until any matters to be considered under Rule 9(1)(i) have been resolved.
- (3) The only business at a special Meeting shall be:
- a) the Annual Budget of the States and the policy letter of the Committee for Employment & Social Security on the uprating of non-contributory benefits; or
 - b) the States' Accounts and the Government Work Plan, as the case may be.
- (4) In the case of a proposition to which Rule 18 applies, the Presiding Officer may, in his or her discretion, permit such proposition to be submitted to the States at any convenient time.

Statements

- 10. (1)** Any Member who has obtained permission from the Presiding Officer to make a statement on a matter of a personal nature, or to correct information previously provided by that Member, which, in the opinion of the Presiding Officer, should be made may make that statement:

- (a) at the time prescribed in Rule 9; or
- (b) at such other time as the Presiding Officer may direct;

Provided that the Member has supplied the Presiding Officer with the text of the statement in advance and that the statement shall not exceed 15 minutes in duration.

- (2) Any Member holding the office of President or member of a Committee who has tendered a resignation from that office who wishes to make a statement regarding that resignation may do so at the next Meeting after tendering the resignation or during the meeting at which a successor to the vacated office is to be elected:

- a) at the time prescribed in Rule 9; or
- b) at such other time as the Presiding Officer may direct.

Provided that the Member has supplied the Presiding Officer with the text of the statement in advance and that the statement shall not exceed 15 minutes in duration.

- (3) Any Member who has obtained permission from the Presiding Officer to make a statement on behalf of, and approved by, a Committee or otherwise relating to States' business which, in the opinion of the Presiding Officer, should be made may make that statement:

- a) at the time prescribed in Rule 9; or
- b) at such other time as the Presiding Officer may direct.

Provided that the Member has supplied the Presiding Officer with the text of the statement in advance and that the statement shall not exceed 15 minutes in duration (which may be extended at the discretion of the Presiding Officer in exceptional circumstances). In respect of (3) only, after the Member has made the statement, the Presiding Officer shall allow a period not exceeding 15 minutes (which period may be extended at the discretion of the Presiding Officer) for questions to be asked within the context of the statement.

- (4) In addition to the right to make a statement set out in paragraph (3) above, the President of the Policy & Resources Committee and the President of each Principal Committee shall be obliged twice every twelve months and the President of the following other Committees of the States, namely the Development & Planning Authority, Overseas Aid & Development Commission, Scrutiny Management Committee, States' Assembly & Constitution Committee, States' Trading Supervisory Board, and Transport Licensing Authority, and the nominated Alderney Representative on behalf of the States of Alderney, shall be obliged once every twelve months (or in the case of the absence of a Committee President, the Vice President of the Committee or in the case of the absence of the nominated Alderney Representative, the other Alderney Representative) to make a statement setting out his or her Committee's, or in the case of the nominated Alderney Representative the States of Alderney's, recent activities, forthcoming work and the like at an ordinary Meeting.
- (5) Any statement made under the provisions of paragraph (4) shall not exceed 15 minutes in duration and shall be approved by the Committee. In respect of statements made under the provisions of paragraph (4) only, after the statement has been made, the Presiding Officer shall allow a period not exceeding 20 minutes (which period may be extended at the discretion of the Presiding Officer) for questions to be asked on any matter within the mandate of the Committee, or in the case of any statement made on behalf of the States of Alderney any matter for which the States of Alderney has responsibility, except any topic which is part of another item of business at the Meeting in question.

Provided that:

after any question asked further to a statement made under Rule 10, the Member to whom questions are addressed may decline to answer a question if, in his or her opinion, any answer given might be inaccurate or misleading but shall provide the

answer to the said question in writing not later than five clear days (excluding Saturdays, Sundays and Public Holidays) following the date of the Meeting. Each individual question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration.

(5A) A Member asking or replying to a question or a supplementary question who:

- (a) has a direct or special interest in the subject matter of the question; or
- (b) is aware that his or her spouse, co-habiting partner, infant child or any company in which her or she has a controlling interest on his or her, or their, behalf has such an interest

shall, without prejudice to the requirements of Rule 29, before he or she asks or replies to the question declare the said interest by disclosing it to the Meeting.

- (6) For the purpose of paragraph (4) above the "nominated Alderney Representative" means the Alderney Representative nominated for the purpose of Rule 10 by the States of Alderney.

Question time

- 11.** (1) At the time prescribed in Rule 9, unless the Presiding Officer otherwise directs, and subject to Rule 15 and the conditions set out in paragraph (2), a question may be addressed to the President of a Committee of the States.

(2) The conditions referred to in paragraph (1) are that the question:

- (a) shall not seek information which is readily accessible in the public domain;
- (b) shall be on a matter which falls within the mandate of that Committee;
- (c) shall not relate to the business of the day with the exception of general update statements made during the meeting in question;
- (d) shall not relate to more than one topic and shall not exceed one minute in duration; and
- (e) shall be furnished, either in writing or electronic format, to the person to whom it is addressed, the Presiding Officer, His Majesty's Procureur, the Greffier and to the official postal or e mail address of the relevant Committee not later than 15.00 on the day preceding the fifth clear day before the day of the Meeting, excluding Saturdays, Sundays and Public Holidays;

Provided that:

the time limit prescribed in sub-paragraph (e) may be shortened with the consent of the person to whom the question is addressed.

- (3) The Member replying to the question shall furnish, either in writing or electronic format, the proposed answer approved by the Committee to the Presiding Officer, to His Majesty's Procureur and the Greffier not later than noon on the day (excluding Saturdays, Sundays and Public Holidays) preceding the Meeting of the States and by 17.00 of that same day to the Member asking the question. The answer, when given in the Assembly, shall not exceed one and a half minutes in duration.
- (4) Supplementary questions arising out of the reply to a question may be addressed to the Member answering the question, by any Member, as may be allowed by the Presiding Officer;
Provided that:
- (a) no Member may ask more than two supplementary questions in respect of each principal question;
 - (b) each supplementary question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration;
 - (c) such supplementary questions are put before the next question of which notice has been given, or the business of the day is proceeded with, as the case may be; and
 - (d) a Member answering a supplementary question may decline to answer the question if, in his or her opinion, any answer given might be inaccurate or misleading but shall provide the answer to the said question in writing not later than five clear days (excluding Saturdays, Sundays and Public Holidays) following the date of the Meeting;

Provided also that:

the period of five clear days referred to in sub paragraph (d) may be extended to a period not exceeding ten clear days if in any particular case the Presiding Officer, on application of the President of the Committee, in the interests of good government so directs, and the President of the Committee advises the questioner of the Presiding Officer's direction as soon as reasonably practicable.

- (5) When more than one question is asked at any Meeting the order in which questions are put shall be determined in accordance with the order of voting prescribed in Rule 26D(2);

Provided that:

any Member who asks a question which is on the same topic as one asked by a Member earlier in the order shall immediately follow the earlier Member. It shall

be for the Presiding Officer to determine whether the questions are on the same topic.

(6) If, at the conclusion of one hour after the commencement of question time, all the questions have not been disposed of, the Presiding Officer may, in his or her discretion, postpone dealing with questions not then disposed of to no later than the conclusion of the meeting.

(7) A Member asking or replying to a question or a supplementary question who:

- (a) has a direct or special interest in the subject matter of the question; or
- (b) is aware that his or her spouse, co-habiting partner, infant child or any company in which he or she has a controlling interest on his or her, or their, behalf has such an interest

shall, without prejudice to the requirements of Rule 29, before he or she asks or replies to the question declare the said interest by disclosing it to the Meeting.

Urgent questions

12. (1) A Member may, not less than half an hour before a meeting commences, seek the leave of the Presiding Officer, subject to Rule 15 and to the conditions set out in paragraph (2), to address a question to the President of a Committee of the States.

(2) The conditions referred to in paragraph (1) are that no Member may ask more than one question pursuant to this Rule at any meeting and that the question:

- (a) shall not seek information which is readily accessible in the public domain;
- (b) shall be on a matter which falls within the mandate of that Committee;
- (c) shall relate to a matter of public importance and shall be of an urgent character or relate to a matter which has become known or been announced only in the preceding seven days;
- (d) shall not relate to the business of the day with the exception of general update statements made during the meeting in question;
- (e) shall not relate to more than one topic and shall not exceed one minute in duration; and
- (f) shall be supplied in writing to the Presiding Officer, His Majesty's Procureur and the Member to whom it is addressed.

- (3) If the Presiding Officer considers that the proposed question complies with the conditions set out in paragraph (2) he or she shall determine when the question shall be put.
- (4) The Member replying to the question shall furnish in writing a copy of the proposed answer to the Presiding Officer and to His Majesty's Procureur as soon as possible before the time determined by the Presiding Officer in accordance with paragraph (3). The answer, when given in the Assembly, shall not exceed one and a half minutes in duration.
- (5) Supplementary questions arising out of the reply to a question may be addressed to the Member answering the question, by any Member, as may be allowed by the Presiding Officer;
Provided that:
 - (a) no Member may ask more than two supplementary questions in respect of each principal question;
 - (b) each supplementary question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration;
 - (c) such supplementary questions are put before the business of the day is resumed; and
 - (d) a Member answering a supplementary question may decline to answer the question if, in his or her opinion, any answer given might be inaccurate or misleading but shall provide the answer to the said question in writing not later than five clear days (excluding Saturdays, Sundays and Public Holidays) following the date of the meeting;

Provided also that:

the period of five clear days referred to in sub paragraph (d) may be extended to a period not exceeding ten clear days if in any particular case the Presiding Officer, on application of the President of the Committee, in the interests of good government so directs, and the President of the Committee advises the questioner of the Presiding Officer's direction as soon as reasonably practicable.

- (6) If, at the conclusion of one half hour after the question is asked, any supplementary questions have not been disposed of, the Presiding Officer may, in his or her discretion, postpone dealing with questions not then disposed of to no later than the conclusion of ordinary business that day.
- (7) Paragraph (7) of Rule 11 shall apply to questions asked pursuant to this Rule.

Questions where information sought is in the public domain

- 13.** (1) When, pursuant to Rule 11(2) or Rule 12(2), the President of the Committee is of the opinion that the answer is publicly and easily accessible he or she shall request the Presiding Officer to determine that the question is inadmissible on that ground.
- (2) If the Presiding Officer so determines he or she shall forthwith advise the Member asking the question and the President of the Committee that the question is inadmissible on that ground.
- (3) The President of the Committee shall reply to the questioner, in writing, advising where the information sought may be obtained.

Questions for written reply

- 14.** (1) A Member may at any time place a question on any subject in accordance with this Rule for written reply by addressing the same to the President of a Committee and by furnishing a copy thereof to the Presiding Officer, His Majesty's Procureur, the States' Greffier and to the official postal or email address of the relevant Committee. The recipient of the question shall acknowledge receipt in writing to the questioner by letter or e mail within three clear days (excluding Saturdays, Sundays and public holidays) of receipt. The subject matter of the question must relate to the mandate of the Committee to which it is addressed.
- (2) Where a question is placed in accordance with this Rule the President of the Committee shall, subject to Rule 15, furnish a written reply approved by the Committee thereto to the Member who placed the question within 15 clear days of the receipt of the question; and the President of the Committee shall furnish a copy of the reply to the Presiding Officer and the Greffier;

Provided that:

the President of the Committee shall furnish a copy of the proposed answer to the Presiding Officer and to His Majesty's Procureur not later than noon on the day (excluding Saturdays, Sundays and Public Holidays) preceding the day on which it is proposed to reply to the Member who placed the question;

Provided also that:

the period of 15 clear days referred to in this paragraph may be extended to a period not exceeding 30 clear days if in any particular case the Presiding Officer, on application of the President of the Committee, determines that it would be unreasonable to expect the question to be answered within 15 clear days, and the President of the Committee advises the questioner of the Presiding Officer's direction as soon as reasonably practicable.

- (3) The States' Greffier shall cause to be published within one working day, or as soon as possible thereafter, on the States' website and in such other form as he or she may determine, a copy of every question and of the reply thereto deposited in accordance with this Rule.
- (4) The Greffier shall, subject to Rule 15, cause a copy of every question placed in accordance with this Rule and of the reply thereto to be sent as soon as reasonably practicable in electronic format to every Member who has furnished the Greffier with an e-mail address or, when no such address has been furnished, by such other means as shall be determined by the Greffier.
- (5) The placing of a question in accordance with this Rule or the receipt of a reply thereto shall not preclude the Member who placed the question or any other Member from addressing a question on the same subject at any Meeting in accordance with Rules 11 and 12.

Questions not in the public interest

15. The Presiding Officer may, on the ground of public interest, decline to allow a question to be put, or rule that a question need not be answered.

Elections

16. (1) When at any time there are vacancies in two or more of the following offices, the elections to fill those vacancies shall be held in the following order:
 - (a) President, Policy & Resources Committee;
 - (b) Members of the Policy & Resources Committee;
 - (c) Presidents of the Principal Committees;
 - (d) President, Scrutiny Management Committee;
 - (e) Presidents of other Committees;
 - (f) Members of the Scrutiny Management Committee;
 - (g) Members of Principal Committees;
 - (h) Members of other Committees;
 - (i) Chairmen and Members of Non-Governmental Bodies.

- (2) Where the Presidents and / or members of more than one Committee are elected at the same Meeting then the elections shall be held in the order in paragraph (1) and within each category in alphabetical order by the name of the Committee.
- (3) In any election or appointment by the States, voting shall be carried out by secret ballot. Where the number of candidates exceeds the number of vacancies:
 - (a) if two or more candidates secure an equal number of votes and the addition of one vote to his or her poll would have entitled any such candidate to be declared elected, a second ballot shall be held in respect of such candidates only; and where in such a second ballot the addition of one vote to his or her poll would have entitled a candidate to be declared elected, the Presiding Officer shall allow Members to question the candidates for a period of not more than fifteen minutes. Following conclusion of the period of questions, a further ballot shall be held, and, where in such a third ballot the addition of one vote to his or her poll would have entitled a candidate to be declared elected, the Presiding Officer shall either rule that a further ballot, shall be held, or direct that the candidates shall draw lots to determine the matter;
 - (b) if there are more than two candidates for the office of President of a Committee and the candidate receiving the most votes does not receive a majority of the votes cast (disregarding any abstentions or spoilt papers), a further ballot, or ballots as required, shall be held, excluding every candidate who received fewer than six votes in the previous ballot or, when there are no such candidates, the candidate who received the fewest votes in the previous ballot;
 - (c) if two or more candidates having secured six votes or more are tied in polling the fewest votes, or if the process set out in sub-paragraph (c) would result in the elimination of all but one of the candidates, a further ballot shall be held in respect of such candidates only to determine which of them shall be eliminated from further ballots.
- (4) On a proposition to elect a President of a Committee the Presiding Officer shall:
 - (a) first invite Members to propose eligible candidates; provided that where the proposition is to elect a President of the States' Trading Supervisory Board, he shall first invite the President of the Policy & Resources Committee to propose an eligible candidate, and thereafter other Members to propose eligible candidates. Candidates must be proposed and seconded. Nobody shall speak about a candidate at that stage;
 - (b) invite, in respect of each candidate in turn (or the candidate if there is only one), first the proposer to speak for not more than five minutes and then the

candidate to speak for not more than ten minutes and thereafter, if there are two or more candidates, allow Members to question the candidates;

Provided that:

- i. the question shall relate to areas of policy included in the mandate of the Committee;
 - ii. no Member may ask more than one question, save that if before the expiration of the period prescribed in sub-paragraph vi there are no further questions, Members who have already asked a question may be permitted to ask further questions;
 - iii. the questioner may not speak for more than 30 seconds;
 - iv. each candidate shall be entitled to respond to each question, but no response shall exceed 1 minute;
 - v. candidates shall answer the first question in the order in which they are nominated and thereafter the order of answering the questions shall, after each question has been answered by the candidates, be rotated by moving the name of the candidate at the top of the list to the bottom of that list;
 - vi. the session shall conclude at the expiration of the period calculated by multiplying 15 minutes by the number of candidates; and
 - vii. no Member shall be entitled to speak other than in accordance with the provisions of this sub-paragraph.
- (5) On a proposition to elect members of the Policy & Resources Committee the Presiding Officer shall first invite the President of the Committee, and thereafter other Members, to propose eligible candidates. Candidates must be proposed and seconded. Nobody shall speak about a candidate at that stage; and if no more candidates are proposed and seconded than there are vacancies the Presiding Officer shall put the election of the candidate(s) to the vote without speeches. If there are more candidates than vacancies the Presiding Officer shall invite each proposer to speak for not more than five minutes in respect of each candidate proposed by that person and then each candidate to speak for not more than ten minutes, before voting takes place.
- (6) On a proposition to elect members of a Committee (other than members of the States' Trading Supervisory Board who are not sitting members of the States), the Presiding Officer shall first invite the President of the Committee concerned, and thereafter other Members, to propose eligible candidates. Candidates must be

proposed and seconded. Nobody shall speak about a candidate at that stage; and if no more candidates are proposed and seconded than there are vacancies the Presiding Officer shall put the election of the candidate(s) to the vote without speeches. If there are more candidates than vacancies the Presiding Officer shall invite each proposer to speak, for not more than three minutes in respect of each candidate proposed by that person; and each candidate to speak, for not more than three minutes, before voting takes place. No other member shall be entitled to speak.

- (7) On a Proposition to elect members of the States' Trading Supervisory Board who are not sitting Members of the States, the President of the States' Trading Supervisory Board shall have the exclusive right to propose eligible candidates and the Presiding Officer shall invite the President of the States' Trading Supervisory Board and no other Member to propose eligible candidates (who must then be seconded) and to speak, for not more than three minutes in respect of each such candidate. The Presiding Officer shall thereafter put the election of the candidate(s) to the vote without further speeches
- (8) On a proposition to elect a Chairman or members of a non-governmental body, the Presiding Officer shall invite Members to propose eligible candidates. Candidates must be proposed and seconded. Nobody shall speak about a candidate at that stage; and if no more candidates are proposed and seconded than there are vacancies the Presiding Officer shall put the election of the candidate(s) to the vote without speeches. If there are more candidates than vacancies the Presiding Officer shall invite each proposer to speak, for not more than five minutes in respect of each candidate proposed by that person, before voting takes place; and neither the candidates nor any other member shall be entitled to speak.

Rules of debate

- 17. (1) When speaking in the States a Member shall always address the Presiding Officer and must not address another Member.
- (2) A debate on any matter before a Meeting (including any requête, amendment or sursis) shall be opened by a representative of the Committee or of those Members from whom the matter originated and that or some other representative of the Committee or of those Members shall be entitled to reply on the debate. The Member who replies on the debate may also have spoken during the course of ordinary debate. If the same Member opens and replies to the debate, he or she shall not be permitted to speak again during the course of ordinary debate.

- (3) Immediately before opening or replying on a debate, the representative referred to in paragraph (2) may propose an adjournment of not more than 15 minutes. Such a proposal shall be put to the States by the Presiding Officer without debate.
- (4) The Member who replies on the debate shall respond to the points made during the debate only and shall not rehearse any new or further arguments.
- (5) When a Member wishes to be called to speak in the course of ordinary debate the Member shall stand in his or her place and wait to be called to speak by the Presiding Officer. A Member who is not standing shall not be called to speak, except in the circumstances described in paragraph (7).
- (6) Debate must be relevant to the matter before a Meeting.
- (7) Before calling the next Member to speak the Presiding Officer may ask if any Member wishes to express a contrary view to the generality of the views expressed up to that point in the debate. If such a wish is expressed then the Presiding Officer may call the Member to speak at that point.
- (8) Other than in the specific circumstances prescribed elsewhere in these Rules, no Member may speak more than once on the same motion without the leave of the Presiding Officer;

Provided that:

when a particular matter is to be or is being debated the States may suspend the operation of this paragraph as regards that matter if it appears that the matter can be more effectively dealt with by reason of such suspension.

- (9) Where a Committee originating a matter for debate before the States is of the opinion that the proposals it is submitting to the States are of general policy, and where it is desirable that the principles of that policy should be considered, the Committee may have its propositions considered by the States without amendment on the understanding that if the propositions are accepted the Committee would return with detailed proposals which could be accepted or rejected with or without amendments. Where a Committee invokes the provisions of this paragraph it shall make express reference to it in its propositions.
- (10) A point of order may be raised only for the purpose of drawing attention to a breach of a Rule of Procedure.
- (11) A Member may interrupt another Member who is addressing a Meeting only:
 - (a) on a point of order; or

- (b) on a point of correction, in respect of an inaccurate or misleading statement made by that other Member;

and shall do so by standing and calling “Point of Order” or “Point of Correction”, as the case may be, and waiting to be invited to speak further by the Presiding Officer.

- (12) A Member who wishes to make an interjection relevant to the point being made by the Member speaking may do so if the Member speaking agrees to give way. The Member speaking should at all times be aware that another Member may wish to interject. The Member speaking may, in his or her discretion, refuse to give way. A Member wishing to make the interjection shall so signify by standing and remaining silent until the Member speaking either gives way or refuses to give way. When a request to give way has been refused the Member standing shall resume his or her seat immediately.
- (13) An interruption or interjection in accordance with paragraphs (11) or (12) shall be permissible notwithstanding that the Member concerned has already spoken on the matter then under debate, and shall not prejudice the right of a Member who has not exhausted his or her right to speak in that debate to speak therein.
- (14) Where a Member is speaking in accordance with paragraphs (11) or (12), the Member who had been speaking until the interruption or interjection shall resume his seat and shall not stand again until the Member making the interruption or interjection has resumed his seat.
- (15) A Member who has a direct or special interest in the subject matter of a proposition submitted to a Meeting at which he or she is present, or who is aware that his or her spouse, co-habiting partner, infant child or any company in which he or she has a controlling interest on his or her, or their, behalf has such an interest, shall, without prejudice to the requirements of Rule 29:
 - (a) before he or she speaks on the proposition; or
 - (b) if he or she does not speak, before a vote is taken on the propositiondeclare the said interest by disclosing it to the Meeting.
- (16) Where a Member declares an interest in accordance with paragraph (15), he or she may declare the extent of the interest.
- (17) A Member shall not, by reason only of declaring an interest in accordance with paragraph (15), be precluded from voting on the proposition.

Urgent propositions

- 18.** A proposition as regards which an immediate decision is necessary or desirable may, with the permission of the Presiding Officer, be submitted to the States on behalf of a Committee or by the Presiding Officer in his or her own right at any Meeting, and may be debated and decided upon, with or without amendment, at that Meeting. Such proposition shall be in writing and shall be headed "Proposition in pursuance of Rule 18 submitted by the [President of the ... Committee / Presiding Officer]", and copies thereof shall be delivered beforehand to the Presiding Officer, His Majesty's Procureur and the President of the Policy & Resources Committee;

Provided that:

- (a) if the postponement of the debate, or of the taking of a decision, on the proposition be moved and be supported by not less than one third of the Members voting on the motion, the debate, or the taking of a decision, on the proposition, as the case may be, shall be postponed until a date to be fixed by the Presiding Officer; and
- (b) on any such postponement, a motion for the immediate publication or circulation, in such manner as the Presiding Officer shall decide, of all relevant material shall have effect if supported by not less than one third of the Members voting on the motion.

Motion to annul a Statutory Instrument, Ordinance or appointment

- 19.** (1) This rule applies to any Statutory Instrument or appointment laid before the States pursuant to a Law or Ordinance providing that it may be annulled and to any Ordinance laid before States pursuant to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended.
- (2) Every motion to annul a Statutory Instrument, Ordinance or appointment must be in writing and must state the names of its proposer and seconder.
- (3) A Member who proposes to move a motion of annulment must furnish the proposed motion to the Presiding Officer and copies thereof:
- (a) to the President, Policy & Resources Committee;
 - (b) to the President of the Committee concerned with the Statutory Instrument, Ordinance or appointment to which the proposed motion relates;
 - (c) to H. M. Procureur; and

(d) to the Greffier

not later than five clear days (excluding Saturdays, Sundays and Public Holidays) before the Meeting of the States at which the motion is proposed to be moved. Immediately after the closing date for the receipt of such motions the Greffier shall cause a copy thereof to be delivered to every Member.

- (4) Unless the enactment governing the instrument otherwise provides, a motion to annul may be proposed either at the Meeting at which the Statutory Instrument, Ordinance or appointment is laid before the States or at the next subsequent Meeting.
- (5) When notice of a proposed motion of annulment has been given in accordance with paragraph (3), the Presiding Officer shall invite the President of the Committee which made the Statutory Instrument or proposed the enactment of the Ordinance or agreed the appointment to speak on the matter:
 - (a) if the motion is to be proposed at the Meeting when the Statutory Instrument, Ordinance or appointment is laid before the States, immediately after it has been so laid by the Greffier; or
 - (b) if the motion is to be proposed at the next subsequent Meeting of the States following the Meeting at which the Statutory Instrument, Ordinance or appointment is laid before the States, immediately before consideration of any business which would be debated in category 9(1)(g).
- 6) The motion of annulment shall then be proposed and seconded, following which general debate shall be permitted. After general debate, if any, the President of the Committee concerned shall be entitled to respond to the debate, following which the proposer of the motion shall be entitled to respond to the debate.

Motion to debate an appendix report

20. (1) This rule applies to any report of a Committee published as an appendix to a Billet d'État.
- (2) Every motion to debate an appendix report must be in writing and must state the name of its proposer and seconder.
- (3) A Member who proposes to move a motion to debate an appendix report must furnish the proposed motion to the Presiding Officer and copies thereof to:
 - (a) the President, Policy & Resources Committee;

- (b) the President of the Committee concerned with the appendix report to which the motion relates;
- (c) H. M. Procureur; and
- (d) the Greffier

not later than five clear days (excluding Saturdays, Sundays and Public Holidays) before the Meeting of the States at which the motion is proposed to be moved. Immediately after the closing date for the receipt of such a motion the Greffier shall cause a copy thereof to be delivered to every Member.

- (4) When notice of a motion to debate an appendix report has been given in accordance with paragraph (3), the Presiding Officer shall, at the meeting convened to consider the business listed in the Billet d'État containing the appendix report to which the motion relates and at the time prescribed in Rule 9, invite:
 - (a) the proposer of the motion to speak thereon;
 - (b) the seconder to second the motion, but not speak thereon;
 - (c) the President of the Committee concerned to speak on the matter

following which, without further debate, the Presiding Officer shall immediately put the said motion to the vote.

- (5) If the motion to debate an appendix report is carried the matter shall stand adjourned to the time prescribed in Rule 9, at which time:
 - (a) the President of the Committee concerned shall open the debate on the appendix report and he or she shall reply to the debate;
 - (b) the proposer and seconder of the motion to debate an appendix report shall not speak more than once in the debate;
 - (c) the proposition shall be "To take note of the Report"; and
 - (d) no Member shall propose a sursis of the debate or amendment of the proposition.

Motions of no confidence

- 21. (1)** If any seven Members (but not more than seven) address a request in writing to the Presiding Officer that a motion of no confidence in a Committee be laid

before the States, the Presiding Officer shall include that request in a Billet d'État as soon as reasonably practicable.

- (2) For the purposes of this Rule a “motion of no confidence” is one that, if carried, requires the immediate resignation in accordance with this Rule of all the members of a particular Committee, including the President of that Committee.
- (3) Before submitting the request to the Presiding Officer the seven Members shall invite in writing all the Members of the particular Committee, including the President thereof, to tender their resignations, which invitation shall have attached to it the full text of the proposed request.
- (4) A motion of no confidence shall include within its petition:
 - (a) a statement that it is a motion of no confidence for the purposes of this Rule, and shall set out the full details of the basis on which the petitioners propose the motion of no confidence; and
 - (b) a statement that all the members of the Committee, including the President thereof, were invited in writing to tender their resignations and that all or some of them had not done so within five days (excluding Saturdays, Sundays and Public Holidays) of that invitation.
- (5) Where a motion of no confidence in respect of a Committee is approved by the States:
 - (a) all the members of that Committee, including the President thereof, shall thereupon be deemed to have tendered their resignations and those resignations shall be deemed to have been accepted by the States; and
 - (b) the motion shall be deemed to include such propositions to the States as may be appropriate for the election at that Meeting of new members of the Committee, and a President thereof, to complete the respective unexpired portions of the terms of office of the previous members and President.

Motions of censure

- 22.** (1) If any seven Members (but not more than seven) address a request in writing to the Presiding Officer that a motion of censure of a Committee be laid before the States, the Presiding Officer shall include that request in a Billet d'État as soon as reasonably practicable.
- (2) A motion of censure shall include within its petition a statement that it is a motion of censure for the purposes of this Rule, and shall set out full details of the basis on which the petitioners propose the motion of censure.

Policy planning and reporting

- 23.** An annual Special Meeting for the reporting and review of the States' policy planning and its implementation shall include:
- a) commentary on progress and emerging issues;
 - b) identification of States' Resolutions which remain outstanding and updates from responsible Committees; and
 - c) a proposed order of priority for the drafting of significant items of legislation for the year ahead;

and must be included by the States' Assembly & Constitution Committee when setting the Schedule for future States' Meetings.

Secondary propositions - amendments, sursis, etc.

- 24. (1)** Any Member who intends to lay before the States a secondary proposition shall submit it to the Greffier and it must state the names of the proposer and seconder, and it can include a brief explanatory note. A supporting report may be attached to the secondary proposition at the time of submission. As soon as possible thereafter, the Greffier shall cause it to be published on the States' website and in such other form as he or she shall determine and shall circulate it simultaneously to the Presiding Officer and all Members of the States. If the secondary proposition was submitted to the Greffier by 15.00 on the day preceding the seventh clear day before the Meeting (excluding Saturdays, Sundays and public holidays), the Greffier shall circulate it in the way the Member has requested. If the secondary proposition was submitted between that time and the day of the Meeting the Greffier shall circulate it by electronic means. The Greffier shall provide a paper copy of each secondary proposition, whenever it may have been submitted to him or her, at the start of each Meeting or as soon as practicable if he or she receives it during the Meeting.
- (2)** A Member who proposes to move an amendment or sursis (other than one proposed on behalf of the Committee submitting the original proposal or one proposed on behalf of requérants in the case of a requête) to a proposition:
- (a) to approve a Projet de Loi or draft Ordinance; or
 - (b) which may have the effect of increasing expenditure; or substituting another contractor; or altering the timing of any works; or
 - (c) relating to the Annual Budget; or

- (d) relating to taxation, fees or other charges bearing on the revenues of the States; or
- (e) relating to a Government Work Plan; or
- (f) relating to a draft Strategic Land Use Plan, or any amendment to such a Plan, which is laid before the States pursuant to section 5(3) of the Land Planning and Development (Guernsey) Law, 2005; or
- (g) relating to any proposals for a Development Plan, Subject Plan or Local Planning Brief or any amendment to such a Plan or Brief, which is laid before the States pursuant to section 9(4) of the Land Planning and Development (Plans) Ordinance, 2007; or
- (h) to set or approve social insurance and other related benefit and contribution rates or otherwise relating to the annual policy letter concerning those benefit and contribution rates,

must furnish the proposed amendment or sursis to the Greffier not later than 15.00 on the day preceding the fifth clear day before the meeting (excluding Saturdays, Sundays and Public Holidays) or, in respect of an amendment to propositions which have financial implications and which is proposed to be moved by the President or another representative of the Policy & Resources Committee, not later than 15.00 on the day preceding the second clear day before the meeting (excluding Saturdays, Sundays and Public Holidays).

- (3) A Member who wishes to lay an amendment, sursis or motion to withdraw shall state the name of the proposed seconder and the proposition to which it relates. The Member may then read out the text of the amendment, sursis or motion to withdraw; or that Member or any other Member may ask that the text be read out by the Greffier. After it has been read out, if that right has been exercised, the proposer shall formally propose it and make any speech supporting it.
- (4) Immediately after an amendment or sursis has been proposed and formally seconded (i.e. before any speech by its seconder or further debate) any Member may request the Presiding Officer to invite Members who support debate on the amendment or sursis to stand in their places; neither the Member making that request nor any other may address the Meeting about it; and if fewer than seven Members stand when so invited the amendment or sursis shall not be debated, and no vote thereon shall be taken.
- (5) Subject to paragraph (4), when a sursis of a matter has been proposed and seconded debate shall be limited strictly to the sursis, and no other issues relating

to that matter (including proposed amendments) shall be debated until the sursis has been voted upon.

- (6) An amendment which goes further than the original proposition shall not, on that account, be ruled out of order, but a motion that the amendment be not debated and no vote be taken thereon may be laid only immediately after the amendment has been proposed and formally seconded (i.e. before any speech by its seconder or further debate) and shall have effect if supported by a majority of the Members voting on the motion.
- (7) Where an amendment or sursis is debated the President (or a representative) of the Committee from which, or in the case of a requête a representative of those Members from whom, the matter originated shall have the right to speak on the amendment or sursis immediately after its proposer has proposed the amendment or sursis or immediately before its proposer replies to the debate under Rule 17(2) or at any other time during the debate but at one of those points in the debate only.
- (8) If a sursis is carried, which was proposed and seconded after the commencement of general debate on a matter, the person who would otherwise have been entitled to reply on that debate under Rule 17(2) shall be so entitled notwithstanding that sursis.
- (9) If several amendments relating to the same matter are proposed the Presiding Officer shall decide the order in which they are debated and voted upon.
- (10) An amendment within sub-paragraph (2)(g) shall (unless the States, with the agreement of the Development & Planning Authority ("the Authority"), otherwise resolve) be treated as an amendment to defer adoption (but not debate) of the Plan or Brief or amendment thereto, until:
 - (a) the Authority has been given the opportunity to withdraw the proposals to consider any implications of such amendment within paragraph (2)(g) in accordance with section 10(2) of the Land Planning and Development (Plans) Ordinance, 2007;
 - (b) where relevant, the inspector has reported on the amendment within paragraph (2)(g) pursuant to section 10(3) of that Ordinance; and
 - (c) the Authority has caused to be submitted to the States any alterations or additions to the documentation laid before the States pursuant to section 9(4) of that Ordinance as a result of the consideration of the implications of the amendment.

- (11) Where the procedure envisaged by paragraph (10) has been followed, and alterations or additions are accordingly laid before the States:
- (a) that paragraph shall not then apply as respects any matter referred to in any amendment dealt with in those alterations or additions; but
 - (b) no other matter may then be the subject of any further amendment or debate.
- (12) Where a Committee (or in the case of a requête, the requérants) has resolved to request that an article or proposition be withdrawn, a motion to withdraw the said article or proposition shall be in writing and must state the names of its proposer and seconder. Debate on such a motion shall be limited strictly thereto and no other issues relating to the article or proposition shall be debated until the motion to withdraw has been voted upon.

Sittings in committee

25. (1) Before a debate commences or during the debate, the Presiding Officer or any Member may propose a motion that the States sit “in committee” on the grounds that the matter being debated would be better considered subject to the specific provisions of this Rule.
- (2) For the duration of when the States are sitting in committee the following provisions will apply notwithstanding that they may be contrary to specific other provisions of these Rules.
- (3) A Member may be called to speak more than once in the same debate.
- (4) A person who is not a Member may be called to speak. That person shall have no other rights held by Members other than to speak while the States are sitting in committee.
- (5) The Presiding Officer shall determine the rules of debate.
- (6) No vote shall be taken while the States are sitting in committee.

Closure and voting

26. ‘Guillotine’ motion

- (1) A Member who has not already spoken in the debate, otherwise than in pursuance of Rule 17(3), (11) or (12), may at any time (but without interrupting another Member who is addressing the Meeting) request the Presiding Officer to close a debate on any matter (including an amendment or a sursis). Neither the Member making that request nor any other may address the Meeting about it.

Members who would be entitled to speak and who would intend to speak should the debate continue shall be invited by the Presiding Officer to stand in their places, and thereafter the Presiding Officer shall ask the Member making the request to close the debate whether he or she still so requests, and if he or she does still so request the Presiding Officer shall put the said request to the vote and if the majority of the Members voting support it then (except that the President, Policy & Resources Committee shall be entitled to comment on any financial implications, if he or she has not already done so, and subject to Rules 17(2), 24(7) or 28(3)), the debate shall be closed, and (subject to Rule 27) the matter shall be put to the vote.

26A. Proxy voting

- (1) A Member may, by reason only of absence from a Meeting of the States of Deliberation for the purpose of childbirth or care for an infant or newly- adopted child, by written notice in the form set out in Schedule 4 to these Rules arrange for their vote to be cast in accordance with this Rule by another Member acting as a proxy (a proxy vote) for a maximum duration of six continuous months.
- (2) The Presiding Officer may, from time to time, upon representations from the Civil Contingencies Authority in light of circumstances prevailing in the Island, prescribe certain reasons for absence ('Authorised Absence') from a meeting of the States, which shall entitle a Member to arrange for their vote to be cast by another Member acting as a proxy (a proxy vote) if their circumstances require them to take an Authorised Absence from one or more States Meetings. The manner in which the proxy arrangements between Members will operate in respect of an Authorised Absence will be as directed by the Presiding Officer. Proxy voting arrangements in respect of an Authorised Absence shall only be valid during the period prescribed by the Presiding Officer.
- (3) A proxy vote may be cast on the following propositions:
 - a) original propositions (excluding any propositions from the Presiding Officer);
 - b) secondary propositions; and
 - c) amended propositions.
- (4) A proxy vote, other than one being cast pursuant to Authorised Absence, may be cast only if the Presiding Officer has first certified that the Member for whom the vote is to be cast is eligible under the terms of this Rule and if that certificate, including the name of the Member nominated as a proxy, has been submitted to the Greffier before the commencement of the States Meeting in question.
- (5) A vote cast by a proxy shall be clearly indicated as such in the Official Report and voting records published.

- (6) The provisions of paragraph (1) that enable a Member to vote by proxy do not apply to the Alderney Representatives;

Provided that:

an Alderney Representative may act as a proxy for another Member, other than a Member who is an Alderney Representative.

26B. Voting – General Provisions

- (1) A Member may vote only from a seat in the States' Chamber (except where the Member has been issued with a certificate by the Presiding Officer to vote by proxy). In presidential elections where there are two or more candidates, a Member may vote only from a seat in the States' Chamber.
- (2) On the announcement of the result of a division, any Member may challenge the accuracy thereof and thereupon a fresh division shall take place. Such further division cannot be challenged.
- (3) Unless otherwise stated, in order for a proposition to be carried it needs to be supported by the nearest whole number above one-half of the Members voting on the proposition.
- (4) Where a Proposition is rejected which had proposed that a particular action not be taken, such rejection is not a positive instruction for the action to be undertaken.

26C. Vote taken using the electronic voting system

- (1) A vote shall be taken using the electronic voting system, unless:
 - (a) there is a requirement that the vote is taken by secret ballot;
 - (b) it is a vote on a procedural motion where no division is requested; or
 - (c) it is unavailable.
- (2) The Presiding Officer shall ask the Greffier to open the vote.
- (3) A Member shall -
 - (a) select the appropriate button to vote or, if he or she so wishes, to record his or her abstention; or
 - (b) absent themselves from the vote.
- (4) The Presiding Officer, when satisfied that Members have been allowed sufficient time to vote or record their abstention, shall ask the Greffier to close the vote.
- (5) The Presiding Officer shall then –

- (a) announce the number of Members voting “Pour” and “Contre” respectively, the number of Members whose abstention has been recorded and the number of Members absent; and
 - (b) declare the result of the vote.
- (6) The voting record will be displayed on Members’ devices and online via the States of Guernsey website.

26D. Manner of taking vote when electronic voting system unavailable

- (1) In the event the electronic voting system is unavailable, a Member will announce his or her vote or abstention in a division (appel nominal) and immediately before such an announcement must switch on his or her microphone and switch it off again immediately after he or she has voted or abstained.
- (2) The order of voting on a division at any Meeting of the States shall be the same for each division taken at that Meeting (including a Meeting adjourned in accordance with Rule 6, and including a division on a matter adjourned from a previous meeting) but shall be rotated by groups of five members, listed alphabetically, between each Meeting and the next.

26E. Manner of taking votes on a procedural motion

- (1) A vote shall be taken *de vives voix* on a procedural motion unless a Member requests a division.
- (2) Where voting is carried out *de vives voix*, any Member may, before the Presiding Officer rules that the matter was carried or was lost, or immediately after such a ruling, claim a division.

Proposals relating to taxation and the financial implications of proposals

- 27.** Where, in relation to taxation, any alteration is moved and is opposed or is not assented to by the Policy & Resources Committee, the Presiding Officer, if he or she considers that more mature consideration should be given to the advisability of passing or rejecting the proposed alteration, shall rule that a vote thereon shall be postponed until the views of the Policy & Resources Committee have been laid before a Meeting.

Requêtes

- 28. (1)** If any seven Members (but not more than seven) desire that a requête be laid before a Meeting they shall submit it to the Greffier who shall treat it as an item to be put to the States for consideration in accordance with the provisions of Rule 3. The Greffier shall also provide a copy to the Policy & Resources Committee, for that Committee’s opinion on the matters referred to therein.

- (2) Upon notification of a requête the Policy & Resources Committee shall:
 - (a) consult any Committees appearing to that Committee to have a particular interest in the subject matter of the requête; and
 - (b) if considered necessary, set out its opinion in a letter of comment, appending thereto the views of all Committees so consulted.
- (3) When a requête is laid before the States, the President, Policy & Resources Committee and the President of each of the Committees referred to in the preceding paragraph shall be entitled to speak
 - (a) immediately after a representative of the requérants has opened the debate; and
 - (b) immediately before a representative of the requérants replies to the debate.

Register of Members' Interests and Register of Members' Unspent Convictions

- 29. (1) The Greffier shall maintain (whether electronically or otherwise) a Register to be known as the Register of Members' Interests in which shall be kept all Declarations of Interest lodged in accordance with paragraph (3).
- (2) The Register of Members' Interests shall be available at the Greffe for public inspection whenever the Greffe is open for normal business. Current entries in the Register of Members' Interests shall also be published on the States' website.
- (3) All persons elected shall within seven days of being elected or re-elected and subsequently during the month of July annually make and lodge with the Greffier a Declaration of Interest.
- (4) All Declarations of Interest required to be lodged with the Greffier under paragraph (3) shall be in the form set out in Schedule 2 to these Rules.
- (5) The Greffier shall maintain (in paper form only) a Register to be known as the Register of Members' Unspent Convictions in which shall be kept all Declarations of Unspent Convictions lodged in accordance with paragraph (7).
- (6) The Register of Members' Unspent Convictions shall be available at the Greffe for public inspection whenever the Greffe is open for normal business.
- (7) All persons elected shall within seven days of being elected or re-elected and subsequently during the month of July annually make and lodge with the Greffier a Declaration of Unspent Convictions.

- (8) All Declarations of Unspent Convictions required to be lodged with the Greffier under paragraph (7) shall be in the form set out in Schedule 3 to these Rules.
- (9) The unspent convictions which must be declared are any criminal convictions in a court in any jurisdiction which resulted in sentences of imprisonment which are not to be treated as spent pursuant to the provisions of the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002, unless they were in respect of conduct which would not constitute an offence if committed in Guernsey at the time the declaration is made.
- (10) A Member in whose case a conviction becomes spent may immediately provide a revised Declaration to the Greffier. The Greffier shall remove from the Register and immediately destroy any Declaration which has been superseded by another.
- (11) The Greffier shall remove from the Register and immediately destroy any Declaration which relates to a person who is no longer a Member.

Interpretation

30. (1) In this section:

“clear days” means the number of consecutive whole days referred to, regardless (unless otherwise indicated) of whether or not any such day falls on a weekend or public holiday;

“His Majesty’s Procureur” includes His Majesty’s Comptroller;

“Meeting” means a meeting of the States convened in accordance with these Rules;

“Member” means any Member of the States other than (except in Rule 10) His Majesty’s Procureur (and note qualification in Rule 26A (6) for purposes of proxy voting);

“ordinary Meeting” means any Meeting of the States which is not a special Meeting;

“division” means a vote taken using the electronic voting system or, unless it is unavailable, an appel nominal.

“procedural motion” means any proposition or motion which is not an original or secondary proposition.”

“original proposition” means any of the following: propositions from the Presiding Officer; propositions from a Committee of the States; propositions arising from a requête; propositions proposing the approval or adoption of

legislation; motions of no confidence; motions of censure; urgent propositions; and propositions in relation to the adoption of the Schedule for future States' business;

"Presiding Officer" means the Presiding Officer of the States, and includes the Deputy Presiding Officer of the States and any Acting Presiding Officer of the States;

"requête" means a request to the Presiding Officer, made in writing and signed by any seven Members (but not more than seven), that a matter other than a motion of no confidence be laid before a Meeting;

"secondary proposition" means any of the following: amendments; sursis; motions to withdraw; motions to annul an Ordinance or Statutory Instrument; motions to debate an appendix report;

"special Meeting" means any Meeting of the States convened to consider the Annual Budget of the States and the policy letter of the Committee *for* Employment & Social Security on the uprating of non-contributory benefits or the States' Accounts and the Government Work Plan;

"sursis" means a motion the effect of which is to defer debate on an article or proposition and includes a **"sursis motiv  "** which has the same effect but which also directs a course of action during the period of deferral;

"the Greffier" means His Majesty's Greffier, and includes the States' Greffier and any Deputy Greffier;

"the Sergeant" means His Majesty's Sergeant, and includes any Deputy Sergeant;

"the Sheriff" means His Majesty's Sheriff, and includes any Deputy Sheriff;

"the States" means the States of Deliberation.

(2) In these Rules, unless the context otherwise requires:

- (a) a reference to a provision by number or letter is to the provision of that number or letter in these Rules;
- (b) a reference within a provision to a subdivision by a number or letter is to the subdivision of that number or letter within that provision;
- (c) a reference to an enactment is to that enactment as amended, extended, applied or replaced from time to time by or under any other enactment.

Revocations in respect of this section

- 31.** The States' Resolutions relating to the Rules of Procedure in and in relation to assemblies of the States of Deliberation of the Island of Guernsey of 30th October 2003, 30th March 2005, 27th April 2006, 28th September 2006, 28th February 2008, 30th September 2009, 25th February 2010, 29th April 2010, 29th July 2010, 27th May 2011, 26th October 2011, 9th February 2012, 1st, 8th, 11th and 30th May 2012, 29th and 31st May 2013, 24th September 2013, 12th November 2014 and 29th April 2015 are revoked with effect from 1st May 2016.

Section 2: Committees of the States and Rules of Committees

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Definitions

32. List of Committees of the States with effect from the 1st of May, 2016 –

Senior Committee of the States –
Policy & Resources Committee

Principal Committees of the States –
Committee *for* Economic Development
Committee *for* Education, Sport & Culture
Committee *for* Employment & Social Security
Committee *for the* Environment & Infrastructure
Committee *for* Health & Social Care
Committee *for* Home Affairs

Other Committees of the States –
Civil Contingencies Authority
Development & Planning Authority
Overseas Aid & Development Commission
Scrutiny Management Committee
States' Assembly & Constitution Committee
States' Trading Supervisory Board
Transport Licensing Authority

From time to time the States may by Resolution establish any number of States' Investigation & Advisory Committees to enquire into particular but temporary pieces of work. At present there are no such Committees of the States.

Non-Governmental Bodies –

Elizabeth College Board of Directors

Guille-Allès Library Council

Ladies' College Board of Governors

Priaulx Library Council

Interpretation

33. In this section the expression:

"Committee", unless the context otherwise requires, means any Committee of the States as named in Rule 32;

"His Majesty's Procureur" includes His Majesty's Comptroller;

"Member", in relation to a Committee, includes its President, unless the context otherwise requires;

"Non-Governmental Body" means any such bodies named in Rule 32;

"office holder" means a person elected by the States to the office of President or member of a Committee;

"Principal Committee" means any of the following Committees: Committee *for* Economic Development; Committee *for* Education, Sport & Culture; Committee *for* Employment & Social Security; Committee *for the* Environment & Infrastructure; Committee *for* Health & Social Care; and Committee *for* Home Affairs;

"Sitting Member of the States" means any person with a seat in the States of Deliberation;

"States' Investigation & Advisory Committee" means any temporary States' Committee charged with the execution or investigation of a particular matter;

"the Greffier" means His Majesty's Greffier, and includes the States' Greffier and any Deputy Greffier.

Rules relating to committees of the States

34. The procedure and operation of all Committees of the States shall be determined in accordance with the following provisions, except where contrary provision is made.

Eligibility for membership of a Committee

35. (1) To be eligible for appointment or election to membership of a Committee of the States as a non-sitting Member of the States a person must be a person described in article 8 of the Reform (Guernsey) Law, 1948, as amended.
- (2) Jurats shall not be eligible to serve on Committees which administer legislation which includes the provision of a right of appeal to the Royal Court against a decision of such Committees.
- (3) States' employees shall not be eligible to serve on Committees.

Nomination of candidates for election by the States

36. Subject to any specific provisions regarding nomination rights which are set out in the constitution of any particular Committee, persons shall be eligible for nomination by any Member of the States from the floor of the Assembly on the day of election, but where a person nominated is not a sitting Member of the States the proposer shall provide to Members of the States, no later than the start of the Meeting at which the election is to be held, a full report in writing containing background information about the candidate, including a statement that the proposer had seen a Declaration of Interest from the candidate and was satisfied that there would be no conflict of interest if the candidate were appointed, or if there was potentially one it could be managed, the candidate's willingness to seek election and the reasons for his or her name having been put forward. The Declaration in respect of the successful candidate shall be lodged with the Greffier and published by him as if the person concerned was subject to the provisions of Rule 29.

Term of office

37. (1) The term of office of all Presidents and members of all Committees (excluding members of the States' Trading Supervisory Board who are not sitting members of the States) shall expire at the end of a States' term. Where an office is required to be filled by a sitting Member of the States the said office shall be deemed to have been vacated upon the office holder ceasing to be a sitting Member of the States.
- (2) The term of office for members of the States' Trading Supervisory Board, who are not sitting members of the States shall expire on a date (or if more than one member, dates) to be determined by the States' Trading Supervisory Board provided that:
- (i) if two such members are appointed, one of those member's term of office (as determined by the States' Trading Supervisory Board), will expire at least one year before the end of a new States' term and the other

member's term of office (as determined by the States' Trading Supervisory Board) will expire no later than one year after the start of a new States' term and

- (ii) if only one such member of the States' Trading Supervisory Board is appointed, their term of office will expire no later than one year after the start of a new States' term.
- (3) Elections for Presidents and Members of Committees shall be held in the first month of a new States' term.
- (4) If a member elected or appointed by the States to a Committee ceases to be a member of that Committee before the expiration of the term for which he or she was elected or appointed, a successor shall be elected or appointed by the States to complete the unexpired portion of that term of office.
- (5) If the President or a member of a Committee resigns from that office in a letter to the Presiding Officer, the resignation shall take effect automatically on a proposition being laid before the States for the election by the States of a successor to the office vacated. No debate shall be held on the matter of the resignation.
- (6) A person elected as President or member of a Committee by reason of the fact that he or she is a sitting Member of the States shall, if that person ceases to be a sitting Member of the States, be deemed to have placed his or her resignation in the hands of the Presiding Officer on such cessation and that resignation shall be deemed to have been accepted by the States.
- (7) Persons referred to in the preceding paragraph shall remain eligible for appointment or election to fill any vacancy on that or on any other Committee which is not restricted to sitting Members of the States.
- (8) If a majority of the voting members of a Committee believe that the continued membership of that Committee by one member is unreasonably hindering the ability of the Committee to fulfil its mandate then the majority may bring a proposition to the States that the period of office of the said one member should be terminated with immediate effect, and the States may, notwithstanding the other provisions of this rule, by resolution so terminate that period of office.

Officeholders eligible for re-election

- 38. No limit shall be set on the number of times that a person may be elected by the States to the same office, whether consecutively or otherwise.

Membership of more than one Committee

39. A Member shall be deemed to have resigned with immediate effect, and his or her resignation deemed to have been accepted from his or her position, as the President or a member of a Committee, immediately upon election to the Presidency or membership of a Committee whose constitution precludes membership of the former office.

Quorum

40. (1) The quorum of any Committee (subject to paragraphs (3) and (4)) shall be the nearest whole number above one-half of the number of voting members specified in that Committee's constitution.
- (2) When calculating a quorum the number of voting members shall include the person presiding.
- (3) The quorum of the Policy & Resources Committee when exercising its function under article 66(3) of the Reform (Guernsey) Law, 1948 as amended (immediate or early enactment of Ordinances in the public interest) shall be any two members.
- (4) The members forming the quorum of the States' Trading Supervisory Board shall include at least 2 members who are Members of the States.
- (5) After an Election, when a Committee is not yet constituted or is inquorate and an urgent decision is required, the insufficiency of members shall be replaced as follows.
- (6) From 00.01 on the first day of the political term until the election of the President, Policy & Resources Committee, a number of former members of the Policy & Resources Committee (as it was constituted on the final day of the previous term) who have been re-elected as Members of the States shall act as if they were members of the Committee in question. The number of them required is one half of those re-elected plus one. If fewer than three have been re-elected then the insufficiency of members shall be replaced by the senior Members by length of service. While the only elected post holder is the President, Policy & Resources Committee that person shall be able to make an urgent decision as if he or she is a quorate meeting of the Committee concerned. Once the other members of the Policy & Resources Committee have been elected then a quorate meeting of that Committee shall be able to make an urgent decision as if it is the Committee concerned. Once the Presidents of the Principal and other Committees have been elected then each President shall be able to make an urgent decision as if he or she is a quorate meeting of his or her Committee.

- (7) At all other times, when a Committee is inquorate and an urgent decision is required, the insufficiency of members shall be replaced by Member(s) of the States chosen in the following order: members of the Policy & Resources Committee according to their length of service in the States, Presidents of Principal Committees according to their length of service in the States, Presidents of other Committees according to their length of service in the States, other Members according to their length of service in the States.
- (8) If a member of a Committee of the States, who has obtained the prior permission of the person who will preside at the meeting, is in communication with the other members by telephonic communication, live television link or any other means of telecommunication, so that each member can hear or read what is said or communicated by each of the others, each member in such communication is deemed (subject to paragraph (10) below) to be present and participating at the meeting of the Committee for all purposes, including the quorum and voting.
- (9) It shall be at the absolute discretion of the person who will preside at the meeting to decide whether or not to agree to the request and in so deciding the person presiding may take into account any factors whatsoever which are considered relevant.
- (10) In the event that the telephonic communication, live television link or any other means of telecommunication fails or is corrupted or confidentiality is compromised, the person presiding at the meeting shall have discretion at any point during the meeting to determine that a member who is in a remote location is no longer to be regarded as in attendance.
- (11) Paragraphs (8) to (10) of this Rule apply to meetings of sub-committees of Committees of the States established under Rule 54.(3).

Person who shall preside at meetings

- 41. The President shall preside at all meetings of a Committee or, if he or she is absent, indisposed or otherwise unable to preside, the Vice-President shall preside. If both are absent, indisposed or otherwise unable to preside then the remaining voting members of the Committee present at the meeting shall appoint one of their number to preside.

Casting votes

- 42. The person who presides at a meeting of a Committee shall have an original vote and no casting vote. In the event that the voting members of that Committee are equally divided on any issue, the person presiding shall declare the proposition lost.

Vice-Presidents

43. (1) All Committees shall elect a Vice-President from amongst those persons on that Committee who are sitting Members of the States.
- (2) The requirement that the Vice-President of a Committee be a member who is a sitting Member of the States shall not apply to the Overseas Aid & Development Commission or the non-governmental bodies.
- (3) The Vice-President shall be elected at the first meeting of the Committee following the election of a President by the States, save that if following the election of the President there remains any vacancy in the voting membership of the Committee the election of a Vice-President shall be deferred until the first meeting following the filling of that vacancy by the States.
- (4) In any Committee, if the President ceases to hold office before the expiration of the period for which he or she was elected and a new President is elected by the States, the term of office of the Vice-President shall be deemed to have terminated and a new election of a Vice-President shall take place in accordance with paragraph (3).
- (5) In any Committee, if the Vice-President ceases to be a sitting Member of the States, or ceases to be a member of that Committee before his or her term of office as Vice-President has been completed, a new Vice-President shall be elected from amongst those persons on that Committee who are sitting Members of the States to serve the unexpired portion of the Vice-President's term of office, but such an election shall not be held until the vacancy in the membership of the Committee caused by the departure of the member who held the office of Vice-President has been filled by the States. The election of a Vice-President shall be held at the first meeting following the filling of that vacancy by the States.

Method of election of Vice-Presidents

44. (1) Subject to the provisions of Rule 43, the person presiding shall ask eligible members to declare their candidature. No proposers or seconders will be required.
- (2) Where there is only one candidate the person presiding shall declare that candidate elected.
- (3) Where the number of candidates exceeds one, voting shall be carried out by ballot.
- (4) Where there are more than two candidates and the candidate receiving the greatest number of votes does not receive a majority of the votes cast, a second

ballot shall be held to determine which of the two candidates who received the greatest number of votes in the first ballot shall be elected.

- (5) The person presiding shall have an original vote but no casting vote. In the event of an equality of votes he or she shall cause a further ballot to be held and, if, after such further ballot, there continues to be an equality of votes the two candidates shall draw lots to determine the matter.
- (6) Where a ballot is necessary the votes shall be counted by the person presiding and an officer of the Committee.
- (7) At the conclusion of the voting the person presiding shall declare the successful candidate elected and a record of that declaration shall be made in the minutes of the meeting.
- (8) The person presiding shall communicate the result of the election to the Presiding Officer within 48 hours of the declaration (excluding Saturdays, Sundays and public holidays).

Lead Members

- 45. (1) The Policy & Resources Committee shall designate its President or one of its members as the States' lead member for external relations and constitutional affairs.
- (1A) The Policy & Resources Committee shall designate its President or one of its members as the States' lead member for Corporate Services, with responsibility for the services that are provided by the Office of the Policy & Resources Committee to or on behalf of the Principal Committees and other Committees of the States.
- (2) Any committee of the States may designate its President or one of its members as the lead member for a specific responsibility of the committee.

Non-voting members of Committees

- 46. (1) If permitted by the terms of its constitution, any Committee may elect non-voting members, who shall not be sitting Members of the States, and whose appointments, subject to the provisions below, shall expire at the same time as the terms of office of the sitting Members of the States. Such members shall have the same rights and duties as ordinary members (other than the right to vote, unless specifically provided with the right to vote in that Committee's constitution).

- (2) Before electing any such non-voting members the Committee concerned shall be provided by each candidate with a completed Declaration of Interest as set out in Schedule 2 and a completed Declaration of Unspent Convictions as set out in Schedule 3.
- (3) Any such non-voting member may resign from the office at a date earlier than that on which it would otherwise terminate, by a letter addressed to the President, and such resignation will take effect immediately. Notwithstanding Rule 37(4), a replacement need not be elected.
- (4) By decision of the voting members the term of office of any such non-voting member may be terminated with immediate effect. A replacement need not be elected.
- (5) Immediately after the election the Committee shall submit a letter to the Presiding Officer for publication as an appendix to a Billet d'État setting out the full name of the person or persons so elected, the date of the election and a statement that the Principal Committee had seen a completed Declaration of Interest in respect of that person before the election and was satisfied that the appointment of the person would not lead to a conflict of interest, or if there was potentially one it could be managed, and had also seen a Declaration of Unspent Convictions and was satisfied that any declared unspent criminal convictions of the person elected were compatible with his or her holding that office. The Declarations in respect of the person appointed shall be lodged with the Greffier and published by him as if the person concerned was subject to the provisions of Rule 29.
- (6) Immediately after a resignation or any termination of office the Committee shall submit a letter to the Presiding Officer for publication as an appendix to a Billet d'État stating the name of the person who has ceased to be a non-voting member of the Committee.

Meetings, etc. with third parties

47. (1) When a Member of the States meets with a third party, and the circumstances are such that it is unclear as to the capacity in which the Member is attending the meeting, the Member shall make it clear to the third party that the Member is attending, either as the representative of a Committee or as an individual Member of the States or in a private capacity.
- (2) When a President or member of a Committee represents that Committee at a meeting with a third party, the President or member shall make a record of the meeting stating the date and time of the meeting, the reason for the meeting, the participants therein and the key points discussed, following which he or she shall

send a copy of the record for filing to the senior-most officer in the service of that Committee.

- (3) In this rule reference to “the meeting” shall include telephone conversations and meetings in person.

Committee correspondence

48. (1) All correspondence, howsoever received, between a Committee and a Member of the States shall be treated as confidential under the Code of Practice for Access to Public Information unless expressed otherwise and shall not be disclosed to any third party, whether within the States or outside, in whole or in part, by any means, without the express consent of the author of that correspondence.
- (2) Any Member of the States while he or she continues to be a Member of the States may request from a Committee of which the said Member was formerly a member a copy of any document which he or she was given when a member of that Committee, except any material which he or she was allowed to see but not retain.

Declaration of interest at Committee meetings

49. (1) A Member of a Committee who (or whose spouse, or any of whose infant children or any company in which the Member has a controlling interest on the Member’s own or their behalf) has a direct or special interest in the business under consideration by the Committee must not participate in either discussion or voting thereon and must immediately declare the interest and withdraw from the meeting during the discussion and voting on the matter concerned.
- (2) In the preceding paragraph ‘spouse’ includes any co-habiting partner.
- (3) Every declaration made in pursuance of paragraph (1) and the member’s subsequent withdrawal from the meeting shall be recorded in the minutes of the meeting.
- (4) (a) when an interest has been declared pursuant to paragraph (1) of this Rule, the officer of the Committee concerned responsible for the despatch of agenda papers shall not send to the said member any paper relevant to the matter concerned;
- (b) when an interest has not been declared but the said officer has reason to believe that a member may have an interest in a matter to be discussed, he or she shall request the President to make enquiries of the person concerned,

following which the President shall direct whether agenda papers relating to the matter should be withheld from the member;

(c) when the member referred to in the preceding paragraph is the President, the officer shall refer the matter to the Vice-President;

(d) notwithstanding the foregoing, it shall be the duty of any member who receives agenda papers which should not have been sent to him or her by virtue of the provisions of this Rule to return such papers to the Committee and he or she shall not disclose the content or existence of the papers to any person nor shall he or she use the information contained therein in his or her own personal interest or that of his or her family, friends, business associates or any voluntary or charitable organisation with which he or she is involved;

(e) in this Rule the expression “agenda papers” shall include the relevant section of the minutes of the Committee relating to the matter concerned and any electronic communication relating to the matter concerned.

Register of appointments

50. Any Committee of the States which appoints one of its members to a position on the board of an extra-governmental body which is not a Committee of the States, or which has a member who has been appointed to such a position by the board of an extra-governmental body which is not a States’ committee, shall notify the Greffier of that appointment. The cessation of any such appointment shall also be notified to the Greffier. The Greffier shall keep a record of that appointment in a document known as the ‘Register of Appointments’ and shall cause that document to be posted on the appropriate part of the States’ website.

Performance of functions by members of Committees

51. In accordance with the provisions of article 2 of the States (Reform) (Guernsey) Law, 2015, a Committee may arrange for any of its functions to be performed in its name by any one or more members of the Committee.

Performance of functions by other Committees

52. In accordance with the provisions of article 3 of the States (Reform) (Guernsey) Law, 2015, a Committee may arrange for any of its functions to be performed in its name by another Committee.

States’ Investigation & Advisory Committees

53. (1) Except for those rules which refer specifically to the Policy & Resources Committee or Principal Committees, the principles set out above shall be

followed in the constitution and operation of all States' Investigation & Advisory Committees.

- (2) Such States' Investigation & Advisory Committees (i.e. the members thereof) shall continue in office until they have fulfilled their mandate and any legislation designed to give effect to such propositions of the Committee as the States may have resolved to adopt has been presented to the States, approved, and where necessary registered.

Establishment of other Committees

54. (1) The States may, by resolution, at any time dissolve any Committee of the States or constitute any Committee of the States.
- (2). The constitutions and mandates of all Committees of the States are set out in Appendix A to these Rules.
- (3). A Committee of the States may at any time it chooses convene a sub-committee or working party to consider any matter which falls within the mandate of the Committee. The constitution, mandate and working practices of the sub-committee or working party shall be at the discretion of the Committee;

Provided that:

any authority delegated to the sub-committee or working party shall be in accordance with the provisions of the States Committees (Constitution and Amendment) (Guernsey) Law, 1991 and the States Reform (Guernsey) Law, 2015 relating to delegation of a Committee's functions;

Provided also that:

the Rules relating to the declaring of interests in Committee meetings shall apply in full to the members and proceedings of sub-committees and working parties;

Provided also that:

the Committee shall at all times remain responsible for anything done by a sub-committee or working party which it has established.

Presence of officers, etc. at Committee meetings

55. (1) A member of the established staff of the Civil Service shall be present at all Committee meetings and shall keep an independent record of the decisions made at the meetings.
- (2) (a) the notes taken pursuant to paragraph (1) of this rule shall be kept in a paper notebook or electronic data file reserved exclusively for that purpose and

shall include the name of the person making the contemporaneous record and the date when the minutes are actually written;

- (b) each such paper notebook or electronic data file shall be retained for a period of six years counting from the date of the last meeting recorded therein;
 - (c) an audio recording may be made in addition to, but not in place of, the written record. The medium used to store such recording shall be retained for a period of six years from the date of the meeting.
- (3) Where the President is of opinion that, in view of the nature of the business to be discussed, it would be inappropriate for any of the Committee's officers to be in attendance at a Committee meeting, he or she shall request the Chief Executive of the States to arrange for an appropriate alternative officer to attend the meeting in question.
 - (4) The provisions of this rule shall not apply to the Non-Governmental Bodies.
 - (5) One of the Law Officers or a Crown Advocate shall be present at all meetings of the Legislation Review Panel and, when it is exercising its function under article 66 (3) of the Reform (Guernsey) Law, 1948 as amended (immediate or early enactment of Ordinances in the public interest), the Policy & Resources Committee.
 - (6) The Presiding Officer and the Greffier shall be entitled to attend meetings of the States' Assembly & Constitution Committee for the purpose of advising that Committee on matters relating to the Rules of Procedure and on matters relating to the functioning of the States.

Accountability of officers

- 56. (1) The States resolved on Billet d'État XII of 2015 that the President of a Principal Committee has the right to inform the Chief Executive that the Committee is losing confidence in a senior officer or in the level of support it receives. If, after the exhaustion of reasonable procedures, the Principal Committee still has no confidence in a senior officer there will be an expectation that the officer will be transferred out of the service of that Principal Committee.
- (2) The States resolved on Billet d'État XII of 2015 that the Chief Executive and other senior officers must take into account the views of the President of a Principal Committee, and through them the members thereof, when appointing and appraising senior staff in the service of that Principal Committee.
- (3) The States resolved on Billet d'État XII of 2015 that the senior officers of a Committee are accountable to that Committee in respect of policy direction.

Support provided to committees

57. The States resolved on Billet d'État XII of 2015 that the senior officers of a Committee should ensure that: performance data are freely available; Committee papers are clear and concise, showing options and making recommendations for action; members receive their papers for Committee meetings a reasonable period in advance; minutes and decisions lists are concise and circulated within a few days of meetings; and the quality of policy letters is high.

Amendments to mandates

58. The Policy & Resources Committee has the power to allocate operational functions to Committees, and to transfer them between Committees, as set out in Annex Two to the mandates of the Committees of the States, without requiring the approval of the States;

Provided that:

the allocation or transfer has the agreement of all Committees concerned and also provided that neither mandates of Committees of the States nor Annex One attached thereto may be amended without resolution of the States;

Provided also that:

the power to transfer shall not apply to an operational function conferred on a Committee by legislation.

Revocations in respect of this section

59. The States' Resolutions relating to the Constitution and Operation of States' Departments and Committees of 30th October 2003, 30th March 2005, 29th June 2005, 27th April 2006, 28th September 2006, 28th September 2007, 12th December 2007, 28th February 2008, 12th March 2008, 30th September 2009, 27th May 2011, 24th September 2013, 14th November 2013 and 29th April 2015 are revoked with effect from the 1st of May, 2016.

Commencement

60. These Rules came into operation on the 1st of May, 2016.

APPENDIX A

MANDATES OF COMMITTEES OF THE STATES

Order of Committees

Policy & Resources Committee

Committee *for* Economic Development

Committee *for* Education, Sport & Culture

Committee *for* Employment & Social Security

Committee *for the* Environment & Infrastructure

Committee *for* Health & Social Care

Committee *for* Home Affairs

Civil Contingencies Authority

Development & Planning Authority

Overseas Aid & Development Commission

Scrutiny Management Committee

States' Assembly & Constitution Committee

States' Trading Supervisory Board

Transport Licensing Authority

Elizabeth College Board of Directors (non-governmental body)

Guille – Allès Library Council (non-governmental body)

Ladies' College Board of Governors (non-governmental body)

Priaulx Library Council (non-governmental body)

Annex One to the Mandates of Committees of the States

Annex Two to the Mandates of Committees of the States – Schedule of Committees' Operational Functions

- **Title – Policy & Resources Committee**

Constituted as the Senior Committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Policy & Resources Committee shall be the President or a member of any of the six Principal Committees or the President or a member of the Scrutiny Management Committee or the President or a member of the Development & Planning Authority or the President or a member of the Transport Licensing Authority.

The Policy & Resources Committee shall designate its President or one of its members to be the States' lead member for external relations.

- **Duties & Powers**

To advise the States and to develop and implement policies and programmes relating to:

(a) leadership and co-ordination of the work of the States, which includes:

1. developing and promoting the States' overall policy objectives;
2. leading the policy planning process as set out in the States' Rules of Procedure;
3. promoting and facilitating cross-committee policy development;
4. advising, when necessary, on the implications of other committees' proposals, policies and activities and in particular whether they accord with States' objectives and policy plans;
5. advising other committees on the implications of policies which it is itself developing;
6. examining issues which expressly do not fall within the mandates of other committees;
7. requiring any committee to examine any issue whether within or extraneous to its mandate;
8. requiring, and monitoring, the implementation of extant States' resolutions;
9. submitting to the States annually a report on progress on outstanding States' resolutions;
10. initiating reviews in areas where it appears that performance could be improved;
11. recommending to the States the agenda items for future meetings of the States;

12. prioritising the States' legislative programme and submitting to the States annually an order of priority for the drafting of significant items of legislation for the year ahead;
13. enacting urgent legislation in accordance with Article 66 of the Reform Law;
14. advising on the allocation of policy responsibilities to committees;
15. allocating operational functions to committees, or transferring them between committees, as set out in Annex Two to the mandates of committees of the States, without requiring the approval of the States provided that the allocation or transfer has the agreement of all committees concerned and also provided that neither mandates of committees of the States nor Annex One attached thereto may be amended without resolution of the States and further provided that this power to allocate or transfer operational functions shall not have effect until such time as the Committee has approved a comprehensive schedule of committees' operational functions.

(b) fiscal policy, economic affairs and the financial and other resources of the States, which includes:

1. setting the framework for the planning, approval and control of public expenditure;
2. preparing the States' budget and submitting it to the States annually;
3. preparing the States' accounts and submitting them to the States annually;
4. monitoring financial performance against budgets;
5. advising, when necessary, on the financial implications of other committees' proposals, policies and activities;
6. raising and collecting taxes and revenues;
7. the States' Treasury functions, including authorising committees' borrowings and loans;
8. the role of the States as an employer;
9. policies on financial management, assets and corporate services, including information and communication technology, internal audit, risk management, the corporate identity and communications of the States, procurement, property, and statistics and research;
10. annually recommending the appointment of external auditors to the States.
11. responsibility for setting the investment objectives for all States' investment funds and for appointing an independent board to oversee the management of such Funds in line with the States' permitted Investment Rules

(c) external relations and international and constitutional affairs, which includes:

1. the Island's constitutional position and the relationship with the Crown;
2. relations with the United Kingdom and other jurisdictions;
3. relations with the European Union and other supranational organisations;
4. relations with the other islands of the Bailiwick and the Island's parishes;
5. representing, or overseeing the representation of, and negotiating for, the Island;
6. executing and requesting the extension of international agreements to which the Island is invited to acquiesce;
7. the policy framework regarding overseas aid and development;
8. authorising for external relations purposes only the adaptation of titles and offices held within the States;
9. studying and reporting on schemes for the application of certain General Synod measures.

(d) other matters which have been delegated to the Committee, which include:

1. the policy framework for the regulation of financial services;
2. non-operational matters in an emergency to preserve life, wellbeing and law and order.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Policy & Resources Committee and which conferred functions on the former Policy Council and Treasury and Resources Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Committee *for* Economic Development**

Constituted as a Principal Committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Committee *for* Economic Development shall be the President or a member of the Policy & Resources Committee or the President of the Scrutiny Management Committee or the President or a member of the Transport Licensing Authority; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **Purpose**

To secure prosperity through the generation of wealth and the creation of the greatest number and widest range of employment opportunities possible by promoting and developing business, commerce and industry in all sectors of the economy.

- **Responsibilities – Policy, Advisory & General**

To advise the States and to develop and implement policies on matters relating to its purpose, including:

1. the promotion and development of all sectors of business, including construction, creative industries, digital, financial services, horticulture, intellectual property, manufacturing, media, retail and tourism;
2. the reputation of the Island as a centre for commerce and industry;
3. securing the provision of, and promoting, air and sea links to and from the Bailiwick;
4. inward investment at the corporate and individual level;
5. the labour skills necessary to sustain economic prosperity;
6. competition, innovation, diversification and regulation in the economy;
7. broadcasting and the media;
8. safeguarding living marine resources and the sustainable exploitation of those resources.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for

the time being within the mandate of the Committee *for* Economic Development and which conferred functions on the former Commerce and Employment Department, Culture and Leisure Department and Home Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Committee *for* Education, Sport & Culture**

Constituted as a Principal Committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Committee *for* Education, Sport & Culture shall be the President or a member of the Policy & Resources Committee or the President of the Scrutiny Management Committee; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **Purpose**

To encourage human development by maximising opportunities for participation and excellence through education, learning, sport and culture at every stage of life.

- **Responsibilities – Policy, Advisory & General**

To advise the States and to develop and implement policies on matters relating to its purpose, including:

1. pre-school, primary, secondary, further and higher education;
2. apprenticeships;
3. skills;
4. lifelong learning;
5. sport, leisure and recreation;
6. youth affairs;
7. the arts;
8. libraries, museums, galleries and heritage;
9. Island Archives;
10. civic celebrations and commemorations, including Liberation celebrations.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Committee *for* Education, Sport & Culture and which conferred functions on the former Commerce and Employment Department, Culture

and Leisure Department, Education Department, Health and Social Services Department and Policy Council.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Committee *for* Employment & Social Security**

Constituted as a Principal Committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Committee *for* Employment & Social Security shall be the President or a member of the Policy & Resources Committee or the President of the Scrutiny Management Committee; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **Purpose**

To foster a compassionate, cohesive and aspirational society in which responsibility is encouraged and individuals and families are supported through schemes of social protection relating to pensions, other contributory and non-contributory benefits, social housing, employment, re-employment and labour market legislation.

- **Responsibilities – Policy, Advisory & General**

To advise the States and to develop and implement policies on matters relating to its purpose, including:

1. financial and social hardship;
2. social housing, including States' housing and the States' relationship with housing associations;
3. supplementary benefit and housing benefit;
4. social insurance;
5. pensions;
6. health insurance;
7. long-term care insurance;
8. equality and social inclusion, including in relation to disability;
9. the unemployed and the various initiatives to encourage employment and re-employment;
10. labour market legislation and practices;
11. health and safety in the workplace;
12. industrial relations;

13. legal aid.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Committee *for* Employment & Social Security and which conferred functions on the former Commerce and Employment Department, Housing Department, Policy Council and Social Security Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Committee *for the* Environment & Infrastructure**

Constituted as a Principal Committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Committee *for the* Environment & Infrastructure shall be the President or a member of the Policy & Resources Committee or the President of the Scrutiny Management Committee or the President or a member of the Development & Planning Authority or the President or a member of the Transport Licensing Authority; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **Purpose**

To protect and enhance the natural and physical environment and develop infrastructure in ways which are balanced and sustainable in order that present and future generations can live in a community which is clean, vibrant and prosperous.

- **Responsibilities – Policy, Advisory & General**

To advise the States and to develop and implement policies on matters relating to its purpose, including:

1. infrastructure, including but not limited to water, wastewater, the ports and the airports;
2. spatial planning, including the Strategic Land Use Plan;
3. climate change;
4. protection and conservation of the natural environment;
5. waste, water and stone reserves;
6. energy, including renewable energy;
7. solid waste;
8. general housing policy in relation to land use, spatial planning and infrastructure;
9. the coast and coastal defences and the breakwater in Alderney;
10. traffic and transport;
11. the road network;
12. biodiversity;

13. agriculture, animal health and welfare and the sustainability of food and farming;
14. maritime affairs;
15. public parks;
16. security of supply of essential commodities.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Committee *for the* Environment & Infrastructure and which conferred functions on the former Commerce and Employment Department, Culture and Leisure Department, Environment Department, Policy Council and Public Services Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Committee *for* Health & Social Care**

Constituted as a Principal Committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Committee *for* Health & Social Care shall be the President or a member of the Policy & Resources Committee or the President of the Scrutiny Management Committee; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **Purpose**

To protect, promote and improve the health and well-being of individuals and the community.

- **Responsibilities – Policy, Advisory & General**

To advise the States and to develop and implement policies on matters relating to its purpose, including:

1. adult social care;
2. the welfare and protection of children, young people and their families;
3. the prevention, diagnosis and treatment of acute and chronic diseases, illnesses and conditions;
4. mental health;
5. care of the elderly;
6. health promotion;
7. environmental health;
8. public health.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Committee *for* Health & Social Care and which conferred functions on the former Health and Social Services Department and Housing Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Committee *for* Home Affairs**

Constituted as a Principal Committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Committee *for* Home Affairs shall be the President or a member of the Policy & Resources Committee or the President of the Scrutiny Management Committee; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **Purpose**

To support a high standard of living and quality of life by maintaining and promoting a safe, stable and equitable society which values public protection and justice and respects the rights, responsibilities and potential of every person.

- **Responsibilities – Policy, Advisory & General**

To advise the States and to develop and implement policies on matters relating to its purpose, including:

1. crime prevention;
2. law enforcement, including policing and customs;
3. justice policy;
4. the association between justice and social policy, for example domestic abuse and the misuse of drugs and alcohol;
5. the Population Management Regime;
6. immigration regime;
7. imprisonment, parole, probation and rehabilitation;
8. fire, rescue and salvage;
9. consumer protection and advice;
10. trading standards;
11. data protection;
12. emergency planning;
13. civil defence;
14. lotteries and gambling;

15. the electoral roll.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Committee *for* Home Affairs and which conferred functions on the former Commerce and Employment Department, Home Department and Housing Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Civil Contingencies Authority**

Constituted with effect from the 4th of February, 2013 by the Civil Contingencies Law, 2012 (Commencement) (Bailiwick of Guernsey) Ordinance, 2013; and constituted as a committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015.

- **Constitution**

The permanent members of the Authority are the holders of the following offices:

President of the Policy & Resources Committee, who is the Chairman of the Authority⁴;
President of the Committee *for the* Environment & Infrastructure;
President of the Committee *for* Health & Social Care;
President of the Committee *for* Home Affairs⁵.

- **Duties & Powers**

To carry out the functions set out in the Civil Contingencies Law, 2012.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Authority by way of extant legislation or resolutions of the States or which may be allocated to the Authority in Annex Two to the mandates of committees of the States.

⁴ In the absence of the President of the Policy & Resources Committee, the Vice-President of the Policy & Resources Committee is the Chairman of the Authority; and in the absence of the President and Vice-President of the Policy & Resources Committee, a member of the Policy & Resources Committee nominated by the President is the Chairman of the Authority.

⁵ In the absence of the President of a Principal Committee, the Vice-President of that Principal Committee is a member of the Authority; and in the absence of the President and Vice-President of a Principal Committee, a member of that Principal Committee nominated by the President is a member of the Authority. See paragraph 1 of Schedule 1 to the Civil Contingencies (Bailiwick of Guernsey) Law, 2012.

- **Title – Development & Planning Authority**

Constituted as a committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015.

- **Constitution**

A President and four members who shall be sitting members of the States: provided that neither the President nor any member of the Development & Planning Authority shall be the President or a member of the Policy & Resources Committee or the President or a member of the Committee *for the* Environment & Infrastructure; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **Duties & Powers**

To advise the States on land use policy and to develop and implement land use policies through development plans and any other relevant instruments.

To determine development applications of all kinds, including planning, building control, protected buildings and scheduled sites.

To maintain and keep under review schemes of delegation in order that only the most contentious or high profile or atypical development control applications are referred to the elected members of the Authority, and when they are so referred to ensure that they are heard at open planning meetings held in public.

To exercise powers and perform duties conferred on the Authority by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Development & Planning Authority and which conferred functions on the former Environment Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Authority by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Overseas Aid & Development Commission**

Constituted as a committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015.

- **Constitution**

A President who shall be a member of the States and six members who need not be members of the States, all elected on the nomination of the Policy & Resources Committee.

- **Duties & Powers**

To distribute funds voted by the States for aid and development overseas by making contributions to on-going programmes and to emergency and disaster relief.

To develop programmes relating to the collection and distribution of funds involving the private sector.

To carry out its duties and powers in accordance with operational policies approved by the Policy & Resources Committee, and the strategic direction set by the States.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Commission by way of extant legislation or resolutions of the States or which may be allocated to the Commission in Annex Two to the mandates of committees of the States.

- **Title – Scrutiny Management Committee**

Constituted as a committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015.

- **Constitution**

A President who shall be a member of the States: provided that the President of the Scrutiny Management Committee shall not be the President or a member of the Policy & Resources Committee or the President or a member of any of the six Principal Committees; and two members who shall be members of the States: provided that a member of the Scrutiny Management Committee shall not be the President or a member of the Policy & Resources Committee or the President or a member of more than one of the six Principal Committees; and two voting members who shall not be members of the States and who shall be elected by the States.

- **Duties & Powers**

To lead and co-ordinate the scrutiny of committees of the States and those organisations which are in receipt of public funds, or which have been established by legislation, by reviewing and examining legislation, policies, services and the use of monies and other resources.

As far as is reasonably practicable, to appoint scrutiny panels (whether task and finish or standing panels) to carry out the work of reviewing and scrutinising committees' policies and services and their management of monies and other resources entrusted to them: provided that neither the President nor the members of the Policy & Resources Committee shall serve on such scrutiny panels and also provided that the Committee retains the power, if it so wishes, to carry out any review itself rather than through an appointed panel and also provided that the Committee shall at all times be responsible, and accountable to the States, for everything done by the Committee and any panels it has appointed, including the content of any report issued under its name.

To appoint a Legislation Review Panel to carry out the functions of legislative scrutiny in Article 66 of the Reform Law and also to recommend any changes to legislation from which it believes the Island may benefit: provided that the Committee shall at all times be responsible, and accountable to the States, for everything done by the Legislation Review Panel; and to constitute the Legislation Review Panel as follows: a President who shall be a member of the Scrutiny Management Committee and also a member of the States, a

minimum of four other States' members, a minimum of two non-voting members who shall not be members of the States, and any number of additional and occasional non-voting members as the Scrutiny Management Committee sees fit for the purposes of review of any item of legislation or any other matter: provided that such additional and occasional non-voting members may or may not be members of the States and also provided that neither the President nor the members of the Policy & Resources Committee shall serve on the Legislation Review Panel.

To scrutinise any matter contained in a policy letter which has been referred to the Committee by resolution of the States in accordance with any terms set out in the resolution and to submit to the States its findings thereon within a period of time set out in the resolution, which findings, together with the original matter, shall be laid before the States.

To promote and facilitate the participation in scrutiny of the widest possible range of States' members and persons independent of the States.

When determining the subject of its reviews and examinations, to pay particular attention to the performance of committees in contributing to States' objectives and policy plans and to matters which are of substantial importance or of significant public interest.

To recognise that the carrying out of scrutiny in public where possible is likely to contribute positively to public perceptions of scrutiny.

To submit a report to the States annually which reviews the work of the Committee and its panels over the previous 12 months and which sets out the Committee's objectives and, to the extent that it is possible while retaining a flexible and responsive approach to scrutiny, an indicative programme of work over the next 12 months.

To represent the work of scrutiny in the States, and publicly to promote and champion the value of scrutiny.

To advise the States if and when in its opinion circumstances justify the establishment of a Tribunal of Inquiry in accordance with the Tribunals of Inquiry (Evidence) (Guernsey) Law, 1949, as amended.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Scrutiny Management Committee and which conferred functions on the former Legislation Select Committee, Public Accounts Committee and Scrutiny Committee.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – States’ Assembly & Constitution Committee**

Constituted as a committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015.

- **Constitution**

A President and four members who shall be members of the States.

- **Duties & Powers**

To advise the States and to develop and implement policies in relation to:

1. the constitutions of the States of Deliberation and the States of Election;
2. the procedures and practices of the States of Deliberation and committees of the States;
3. the practical functioning of the States of Deliberation and the States of Election;
4. the induction, on-going support and provision of facilities and equipment for States’ members;
5. the broadcasting of proceedings of the States of Deliberation and States of Election;
6. elections to the office of People’s Deputy;
7. matters concerning the propriety and conduct of States’ members.

To exercise powers and perform duties conferred on the Committee by extant States’ resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the States’ Assembly & Constitution Committee and which conferred functions on the former States’ Assembly & Constitution Committee which existed until the 30th of April, 2016.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – States’ Trading Supervisory Board**

Constituted as a committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015. Constitution amended by resolutions of the States of the 20th of July, 2018.

- **Constitution**

A President and two members who shall be sitting members of the States; and up to two voting members who shall not be sitting members of the States; provided that neither the President nor any member of the Board shall be the President or a member of the Transport Licensing Authority.’

- **Duties & Powers**

Within a framework of policies, guidance and instructions of the States and any of their relevant committees, to:

- (a) carry out the States’ role as shareholder of any incorporated companies which are owned by the States and which the States have resolved to include in the mandate of the Board, which for the time being is the following:
 - 1. Cabernet Group;
 - 2. Guernsey Electricity;
 - 3. Guernsey Post;
 - 4. Jamesco 750.
- (b) ensure the efficient management, operation and maintenance of any States’ unincorporated trading concerns and commercial interests which the States have resolved to include in the mandate of the Board, which for the time being is the following:
 - 1. Channel Islands’ lottery;
 - 2. Guernsey Airport, which includes Alderney Airport;
 - 3. Guernsey Dairy;
 - 4. Guernsey Harbours;
 - 5. Guernsey Water;
 - 6. States’ Works;
- (c) be the Waste Disposal Authority.

To exercise powers and perform duties conferred on the Board by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the States' Trading Supervisory Board and which conferred functions on the former Commerce and Employment Department, Culture and Leisure Department, Public Services Department and Treasury and Resources Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Board by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the States.

- **Title – Transport Licensing Authority**

Constituted as a committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015.

- **Constitution**

A President and four members who shall be members of the States: provided that neither the President nor any member of the Transport Licensing Authority shall be the President or a member of the Policy & Resources Committee or the President or a member of the Committee *for* Economic Development or the President or a member of the Committee *for the* Environment & Infrastructure or the President or a member of the States' Trading Supervisory Board; and up to two non-voting members appointed by the Committee who shall not be members of the States.

- **Duties & Powers**

To determine applications for air route licences and to carry out any other transport licensing and regulatory functions which the States may confer on it from time to time.

To exercise powers and perform duties conferred on the Authority by extant States' resolution, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Transport Licensing Authority and which conferred functions on the former Commerce and Employment Department.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Authority by way of extant legislation or resolutions of the States or which may be allocated to the Authority in Annex Two to the mandates of committees of the States.

- **Title – Elizabeth College Board of Directors**

Constituted by Order in Council registered on the 11th of January, 1853 and subsequently amended.

- **Constitution**

Nine Directors, including the Dean of Guernsey (*ex-officio*).

Two Directors shall be appointed by the Lieutenant-Governor to serve for six years.

Six Directors shall be appointed by the States, one every year; and each of them shall serve for six years from the 6th of January of the year of appointment.

Any person having served the office of Director shall not be qualified for re-appointment until after the expiration of twelve months from the time of going out of office.

Any new Director appointed by the States upon a casual vacancy shall serve only for the unexpired term of the Director's predecessor.

- **Duties & Powers**

General superintendence and management of the affairs of the College.

The duties and powers of the Directors are detailed in the above Order in Council.

- **Title – Guille-Allès Library Council**

Relationship with the States set out in resolutions of the States of the 25th of January, 1978, the 21st of June, 1978, and the 25th of January, 2012.

- **Constitution**

The Council shall include, *inter alia*:

One member of the States who is a member of the Committee *for* Education, Sport & Culture; and one other member of the States.

The terms of office of these members shall be coterminous with those of ordinary members of committees of the States.

- **Duties & Powers**

The administration of the Guille-Allès Library.

- **Title – Ladies' College Board of Governors**

Constituted by the Ladies' College (Guernsey) Law, 1962, as amended, and by resolutions of the States of the 28th of November, 1990.

- **Constitution**

A Chairman who shall be nominated by the Board of Governors and appointed by the States.

Two governors who shall be appointed by the States.

Two governors who need not be members of the States who shall be nominated by the Committee *for* Education, Sport & Culture.

Two governors who need not be members of the States who shall be nominated by the Chairman and the four aforementioned governors for election by the States:

Provided that at least one of the seven aforementioned governors shall be a member of the States.

- **Duties & Powers**

The conduct of the College in accordance with the provisions of the Law.

- **Title – Priaulx Library Council**

Constituted by Article II of Billet d'État V of 1880.

- **Constitution**

Nine members, including two trustees appointed for life by the States, and two ordinary members appointed by the States.

One of the ordinary States-appointed members shall retire annually according to seniority.

Vacancies resulting from death or resignation shall be filled by the Council.

- **Duties & Powers**

The administration of the Priaulx Library.

Annex One to the Mandates of Committees of the States

A. General Responsibilities of the Policy & Resources Committee and all Principal Committees

1. to contribute to fulfilling the States' objectives and policy plans, including by supporting and participating in cross-committee work;
2. to monitor and report on policy outcomes in areas relating to its mandate;
3. to ensure that public funds and other resources are used to best advantage, including through co-operative and flexible working practices.

B. General Responsibilities of all Committees of the States

1. to exercise powers and perform duties conferred on the committee by extant legislation and by extant States' resolutions;
2. to be accountable to the States for all policies developed, actions taken and services delivered or overseen by the committee;
3. to be accountable to the States for the management and safeguarding of public funds and other resources entrusted to the committee;
4. in any policy letter submitted to the States to set out clearly how the proposals contained therein relate to the duties and powers or the purpose and policy responsibilities of the committee, how the proposals contribute to the States' objectives and policy plans and what joint working or consultation has taken place with other committees;
5. to act in accordance with the Rules of Procedure of the States and their committees;
6. to be aware of the powers, duties and limits of the committee's mandate and to respect and not to undermine the mandates of other committees of the States;
7. to be aware that a committee of the States is in effect an agent of the States of Guernsey exercising functions conferred on it by resolution of, or legislation approved by, the States of Deliberation; and as such to respect that, save in specific circumstances where legislation provides otherwise, the States may at any time they consider it desirable issue directions to a committee and that committee shall be expected to carry into effect any such directions irrespective of whether that committee or any of its individual members agree or disagree with such directions: provided that the rejection by the States of

recommendations or advice of a committee shall not *ipso facto* require the resignation of that committee.

8. when researching, considering and reporting on obligations and duties and other issues arising or potentially arising under International Instruments, to act in accordance with the "International Instruments Policy Directive" as published from time to time by the Policy & Resources Committee

C. Reference to Enactments

1. unless otherwise provided, or the context requires otherwise, a reference to an enactment in the mandate of a committee is to be interpreted as a reference to the enactment as from time to time amended, re-enacted with or without modification, extended or applied.

Annex Two to the Mandates of Committees of the States

Schedule of Committees' Operational Functions

Policy & Resources Committee – Operational Functions

The Policy & Resources Committee shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
1. External relations
 2. Providing administrative support for independent tribunals
 3. Public Sector Remuneration
 4. Revenue Service
 5. Government policy function
 6. Treasury
 7. Provision of corporate services including:
 - a. Business continuity
 - b. Communications
 - c. Data and analysis services
 - d. Data protection
 - e. Finance services
 - f. Health and safety
 - g. Information and support services
 - h. Insurance services
 - i. Internal Audit
 - j. OneHR
 - k. Payments to States' Members
 - l. Procurement services
 - m. Risk management
 - n. Shared services
 8. Providing advice and administrative support for the Island's Douzaines through the Douzaine Liaison Group
 9. Prioritisation of legislation
 10. Alderney Liaison Group
 11. Sark Liaison Group
 12. The Bailiwick Council
 13. Oversight and co-ordination of the Channel Islands Public Service Board
 14. Studying and reporting on Schemes for the application of certain General Synod measures⁶.
 15. States' Property Unit

⁶ See Resolution 3(a) of Billet d'État XXI of 27th November 2015
(<https://www.gov.gg/CHttpHandler.ashx?id=99231&p=0>)

[Management and administration of all States-owned and leased property and real estate including the provision of advice to the organisation on property matters and the provision of corporate engineering and architectural services]

- (b) Any other operational functions for which the Policy & Resources Committee was responsible for delivering or overseeing immediately before 13th August 2019.

Committee for Economic Development – Operational Functions

The Committee *for* Economic Development shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
 - 1. Promoting and attracting economic activity to Guernsey through the implementation of the States of Guernsey's economic development strategy
 - 2. Visit Guernsey
 - 3. Locate Guernsey
 - 4. Digital Greenhouse
 - 5. Sea Fisheries
 - 6. Providing advice and administrative support for the Guernsey Registry (Companies Registry and Intellectual Property Office)
 - 7. Providing advice and administrative support for the Office of the Director of Civil Aviation Office
 - 8. Providing advice and administrative support for the Aircraft Registry (2-Reg)
 - 9. Broadcasting services
 - 10. Providing advice and administrative support for the Office of the Public Trustee
 - 11. Providing advice and administrative support for regulated sectors under the Committee's mandate
- (b) Any other operational functions for which the Committee *for* Economic Development was responsible for delivering or overseeing immediately before 13th August 2019.

Committee for Education, Sport & Culture – Operational Functions

The Committee for Education, Sport & Culture shall deliver or oversee the delivery of –

(a) Operational functions relating to -

Sport & Culture

1. The management of Beau Sèjour Leisure Centre
2. The management of outdoor sporting and recreational facilities excluding public parks (but including Delancey Park)
3. The management of the States of Guernsey museums and galleries
4. The management of States of Guernsey historical and archaeological sites
5. The planning and implementing of appropriate arrangements to mark the Island's celebrations of Liberation Day including religious services

Education

6. Oversight of the Guernsey Training Agency
7. The management of the Institute of Health & Social Care Studies
8. Pre-school places, funding and quality standards
9. The management of mainstream and special schools, St Anne's Alderney and Herm School
10. Post 16 education
11. Governance of schools
12. Professional Standards in teaching
13. Providing advice and administrative support in respect of the Grant-Aided Colleges, including but not limited to financial support for special place holders and fee payers at the Grant-Aided Colleges
14. Higher education and further education on and off-Island, including student finance

Services

15. Island Archives
16. Library Services, including the Schools' Library Service, and grant support for the Guille Allès Library and Priaulx Library
17. Guernsey Music Service
18. Careers Guernsey - all-age careers service
19. GWEx – Guernsey Work Experience for school children
20. Providing grant-aid, liaison with, and oversight of the:
 - Youth Commission, including the Holiday Playscheme and the Duke of Edinburgh Awards Scheme
 - Sports Commission
 - Arts Commission
21. States Apprenticeship Scheme – grant aid
22. Support to third party providers of services including grant aiding organisations e.g. Dyslexia Day Service, Sailing Trust

Special Education Needs Support Services; Safeguarding; Health and Well-being

23. Health and relationship advisory services
24. Co-ordination and quality assurance of support agencies and external providers supporting schools
25. Support services for children with learning and communication difficulties, including behavioural, visual and sensory needs
26. Formal Assessment and Determination of Need and SEN Code of Practice
27. Special Education Equipment Grants
28. English as an additional language
29. Communication and Autism Service
30. Education Psychology Service
31. School Attendance Service
32. Home education and education other than at school
33. Multi-agency support e.g. ASET and MASH; mental health and well-being; child-protection
34. Serious Case Reviews and Islands Safeguarding Children Partnership
35. Critical Incident Support for schools including Child Protection and Business Continuity

Education Authority, Policy and Quality Assurance

36. Strategy, Policy & Quality Assurance of Education Authority functions and Education Policy
37. SACRE – School Advisory Council for Religious Education
38. Inspection of all Schools and College of Further Education
39. Inspection of Education Services/Audit of Sport & Culture Services
40. Standards and learning effectiveness
41. Summer Schools and transition days

Admissions

42. School Admissions including pre-school, special school, primary, secondary and post-16
43. Catchment areas; planning and management

Training

44. Education Development Centre: Professional Development
45. Initial Teacher Training and QTS training programmes training. Progression pathways for Learning Support Assistants
46. In-service training (INSET) and CPD

Resources & Communication

47. Outdoor Learning and off-site visits –advice and compliance with safety procedures and trip planning
48. School Transport Services (in conjunction with the Office of the Committee for the Environment & Infrastructure)
49. School facilities hire

- 50. Building maintenance for education controlled premises
- 51. Health and Safety / Risk Management
- 52. Education Building Programmes (development and maintenance of the Education real estate)
- 53. Parents' open events and forums
- 54. Guernsey Prison Partnership Agreement

- (b) Any other operational functions for which the Committee *for* Education, Sport & Culture was responsible for delivering or overseeing immediately before 13th August 2019.

Committee *for* Employment & Social Security – Operational Functions

The Committee *for* Employment & Social Security shall deliver or oversee the delivery of –

(a) Operational functions relating to -

1. The Health and Safety Executive
2. The Employment Relations Service
3. The Guernsey Legal Aid Service
4. The administration of contributory and non-contributory benefits
5. The operation of the Job Centre and various back to work and work rehabilitation programmes
6. The organisation of reciprocal agreements relating to social insurance entitlements
7. Administration of the Corporate Housing Programme (CHP), including the CHP Fund
8. Management and maintenance of States-owned social rented housing
9. Administration of keyworker accommodation
10. Administration of social rented and extra care housing allocation and waiting lists
11. The distribution and management of a number of charitable grants.

(b) Any other operational functions for which the Committee *for* Employment & Social Security was responsible for delivering or overseeing immediately before 13th August 2019.

Committee for the Environment & Infrastructure – Operational Functions

The Committee *for the* Environment & Infrastructure shall deliver or oversee the delivery of

–

(a) Operational functions relating to -

Environment: Environmental Protection and Management

1. The promotion and coordination of environmental initiatives;
2. Environmental management and advice⁷
3. The conservation and enhancement of the natural and semi-natural environment;
4. The management of the natural and semi-natural environment of States owned land including sites of nature conservation importance, cliff paths, beaches, headlands, Lihou island and other public areas and parks, gardens and plantations;
5. Plant Health (& control of weeds and invasive plant species)
6. The management of environmental emergencies
7. Environmental Health⁸
8. Agriculture and Countryside:
 - Guernsey cattle breed programme (AI Service and breed recording)
 - Farm Biodiversity Action Plans and state aid
 - Countryside and farming advice
 - Provision of slaughterhouse and carcass incinerator facilities
 - Veterinary Services / States Veterinary Officer,
 - Animal Health (& biosecurity)
 - Animal Welfare (& the licensing of veterinary surgeons and veterinary medicines)

Infrastructure : Land Use and Planning

9. Providing advice and administrative support for the preparation of the:
 - Strategic Land Use Plan
 - Marine Spatial Plan
10. Providing administrative support for the Planning Panel

Infrastructure : Coastal Infrastructure

11. The maintenance and repair of all sea wall structures around the Island

⁷ NB - States resolution 5 of 8th February 2012 (Article X of Billet d'État X of 2012¹² refers) requires oversight/liaison with the Director of Environmental Health and Pollution Regulation (the Director) on water pollution and monitoring for the same. These functions will be carried out by the Director when Part VI (Water Pollution) of the Environmental Pollution (Guernsey) Law, 2004 is commenced.

⁸ NB – under the provisions of the Loi relative à la Santé Publique, 1934, the Public Health Ordinance, 1936, the Food and Environment Protection Act 1985 (Guernsey) Order 1987 and the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016, the statutory responsibility rests with the Committee *for* Health & Social Care; however the duties are exercised by the Office for Environmental Health & Pollution Regulation with operational oversight by the Committee *for the* Environment & Infrastructure.

12. Coastal flood/sea inundation prevention schemes and developments
13. La Vallette Bathing Pools
14. Alderney Breakwater

Infrastructure : Transport

15. Traffic management, road safety and the regulation of public transport
16. Vehicle registration and vehicle and driver licensing
17. The maintenance of the structure and wearing surfaces of the road network and green lanes including road cleaning.
18. The management, collection and disposal of surface waters that fall on and/or pass under the road network.

Infrastructure : Maritime Affairs

19. Receivership of wrecks
20. Administration of the Maritime Strategy
21. Administration of the Civil Hydrography Programme

Infrastructure : Housing

22. Administration of the Open Market Housing Register

Infrastructure : Energy

23. Energy advisory services
24. Renewable energy – trials, data acquisition, and public understanding

Infrastructure : Commodities

25. Security of supply of essential commodities including food, fuel and energy

- (b) Any other operational functions for which the Committee *for the Environment & Infrastructure* was responsible for delivering or overseeing immediately before 13th August 2019.

Committee *for* Health & Social Care – Operational Functions

The Committee *for* Health & Social Care shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
1. Providing advice and administrative support in relation to the:
 - governance, regulation and registration of health and social care professionals and services
 - regulation of nursing and residential homes
 - Health Improvement Commission
 2. Commissioning and delivery of various health and social care services including secondary healthcare and off island services
 3. Acute hospital services including adult, paediatric, maternity and neonatal services
 4. Diagnostic and therapeutic services
 5. Children and Family Community Services
 6. Adult Community Services including services within the community, services for older people and for adults with a disability
 7. Mental Health
 8. Providing administrative support for statutory officials within health and social care
 9. Public Health Services
 10. Environmental Health⁹
 11. Liaison with Sark for health and social care
 12. Carewatch
- (b) Any other operational functions for which the Committee *for* Health & Social Care was responsible for delivering or overseeing immediately before 13th August 2019.

⁹ NB – under the provisions of the Loi relative à la Santé Publique, 1934, the Public Health Ordinance, 1936, the Food and Environment Protection Act 1985 (Guernsey) Order 1987 and the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016 the statutory responsibility rests with the Committee *for* Health & Social Care; however the duties are exercised by the Office *for* Environmental Health & Pollution Regulation with operational oversight by the Committee *for* the Environment & Infrastructure.

Committee *for* Home Affairs – Operational Functions

The Committee *for* Home Affairs shall deliver or oversee the delivery of –

- (a) Operational functions relating to -
 - 1. Providing advice and administrative support for
 - The Population Management Law
 - Liquor licensing
 - The registration and control of firearms
 - Gambling
 - The Disclosure and Barring Service and Vetting Unit
 - 2. The operation of:
 - Law Enforcement
 - Guernsey Prison
 - Guernsey Probation Service
 - Family Proceedings Advisory Service
 - Guernsey Fire and Rescue Service
 - Emergency Planning function and Civil Protection Volunteer
 - 3. Providing administrative support to independent tribunals
- (b) Any other operational functions for which the Committee *for* Home Affairs was responsible for delivering or overseeing immediately before 13th August 2019.

Civil Contingency Authority – Operational Functions

The Civil Contingency Authority shall deliver or oversee the delivery of –

- (a) Operational functions conferred under Parts 2 and 3 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012.
- (b) Any other operational functions for which the Civil Contingencies Authority was responsible for delivering or overseeing immediately before 13th August 2019.

Development & Planning Authority – Operational Functions

The Development & Planning Authority shall deliver or oversee the delivery of –

(a) Operational functions relating to -

1. Planning legislation (except those that relate to planning inquiry administration), including:
 - Enforcing planning legislation
 - Operational functions relating to preparing development plans, subject plans, local planning briefs, guidance notes, development frameworks
 - Administering planning applications and pre-application advice requests
 - Making building regulations and Guernsey technical standards
 - Administering building regulation applications and pre-application advice requests
 - Conservation and design advice
 - Administering the statutory lists of protected buildings and protected monuments
 - Administering tree protection orders and functions in relation to sites of special significance and conservation areas
 - Immunity certificates and property searches
2. The High Hedges (Guernsey) Law, 2016
3. Loi ayant rapport aux Licences pour les Salles Publiques, 1914, public building and entertainment inspection and licensing
4. Providing advice and administrative support relating to land planning
5. Clearance of ruins

(b) Any other operational functions for which the Development & Planning Authority was responsible for delivering or overseeing immediately before 13th August 2019.

Overseas Aid & Development Commission – Operational Functions

The Duties & Powers set out in the mandate of the Overseas Aid & Development Commission are also considered operational functions.

Any other operational functions for which the Overseas Aid & Development Commission was responsible for delivering or overseeing immediately before 13th August 2019.

Scrutiny Management Committee – Operational Functions

The Scrutiny Management Committee shall deliver or oversee the delivery of –

- (a) Operational functions relating to -

Scrutiny

1. Providing advice and administrative support for the process of political scrutiny

Public Accounts

2. Providing advice and administrative support for proper scrutiny to be given to the States assets, expenditure and revenues
3. Providing advice and administrative support for the examination of whether public funds have been applied for the purposes intended by the States
4. Providing advice and administrative support for the external audit process

Legislation

5. Providing advice and administrative support the review and revision of draft Projets de Loi and Ordinances as transmit for enactment in accordance with Article 66 of the Reform (Guernsey) Law, 1948

- (b) Any other operational functions for which the Scrutiny Management Committee was responsible for delivering or overseeing immediately before 13th August 2019.

States' Assembly & Constitution Committee – Operational Functions

The States' Assembly & Constitution Committee shall deliver or oversee the delivery of

- (a) Operational functions relating to -
 - 1. Providing advice and administrative support in relation to the Committee's mandate
 - 2. Hansard – production and publication
 - 3. Statistics relating to States' Members and Meetings – collation and presentation to the States of Deliberation
- (b) Any other operational functions for which the States' Assembly & Constitution Committee was responsible for delivering or overseeing immediately before 13th August 2019.

States' Trading Supervisory Board – Operational Functions

The States' Trading Supervisory Board shall deliver or oversee the delivery of –

(a) Operational functions relating to -

1. Management of Guernsey and Alderney airports
2. Management of St Peter Port and St Sampson's Harbours including:
 - Coast guard services
 - Guernsey register of British ships
 - Maritime safety including the investigation of marine accidents, provision of navigational aids, safety information and liaison with search and rescue services
 - Monitoring the compliance with international and local laws of all vessels in Bailiwick waters and control of shipping in Bailiwick waters, excluding receiver of wreck and responding to pollution at sea
 - Pilotage services
3. Management of the collection, disposal and recovery of solid waste
4. The Waste Disposal Authority
5. Management of the public water supply and waste water disposal including:
 - Monitoring water catchment area for pollution & nutrient levels
 - Management of controlled streams
 - Collection and treatment of rainfall
 - Water pollution
6. Management of a direct labour organisation and emergency works response team (States' Works)
7. Management of the Guernsey Dairy including liaison with its stakeholders
8. Administration and promotion of the Channel Islands' lottery
9. Shareholder's functions and duties in respect of the States' trading companies.

(b) Any other operational functions for which the States' Trading Supervisory Board was responsible for delivering or overseeing immediately before 13th August 2019.

Transport Licensing Authority – Operational Functions

The Transport Licensing Authority shall deliver or oversee the delivery of –

- (a) Operational functions relating to:
 - Providing administrative support for the regulation and licensing of transport services under the Air Transport Licensing (Guernsey) Law, 1995, including the issuing of air route licences.
- (b) Any other operational functions for which the Transport Licensing Authority was responsible for delivering or overseeing immediately before 13th August 2019.

Schedule 1

Dates for the first day of States' Meetings (all Wednesday, except where indicated)

2020	
States Meeting	Statements
16 th October (Friday)	Election of the President, Policy & Resources Committee
17 th October (Saturday)	Election of the Members, Policy & Resources Committee
19 th October (Monday)	Election of the Committee Presidents
21 st October	Election of the Committee Members and Non-Governmental Body Members
4 th November	Policy & Resources Committee Committee <i>for</i> Economic Development
25 th November	Committee <i>for</i> Education, Sport & Culture Committee <i>for the</i> Environment & Infrastructure Development & Planning Authority
15 th December	Budget Report (Tuesday)
16 th December	Committee <i>for</i> Employment & Social Security Committee <i>for</i> Health & Social Care Overseas Aid & Development Commission
2021	
States Meeting	Statements
27 th January	Committee <i>for</i> Home Affairs The States of Alderney
24 th February	Scrutiny Management Committee States' Assembly & Constitution Committee
17 th March	P&R Plan Phase 1 Report
24 th March	States' Trading Supervisory Board Transport Licensing Authority
28 th April	Policy & Resources Committee Committee <i>for</i> Economic Development

26 th May	Committee <i>for</i> Education, Sport & Culture Committee <i>for the</i> Environment & Infrastructure
16 th June	States of Guernsey Annual Accounts Committee <i>for</i> Employment & Social Security Committee <i>for</i> Health & Social Care
14 th July	Committee <i>for</i> Home Affairs
21 st July	Government Work Plan – Stage 2
8 th September	Policy & Resources Committee Committee <i>for</i> Economic Development
29 th September	N/A
13 th October	Committee <i>for</i> Education, Sport & Culture Committee <i>for the</i> Environment & Infrastructure
2 nd November (Tuesday)	Budget Meeting & Policy Letter of the Committee for Employment & Social Security on uprating of non-contributory benefits
24 th November	Committee <i>for</i> Employment & Social Security Development & Planning Authority
15 th December	Committee <i>for</i> Health & Social Care Overseas Aid & Development Commission

2022	
States Meeting	Statements
26 th January	Committee <i>for</i> Home Affairs The States of Alderney
16 th February	Scrutiny Management Committee States' Assembly & Constitution Committee
30 th March	Policy & Resources Committee Committee <i>for</i> Economic Development
27 th April	Committee <i>for</i> Education, Sport & Culture Committee <i>for the</i> Environment & Infrastructure
25 th May	Committee <i>for</i> Employment & Social Security Committee <i>for</i> Health & Social Care
28 th June (Tuesday)	Government Work Plan (Annual Report) & Accounts
29 th June	States' Trading Supervisory Board Transport Licensing Authority

13 th July	Committee <i>for</i> Home Affairs
7 th September	Policy & Resources Committee Committee <i>for</i> Economic Development
28 th September	Committee <i>for</i> Education, Sport & Culture Committee <i>for the</i> Environment & Infrastructure
19 th October	Committee <i>for</i> Employment & Social Security Development & Planning Authority
1 st November (Tuesday)	Budget Meeting & Policy Letter of the Committee for Employment & Social Security on uprating of non-contributory benefits
23 rd November	Committee <i>for</i> Health & Social Care Overseas Aid & Development Commission
14 th December	Committee <i>for</i> Home Affairs

2023	
States Meeting	Statements
25 th January	The States of Alderney
15 th February	Scrutiny Management Committee States' Assembly & Constitution Committee
29 th March	Policy & Resources Committee Committee <i>for</i> Economic Development
26 th April	Committee <i>for</i> Education, Sport & Culture Committee <i>for the</i> Environment & Infrastructure
24 th May	Committee <i>for</i> Employment & Social Security Committee <i>for</i> Health & Social Care
21 st June ¹	<i>n/a</i>
5 th July	States' Trading Supervisory Board Transport Licensing Authority
18 th July (Tuesday) ²	Government Work Plan (Annual Report) & Accounts
19 th July	Committee <i>for</i> Home Affairs
6 th September	Policy & Resources Committee Committee <i>for</i> Economic Development

27 th September	Committee <i>for</i> Education, Sport & Culture Committee <i>for the</i> Environment & Infrastructure
18 th October	Committee <i>for</i> Employment & Social Security Development & Planning Authority
7 th November (Tuesday)	Budget Meeting & Policy Letter of the Committee for Employment & Social Security on uprating of non-contributory benefits
22 nd November	Committee <i>for</i> Health & Social Care Overseas Aid & Development Commission
13 th December	Committee <i>for</i> Home Affairs

¹ Date of Ordinary Meeting inserted by [States Resolution on 31st March 2023](#)

² Date of the June Special Meeting amended by [States Resolution on 27th January 2023](#) from 20th June to 18th July 2023

2024	
States Meeting	Statements
24 th January	The States of Alderney
21 st February	Scrutiny Management Committee States' Assembly & Constitution Committee
20 th March	Policy & Resources Committee Committee <i>for</i> Economic Development
24 th April	Committee <i>for</i> Education, Sport & Culture Committee <i>for the</i> Environment & Infrastructure
22 nd May	Committee <i>for</i> Employment & Social Security Committee <i>for</i> Health & Social Care
18 th June (Tuesday)	Government Work Plan (Annual Report) & Accounts
3 rd July	States' Trading Supervisory Board Transport Licensing Authority
17 th July	Committee <i>for</i> Home Affairs
4 th September	Policy & Resources Committee Development & Planning Authority
25 th September	Committee <i>for</i> Economic Development Overseas Aid & Development Commission
23 rd October	Committee <i>for</i> Education, Sport & Culture Committee <i>for the</i> Environment & Infrastructure
5 th November (Tuesday)	States of Guernsey Annual Budget Up-rating of non-contributory benefits

20 th November	Committee <i>for</i> Health & Social Care The States of Alderney
11 th December	Committee <i>for</i> Home Affairs Committee <i>for</i> Employment & Social Security
2025	
22 nd January	Committee <i>for</i> Economic Development Scrutiny Management Committee
5 th February	Policy & Resources Committee
19 th February	Committee <i>for</i> Education, Sport & Culture States' Assembly & Constitution Committee
5 th March	Committee <i>for the</i> Environment & Infrastructure Transport Licensing Authority
19 th March	Committee <i>for</i> Employment & Social Security Committee <i>for</i> Health & Social Care
9 th April	Committee <i>for</i> Home Affairs States' Trading Supervisory Board
30 th April	n/a
1 st July (Tuesday)	Election of President of the Policy & Resources Committee
2 nd July (Wednesday)	Election of Members of the Policy & Resources Committee
4 th July (Friday)	Election of Presidents
7 th July (Monday)	Election of Committee Members
15 th July (Tuesday)	States of Guernsey Accounts
16 th July	Policy & Resources Committee

Schedule 2



**DECLARATION OF INTERESTS
MADE PURSUANT TO RULES 29 AND 36 OF THE RULES OF PROCEDURE
OF THE STATES OF DELIBERATION AND THEIR COMMITTEES**

<i>Surname:</i>	<i>Forenames in full:</i>
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I hereby certify that, to the best of my knowledge and belief, this Declaration of Interests gives full and complete particulars, as at the date of this declaration, of all matters which I am required to declare, as a Member of the States of Deliberation, pursuant to Rules 29 and 36 of the Rules of Procedure of the States of Deliberation and their Committees or as a person who is a non-States member of a States' Committee pursuant to Rule 46.

I understand that I am required to declare interests or benefits of which I am aware received by my spouse, co-habiting partner or infant children.

I further understand that this form is a public document and will be published on the States' website.

<i>Signature:</i>	<i>Date:</i>
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This form must be returned to the States' Greffier not later than the 30th July 20.**

For use by the States' Greffier:

Date return received:

PART 1
Employment

Enter 'none' in box if there
is no interest to declare

<i>Name and address of each Employer</i>	<i>Brief description of the business/work</i>

PART 2
Directorships

Enter 'none' in box if there
is no interest to declare

<i>Name and address of each Company</i>	<i>Brief description of the business/work</i>

PART 3
Partnerships

Enter 'none' in box if there
is no interest to declare

<i>Name and address of each Partnership</i>	<i>Brief description of the business/work</i>

PART 4
Offices Held

Enter 'none' in box if there
is no interest to declare

<i>Name and address of each Office held</i>	<i>Brief description of the business/work</i>

PART 5
Self-Employment and any other Consultancy, Profession, Trade, Vocation or other work not
declared in Parts 1-4

Enter 'none' in box if there
is no interest to declare

<i>Brief description of the business/work</i>	<i>Name and address of any person or entity from whom you receive payment or benefit which forms a significant portion of either your income from this work or your total income</i>

PART 6
Real Property situated in the Bailiwick

Enter 'none' in box if there
is no interest to declare

<i>Address of each Property</i>	<i>State whether owned, leased, rented or held in trust</i>	<i>Purpose for which Property is held</i>

PART 7
Company Shareholdings

Enter 'none' in box if there
is no interest to declare

Name and address of each Company

In respect of companies listed above where the holding is over 10% of the issued share capital, give a brief description of their business/work and state what real property, if any, they hold (either directly or indirectly) in the Bailiwick.

PART 8
Trusts (excluding Professional Trusteeships)

Enter 'none' in box if there
is no interest to declare

Name and address of each Trust

State whether as beneficiary or trustee

PART 9

Payments received for Public Speaking

Enter 'none' in box if there is no interest to declare	
--	--

Name and address of each organisation from which a payment was received in the period from 1 st June 20** to 31st May 20** §	Brief description of the function at which the speech was made

§ This section does not apply to Members who were not in office during the relevant period.

PART 10

Other Gifts, Benefits and Hospitality Received

Enter 'none' in box if there is no interest to declare	
--	--

Declare all gifts and material benefits received by you, a close family member or associate in the period from 1 st June 20** to 31st May 20** § which are of a value greater than 1% of basic allowance payable to States Members	
Nature of gift or benefit:	
By whom received:	
Name of donor or benefactor:	
Value of gift or benefit:	
If gift was money or a tangible item state date that money or item was transferred or delivered to the States	

§ This section does not apply to Members who were not in office during the relevant period.

PART 11
Any Other Interests

Enter 'none' in box if there
is no interest to declare

Declare here any other interest or benefit received which, whilst not required to be registered under Parts 1-10 might reasonably be perceived by other persons to influence actions as an elected Member of the States.

PART 12
Employment by the States of close Family Members

Enter 'none' in box if there
is no interest to declare

Declare here the name, familial relationship, job title and usual place of work of any of the following who is an employee of the States, that is to say parent, spouse, cohabiting partner, child, grandchild or sibling.

CONTINUATION SHEETS

If there was insufficient space provided in any Part of this form please add a continuation sheet.

Are any continuation sheets attached?

YES / NO

If yes, specify number of sheets

EXPLANATORY NOTES

Applicability of Declaration to Interests of the Member's spouse, co-habiting partner and infant children

Throughout this form, in addition to those matters which relate directly to you, you are also required to declare any interests of which you are aware which relate to your spouse, co-habiting partner and infant children. An infant child is one who has not yet attained the age of 18 years.

PART 1 Employment

If you are currently employed, whether or not you are in receipt of remuneration, state the name and address of every employer and give a brief description of the main business activities of each of those employers.

Do **not** include your position as a Member of the States of Deliberation.

You are **not** required to declare the amount of any remuneration or benefit received.

PART 2 Directorships

State the name and address of every company of which you are a director, whether or not you are in receipt of remuneration, and give a brief description of the main business activities of each of those companies.

You are **not** required to declare the amount of any remuneration or benefit received.

PART 3 Partnerships

State the name and address of every partnership or firm of which you are a partner, whether or not you are in receipt of remuneration, and give a brief description of the main business activities of each of those partnerships or firms.

You are **not** required to declare the amount of any remuneration or benefit received.

PART 4

Offices Held

State the name and address of every organisation in which you are the holder of any office, whether or not you are in receipt of remuneration, and give a brief description of the main activities of each of those organisations.

An office-holder is someone who by virtue of that office is able to take part in the making of executive decisions on behalf of the organisation.

You are **not** required to declare the amount of any remuneration or benefit received. Similarly you are **not** required to declare any general membership or similar relationship with those organisations. The following two examples are offered as illustrations:

- X is an ordinary member of a natural history society – this is **not** declarable but if X were a member of the Society's Council it would be declarable.
- Y is member of a church congregation – this is **not** declarable but if Y were a Churchwarden it would be declarable.

PART 5

Self-Employment and any other Consultancy, Profession, Trade, Vocation or other work not declared in Parts 1-4

Give a brief description of the main business activities relating to any business in which you are self-employed, consultancies, professions, trades or vocations or other work not otherwise declared.

If you receive a payment or other benefit from any person or entity which forms either a significant portion of your total income or your income from that particular work, then you must also declare the name and address of such person or entity.

“Significant” in this regard means more than one-third.

You are **not** required to declare the amount of any payment or benefit received.

PART 6

Real Property situated in the Bailiwick

List all real property – including your principal place of residence – which you own either in your own name or jointly with others, or lease, or rent, or which is held in trust on your behalf.

A brief statement declaring the purpose for which the property is held is also required, for example – “principal residence”; investment property for letting”, agricultural land let to farmer”, etc.

PART 7 Company Shareholdings

List the name and registered office of every limited liability company in which you own shares which exceed 1% of the issued share capital. A declaration must also be made when the aggregate of the shareholdings of one or more of yourself, your spouse, co-habiting partner and infant children exceeds 1% of the issued share capital.

In addition, if the shareholding, or aggregate shareholding, exceeds 10% of the issued share capital you must also give a brief description of the main business activities of each of those companies and state what real property, if any, situated in the Bailiwick is held, either directly or indirectly, by the company.

PART 8 Trusts (excluding Professional Trusteeships)

List any trust of which you are either a trustee or a beneficiary. This includes family trusts but **excludes** any trust of which you are trustee in a professional capacity. In such cases an appropriate declaration should be made in Part 5.

You are **not** required to declare the value of the trust or the value or nature of any beneficial interest which you may have therein.

PART 9 Payments received for Public Speaking

Give the name and address of each organisation from which you received for your personal benefit a payment for public speaking during the year ending 30th April 20**, together with a brief description of the function at which the speech was made. You are **not** required to declare public speeches where the payment received was wholly for the benefit of a charitable organisation.

You are **not** required to declare the amount of any remuneration or other benefit received.

PART 10

Other Gifts, Benefits and Hospitality Received

1. Any gift or material benefit received by a Member, or to the Member's knowledge by his or her spouse, co-habiting partner or infant children, must be declared if it:
 - (a) in any way relates to membership of the States; and
 - (b) is of a value greater than 1% of the basic remuneration for the time being payable to ordinary States Members (*i.e. the rate payable to Members who are not the President, Policy & Resources Committee, Committee Presidents or Vice-Presidents*) – hereafter referred to as the “qualifying value”.
2. **Gifts of money or tangible items (e.g. jewellery, glassware), or other benefits (e.g. hospitality, tickets to sporting and cultural events, relief from indebtedness, loan concessions, provision of services, etc.) must be declared if they exceed the qualifying value. The Code of Conduct for States' Members requires that any such money or tangible gifts received by a Member must not be retained but must be transferred or delivered into the ownership of the States.**
3. This means that any gift, or other benefit, which in any way relates to membership of the States and which is given gratis, or at a cost below that generally available to members of the public, shall be declared whenever the value of the gift or benefit is greater than the qualifying value. Any similar gift or benefit which is received by any company or organisation in which the Member, his or her spouse, co-habiting partner or infant children have a controlling interest must also be declared.
4. Gifts and other benefits from the same or associated sources in the course of the relevant 12 months which cumulatively are of greater value than the qualifying value must be registered, even if each single gift or benefit is of lesser value.
5. Benefits, such as tickets to sporting or cultural events, received by another person together with or on behalf of a Member must be declared as if they had been received by the Member.
6. Gifts or other benefits from another Member of the States are to be declared in the same way as those received from other persons.
7. Excepted from declaration:
 - a. are gifts and benefits known to be available to all Members of the States;
 - b. is attendance at a conference or a site visit within the Bailiwick, the United Kingdom, Jersey and the Isle of Man in the context of legitimate States' business where the organiser meets reasonable travel and subsistence costs only;
 - c. is hospitality provided in the context of legitimate States' business by the States of Guernsey, States of Alderney, Chief Pleas of Sark or the governments the United Kingdom, Jersey or the Isle of Man or the devolved institutions in Scotland, Wales or Northern Ireland.

8. Gifts and material benefits are exempt from declaration if they do not relate in any way to membership of the States. Whether this exemption applies in any particular case is necessarily a matter of judgment. Both the possible motive of the giver and the use to which the gift is put have to be considered: if it is clear on both counts that the gift or benefit is entirely unrelated to membership of the States, and would not reasonably be thought by others to be so related, it need not be declared. If a Member has any doubt the gift or benefit must be declared.

PART 11

Any Other Interests

List any other interest or benefit received which you have not been required to declare in other parts of this form but which might reasonably be perceived by other persons to influence your actions as an elected Member of the States.

You are **not** required to declare the value of any interest or benefit received.

You may also use this section to record any interests or other matters that are not required to be registered but which, in your opinion, should be disclosed to the public.

WHAT HAPPENS TO THIS RETURN?

Declarations must be made annually between the 1st and the 31st July.

The information required in Parts 9 and 10 is in respect of the 12 months ending on the previous 31st May.

The declarations are available for public inspection at the Greffe during normal opening hours and are published on the States' website.

Schedule 3



**DECLARATION OF CRIMINAL CONVICTIONS
MADE PURSUANT TO RULES 29 AND 46 OF THE RULES OF PROCEDURE
OF THE STATES OF DELIBERATION AND THEIR COMMITTEES**

<i>Surname:</i>	<i>Forenames in full:</i>
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I hereby certify that, to the best of my knowledge and belief, this Declaration of Unspent Convictions gives full and complete particulars, as at the date of this declaration, of all matters which I am required to declare, as a Member of the States of Deliberation, pursuant to Rule 29 of the Rules of Procedure of the States of Deliberation and their Committees or as a person who is a non-States member of a States' Committee pursuant to Rule 46.

I further understand that this form will be included in the Register of Members' Unspent Convictions and will be available for public inspection at the Greffe whenever the Greffe is open for normal business.

<i>Signature:</i>	<i>Date:</i>
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This form must be returned to the States' Greffier not later than the 31st July

Declaration of Unspent Convictions

Enter 'none' in the box if there are no unspent convictions to declare	
--	--

Declare here any unspent convictions which resulted in a sentence of imprisonment imposed by a court in any jurisdiction.

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Explanatory note:

Rule 29 requires disclosure of any criminal convictions resulting in sentences of imprisonment which are not to be treated as spent pursuant to the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 ("unspent convictions"). In broad terms, such a conviction is "unspent" until the end of the following periods, according to the length of prison sentence imposed in respect of it:

Imprisonment (including a suspended sentence of imprisonment) for a term exceeding 6 months but not exceeding 30 months	10 years after the date of conviction, or 5 years if the person was under 18 when convicted
Imprisonment (including a suspended sentence of imprisonment) for a term not exceeding 6 months	7 years after the date of conviction, or 3 ½ years if the person was under 18 when convicted

It is important to note that convictions recorded outside the Bailiwick are equally subject to rehabilitation, and are "unspent" for the same periods. The only exception is that these Rules do NOT require the unspent conviction to be declared if the conduct concerned would not be an offence if committed in Guernsey at the time the declaration is made. **A conviction resulting in a sentence in excess of 30 months' imprisonment is never spent, and must be declared irrespective of its date.**

For use by the States' Greffier:

Date return received:

Schedule 4



**APPLICATION FOR PROXY VOTING FOR PARENTAL ABSENCE
MADE PURSUANT TO RULE 26 OF THE RULES OF PROCEDURE
OF THE STATES OF DELABERATION AND THEIR COMMITTEES**

<i>Surname:</i>	<i>Forenames in full:</i>
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I apply to vote by proxy from:

to

(Please insert the start date)

(Please insert the end date)

** Please note the maximum duration for the permission to vote by proxy under this Rule is six continuous months.*

I can confirm that the following Member has agreed to cast my proxy vote over the period stated above:

(Member's Full Name)

(Nominated Member's signature)

<i>Signature:</i>	<i>Date:</i>
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For use by the Presiding Officer

Date form received:

As at 23rd July 2021



**THE RULES OF PROCEDURE
OF THE STATES OF DELIBERATION
AND THEIR COMMITTEES**

QUICK REFERENCE GUIDE

Section 1: The Rules of Procedure of the States of Deliberation

Accounts (Annual Accounts of the States)	Rules
- Date and business of Meeting	1.(2) & 9.(3)
- Publication of Accounts and Propositions	3.(12)
Adjournments	Rules
- Meeting adjourned to the next or alternative day	6.(3) & (4)
- Request for adjournment by Member opening or replying to debate	17.(3)
- Adjourned/deferred items to be included on Schedule for next meeting	3.(15)
- Adjourning the Meeting in a case of grave disorder	8.(8)
Appendix Report	Rules
- Submission and circulation of an appendix report	3.(3)
- Motion to debate an Appendix Report: Process and debate	20
Appointments laid before the States: motion to annul	Rule 19
Attendance of Meetings	Rules
- Roll Call	7.(3)
- If absent at Roll Call, Members must be relevé(e) to speak or vote	7.(5)
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13. You must:
- > implement decisions conscientiously
 - > act in a way which deserves and retains the confidence of States Members, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in the future
 - > comply with any restrictions that have been laid down on your political activities.
14. You must not:
- > allow your personal political views to determine any advice you give or your actions.

RIGHTS & RESPONSIBILITIES

15. Your Chief Officer has a duty to make you aware of this Code and its values. If you believe you are being required to act in a way which conflicts with this Code, your Chief Officer has a duty to consider your concern, and to ensure that you are not penalised for raising such a concern.
16. If you have such a concern¹, you should in the first instance raise it with your line manager or someone else in your line management chain. If for any reason you would find this difficult, you should raise the matter with your Chief Officer or equivalent.
17. If you become aware of actions by others which you believe conflict with this Code you should report this to your line manager or someone else in your line management chain; alternatively you may wish to seek advice from your Chief Officer or equivalent.
18. This Code is part of the contractual relationship between you and the States of Guernsey as your employer. It lays down the high standards of behaviour expected of you which follow from your position in public and Island life as a civil servant. You can take pride in living up to these values.

¹ *The Disclosure of Malpractice section in the Established Staff Directive "Conduct" may also apply in some circumstances, and is available on the States Intranet*
<http://bridge/hr/empinfo/Established%20Staff%20Information/Conduct.aspx>

Evidence of criminal or unlawful activity should be reported to the Police or other appropriate authorities.

November 2007



**RULES FOR PAYMENTS TO STATES MEMBERS,
NON-STATES MEMBERS AND FORMER STATES MEMBERS**

**RULES FOR PAYMENTS TO STATES MEMBERS, NON-STATES MEMBERS
AND FORMER STATES MEMBERS**
[UPDATED ON 1 MAY 2023]

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SECTION I

RULES FOR PAYMENTS TO STATES MEMBERS

Definition of States Members

1. For the purpose of this section of the Rules a States Member means any People's Deputy or Alderney Representative in the States of Deliberation (but not an alternative Representative elected or appointed under the States of Guernsey (Representation) Law, 1978).

Remuneration

2. Subject to the conditions set out in paragraph 3 below the following remuneration, which shall be subject to tax, is available to States Members:

People's Deputies

	Basic Remuneration	* Uplift for Social Security	Total
President of the Policy & Resources Committee	£75,670	£3,481	£79,151
Presidents of the Principal Committees, President of the Scrutiny Management Committee, President of the States' Assembly & Constitution Committee and members of the Policy & Resources Committee	£58,141	£2,674	£60,815
All other Deputies	£43,036	£1,980	£45,016
* The uplift for Social Security (i.e. the difference between the contribution rates of employed and self-employed persons) is not payable to Members aged above the States pension age			

Alderney Representatives

	Basic Remuneration	* Uplift for Social Security	Total
President of the Policy & Resources Committee	£49,625	£2,283	£51,908
Presidents of the Principal Committees, President of the Scrutiny Management Committee, President of the States' Assembly & Constitution Committee and members of the Policy & Resources Committee	£32,097	£1,476	£33,573
With a seat on a Committee, the Transport Licensing Authority, the Development & Planning Authority or the States' Trading Supervisory Board	£23,753	£1,093	£24,846
All other Alderney Representatives	£14,054	£646	£14,700
* The uplift for Social Security (i.e. the difference between the contribution rates of employed and self-employed persons) is not payable to Members aged over the States pension age			

[Note: The Principal Committees are the Committees *for* Economic Development; Education, Sport & Culture; Employment & Social Security; Environment & Infrastructure; Health & Social Care and Home Affairs.]

Conditions

3. (i) The Remuneration and Allowances specified in paragraph 2 above shall be payable by monthly instalments in arrears.
- (ii) For the avoidance of doubt, following a General Election, Members elected to the position of President of the Policy & Resources Committee; President of the Principal Committees, Scrutiny Management Committee and States Assembly & Constitution Committee; Members of the Policy & Resources Committee or an Alderney Representative elected to a seat on a Committee / Authority / Board shall be entitled to claim the additional allowance for that position with effect from the first day of the month following the General Election. ¹

¹ For the October 2020 Election only, the additional allowance can be claimed from 16 October 2020.

- (iii) The Remuneration shall terminate on the last day of the month in which a Member ceases to hold a seat in the States of Deliberation.²
- (iv) The higher level of remuneration payable to the President of the Policy & Resources Committee; President of the Principal Committees, Scrutiny Management Committee and States Assembly & Constitution Committee; Members of the Policy & Resources Committee and Alderney Representative who holds a seat on a Committee / Authority / Board shall terminate on the last day of the month in which a member ceases to hold the position in respect of which the higher level of remuneration is payable.
- (v) In the event that a President of a Principal Committee, the Scrutiny Management Committee or the States Assembly & Constitution Committee is unable to fulfil his or her duties for a period in excess of four weeks and the Vice-President takes on the full responsibilities of the post, his or her remuneration will temporarily increase to the level of a President.

² For Deputies elected at or after the 2016 Election only, Remuneration shall terminate on 15 October 2020.

SECTION II

RULES FOR PAYMENTS TO NON-STATES MEMBERS and to ALTERNATIVE ALDERNEY REPRESENTATIVES

Definition of Non-States Members

1. For the purpose of this section of the Rules a Non-States Member means any Member of the six Principal Committees, the Scrutiny Management Committee (including the Legislation Review Panel), the Transport Licensing Authority, the Development & Planning Authority, the States' Investment Board, the Seafront Enhancement Committee and the States' Trading Supervisory Board.

Remuneration

2. Subject to the conditions set out in paragraph 3 below the following remuneration, which shall be subject to tax, is available to Non-States Members:

Non-States Member with a seat on the States' Trading Supervisory Board or the States' Investment Board: £9,552

Any Other Non-States Member: £2,389

Alternative Alderney Representative

3. Any Alternative Alderney Representative shall be entitled upon application to the President of the Policy & Resources Committee to be awarded in respect of his attendance at a properly convened meeting of the States of Deliberation which he has been appointed to attend, pursuant to section 4 of the States of Guernsey (Representation of Alderney) Law, 1978 an attendance allowance not exceeding £78 per half-day or part thereof (rate applicable from 1 May 2020), which sum shall be subject to tax.
4. Applications for an allowance payable under the provisions of paragraph 3 above should be made to the President of the Policy & Resources Committee in respect of meetings attended in the three month periods ending on the last day of March, the last day of June, the last day of September and the last day of December. Applications should be received by the President not later than the last day of the month next following the period in respect of which the application is made. Alternatively, claims may be made in respect of meetings attended in each calendar month, in which case applications should be received not later than the last day of the month next following the above three month period in which the month falls. Applications received after the time limits specified above shall not be granted.

SECTION III

RULES FOR PAYMENT OF PENSIONS TO FORMER STATES MEMBERS, THEIR SURVIVING SPOUSES AND DEPENDANT CHILDREN

Definition of Former States Members

1. For the purpose of this Scheme a Former States Member means any Conseiller, any Deputy (excluding representatives of the States of Alderney) and any Douzaine Representative in the States of Deliberation, who:
 - (i) no longer has a seat in the States of Deliberation, and
 - (ii) has in the aggregate held a seat in the States of Deliberation for a period of four years or more, and
 - (iii) (a) has attained the age of 65 years, or
(b) has died before attaining the age of 65 years.

Pension

2. Subject to the conditions set out in rule 5 and in accordance with the rates of payment set out in Schedule 1 to these Rules:

(A) Former States Members who ceased to hold office on or before 31st December, 1989 (Non-contributory Scheme)

- (a) Former States Members who ceased to be Members of the States on or before the 31st December, 1989, shall be entitled to claim a pension of up to Rate D per week for each year of service in the States of Deliberation;
- (b) where sub-paragraph 1 (iii) (a) applies, the surviving spouse of a Former States Member shall be entitled to claim a pension equal to fifty per centum of the sum which would have been payable to the Former States Member, subject to such pension ceasing in the event of a subsequent remarriage;
- (c) where sub-paragraph 1 (iii) (b) applies, the surviving spouse of a Former States Member shall be entitled to claim a pension amounting to Rate E per week for each year of service of the Former States Member, subject to such pension ceasing in the event of a subsequent remarriage;
- (d) where there is no surviving spouse but there is a dependant child the pension referred to in sub-paragraphs (b) and (c) of this rule shall be payable to such person as the Committee may determine on behalf of that dependant child (and, if more than one, in equal shares).

(B) Former States Members who ceased to hold office on or before 30th April, 2004 (1st January, 1990 up to and including 30th April, 2004 Contributory Scheme)

- (a) Former States Members who ceased to be Members of the States on or before 30th April, 2004, shall be entitled:
 - (i) in respect of service up to and including the 31st December, 1989, to a pension of Rate D per week for each year of service in the States of Deliberation; and
 - (ii) in respect of service from 1st January, 1990, unless they opt out in accordance with the rules of the Scheme, to a pension of Rate B per week for each year of service in the States of Deliberation;
- (b) where sub-paragraph 1(iii)(a) applies, the surviving spouse of a Former States Member shall be entitled to a pension equal to fifty per centum of the sum which would have been payable to the Former States Member, subject to such pension ceasing in the event of a subsequent re-marriage;
- (c) where sub-paragraph 1 (iii)(b) applies, the surviving spouse of a Former States Member shall be entitled to a pension amounting to Rate E per week for each year of service of the Former States Member prior to 31st December, 1989, and Rate D per week for each year of service of the Former States Member after 1st January, 1990, subject to such pension ceasing in the event of a subsequent re-marriage;
- (d) where there is no surviving spouse but there is a dependant child the pension referred to in sub-paragraphs (b) and (c) of this rule shall be payable to such person as the Committee may determine on behalf of that dependant child (and, if more than one, in equal shares).

(C) Other Members (1st May 2004 up to and including 30th April, 2012 Contributory Scheme)

- (a) Members of the States who become Former States Members on or after 1st May, 2004, shall be entitled
 - (i) in respect of service up to and including the 31st December, 1989, to a pension of Rate D per week for each year of service in the States of Deliberation;
 - (ii) in respect of service from 1st January, 1990 up to and including 30th April, 2004, unless they opt out in accordance with the rules of the Scheme, to a pension of Rate B per week for each year of service in the States of Deliberation; and
 - (iii) in respect of service from 1st May, 2004 up to and including 30th April 2012, unless they opted out in accordance with the rules of the Scheme, to a pension of Rate A per week for each year of service in the States of Deliberation;
- (b) where sub-paragraph 1(iii)(a) applies, the surviving spouse of a Former States Member shall be entitled to a pension equal to fifty per centum of the sum which would have been payable to the Former States Member, subject to such pension ceasing in the event of a subsequent re-marriage;
- (c) where sub-paragraph 1 (iii)(b) applies, the surviving spouse of a Former States Member shall be entitled to a pension amounting to Rate E per week for each year of service of the Former States Member prior to 31st December, 1989, Rate D per week for each year of service of the Former States Member from 1st January, 1990 up to and including 30th April, 2004 and Rate C per week for each year of service of the Former States Member from 1st May, 2004 up to and including 30th April 2012, subject to such pension ceasing in the event of a subsequent re-marriage;
- (d) where there is no surviving spouse but there is a dependant child the pension referred to in sub-paragraphs (b) and (c) of this rule shall be payable to such person as the Committee may determine on behalf of that dependant child (and, if more than one, in equal shares).

Pension Fund

3. There shall be a fund entitled the "States Members Pension Fund".
 - (a) There shall be paid into the Fund -
 - (i) contributions from the States Members up to and including 30th April 2012;
 - (ii) contributions from the States of Guernsey, of such amounts as the Committee may from time to time resolve.
 - (b) There shall be paid out of the Fund -
 - (i) pensions in accordance with these Rules;
 - (ii) refunds of contributions in accordance with these Rules;
 - (iii) transfers of accrued benefits in accordance with these Rules;
 - (iv) investment and professional fees and other expenses of investment.
 - (c) The Fund shall be invested by the Committee in a similar manner to the assets of the fund authorised under the States of Guernsey (Public Servants) (Pensions and other Benefits) Rules, 1972 as amended.
 - (d) The Committee shall appoint an actuary and arrange for actuarial reviews to be effected from time to time.

Repayments and transfers of benefits

4.
 - (a) Any Member who has contributed to the Fund but who does not qualify for a Pension in accordance with these rules or who opts out in accordance with the rules of the Scheme shall be entitled to repayment of the aforementioned contributions together with compound interest thereon at the rate of three per centum per annum with yearly rests at the 31st December in each year.
 - (b) Any Member who has contributed to the Fund shall be entitled to transfer accrued benefits in respect of all service into alternative pension arrangements, on terms to be advised by the States Actuary.

Conditions

- 5
- (a) Pensions to Former States Members who ceased to be Members of the States on or before the 31st December, 1989, shall be payable following application in writing to the President of the Committee and claims will be back-dated only to the first day of the month in which the application is made. No retrospective payments shall otherwise be made.
 - (b) Pensions to Members of the States who become Former States Members on or after the 1st January, 1990, shall be paid without application.
 - (c) The pension specified in paragraph 2 above shall be payable by monthly instalments in arrears.
 - (d) Any amount specified in rule 2 may be varied by resolution of the Committee in accordance with section IV.
 - (e) A Member of the States may opt out of the 1st January, 1990 to 30th April, 2004 Contributory Scheme by notifying the Committee in writing accordingly, and if he does so then:
 - (i) no pension shall be payable under rule 2(B) in respect of his service from 1st January 1990 up to and including 30th April, 2004; and
 - (ii) rule 4(a) shall cease to apply in his case; and
 - (iii) he shall be entitled to repayment of his contributions together with compound interest at three per centum per annum with yearly rests at each 31st December; and
 - (iv) it is declared for the avoidance of doubt that he may not thereafter seek to gain entitlement to such a pension by paying contributions.
 - (f) A Member of the States may opt out of the 1st May, 2004 to 30th April, 2012 Contributory Scheme by notifying the Committee in writing accordingly, and if he does so then:
 - (i) No pension shall be payable under rule 2(C) in respect of his service from 1st May, 2004; and
 - (ii) rule 4(a) shall cease to apply in his case; and

- (iii) he shall be entitled to repayment of his contributions together with compound interest at three per centum per annum with yearly rests at each 31st December; and
- (iv) it is declared for the avoidance of doubt that he may not thereafter seek to gain entitlement to such a pension by paying contributions.

General Interpretation

6 In these rules:

- (a) the masculine includes the feminine, the singular includes the plural, and vice versa;
- (b) a child is "dependant" if -
 - (i) he is under eighteen or is in full time education; and
 - (ii) he was, in the opinion of the Committee, wholly or mainly dependant on the former States Member concerned at the date of the latter's death;
- (c) "the Committee" means the States of Guernsey Policy & Resources Committee;
- (d) "Compensation Payment" means the payment available to States Members prior to 1st May, 2004;
- (e) "Basic Allowance" means the payment available to States Members from 1st May 2004 to 30th April 2012;
- (f) "the Fund" means the States Members pension fund created pursuant to rule 3 of these rules.

SECTION IV

GENERAL RULES

1. The remuneration of States Members, Non-States Members and attendance allowance for Alternative Alderney Representatives shall be automatically adjusted annually on 1st May, based on any percentage change in median earnings for the previous year. In the event of a negative change, no adjustment shall be made. Should a percentage increase occur in the year following a negative change, the adjustment shall reflect the percentage change from the year preceding the negative change.
2. At the beginning of a political term, any States Member or Non-States Member who chose to accept remuneration would be required to decide either to accept or reject any changes in such remuneration that might result from any changes in median earnings during the relevant political term.
3. The Policy & Resources Committee shall publish as soon as practicable in an Appendix to a Billet d'État the total remuneration received during the previous calendar year by each States Member in respect of his or her performance of States business.
4. In each year prior to 1st May, the Policy & Resources Committee shall review the amounts payable under Section III hereof, having regard to the change in the Guernsey Index of Retail Prices (RPIX) since those amounts were last determined and shall amend the said amounts accordingly.

COMMENCEMENT

These Rules shall take effect on 1st May 2016 [Updated on 1 May 2023 to include current rates].

SCHEDULE 1

The Rates of Payment specified in Section III paragraph 2 of these Rules shall, with effect from the 1st May 2023, be as follows:

Rate A	£14.91
Rate B	£10.90
Rate C	£7.45
Rate D	£5.42
Rate E	£2.73



CODE OF CONDUCT

for

MEMBERS OF THE STATES OF DELIBERATION

Approved by Resolution of the States pursuant to article 20F(1)
of [The Reform \(Guernsey\) Law, 1948, as amended](#)

Year	Date of Resolution of the States
2006	28 th September 2006
Amended	
2009	30 th September 2009
2011	27 th May 2011
2012	30 th May 2012
2013	24 th September 2013
2015	29 th April 2015
2016	17 th March 2016
2018	28 th June 2018
2020	19 th August 2020
2022	13 th July 2022
2023	24 th May 2023 XX December 2023

CODE OF CONDUCT for MEMBERS OF THE STATES OF DELIBERATION

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Code of Conduct for Members of the States of Deliberation

PART I

Purpose and scope of the Code

1. The purpose of the Code of Conduct is to assist elected Members of the States of Deliberation [hereinafter referred to as “Members”] in the discharge of their obligations to the States, their constituents and the public. All Members are required to comply with the provisions of this code in all aspects of their public life. Whilst it does not seek to regulate what Members do in their purely private and personal lives they must, however, be aware that some private and personal matters may impinge on their public roles. The Code upholds Members’ right to freedom of expression.
2. The obligations set out in this Code are in addition to those which apply to all Members by virtue of the ‘The Rules of Procedure of the States of Deliberation and their Committees’.
3. The Code does not apply to the conduct of a Member:
 - (i) in the States of Deliberation when Rule 8 of the ‘The Rules of Procedure of the States of Deliberation and their Committees’ applies.
 - (ii) in relation to the standard of service and outcomes received from a Member.

The conduct of Members during Meetings of the States of Deliberation and States of Election is normally dealt with by the Presiding Officer through application of Rule 8 relating to maintaining order during proceedings. If, in the course of dealing with such a matter, the Presiding Officer considers that the conduct requires further or fuller investigation, they may refer the matter to the Commissioner for Standards.

Public Duty

4. Members, before entering office¹, take an oath or affirm allegiance to be faithful and bear true allegiance to His Majesty the King, his heirs and successors, according to law. They also take an oath of office or make an affirmation in which they promise that “well and faithfully” they will perform the duties attaching to membership of the States of Deliberation and that they will adhere to the provisions set out in this Code of Conduct.
5. The primary duty of Members is to act in the public interest and to represent the interests of those who they have been elected to serve conscientiously. In so doing Members have a duty on all occasions to act in accordance with their oaths, and in accordance with the public trust placed in them. The Code imposes ethical standards upon Members rather than service or performance standards.
6. Members have a duty to respect the rule of law and the administration of justice. In this context “law” includes such international law and treaty obligations as are for the time being applicable.

¹ Article 19 of [The Reform \(Guernsey\) Law, 1948, as amended](#)

7. Elected members must give due priority to attendance at Meetings of the States of Deliberation and should be present in the Chamber when the States are meeting except with reasonable excuse.

Principles of Conduct

8. Members shall observe the following general principles of conduct for holders of public office

- - 1.1 Selflessness** Members must take decisions and act solely in terms of the public interest.
 - 1.2 Integrity** Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
 - 1.3 Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
 - 1.4 Accountability** Members are accountable for their decisions and actions to the States and the public and must submit themselves to whatever scrutiny is appropriate to their office to ensure this.
 - 1.5 Openness** Members must act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
 - 1.6 Honesty** Members have a duty to be truthful.
 - 1.7 Leadership** Members must exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

The Principles in Practice

Conflict between public and private interest

9. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest. After leaving their official positions, they will not take improper advantage of their previous office.

Members' Conduct

10. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Deliberation and

never undertake any action which would bring the States, or its Members generally, into disrepute.

11. Members shall at all times treat other Members, civil servants and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process. Members shall act in good conscience and exercise the privileges and discharge the duties of public office diligently and with civility, dignity, care and honour.
12. Members must not engage in unwanted behaviour, harassment, bullying or discrimination.

Relationship with the Civil Service

13. Members shall uphold the political impartiality of the Civil Service and shall not ask civil servants to act in a manner which would conflict with the Civil Service Code. Members should familiarize themselves with the contents of that Code. In reaching decisions they shall give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice from other persons.

Possible inducements, including gifts and hospitality

14. The acceptance by a Member of a bribe, including any fee, compensation or reward, to influence his or her conduct as a Member, in connection with the promotion of, or opposition to, any matter submitted or intended to be submitted to the States of Deliberation, or any Department or Committee of the States, and any trading in influence to secure undue advantage is contrary to law.²
15. The acceptance of hospitality may be acceptable in appropriate circumstances as a means of effecting States' business. However, Members shall not accept gifts, hospitality or services that might appear to place the recipient under any form of obligation to the giver. In receiving any gift or hospitality Members should consider subjectively whether they would be prepared to justify acceptance to the public.
16. Members must comply with the requirements of the Rules of Procedure of the States of Deliberation concerning declarations of interests in respect of gifts and hospitality. Any money or tangible gifts received by a Member which are required to be declared must not be retained but must be transferred or delivered into the ownership of the States.

Use of States facilities

17. To avoid misrepresentation of the States and to avoid the improper use of States' assets, Members must not use any goods, services or facilities provided for the functioning of government
 - (a) for private purposes; nor
 - (b) except where generally available in accordance with published arrangements to all Members, for electoral district purposes.

² [The Prevention of Corruption \(Bailiwick of Guernsey\) Law, 2003](#)

Register and Declaration of Members' Interests

18. Members must fulfil conscientiously the requirements of the Rules of Procedure of the States of Deliberation in respect of the registration of interests in the Register of Members' Interests and must always draw attention to any relevant and material interest in any proceedings of the States of Deliberation, its Departments or Committees.
19. A Member shall not knowingly or recklessly make a false statement in a Declaration of Unspent Convictions.
20. In any activities with, or on behalf of, any organisation with which a Member has a financial relationship, including activities which may not be a matter of public record such as informal meetings and functions, he or she must always bear in mind the need to be open and frank with the Presiding Officer, Law Officers, Ministers, Members and officials.

Payments from Third Parties

21. Members must not accept, from a third party, any payment or gift in respect of their participation in any proceedings of the States, its Departments or Committees.

Confidential Information

22. Members must bear in mind that confidential information which they receive in the course of their duties may only be used in connection with those duties, and that such information must never be used for the purpose of financial gain or otherwise in their own personal interest or that of their families, friends, business associates or any voluntary or charitable organisation with which they are involved.
23. For the avoidance of doubt the 'confidential information' referred to in the previous section includes, but is not limited to, Department and Committee minutes and other papers circulated to members thereof. The content of such minutes and other papers is not to be disclosed to any third party other than by resolution of the Department or Committee concerned.
24. In addition, Members shall not disclose publicly, or to any third party, personal information about named individuals which they receive in the course of their duties, unless it is both lawful and clearly in the wider public interest to do so. Members must, at all times, have regard to all relevant data protection, human rights and other legislation when dealing with confidential information and must be aware of the consequences of breaching confidentiality.
25. For the avoidance of doubt, all correspondence, howsoever received, between a Department or Committee and a Member of the States shall be treated as confidential under the Code of Practice for Access to Public Information unless expressed otherwise and shall not be disclosed to any third party, whether within the States or outside, in whole or in part, by any means, without the express consent of the author of that correspondence.
26. Members shall not disclose details in relation a Code of Conduct investigation except when authorised by law or by the investigatory authority. Information on complaints against Members for alleged breaches of the Code of Conduct is considered confidential information and should remain confidential from the point of submission until the complaint has been finally determined.

Members operating private office or administrative scheme

27. The obligations under section 24 not to disclose personal information publicly or to any third party, and under section 25 to treat correspondence as confidential and not to disclose correspondence to any third party, shall be treated as not having been breached or disregarded where the disclosure or treating takes place in accordance with arrangements approved for the operation and management of a private office or administrative scheme under section 28.
28. The Chief Executive may from time to time approve arrangements for the operation and management of any private office or administrative scheme that are proposed by any Member and are intended for the purpose of enabling that Member to deal with correspondence and information relating to the affairs or business of the States of Deliberation or any committee of the States. An approval under this section shall be made upon and subject to the current application process requirements being met and such terms and conditions as the Chief Executive and the States' Assembly & Constitution Committee thinks fit, including for the purpose of ensuring that –
- (a) information relating to the affairs of the States of Deliberation or any committee of the States, and
 - (b) information relating to any third party (including personal data relating to any individual),
- are given suitable protection including, in the case of personal data relating to a living individual, protection in accordance with the provisions of the current Data Protection Law.
29. Where the Chief Executive is of opinion that –
- (a) the terms or conditions of an approval given under section 28
 - (i) have been breached, or
 - (ii) are inadequate for the purpose referred to in section 28, or
 - (b) there is other good reason,
- he may at any time by written notice given to the Member concerned revoke, suspend or vary an approval under section 28.

PART II

Complaints to the Commissioner for Standards

30. Any person may complain to the Commissioner for Standards (the Commissioner) that an elected Member has breached the Code of Conduct relating to Part I matters.

Procedure for Complaints relating to Part I matters

31. Complaints, whether from Members or from members of the public, alleging that the conduct of a Member is in breach of the Code of Conduct set out in Part I must be addressed in writing to the Commissioner.

32. In the interests of natural justice, a complaint submitted to the Commissioner must remain confidential from the point of submission until the complaint has been determined, unless disclosure is authorised.
33. Whilst a complaint will normally be submitted by a third party, the Commissioner may initiate an investigation if they believe that a breach of the Code may have occurred. A Member can also request that their own behaviour is investigated by the Commissioner to establish if a breach of the Code has taken place.
34. Members must not make frivolous, vexatious or manifestly unfounded complaints to the Commissioner for Standards and where the Commissioner is of opinion that a complaint is frivolous, vexatious or manifestly unfounded, the Commissioner shall not initiate an investigation into the complaint.
35. Immediately upon receipt of a complaint, or notification that the Commissioner is initiating an investigation, the Commissioner shall notify the Member concerned that a complaint has been made and the nature of the complaint.
36. All Members are required to co-operate fully and promptly with the Commissioner during any consideration and/or investigation, even if the Member concerned considers that the alleged breach is unsubstantiated. Failure to co-operate in any investigation will, in itself, be regarded as a breach of the Code.
37. If the Commissioner, in the course of the investigation, has cause to believe that a criminal offence may have been committed, he or she shall immediately suspend the proceedings and forthwith refer the matter to the Chief Officer of Police. The investigation shall not be resumed until either judicial proceedings have been concluded or the Chief Officer of Police has certified to the Commissioner that they have no further interest in the matter
38. The Commissioner may decide to agree remedial action with the Member. Remedial action may be agreed if the complaint, though justified, is minor and is acknowledged by the Member concerned. Remedial action involves “putting the record straight”, for instance by making an amendment to the Register of Interests of Elected Members. The Member will normally be expected to make a formal apology, either in writing or by means of a formal statement to the States. If the Commissioner and Member agree remedial action, the Commissioner will report the matter and remedial action direct to the States’ Assembly & Constitution Committee. The Commissioner will inform the complainant of the action taken in response to the complaint.
39. Where the Commissioner finds that a complaint has been substantiated but is of the view that the breach of conduct was of a minor nature he or she will normally dispose of the matter by cautioning the Member concerned. A report of the Commissioner’s decision in such cases shall be forwarded to the Presiding Officer and to the Greffier who shall make the said report available for public inspection whenever the Greffe is open for normal business.
40. Where the Commissioner finds that a complaint has been substantiated and is of the opinion that the Member should be formally reprimanded, suspended, removed from a particular office or expelled, or, where a Member refuses to accept a caution in the circumstances set out in the previous section, he or she shall report their findings to the States Assembly and Constitution Committee which, in turn, shall submit that report to the Presiding Officer for

inclusion in a Billet d'État with the recommendations of the Commissioner. Notwithstanding a Member's refusal to accept a caution, the States may resolve that the Member be cautioned.

41. A Member has a right of appeal against a decision of the Commissioner for Standards in accordance with the provisions of the First Schedule to the Reform (Guernsey) Law, 1948 and the mechanism established by the Commissioner for Standards thereunder.
42. For the avoidance of doubt mediation between the complainant and the accused Member is not permitted in the processing of complaints made pursuant to this Code of Conduct.

PART III

Absolute Privilege for States Proceedings

43. The Law³ confers absolute privilege on Members in respect of any words spoken in, or in any report to, the States or any Department or Committee thereof. This includes requêtes, amendments, sursis, questions, reports and other written documents. Absolute privilege is a complete defence to any legal proceedings arising as a result of what is said or published. It confers protection even when the words complained of are spoken or published maliciously, or when their being spoken or published would otherwise amount to a criminal offence.
44. Members are afforded this immunity to enable them to air any matter, regardless of the power, wealth or status of those criticised.
45. The counter-balance to privilege, however, is responsibility; and Part IV of this Code sets out the mechanism for the investigation of allegations of abuse of privilege and, where such an allegation is found to be substantiated, the penalties which may be imposed on the Member concerned.

PART IV

Investigation of Allegations of Abuse of Privilege

46. A Privileges Panel convened for the purpose of investigating an alleged abuse of privilege shall comprise five of the ten most senior Members, by length of service, appointed by the Presiding Officer, save that
 - a. If the Presiding Officer deems it inappropriate for some or all of the ten most senior Members to sit on the Privileges Panel he may appoint some or all of the next ten most senior Members as Members of the Panel;
 - b. The two Members appointed to sit on the First Instance Panel shall not be eligible to sit on the Privileges Panel.
47. A Member alleging that another Member has abused privilege shall request the Presiding Officer to direct that the alleged abuse be referred to a Privileges Panel for consideration.

³ Article 20A of [The Reform \(Guernsey\) Law, 1948, as amended](#)

48. A request that an alleged abuse of privilege be referred to a Privileges Panel shall include a statement that it is a motion laid pursuant to this section and shall set out the full details of the basis on which the Member making the request alleges abuse of privilege. In particular, the said Member shall provide sufficient information to show that there is a prima facie case for the matter to be referred to a Privileges Panel.
49. A request made pursuant to the previous section shall be referred by the Presiding Officer to a First Instance Panel selected by him and comprising two of the ten most senior Members, by length of service and one of the Law Officers.
50. The alleged abuse shall only be so referred to a Privileges Panel if the First Instance Panel has resolved that a prima facie case has been made by the Member alleging the abuse of privilege.
51. The Member concerned will be invited to address the Privileges Panel. All Members are required to co-operate fully with the Privileges Panel during any investigation, even if the Member concerned considers that the alleged abuse is unsubstantiated. Failure to co-operate in an investigation will be regarded as a breach of the Code.
52. The Privileges Panel may request the production of papers and records and may request the attendance of any person before it, and may request that specific documents in the possession of a Member relating to its inquiries be laid before it.
53. When the Privileges Panel has concluded its investigations it shall report its findings directly to the States, and, if the allegation is upheld, the Privileges Panel shall advise the States as to whether they should reprimand, suspend or expel the offending Member. When a suspension is proposed the terms of the proposed suspension shall be set out in the report of the Privileges Panel. Members of either the First Instance Panel or Privileges Panel shall not be precluded from taking part in the States proceedings.

PART V

Suspension of a Member

54. The States may, in dealing with breaches of conduct or abuse of privilege, suspend a Member either from all States service or from a particular office or function, e.g. from the membership of a particular Department or Committee.
55. A Member suspended from a particular office or function may not, during the period of his suspension, take any part in meetings or other matters relating to that office or function but may, in all other matters, continue to serve as a Member of the States.
56. A Member suspended from all States service shall not, during the period of his suspension:
 - enter the States Chamber or its precincts when the States are meeting;
 - take part in any meeting or other matter relating to the States or a Department or Committee of the States;
 - sign any report, requête or other document relating to the business of the States;
 - ask any question pursuant to Rule 14 of the Rules of Procedure.

57. The States shall, when resolving that a Member be suspended, specify in each case whether any or all of the allowances payable to the Member pursuant to the Rules for Payments to States Members should cease during the period of suspension.

PART VI

General

Applicability to Former Members of the States of Deliberation and Non-States Members of States Departments and Committees

58. This Code shall, where the context so permits, apply in relation to sections 23, 24 and 25 (Confidential Information), to former Members of the States of Deliberation and Non-States Members of States Departments and Committees.

Definitions

59. In this Code

- “absolute privilege” has the meaning assigned to it in Article 20A of the Reform (Guernsey) Law, 1948, as amended;
- “abuse of privilege” means abuse of absolute privilege;
- “Members of the States of Deliberation” and “Members” means People’s Deputies and Alderney Representatives;
- “bullying” means offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone, whether through persistent behaviour or a single grossly unacceptable act;
- “discrimination” includes behaviour that discriminates against any person on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, political opinion and language preference;
- “harassment” means unwanted conduct which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual and includes sexual harassment;
- “unwanted behaviour” means behaviour which is not encouraged or reciprocated by the recipient, regardless of whether it was meant to cause offence, and whether it is repeated or an isolated incident.
- In interpreting and applying the definitions of "bullying", harassment", "discrimination" and "unwanted behaviour":
 1. the intention of the person complained about is irrelevant.

2. the test is whether a reasonable and impartial person would consider the conduct would fall within one of the definitions having regard to the context of the behaviour complained about.
 3. the respective rights under the Human Rights (Bailiwick of Guernsey) Law, 2000 of both the person complained about and the person subject to the conduct in question must be respected.
- the disciplines and standards of behaviour prescribed are also applicable in the context of electronic communications.

Commencement

60. This Code of Conduct shall come into force on the day following the registration in the Royal Court of The Reform (Guernsey) (Amendment) Law, 2006.

Appendix 1

COMMISSIONER FOR STANDARDS

Commissioner for Standards Dr Melissa McCullough

Address: Commissioner for Standards
c/o The States' Greffier
The Royal Court House,
St Peter Port,
GY1 2NZ

E-mail Address: Commissioner@pi-cfs.org

Website Address: www.gov.gg/memberscodeofconduct

CIVIL SERVICE CODE

INTRODUCTION

1. The Civil Service forms an integral and key part of government. It supports the States of Deliberation, Departments and Committees in formulating and implementing their policies, and in the delivery of public services. Civil servants are recruited on merit through fair and open competition. You can take pride in carrying out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality.
 - > **Integrity** is about putting the public good above your own personal interests in whatever you do as a civil servant.
 - > **Honesty** involves being truthful and transparent.
 - > **Objectivity** means that you base your advice and decisions on rigorous analysis of the evidence.
 - > **Impartiality** requires you to act solely according to the merits of the case and without bias. In a politically impartial Civil Service, you must not let your own political views influence your work.
2. These core values support good government and ensure the achievement of the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of States Members¹, the public, other organisations it works with, and its many customers, and to fulfil its role in Island life.
3. This Code sets out the standards of behaviour expected of you and all other civil servants and the duties that civil servants owe to States Members² the public, other organisations the Civil Service works with, and its many customers. These standards and duties flow from the core values. Individual Departments and Committees may also have their own separate mission and values statements based on the core values including the standards of behaviour expected of you in your dealings with your colleagues.

¹States Members include non-States Members of States Departments or Committees.

²Similar standards are set out in the Code of Conduct for Members of the States of Guernsey.

STANDARDS OF BEHAVIOUR

INTEGRITY

4. You must:
 - > conscientiously fulfil your duties and obligations
 - > always act in a way that is professional and that deserves and retains the confidence of those with whom you have dealings, whether they be States Members, members of the public or other civil servants
 - > ensure the proper and efficient use of public money
 - > deal with the public and their affairs fairly, efficiently, promptly and effectively
 - > comply with the law.

5. You must not:

- > misuse your official position or information acquired in the course of your official duties to further your private interests or those of others
- > accept gifts or hospitality or receive other benefits from a third party which might reasonably be seen to compromise your personal judgement or integrity
- > disclose confidential information without authority. This duty continues to apply after you leave the Civil Service.

HONESTY

6. You must:

- > set out facts and issues truthfully
- > use resources only for the authorised public purposes for which they are provided.

7. You must not:

- > be influenced by pressures from others or the prospect of personal gain
- > deceive or knowingly mislead States Members, other civil servants or members of the public .

OBJECTIVITY

8. You must:

- > provide information and advice, including advice to States Members, on the basis of the evidence, and accurately present the options
- > take decisions on the merits of the case
- > take due account of expert and professional advice.

9. You must not:

- > ignore inconvenient facts or relevant considerations when providing advice or taking decisions
- > frustrate the implementation of policies once decisions are taken by declining to take, or abstaining from, action which flows from decisions.

IMPARTIALITY

10. You must:

- > carry out your responsibilities in a way that is fair, just and equitable and reflects the Civil Service commitment to equality and diversity.

11. You must not:

- > act in a way that unjustifiably favours or discriminates against particular individuals or interests.

POLITICAL IMPARTIALITY

12. Civil servants must maintain political impartiality: you must serve the States of Guernsey to the best of your ability in a way which is consistent with the requirements of this Code and irrespective of your own political beliefs.

13. You must:

- > implement decisions conscientiously
- > act in a way which deserves and retains the confidence of States Members, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in the future
- > comply with any restrictions that have been laid down on your political activities.

14. You must not:

- > allow your personal political views to determine any advice you give or your actions.

RIGHTS & RESPONSIBILITIES

15. Your Chief Officer has a duty to make you aware of this Code and its values. If you believe you are being required to act in a way which conflicts with this Code, your Chief Officer has a duty to consider your concern, and to ensure that you are not penalised for raising such a concern.
16. If you have such a concern¹, you should in the first instance raise it with your line manager or someone else in your line management chain. If for any reason you would find this difficult, you should raise the matter with your Chief Officer or equivalent.
17. If you become aware of actions by others which you believe conflict with this Code you should report this to your line manager or someone else in your line management chain; alternatively you may wish to seek advice from your Chief Officer or equivalent.
18. This Code is part of the contractual relationship between you and the States of Guernsey as your employer. It lays down the high standards of behaviour expected of you which follow from your position in public and Island life as a civil servant. You can take pride in living up to these values.

¹ *The Disclosure of Malpractice section in the Established Staff Directive "Conduct" may also apply in some circumstances, and is available on the States Intranet*

<http://bridge/hr/empinfo/Established%20Staff%20Information/Conduct.aspx>

Evidence of criminal or unlawful activity should be reported to the Police or other appropriate authorities.

November 2007



THE REFORM (GUERNSEY) LAW, 1948, as amended

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PROJET DE LOI

ENTITLED

The Reform (Guernsey) Law, 1948 *

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Ordres en Conseil Vol. XIII, p. 288; as amended by the: Reform (Guernsey) Amendment Law, 1950 (Ordres en Conseil Vol. XIV, p. 407); Reform (Guernsey) Law, 1948 (Amendment) Law, 1952 (Ordres en Conseil Vol. XV, p. 279); Appointment of Her Majesty's Sheriff (Guernsey) Law, 1955 (Ordres en Conseil Vol. XVI, p. 178); Reform (Amendment) (Guernsey) Law, 1960 (Ordres en Conseil Vol. XVIII, p. 275); Reform (Amendment) (Guernsey) Law, 1962 (Ordres en Conseil Vol. XIX, p. 84); Reform (Amendment) (Guernsey) Law, 1963 (Ordres en Conseil Vol. XIX, p. 140); Deputy Bailiff (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 122); Reform (Amendment) (Guernsey) Law, 1972 (Ordres en Conseil Vol. XXIII, p. 476); Reform (Amendment) (Guernsey) Law, 1975 (Ordres en Conseil Vol. XXV, p. 326); Reform (Amendment) (Guernsey) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 255); Reform (Amendment) (Guernsey) Law, 1984 (Ordres en Conseil Vol. XXVIII, p. 581); Reform (Amendment) (Guernsey) Law, 1985 (Ordres en Conseil Vol. XXIX, p. 56); Reform (Amendment) (Guernsey) Law, 1987 (Ordres en Conseil Vol. XXX, p. 16); Reform (Amendment) (Guernsey) Law, 1988 (Ordres en Conseil Vol. XXXI, p. 58); Reform (Amendment No. 2) (Guernsey) Law, 1988 (Ordres en Conseil Vol. XXXI, p. 164); Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); Reform (Amendment) (Guernsey) Law, 1990 (Ordres en Conseil Vol. XXXII, p. 41); Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993 (No. V of 1993, Ordres en Conseil Vol. XXXIV, p. 397); Reform (Amendment) (Guernsey) Law, 1996 (No. II of 1996, Ordres en Conseil Vol. XXXVI, p. 478); Reform (Guernsey) Law, 1998 (No. III of 1998, Ordres en Conseil Vol. XXXVIII, p. 150); Reform (Replacement of Conseillers) (Guernsey) Law, 1998 (No. X of 1998, Ordres en Conseil Vol. XXXVIII, p. 295); Reform (Guernsey) (Amendment) Law, 2003 (No. XIII of 2003); Reform (Amendment No. 2) (Guernsey) Law, 2003 (No. III of 2004, Ordres en Conseil Vol. XLIV(1), p. 29); Emergency Powers (Bailiwick of Guernsey) (Amendment) Law, 2005 (No. VII of 2005); Reform (Guernsey) (Amendment) Law, 2006 (No. II of 2007); Reform (Guernsey) (Amendment) Law, 2007 (No. XX of 2007); Reform (Guernsey) (Amendment) Law, 2008 (No. XIII of 2008); Royal Court (Reform) (Guernsey) Law, 2008 (No. XXII of 2008); Reform (Guernsey) (Amendment) Law, 2009 (No. VII of 2010); Reform (Guernsey) (Amendment) Law, 2011 (No. II of 2012); Civil Contingencies (Bailiwick of Guernsey) Law, 2012 (No. XIV of 2012); States (Reform) (Guernsey) Law, 2015 (No. XVII of 2015); Reform (Guernsey) (Amendment) Law, 2019 (No. XI of 2019); Reform (Guernsey) (Amendment) (No. 2) Law, 2019 (No. II of 2020); Reform (Guernsey) (Amendment) Law, 2020 (No. XIV of 2020); Reform (Guernsey) (Amendment) Law, 2022 (No. XXI of 2022); Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); House Committee (Transfer of Functions) Ordinance, 2008 (No. XXVI of 2008, Recueil d'Ordonnances Tome XXXIII, p. 126); Reform (Guernsey) (Amendment) Ordinance, 2011 (No. XXXII of 2011); Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); Reform (Guernsey) Law, 1948 (Amendment) Ordinance, 2019 (No. XXVII of 2019); Reform (Guernsey) Law, 1948 (Amendment) (No. 2) Ordinance, 2019 (No. IV of 2020); Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020 (No. XI of 2020); Resolution of the States of 12th December, 1996, concerning Billet d'État No. XXVII; and as modified, in part, by the: Elections Ordinance, 2020 (No. XXI of 2020); Parochial Elections (St Martin and the Vale) Regulations, 2019 (G.S.I. No. 124 of 2019). See also the: Royal Court of Guernsey (Miscellaneous Reform Provisions) Law, 1950 (Ordres en Conseil Vol. XIV, p. 388); Judgments (Reciprocal

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote above. 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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Enforcement) (Guernsey) Law, 1957 (Ordres en Conseil Vol. XVII, p. 178); Service of Process and Taking of Evidence (Guernsey) Law, 1957 (Ordres en Conseil Vol. XVII, p. 203); States of Guernsey (Representation of Alderney) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 548); Criminal Justice (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 172); Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 (No. IX of 1996, Ordres en Conseil Vol. XXXVI, p. 639); Electoral Roll Ordinance, 1999 (No. IX of 1999, Recueil d'Ordonnances Tome XXVIII, p. 232); Resolution of the States of 27th November, 2002 (Billet d'État XXII, Article XXI, Proposition 1).

PROJET DE LOI

ENTITLED

The Reform (Guernsey) Law, 1948

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FIRST SCHEDULE	Commissioner for Standards.
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PROJET DE LOI

ENTITLED

The Reform (Guernsey) Law, 1948 ¹

THE STATES have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

PART I

The States of Deliberation

Constitution.

1. [(1) The States of Deliberation shall be composed as follows –

- (a) The Bailiff,
- (b) (i) Her Majesty's Procureur,
(ii) Her Majesty's Comptroller,
- (c) [Thirty-eight] People's Deputies,
- (d) ...
- (e) Two Alderney Representatives.]

(2) The Bailiff shall be *ex-officio* [Presiding Officer] of the States

of Deliberation and shall from time to time nominate in writing one or more Members to perform the duties of Acting [Presiding Officer] [in the absence or incapacity of both the Bailiff and the Deputy Bailiff or in the absence or incapacity of the Deputy Bailiff during a vacancy in the office of Bailiff], and may at any time in writing revoke such nominations or any of them. The Member who is at the time senior in order of appointment shall perform the duties of Acting [Presiding Officer], unless such senior Member shall for any reason decline to act, whether generally or in relation to any particular matter, in which case the Member next senior in order of appointment shall act either generally or in the particular matter, as the case may be, and with the like power of declining to act, and so in turn until the Member junior in order of appointment shall have been reached, who shall be bound to act.

(3) In case of a vacancy in the office of Bailiff, the nominations of the former holder of that office shall remain in force under the conditions set out in the last preceding paragraph until such time as the next succeeding holder of that office shall have made his nominations, whereupon the former nominations shall cease to be valid.

(4) The Acting [Presiding Officer] shall have in relation to the performance of the duties of his office all the powers and be subject to all the duties of the [Presiding Officer].

- (5) (a) The [Presiding Officer], or the Acting [Presiding Officer], as the case may be, shall have no original vote [and no casting vote, and in the event of an equality of votes he shall (except in the case of an election) declare the proposition lost].
- (b) The Members, other than the [Presiding Officer] or the Acting [Presiding Officer], as the case may be, His Majesty's Procureur and His Majesty's Comptroller,

shall each have one vote.

NOTES

In Article 1,

paragraph (1) was substituted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 1, with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law;

the words in square brackets in sub-paragraph (c) of paragraph (1) were substituted by the States (Reform) (Guernsey) Law, 2015, section 5(1)(a), with effect from 1st May, 2016;

sub-paragraph (d) of paragraph (1) was repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(2), with effect from 1st May, 2004;

the words "Presiding Officer" in square brackets, wherever occurring, were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004;

the words in the third pair of square brackets in paragraph (2) were substituted by the Deputy Bailiff (Guernsey) Law, 1969, section 4, Schedule, with effect from 9th September, 1969;

the words in the third pair of square brackets in sub-paragraph (a) of paragraph (5) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(4), with effect from 1st May, 2004.

In its application to the General Election of People's Deputies to be held on 7th October, 2020, and the further General Election of People's Deputies to be held in June 2025, this Law is modified, in part, in accordance with the provisions of the Elections Ordinance, 2020, section 1, with effect from 1st July, 2020.

The following Ordinance has been made under this Law:

Electoral Roll Ordinance, 1999.

The following cases have referred to this Law:

Bordeaux Vineries Limited v. States of Guernsey (1993) 16.GLJ.85;
Angenent v. Pring 2005–06 GLR 1;

Angenent v. Pring 2005–06 GLR 11;

States v. Jersey Fishermen's Association Limited, IF Limited, Interfish Wirons Limited, Scerene Fishing Company Limited and Lovell 2005–06 GLR 226;

Jersey Fishermen's Association Limited, IF Limited, Interfish Wirons Limited, Scerene Fishing Company Limited and Lovell v. States 2007–08 GLR 36.

*In accordance with the provisions of the Reform (Guernsey) Law, 1998, section 7(2), with effect from 27th May, 1998, this Law, when cited together with the Reform (Guernsey) Laws, 1948 to 1996 and the 1998 Law, may be cited as the Reform (Guernsey) Laws, 1948 to 1998.*²

[Jurat may not be People's Deputy or Douzenier.]

2. A Jurat shall vacate his office on being elected as People's Deputy or Douzenier and a People's Deputy or Douzenier shall vacate his office on being elected as Jurat.]

NOTE

*Article 2 was substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(5), with effect from 1st August, 2003.*³

Quorum.

3. (1) Subject to the provisions of [paragraphs (4) and (5)] of this Article the [Presiding Officer] or acting [Presiding Officer], as the case may be, and [a number of voting Members equal to the nearest whole number above one half of the number of voting Members for the time being specified in Article 1] shall form a Quorum of the States of Deliberation.

(2) ...

(3) ...

[(4) [Without prejudice to paragraph (1)] of this Article any resolution of the States of Deliberation directing the preparation of legislation to repeal or vary any of the provisions of this Law which is carried by a majority of less than two-thirds of the members present and voting shall not be deemed to have been

carried before the expiration of seven days from the date of the resolution:

Provided that where before the expiration of the aforesaid seven days an application in writing signed by not less than seven members of the States of Deliberation is made in that behalf to the [Presiding Officer] such resolution shall be brought back before the States of Deliberation by the [Presiding Officer] as soon as may be after the expiration of three months from the date of the resolution whereupon such resolution shall be declared lost unless confirmed by a simple majority.

(5) [Without prejudice to paragraph (1)] of this Article any resolution of the States of Deliberation approving a Projet de Loi intended to repeal or vary any of the provisions of this Law and authorising the Bailiff to present a most Humble Petition to Her Majesty in Council praying for Her Royal Sanction thereto which is carried by a majority of less than two-thirds of the members present and voting shall not be deemed to have been carried before the expiration of seven days from the date of the resolution:

Provided –

- (i) that where before the expiration of the aforesaid seven days an application in writing signed by not less than seven members of the States of Deliberation is made in that behalf to the [Presiding Officer] such resolution shall be brought back before the States of Deliberation by the [Presiding Officer] as soon as may be after the expiration of three months from the date of the resolution whereupon such resolution shall be declared lost unless confirmed by a simple majority, and

- (ii) that the provisions of this paragraph shall not apply to a resolution approving a Project de Loi in respect of which the resolution directing the preparation of the necessary legislation was confirmed in accordance with the provisions of the proviso to paragraph (4) of this Article.]

NOTES

In Article 3,

the words, figures and parentheses in the first and fourth pairs of square brackets in paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2009, respectively section 2(a)(i) and section 2(a)(ii), with effect from 5th August, 2010;⁴

the words "Presiding Officer" in square brackets, wherever occurring, were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004;

paragraph (2) and paragraph (3) were repealed by the Reform (Guernsey) (Amendment) Law, 2009, section 2(b), with effect from 5th August, 2010;⁵

paragraph (4) and paragraph (5) were inserted by the Reform (Amendment) (Guernsey) Law, 1987, section 1(d), with effect from 19th May, 1987;

the words, figures and parentheses in the first pairs of square brackets within paragraph (4) and paragraph (5) were substituted by the Reform (Guernsey) (Amendment) Law, 2009, section 2(c), with effect from 5th August, 2010.

PART II

The States of Election

Constitution.

4. (1) During the period from the 1st day of October, 1948, to the 31st

day of December, 1948, both dates inclusive, the States of Election shall be composed as follows –

- (a) the Bailiff,
- (b) the [16] Jurats (Jurés-Justiciers),
- (c) the ten Rectors,
- (d)
 - (i) His Majesty's Procureur,
 - (ii) His Majesty's Comptroller,
- (e) thirty-four Douzaine Representatives,
- (f) the eighteen People's Deputies.

(2) On and after the 1st day of January, 1949, the States of Election shall be composed as follows –

- (a) the Bailiff,
- (b) the [16] Jurats (Jurés-Justiciers),
- (c) ...
- (d) the ten Rectors,
- (e)
 - (i) His Majesty's Procureur,
 - (ii) His Majesty's Comptroller,

(f) [thirty-eight] People's Deputies,

(g) thirty-four Douzaine Representatives[:

Provided that a Rector shall not, by reason only of being a Rector, be eligible to exercise any of the functions appertaining to the office of Rector as a member of the States of Election under this Law unless he shall have had his ordinary place of residence in this Island for the twelve months immediately prior to the date of the exercise of such functions.]

(3) The Bailiff shall be ex-officio [Presiding Officer] of the States of Election and his powers and duties as such in relation to the nominations of Acting [Presiding Officers], and the duration of the validity of such nominations shall be in all respects similar to his powers and duties in relation to such nominations in respect of the States of Deliberation as provided in paragraphs (2) and (3) of Article 1 of this Law.

(4) The Acting [Presiding Officer] shall have in relation to the performance of the duties of his office all the powers and be subject to all the duties of the [Presiding Officer].

(5) (a) The [Presiding Officer], or the Acting [Presiding Officer], as the case may be, shall have no original vote, but in the event of an equality of votes he shall have a casting vote, which shall be exercisable by private intimation to the Scrutineers appointed by the assembly.

(b) The other Members may each vote in one capacity only.

NOTES

In Article 4,

the figures in square brackets in sub-paragraph (b) of paragraph (1) and sub-paragraph (b) of paragraph (2) were substituted by the Royal Court (Reform) (Guernsey) Law, 2008, section 9(1), with effect from 29th October, 2008;

sub-paragraph (c) of paragraph (2) was repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 2(3)(a), with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law;

the words in square brackets in sub-paragraph (f) of paragraph (2) were substituted by the States (Reform) (Guernsey) Law, 2015, section 5(1)(b), with effect from 1st May, 2016;⁶

the proviso to paragraph (2) was substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(2), with effect from 1st May, 1994;⁷

the words "Presiding Officer" in square brackets, wherever occurring, were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004.

Functions of the States of Election.

5. [(1) The function of the States of Election shall be to elect persons to the office of Jurat.]

[(2) [The following provisions apply to an election for the office of Jurat –]

- (a) no candidate shall be declared elected unless he has polled a number of votes greater than one half of the number of members of the States of Election present at the meeting at which the election is held,

- (b) voting shall be by secret ballot irrespective of the number of candidates offering themselves for election,
- (c) where more than one ballot becomes necessary, the ballots shall be held at the same meeting of the States of Election and the candidate with the lesser or least number of votes, as the case may be, in any ballot in which no candidate is declared elected shall be eliminated from the next ballot, [...]
- (d) not more than one vacancy shall be filled at any one meeting of the States of Election, [and.
- (e) the ballot papers shall be kept in a sealed box, and after the elected candidate has been sworn in the ordinary manner, the ballot papers shall be destroyed].]

NOTES

In Article 5,

paragraph (1) was substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(3)(a), with effect from 1st May, 1994;⁸

paragraph (2) was substituted by the Reform (Amendment) (Guernsey) Law, 1962, section 1, with effect from 21st January, 1963;⁹

first, the words in the first pair of square brackets within paragraph (2) were substituted, second, the word omitted in square brackets at the end of subparagraph (c) of paragraph (2) was repealed and, third, subparagraph (e) and the word in square brackets immediately after subparagraph (d) thereof were inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 2, with effect from 22nd April, 2020.¹⁰

Quorum.

6. [(1) A quorum of the States of Election shall be the [Presiding Officer] or Acting [Presiding Officer], as the case may be, and at least sixty other members.]

(2) In case at any meeting there shall not be a Quorum present, the [Presiding Officer] or Acting [Presiding Officer], as the case may be, may convene a fresh meeting by publishing in two daily newspapers published locally in the English language or, if there be only one such newspaper, then in that newspaper, a notice stating that at the meeting previously convened there was not a Quorum of Members present, and fixing a date for a fresh meeting, which meeting shall thereupon be lawfully convened for that date.

NOTES

In Article 6,

paragraph (1) was substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(4), with effect from 1st May, 1994;¹¹

the words "Presiding Officer" in square brackets, wherever occurring, were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004.

PART III

GENERAL

States of Deliberation and of Election

Procedure.

7. (1) The States of Deliberation may by Resolution decide the Rules of Procedure to be applicable from time to time in and in relation to assemblies of the States of Deliberation or of the States of Election, and may likewise at any time vary, revoke or suspend such Rules or any of them.

(2) Subject as aforesaid, the Rules of Procedure, not being inconsistent with any of the provisions of this Law, which are applicable in or in relation to either assembly on the 31st day of December, 1948, whether by Law or Custom or by Resolution of the States of Deliberation, shall continue to be applicable thereafter.

(3) The States of Deliberation are hereby empowered, after the date last mentioned, to repeal by Resolution with effect on such date or dates as shall be provided therein the provisions as to procedure in or in relation to either assembly of any Law, other than this Law, in force on the 31st day of December, 1948.

Eligibility as [...] People's Deputy.

8. Any person of full age shall be eligible to hold the office [...] of People's Deputy provided that –

(a) ...

(b) ...

[(c) he is ordinarily resident in this Island on the date of his nomination as a candidate for that office, and]

[(d) he has been ordinarily resident in this Island –

(i) for a period of two years immediately before that date, or

(ii) for a period or periods of at least five years in the aggregate at any time before that date,]

- [(e) he has not at any time during the five years immediately preceding the date of the election been sentenced for an offence by a court in the United Kingdom, any of the Channel Islands, or the Isle of Man, to imprisonment for a period of six months or more (whether suspended or not) without the option of a fine, unless that sentence was quashed or reduced to less than six months on appeal][,
- (f) he is inscribed on the Electoral Roll.]

NOTES

In Article 8,

the words omitted in the first pair of square brackets therein, and in the Article heading thereto, were repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, respectively section 2(4)(a) and section 2(4)(c), with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law;

paragraph (a) was repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(6), with effect from 1st August, 2003;

paragraph (b) was repealed by the States (Reform) (Guernsey) Law, 2015, section 5(c), with effect from 16th February, 2016;

paragraph (c) was substituted, and paragraph (d) was inserted, by the Reform (Guernsey) (Amendment) Law, 2006, section 1, with effect from 19th February, 2007;¹²

paragraph (e) was inserted by the Reform (Amendment) (Guernsey) Law, 1996, section 1(1), with effect from 5th June, 1996;

paragraph (f) was inserted, and the punctuation at the end of paragraph (e) substituted, by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 3, with effect from 22nd April, 2020.

[Nomination of Jurat.]

9. (1) Every candidate for the office of [Jurat [...]] shall be nominated

in writing by a Member of the States of Election or by a Douzenier and such nominations shall be seconded in writing by another such Member or Douzenier. Such nomination, duly seconded, shall be [delivered to the [Presiding Officer] of the States of Election not later than such time on such day, being a day before the fifteen days next preceding the day fixed for the election, as the [Presiding Officer] may appoint] and shall be accompanied by a certificate in writing, signed by the candidate, stating his willingness to serve in the office if elected [...].

[(2) Before the election the Presiding Officer shall, by means of an announcement in the Gazette Officielle, notify the Members of the States of Election of the nominations delivered to him in accordance with paragraph (1).]

NOTES

In Article 9,

the Article heading was substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(5)(c), with effect from 1st May, 1994;¹³

the word in the first pair of square brackets was substituted by the Reform (Amendment) (Guernsey) Law, 1960, section 1(c)(i), with effect from 20th December, 1960;

the words omitted in square brackets within the first pair of square brackets in paragraph (1) were repealed by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(5)(a), with effect from 1st May, 1994;

the words in the second pair of square brackets in paragraph (1) were substituted by the Reform (Amendment) (Guernsey) Law, 1960, section 1(c)(ii), with effect from 20th December, 1960;

the words in square brackets within the second pair of square brackets in paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004;

the words omitted in the third pair of square brackets in paragraph (1) were repealed by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(5)(a), with effect from 1st May, 1994;

paragraph (2) (which was previously repealed by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, respectively section 10(5)(b), with effect from 1st May, 1994) was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 4, with effect from 22nd April, 2020.

Election of Conseillers.

10. ...

NOTE

Article 10 was repealed by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(6), with effect from 1st May, 1994.¹⁴

Member voting in election at which he is a candidate.

11. ...

NOTE

Article 11 was repealed by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(6), with effect from 1st May, 1994.

Casual vacancies for office of Conseiller.

12. ...

NOTE

Article 12 was repealed by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(6), with effect from 1st May, 1994.¹⁵

Term of office of a person filling a casual vacancy in the office of Conseiller.

13. ...

NOTE

Article 13 was repealed by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(6), with effect from 1st May, 1994.

Election of ten Douzaine Representatives to the States of Deliberation.

14. ...

NOTE

Article 14 was repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(7), with effect from 1st August, 2003.¹⁶

Douzaine Representatives in the States of Election.

15. [(1) The Douzaine Representatives in the States of Election shall consist of [thirty four] Douzaine Representatives elected for each meeting of the States of Election by their respective Douzaine, as follows –

- (a) from the Parish of Saint Peter Port, [nine] Douzeniers,
- (b) from the Parish of Saint Sampson, [five] Douzeniers,
- (c) from the Parish of the Vale, [five] Douzeniers,
- (d) from the Parish of the Castel, [five] Douzeniers,
- (e) from the Parish of Saint Saviour, [two Douzeniers],
- (f) from the Parish of Saint-Peter-in-the-Wood, [one

Douzenier],

- (g) from the Parish of Torteval, [one Douzenier],
- (h) from the Parish of the Forest, [one Douzenier],
- (i) from the Parish of Saint Martin, [four] Douzeniers, and
- (j) from the Parish of Saint Andrew, [one Douzenier]:

Provided that the States may at any time by resolution vary, in accordance with the numbers of the respective populations of the Electoral Districts concerned, the allocation of the numbers of [...] Douzaine Representatives as between the aforesaid Parishes so, however, that the total number of [...] Douzaine Representatives shall remain at [thirty-four].]

(2) ...

(3) On the issue of a Billet d'État convening a meeting of the States of Election, the Constables of each Parish in which it shall be requisite so to do for the purposes of this Article shall cause the Douzaine of that Parish to elect Douzaine Representatives, in accordance with the provisions of paragraph (1) thereof, and shall deliver a certificate to His Majesty's Greffier in writing under their hands not later than three o'clock in the afternoon of the working day next preceding the date of the meeting of the States of Election, as to the Douzaine Representatives so elected.

NOTES

In Article 15,

paragraph (1) was substituted by the Reform (Amendment No. 2)

(Guernsey) Law, 1988, section 1, with effect from 14th February, 1989;¹⁷

the words in the first pair of square brackets in paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(8)(a), with effect from 1st May, 2004;

the words in square brackets in, first, sub-paragraph (a), sub-paragraph (b), sub-paragraph (d), sub-paragraph (e) and sub-paragraph (i) and, second, sub-paragraph (f), sub-paragraph (g), sub-paragraph (h) and sub-paragraph (j) of paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(8)(b) and section 1(8)(c), with effect from 1st May, 2004;¹⁸

the word in square brackets in sub-paragraph (c) of paragraph (1) was substituted in accordance with the provisions of the Resolution of the States of 12th December, 1996, concerning Billet d'État No. XXVII;

the words omitted in the twelfth and thirteenth pairs of square brackets in paragraph (1) were repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(8)(d)(i), with effect from 1st May, 2004;

the words in the fourteenth pair of square brackets in paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(8)(d)(ii), with effect from 1st May, 2004;

paragraph (2) was repealed by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(d), with effect from 16th August, 1952.

The following Resolution has been made by the States under Article 15:

Resolution of 12th December, 1996, concerning Billet d'État No. XXVII.

[Duty of a Douzaine Representative in the States of Election.]

16. A Douzaine Representative shall not be bound in the States of Election to vote in accordance with any direction or instruction given him by the Douzaine which he represents, and he shall be free on all occasions to cast his vote in accordance with his conscience.]

NOTE

Article 16 was substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(9), with effect from 1st May, 2004.

Resignation of [...] People's Deputy [...].

17. (1) A [...] People's Deputy [...] may at any time resign his office, provided that –

- (a) he shall inform the [Presiding Officer] of the States in writing under his hand of his desire so to do, and
- (b) his resignation shall not take effect until it has been accepted by the States of Deliberation.

(2) If it shall appear to the Royal Court on petition brought by the Law Officers of the Crown or either of them that [...] a People's Deputy –

- (a) did not at the time of his election possess the qualifications required by the provisions of Article 8 of this Law, [...] or
- [(b) has subsequently to such election been sentenced for an offence by a court in the United Kingdom, any of the Channel Islands, or the Isle of Man, to imprisonment for a period of six months or more (whether suspended or not) without the option of a fine, unless that sentence has been quashed or reduced to less than six months on appeal, or]
- [(c)] has not, whether by reason of illness, absence or otherwise, for twelve consecutive months, fulfilled the duties of his office,

the Court shall so declare and thereupon the office of such [...] People's Deputy shall

be vacated.

(3) A copy of any such petition shall be served by His Majesty's Sergeant at the residence in this Island of such [...] People's Deputy, with a written notice stating the date of the hearing, unless such [...] People's Deputy [...] has no residence in this Island, [in which case] the Law Officers of the Crown or either of them shall, in lieu of causing such service to be effected, cause to be inserted in the "Gazette Officielle" appearing in the week preceding the date of the hearing a notice stating that the petition will be brought, the date of the hearing thereof and the reasons for its being brought.

NOTES

In Article 17,

the words omitted in the first pair of square brackets in the Article heading, and in the first pair of square brackets in paragraph (1) thereof, were repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 2(5), with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law;

the words omitted in the second pair of square brackets in the Article heading, and in the second pair of square brackets in paragraph (1) thereof, were repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(10), with effect from 1st May, 2004;

the words in square brackets in sub-paragraph (a) of paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004;

the words omitted in the first pair of square brackets in paragraph (2) and in the first and second pairs of square brackets in paragraph (3) were repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 2(5), with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law;

first, the words omitted in square brackets in paragraph (2)(a) were repealed, second, the words omitted in the third pair of square brackets in paragraph (3) were repealed and, third, the words in the fourth pair of square brackets in paragraph (3) were substituted by the States (Reform) (Guernsey) Law, 2015, section 5, respectively paragraph (d)(i), paragraph (d)(ii)(A) and paragraph (d)(ii)(B), with effect from 16th February, 2016;

sub-paragraph (b) of paragraph (2) was inserted, and the original sub-paragraph (b) thereof was re-designated as "(c)", by the Reform (Amendment) (Guernsey) Law, 1996, section 1(2), with effect from 5th June, 1996, subject to the provisions of section 11(2) of the 1996 Law.

Membership of States Committees.

18. Save as may hereafter be specifically provided by Resolution of the States, in all cases in which the President or any Member of any Committee (however described) of the States is required by enactment or by resolution of the States to be a Member of the States, Jurats, Rectors and Douzeniers who at the commencement of this Law are serving on any such Committee may continue in office on that committee and may be re-elected thereto, and Jurats, Rectors or Douzeniers may be elected to any such committee notwithstanding that they are not Members of the States.

Oath of Office and Allegiance.

19. Every Member of the States of Deliberation shall before entering office take before the Royal Court an oath of office in the form appropriate to such office, and the oath of allegiance.

NOTE

In accordance with the provisions of the States of Guernsey (Representation of Alderney) Law, 1978, section 2(4), with effect from 1st January, 1980, the provisions of this Article shall not apply to the Alderney Representatives in the States of Deliberation.

Validity of acts done by unqualified persons.

20. The acts and proceedings of any person elected to the States of Deliberation or of Election and having acted as a Member thereof shall, notwithstanding his disqualification or want of qualification, be deemed to have been as valid and effectual as if he had been qualified to be a Member thereof.

[Absolute privilege for Members in course of States proceedings.]

20A. (1) No civil or criminal proceedings may be instituted against a Member of the States of Deliberation for or in respect of –

- (a) any words spoken before, or written in any report to, the States of Deliberation or any department, or
- (b) any matter or thing brought by him in or before the States of Deliberation or any department by requête, amendment, sursis, question, report or other written document.

(2) No civil or criminal proceedings may be instituted against a Member of the States of Election for or in respect of –

- (a) any words spoken before, or written in any report to, the States of Election, or
- (b) any matter or thing brought by him in or before the States of Election by written document.

[(3) No civil or criminal proceedings may be instituted against a Dean of the Douzaine of any Parish of the Island of Guernsey or an independent Member appointed by the Chairman of the Panel of Members for or in respect of any words spoken or written as a consequence of that person's role in a Board appointed in accordance with section 5 of the Administrative Decisions (Review) (Guernsey) Law, 1986^α.]]

^α Ordres en Conseil Vol. XXIX, p.381; amended by Order in Council X of

NOTES

Article 20A was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

In section 20A, subsection (3) was inserted by the Reform (Guernsey) Law, 1948 (Amendment) Ordinance, 2019, section 1, with effect from 27th November, 2019.

[Protection of persons responsible for States publications.]

20B. (1) No civil or criminal proceedings may be instituted against any person for or in respect of the publication by him or his servant or agent of any document by order or under the authority of the States or any department.

(2) For the purposes of paragraph (1), a certificate under the hand of the Chief Executive of the States stating that a document was published by order or under the authority of the States or any department is conclusive evidence of that fact.]

NOTE

Article 20B was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

[Protection of persons who publish extracts, etc, of States documents.]

20C. No civil or criminal proceedings may be instituted against any person for or in respect of the publication by him or his servant or agent, in good faith and without malice, of any account, summary or abstract of, or any extract from, any document published by order or under the authority of the States or any department.]

2019; there are other amendments not relevant to this enactment.

NOTE

Article 20C was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

[Protection of persons who publish reports of States proceedings.]

20D. No civil or criminal proceedings may be instituted against any person for or in respect of the publication by him or his servant or agent of a fair and accurate report of any proceedings in public of the States of Deliberation or the States of Election unless the publication is shown to be made with malice, but –

- (a) this Article does not apply to the publication to the public, or a section of the public, of matter which is not of public concern and the publication of which is not for the public benefit, and
- (b) nothing in this Article shall be construed –
 - (i) as protecting the publication of matter the publication of which is prohibited by law, or
 - (ii) as limiting or abridging any privilege subsisting apart from this section.]

NOTE

Article 20D was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

[Protection of persons appearing before Committees.]

20E. A person attending to give evidence to or to produce any document

before –

- [(a) the Scrutiny Management Committee or any standing or ad hoc panel appointed pursuant to the powers and duties of that Committee to carry out particular aspects of its mandate, or to scrutinise particular matters within its mandate, on that Committee’s behalf,] [...]
- (b) a panel established pursuant to Article 20F to investigate an allegation or complaint that there has been [...] a breach or abuse of privilege, [or]
- [(c) the Commissioner,]

is entitled, in respect of any evidence given or document produced by him, to the same immunities and privileges as if he were a witness before the Royal Court[, including privilege against self-incrimination and legal professional privilege].]

NOTES

Article 20E was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

In Article 20E,

first, paragraph (a) was substituted and, second, the words in the second pair of square brackets were inserted by the Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020, section 3, respectively paragraph (a) and paragraph (b), with effect from 4th May, 2020;¹⁹

the words omitted in square brackets, first, at the end of subparagraph (a) and, second, in subparagraph (b) were repealed and the word in square brackets at the end of that subparagraph was inserted and, third, subparagraph (c) was inserted by the Reform (Guernsey) (Amendment) Law, 2022, respectively section 1(2)(a), section 1(2)(b) and section 1(2)(c), with effect from 22nd May, 2023, subject to the transitional provision in section 4(2) of the 2022 Law.

[Code of conduct.]

20F. (1) The States of Deliberation may by resolution adopt (and subsequently amend, revoke or replace) a code of conduct –

- (a) prescribing or, as may be appropriate, regulating the duties, standards, propriety and conduct, in public life, of People's Deputies, and
- (b) containing such other provision in relation to those matters as the States of Deliberation think fit.

(2) A code of conduct may, without limitation, make provision –

- (a) for the investigation and disposal of allegations and complaints that a People's Deputy –
 - (i) has failed to comply with the code, or
 - (ii) has been guilty of any breach or abuse of privilege,
- (b) for the establishment of a panel or panels to investigate [allegations and complaints falling within subparagraph (a)(ii)], and the constitution, powers and proceedings of any such panel,
- (c) requiring any People's Deputy under investigation by [a panel or the Commissioner to co-operate fully with the panel or the Commissioner (as the case may be)],

(d) without prejudice to subparagraph (b), empowering the panel [and Commissioner] to request the production of documents from any person (including the People's Deputy under investigation) and to request any person to appear before [the panel or the Commissioner (as the case may be)],

(e) for the sanctions to be available against an offending People's Deputy, which may include –

(i) a reprimand [or caution], [...]

[(ia) requiring the People's Deputy to apologise, or]

(ii) suspension or expulsion (for example, by debarring him from proceedings of, or terminating his membership of, the States of Deliberation or any department, or by removing any of his functions in relation to such proceedings).

(3) People's Deputies must comply with a code of conduct in all aspects of their public life and are bound by any decision made under it; and the code and any such decision shall have effect for the purposes of –

(a) this Law,

(b) the States Committees (Constitution and Amendment)

(Guernsey) Law, 1991^{*} and any resolution of the States of Deliberation thereunder, and

(c) the Rules of Procedure of the States of Deliberation,

the provisions of which shall apply accordingly.

(4) This Article applies in relation to –

(a) an Alderney Representative, and

(b) a member of a department who is not also a Member of the States of Deliberation as set out in Article 1(1), [and

(c) a person who has at any time been a member of the States of Deliberation,]

as it applies in relation to a People's Deputy; and references in this Article to a People's Deputy shall be construed accordingly.]

NOTES

Article 20F was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

In Article 20F,

first, the words in square brackets in subparagraph (b) of paragraph (2) and, second, those in square brackets in subparagraph (c) of that paragraph were substituted, third, the words in the first pair of square brackets in subparagraph (d) of paragraph (2) were inserted and those in the second pair of square brackets therein were substituted and, fourth, the word

*

Order in Council No. XX of 1991.

omitted in square brackets at the end of subparagraph (e)(i) of paragraph (2) was repealed and subparagraph (e)(ia) thereof was inserted by the Reform (Guernsey) (Amendment) Law, 2022, respectively section 1(3)(a), section 1(3)(b), section 1(3)(c) and section 1(3)(d), with effect from 22nd May, 2023, subject to the transitional provision in section 4(2) of the 2022 Law;

the words in square brackets in sub-paragraph (e)(i) of paragraph (2) were inserted by the Reform (Guernsey) (Amendment) Law, 2009, section 3, with effect from 5th August, 2010;

sub-paragraph (c) of paragraph (4), and the word immediately after sub-paragraph (b) thereof, were inserted by the Reform (Guernsey) (Amendment) Ordinance, 2011, section 1, with effect from 1st November, 2011.

[Interpretation of Articles 20A to 20F.]

20G. In Articles 20A to 20F –

"code of conduct" means a code of conduct adopted under Article 20F(1),

[**"the Commissioner"** means the Commissioner for Standards appointed under the First Schedule,]

"department" means any department, council, committee or authority, however called, of the States, including, for the avoidance of doubt

–

(a) the Board of Governors of the Ladies' College and the Board of Directors of Elizabeth College, and

(b) the Priaulx Library Council,

"document" includes an enactment,

"to publish" includes –

- (a) to make known, distribute or transmit to any person,
- (b) to publish in any electronic or other non-visible or non-legible form from which the content may, by any means, be reproduced in visible or legible form,
- (c) to broadcast by means of wireless telegraphy within the meaning of section 19 of the Wireless Telegraphy Act 1949^{**}, and
- (d) to include in a programme service within the meaning of section 201 of the Broadcasting Act 1990^{***},

and related expressions shall be construed accordingly,

"States" means the States of Guernsey.]

NOTES

Article 20G was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

In Article 20G, the definition of the expression "the Commissioner" was inserted by the Reform (Guernsey) (Amendment) Law, 2022, section 1(4), with effect from 22nd May, 2023, subject to the transitional provision in section 4(2) of the 2022 Law.

^{**} An Act of Parliament (1949 c. 54); extended to the Bailiwick by United Kingdom S.I. 1952/1900.

^{***} An Act of Parliament (1990 c. 42); extended to the Bailiwick by United Kingdom S.I. 1991/1709.

[Power to amend by Ordinance.]

- 20H.** (1) The States of Deliberation may by Ordinance amend –
- (a) Articles 20A to 20G, and
 - (b) any other provision of this Law for the purpose of giving effect to –
 - (i) those Articles, as from time to time amended, and
 - (ii) any code of conduct.
- (2) An Ordinance under paragraph (1) –
- (a) may be amended or repealed by a subsequent Ordinance, and
 - (b) may contain such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient, including (without limitation) provision as to the creation and punishment of offences[, and
 - (c) may apply any of those provisions, with or without modification, to any standing or *ad hoc* panel appointed pursuant to the powers and duties of any Committee of the States to carry out particular aspects of its mandate on that Committee's behalf.]
- (3) The provisions of Article 3(5) (including, for the avoidance of

doubt, the proviso thereto) apply in relation to an Ordinance under this Article as those provisions apply in relation to a *Projet de Loi* intended to repeal or vary any of the provisions of this Law.]

NOTES

Article 20H was inserted by the Reform (Guernsey) (Amendment) Law, 2006, section 2, with effect from 19th February, 2007.

In Article 20H, the punctuation at the end of paragraph (2)(b) was substituted and paragraph (2)(c) was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 5, with effect from 22nd April, 2020.

The following Ordinances have been made under Article 20H:

*Reform (Guernsey) (Amendment) Ordinance, 2011;
Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020.*

[Scrutiny.]

20I. (1) The States may by Ordinance make any such provision as might be made by Order in Council to facilitate the effective scrutiny by the Scrutiny Management Committee of the conduct, policies, use of resources, and activities in general, of any committee of the States of Guernsey, any person or statutory body whose functions include functions of a public nature, and any other organisation which is or has been in receipt of public funds.

(2) Without prejudice to the generality of the foregoing, an Ordinance made under this Article may in particular –

- (a) confer on witnesses appearing before the Scrutiny Management Committee or any standing or *ad hoc* panel appointed by that Committee immunity from civil or criminal proceedings in respect of words spoken

before it or contained in any document submitted to and accepted by it as evidence,

- (b) provide that answers given, statements made, and (once accepted as evidence) documents produced, by such a witness shall not be admissible in evidence against that person in any other civil or criminal proceedings,
- (c) specify circumstances in which, and procedures in accordance with which, any immunity and exclusion described in paragraphs (a) and (b) respectively may be withdrawn by the person chairing a meeting of that Committee or any such panel,
- (d) make provision in respect of the power of the Scrutiny Management Committee to request any person to –
 - (i) appear before that Committee or any standing or *ad hoc* panel appointed by that Committee, and
 - (ii) give evidence and produce documents to that Committee or any such panel,
- (e) provide for any specified court in Guernsey, on the application of the Scrutiny Management Committee, to order any person to –
 - (i) appear before that Committee or any standing or *ad hoc* panel appointed by that Committee, and

- (ii) give evidence and produce documents to that Committee or any such panel, and
- (f) make it an offence, punishable on conviction by imprisonment for a term of up to 2 years and to a fine of up to level 5 on the Uniform Scale, for any person to

—

- (i) disobey an order of a Guernsey court requiring that person so to appear or to produce documents, or
- (ii) refuse to be examined before, or to answer any lawful and relevant question put by, that Committee or panel,
- (iii) knowingly or recklessly give false or misleading oral or written evidence to that Committee or panel,
- (iv) obstruct, deter, harass or molest any person who has been required or requested to appear before or produce documents to that committee or panel.

(3) In this Article "**proceedings**" includes disciplinary proceedings before an internal or professional tribunal; and in this Article and Article 20E, "**the Scrutiny Management Committee**" means the States Scrutiny Management Committee.]

NOTES

Article 20I was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 6, with effect from 22nd April, 2020.

The following Ordinance has been made under Article 20I:

Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020.

[Commissioner for Standards.]

21. The First Schedule, which makes provision in respect of the Commissioner for Standards, has effect.]

NOTE

Article 21 was inserted by the Reform (Guernsey) (Amendment) Law, 2022, section 1(5), with effect from 22nd May, 2023, subject to the transitional provision in section 4(2) of the 2022 Law.²⁰

Duties of H.M. Greffier, H.M. Sheriff and H.M. Sergeant.

22. (1) His Majesty's Greffier shall be Clerk and Registrar to the States of Deliberation and of Election and shall when so directed by the States of Deliberation act in the like capacity to any Committee of that assembly.

(2) His Majesty's Sheriff and his Majesty's Sergeant shall be officers of the States of Deliberation and of Election and shall obey the directions of the [Presiding Officer] of either assembly in the fulfilment of any ministerial functions required to be exercised by them for or on behalf of either assembly.

NOTE

In Article 22, the words in square brackets in paragraph (2) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004.

Abolition of Cantonal Douzaines.

23. On and after the 30th day of September, 1948, the members of the four Cantonal Douzaines of the Parish of Saint Peter Port shall cease to be eligible as Members of the States of Election, and on and after the 31st day of December, 1948, those Douzaines shall cease to exist.

Interpretation.

24. In Parts I and II and in this Part of this Law the expressions "**Douzenier**" and "**Douzaine Representative**" shall include a Constable of a Parish [and "**Alderney Representative**" has the meaning assigned by the States of Guernsey (Representation of Alderney) Law, 1978^{****}].

NOTE

In Article 24, the words in square brackets were inserted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 2(6), with effect from 1st May, 2000.

PART IV

Election of People's Deputies

[Compilation of Electoral Roll by Registrar-General.

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

[(2) [Subject to Article 34A (Application for name and address to be omitted from Electoral Roll),] there shall be shown on the Electoral Roll in respect of every voter his surname, [forenames] and full postal address, and such distinguishing

**** Ordres en Conseil Vol. XXVI, p. 548; Order in Council No. VI of 1993.

number as shall be assigned to him for the purpose by the Registrar-General[; and also, in the case of a person inscribed on that Electoral Roll when his age is [15 years], that person's date of birth].]

[(3) The Electoral Roll shall remain valid until such date as the States may determine by Ordinance; and when, pursuant to an Ordinance under this paragraph, the Electoral Roll ceases to be valid, it shall be replaced by a new Electoral Roll which shall be compiled by the Registrar-General in accordance with the provisions of this Law and to which the provisions of this paragraph shall apply in all respects]

[(4) The Electoral Roll shall be divided into 10 sections whereof each shall represent one Parish.].]

NOTES

Article 25 was substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(e), with effect from 16th August, 1952.

In Article 25,

paragraph (2) was substituted by the Reform (Amendment) (Guernsey) Law, 1975, section 1(d), with effect from 21st October, 1975;

the words in the first and second pairs of square brackets in paragraph (2) were, respectively, inserted and substituted and paragraph (4) was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 7, with effect from 22nd April, 2020;

the words in the third pair of square brackets in paragraph (2) were inserted by the Reform (Amendment No. 2) (Guernsey) Law, 2003, section 1(2), with effect from 19th January, 2004;

the word and figures in the square brackets within the third pair of square brackets in paragraph (2) were substituted by the Reform (Guernsey) (Amendment) Law, 2007, section 2, with effect from 18th December, 2007;

paragraph (3) was inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(11), with effect from 1st August, 2003.

The following Ordinances have been made under Article 25:

*Electoral Roll Ordinance, 2011;
Electoral Roll Ordinance, 2015;
Electoral Roll Ordinance, 2019.*

[The Electoral District, and polling stations.]

26. [(1) ...]

[(2) In the General Election to be held in [2021], and thereafter, for the purposes of elections to the office of People's Deputy Guernsey shall comprise one Electoral District returning 38 People's Deputies.]

[(2A) ...]

(3) [...] Polling stations shall be established by [the Registrar-General] in accordance with any Resolution of the States for the time being in force in that behalf [and the Registrar-General] may provide for the establishment of such additional polling stations [...] as [he] may deem convenient to the electorate.

NOTES

In Article 26,

first, the Article heading was substituted, second, paragraph (1) (which paragraph was previously substituted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 4(1)(a), with effect from 6th October 1998, subject to the provisions of both section 8(3) and the transitional provisions in section 9(1) of the 1998 Law) was repealed, third, paragraph (2) was substituted, fourth, paragraph (2A) (which paragraph was originally inserted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 4(1)(b), with effect from 6th October 1998, subject to the provisions of section 8(3) of the 1998 Law) was repealed and, fifth, the words omitted in the first pair of square brackets in paragraph (3) were repealed, those in the second and third pairs therein were substituted, the word omitted in the fourth pair therein was repealed and the word in the fifth pair therein was substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 8(a), Article 8(b), Article 8(c), Article 8(d) and Article 8(e), with effect from 22nd April, 2020²¹

the date in square brackets within paragraph (2) was substituted by the Reform (Guernsey) (Amendment) Law, 2020, section 1(2), with effect from 29th June, 2020.

In its application to the General Election of People's Deputies to be held on 7th October, 2020, and the further General Election of People's Deputies to be held in June 2025, paragraph (2) of this Article is modified in accordance with the provisions of the Elections Ordinance, 2020, section 1(a), with effect from 1st July, 2020.

Persons entitled to vote.

27. [(1) A person shall be entitled to be inscribed on the Electoral Roll if he –

(a) is of the age of [[15 years] or over:

PROVIDED that a person shall not vote at any election before he attains the age of [16 years]], and

(b) ...

(c) is ordinarily resident in this Island on the date of his application to be inscribed, and

(d) has been ordinarily resident in this Island on the date referred to in subparagraph (c) either –

(i) for a period of at least two years immediately preceding that date, or

(ii) at any time before that date for a period or periods of at least five years in total, and

- (e) has delivered to the Registrar-General, in respect of himself, in such form as the Registrar-General shall prescribe, an application for inclusion in the Electoral Roll.]

[(1AA) Notwithstanding paragraph (1), a person who on the date of his application to be inscribed on the Electoral Roll has not been ordinarily resident in this Island for the period or periods specified in item (i) or (ii) of paragraph (1)(d) –

- (a) is, subject to compliance with the other subparagraphs of paragraph (1), entitled to be inscribed on the Electoral Roll, but
- (b) may not vote at any election before he has been ordinarily resident in this Island for the period or periods specified in the said item (i) or (ii).]

[(1A) A person making an application for inclusion on the Electoral Roll in pursuance of this Article shall declare on the application form that he, and any other person included on the form, was ordinarily resident in this Island on the date of the application[, and, in the case of a person whose age is [15 years] on that date, that person's date of birth].]

[(1B) The Registrar-General may, on receipt of an application for inclusion on the Electoral Roll, request the applicant to provide evidence of his date of birth.

(1C) If in the opinion of the Registrar-General the applicant fails unreasonably to provide evidence of his date of birth on a request being made under paragraph (1B), or the evidence provided shows that the person is not entitled to be inscribed on the Electoral Roll, or the Registrar-General is otherwise not satisfied

with the evidence provided, the Registrar-General –

- (a) shall refuse to grant the application, if the evidence shows that the person is not entitled to be inscribed on the Electoral Roll, and
- (b) may refuse to grant the application until evidence of the applicant's date of birth which he considers satisfactory is provided, in any other case.]

(2) [Subject to paragraph (4) of this Article and to Article 27A of this Law, [and to the provisions of any Ordinance made under section 15A of the Reform (Amendment) (Guernsey) Law, 1972,] any person] whose name is inscribed on the section of the Electoral Roll [representing a Parish] may vote at any polling station in [that Parish] [...].

[(3) Subject to paragraph (3B), at an election the Central Returning Officer shall cause to be kept at each polling station by the Polling Station Officer a list (hereinafter referred to as "**a list of voters**") which shall, in respect of every person who voted at that polling station, specify his surname, the initials of his forenames and the number assigned to him pursuant to Article 25(2), and the Central Returning Officer shall cause the lists from each polling station 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.]

[(3A) The list of voters to be kept [...] at each polling station under paragraph (3) may be kept in such form as the [Central Returning Officer] thinks fit, including, without limitation, in electronic form.]

[(3B) The States' Assembly and Constitution Committee may, after consulting the Registrar-General, make regulations empowering the Central

Returning Officer to provide to each Polling Station Officer a mechanism different from a list of voters for recording the details of persons voting at the Polling Station Officer's polling station, for the purpose of more efficiently identifying persons who have voted more than once at the election.

(3C) The States' Assembly and Constitution Committee may not make regulations under paragraph (3B) unless the Registrar-General has confirmed that he is satisfied that the specified mechanism does not threaten the secret ballot in particular or the integrity of the election in general.

(3D) Regulations under paragraph (3B) may provide that the mechanism specified in the regulations –

- (a) shall be used instead of a list of voters, or
- (b) may be used as an alternative to, or in addition to, a list of voters.]

[(4) It is hereby declared for the avoidance of doubt that a person shall not vote at any election at a time when he is [under the age of [16 years] [...]] [...].]

[(5) For the purposes of this Part, a person is "**ordinarily resident**" in Guernsey during any period if throughout that period he was living lawfully in, and had his home in, Guernsey; and for these purposes a person may be ordinarily resident in Guernsey if he has no fixed or permanent address.]

NOTES

In Article 27,

paragraph (1) was substituted by the Reform (Guernsey)

(Amendment) Law, 2003, section 1(12), with effect from 1st August, 2003;²²

the words in square brackets in sub-paragraph (a) of paragraph (1) were substituted by the Reform (Amendment No. 2) (Guernsey) Law, 2003, section 1(3), with effect from 19th January, 2004;

the words and figures in the first and second pairs of square brackets within the square brackets in sub-paragraph (a) of paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2007, respectively section 3(a) and section 3(b), with effect from 18th December, 2007;

first, paragraph (1)(b) was repealed and, second, the words omitted in, first, the second pair of square brackets within the first pair of square brackets within paragraph (4) and, second, the second pair of square brackets within paragraph (4) were repealed by the States (Reform) (Guernsey) Law, 2015, section 5, respectively paragraph (e)(i) and paragraph (e)(ii), with effect from 16th February, 2016;²³

paragraph (1AA) and paragraph (3A) were inserted by the Reform (Guernsey) (Amendment) Law, 2011, respectively section 2 and section 3, with effect from 17th January, 2012;

paragraph (1A) (which was originally inserted by the Reform (Amendment) (Guernsey) Law, 1985, section 1(a)(iii), with effect from 30th September, 1985) was substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 13(1)(b), with effect from 1st September, 1993;

the words in square brackets in paragraph (1A) were inserted by the Reform (Amendment No. 2) (Guernsey) Law, 2003, section 1(4), with effect from 19th January, 2004;

the word and figures in the square brackets within the square brackets in paragraph (1A) were substituted by the Reform (Guernsey) (Amendment) Law, 2007, section 4, with effect from 18th December, 2007;

first, paragraph (1B) (which paragraph was originally inserted by the Reform (Amendment) (Guernsey) Law, 1985, section 1(a)(iii), with effect from 30th September, 1985, then repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(13), with effect from 1st August, 2003) and paragraph (1C) was inserted, second the words in square brackets within the first pair of square brackets in paragraph (2) were inserted and the words in the second and third pairs of square brackets in that paragraph were substituted, third, paragraph (3) was substituted, fourth, the words omitted in the first pair of square brackets within paragraph (3A) were repealed and the words in the second pair of square brackets therein were substituted, fifth, paragraph (3B), paragraph (3C) and paragraph (3D) and, sixth, paragraph (5) were inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 9(a), Article 9(b), Article 9(c), Article 9(d), Article 9(e) and Article 9(f), with effect from 22nd April, 2020;²⁴

the words in the first pair of square brackets in paragraph (2) were substituted by the Reform (Amendment) (Guernsey) Law, 1996, section 3(1)(a), with effect from 5th June, 1996;

the words omitted in the fourth pair of square brackets in paragraph (2) were repealed by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(f)(ii), with effect from 16th August, 1952;

paragraph (4) was inserted by the Reform (Amendment) (Guernsey) Law, 1996, section 3(1)(b), with effect from 5th June, 1996;

the words in square brackets in paragraph (4) were inserted by the Reform (Amendment No. 2) (Guernsey) Law, 2003, section 1(5), with effect from 19th January, 2004;

the word and figures in the square brackets within the square brackets in paragraph (4) were substituted by the Reform (Guernsey) (Amendment) Law, 2007, section 5, with effect from 18th December, 2007.

The following Ordinances have effect as if made under Article 27:

*Electoral Roll Ordinance, 1995;
Electoral Roll Ordinance, 1996;
Electoral Roll Ordinance, 1999.*

[Prisoners.]

27A. (1) ...

(2) A person who is detained in prison on the day of an election [whether or not] under a sentence of imprisonment may vote at that election only if –

- (a) his name is entered in the register of absent voters and he votes by post in accordance with Part II of the Reform (Amendment) (Guernsey) Law, 1972 [or any Ordinance thereunder], or
- (b) the Prison Governor (who has absolute discretion in the matter) permits him to vote in person.]

NOTES

Article 27A was inserted by the Reform (Amendment) (Guernsey) Law, 1996, section 3(2), with effect from 5th June, 1996.

In Article 27A,

paragraph (1) was repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(14)(a), with effect from 1st August, 2003;

the words in the first pair of square brackets in paragraph (2) were substituted and those in the second pair therein inserted by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(14)(b) and section 1(14)(c), with effect from 1st August, 2003.

[Abolition of mental incapacity to vote.]

27B. Any rule of law which provides that a person is subject to a legal incapacity to vote by reason of his or her mental state is abolished.]

NOTE

Article 27B was inserted by the States (Reform) (Guernsey) Law, 2015, section 5(f), with effect from 16th February, 2016.

Persons not to vote unless inscribed on the Electoral Roll. Penalties for plural voting.

28. (1) A person shall not vote at any election unless [he is of the age of [16 years] or over and] his name is inscribed on the Electoral Roll [and (subject to the provisions of any Ordinance made under Article 34B and under section 15A of the Reform (Amendment) (Guernsey) Law, 1972) a person shall vote only in the Parish in respect of which his name appears in the Electoral Roll], and having once voted at any election he shall not thereafter vote or attempt or purport to vote in respect thereof but no such subsequent vote or attempted or purported vote shall invalidate the election in respect of which the same was or was attempted or purported to be given.

(2) Any person who fraudulently puts or attempts to put or causes to be put into any ballot box any paper other than the ballot paper which he is authorised to put therein shall be guilty of an offence [and liable on conviction to a fine not exceeding level 5 on the uniform scale, or to imprisonment for a term not exceeding three months, or to both].

NOTES

In Article 28,

the words in square brackets in paragraph (1) were inserted by the Reform (Amendment No. 2) (Guernsey) Law, 2003, section 1(6), with effect from 19th January, 2004;

the word and figures in the square brackets within the square brackets in paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2007, section 6, with effect from 18th December, 2007;

the words in the second pair of square brackets in paragraph (1) were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 10, with effect from 22nd April, 2020;

the words and figure in square brackets in paragraph (2) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(15), with effect from 1st August, 2003.²⁵

[Holding of Deputies' Elections.]

[29. (1) General Elections for the office of People's Deputy shall be held in [2021] during the month of [June] and [in every fourth year thereafter] during the month of [June], and, subject to the provisions of Article 19 of this Law, the persons elected shall take office on the 1st day of [July] next following their election, save that if at any General Election there shall be no candidate or an insufficient number of candidates [...], an election to fill any vacancy not filled at that General Election shall be held as soon as may be thereafter [...] 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 [December] 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 four year term then current] [or, in the case of the General Election held on the 27th day of April, 2016, until the 30th day of June, [2021]], but if such vacancy occurs after [the 30th day of November] next preceding the date of a General Election it shall be in the discretion of the [Presiding Officer] of the States whether or not an election shall be held to fill the vacated office until the date of such General Election.

[(2A) ...]

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

[(4) The States may from time to time by Ordinance modify the application of this Article, and any other provision in this Part, for the purpose of enabling a General Election to be held at a time other than as provided for in paragraph (1).

(5) The provisions of Article 3(5) (including, for the avoidance of doubt, the proviso thereto) apply in relation to an Ordinance under paragraph (4) as those provisions apply in relation to a *Projet de Loi* intended to repeal or vary any of the provisions of this Law.]]

NOTES

Article 29 was substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(g), with effect from 16th August, 1952.

In Article 29,

the Article heading was substituted by the Reform (Election of

Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 11(2)(f), with effect from 31st March, 1994;

the date "2021" in square brackets, wherever occurring, was substituted by the Reform (Guernsey) (Amendment) Law, 2020, section 1(2), with effect from 29th June, 2020;²⁶

the words in the third pair of square brackets in paragraph (1) were substituted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 3(a), with effect from 6th October 1998, subject to the provisions of section 8(3) of the 1998 Law;²⁷

the word "June" in square brackets, wherever occurring in paragraph (1), was substituted by the States (Reform) (Guernsey) Law, 2015, section 5(1)(g)(i)(B), with effect from 1st May, 2016;²⁸

the word "July" in square brackets in paragraph (1) was substituted by the States (Reform) (Guernsey) Law, 2015, section 5(1)(g)(i)(C), with effect from 1st May, 2016;²⁹

the words omitted in the sixth and seventh pairs of square brackets within paragraph (1) were repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 11, with effect from 22nd April, 2020;

paragraph (2A) was originally inserted by the Reform (Guernsey) (Amendment) Law, 2020, section 1(3), with effect from 29th June, 2020, subject to the provisions of section 3 of the 2020 Law, whereby that amendment ceased to have effect on 1st January, 2022;³⁰

the words in the first and fourth pairs of square brackets in paragraph (2) were substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, respectively section 11(2)(d) and section 11(2)(e), with effect from 31st March, 1994;

the words in the second pair of square brackets in paragraph (2) were substituted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 3(b), with effect from 6th October 1998, subject to the provisions of section 8(3) of the 1998 Law;

the words in the third pair of square brackets in paragraph (2) were inserted by the States (Reform) (Guernsey) Law, 2015, section 5(1)(g)(ii), with effect from 1st May, 2016;

the words in the fifth pair of square brackets in paragraph (2) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004;

paragraph (4) and paragraph (5) were inserted by the Reform (Guernsey) (Amendment) Law, 2020, section 1(4), with effect from 29th June, 2020.

In its application to the General Election of People's Deputies to be held on 7th October, 2020, and the further General Election of People's Deputies to be held in June 2025, paragraph (1), paragraph (2) and paragraph (2A) of this Article are modified in accordance with the provisions of the Elections Ordinance, 2020, respectively section 1(b), section 1(c) and section 1(d), with effect from 1st July, 2020.³¹

The following Ordinances have been made under Article 29:

*People's Deputy (Saint Andrew) Election Ordinance, 1954;
People's Deputies General Election Ordinance, 1955;
People's Deputy (Torteval) Election Ordinance, 1956;
People's Deputy (Vale) Election Ordinance, 1957;
People's Deputy (St. Martin's) Election Ordinance, 1957;
People's Deputies General Election Ordinance, 1958;
People's Deputy (Castel) Election Ordinance, 1958;
People's Deputy (Vale) Election Ordinance, 1960;
People's Deputies General Election Ordinance, 1961;
People's Deputy (Torteval) Election Ordinance, 1963;
People's Deputies General Election Ordinance, 1964;
People's Deputies (General Election) Ordinance, 1966;
People's Deputy (Saint Peter Port) Election Ordinance, 1968;
People's Deputy (St. Peter Port) (No. 2) Election Ordinance, 1968;
People's Deputy (Vale) Election Ordinance, 1968;
People's Deputy (Castel) Election Ordinance, 1969;
People's Deputy (Saint Peter Port) Election Ordinance, 1969;
People's Deputy (Saint Peter Port) (No. 2) Election Ordinance,
1969;
People's Deputies (General Election) Ordinance, 1969;
People's Deputy (Saint Andrew) Election Ordinance, 1971;
People's Deputy (Saint Sampson) Election Ordinance, 1972;
People's Deputy (Forest) Election Ordinance, 1972;
People's Deputies (General Election) Ordinance, 1972;
People's Deputy (Vale) Election Ordinance, 1973;
People's Deputy (Forest) Election Ordinance, 1975;
People's Deputies (General Election) Ordinance, 1975;
People's Deputy (Saint Peter Port) Election Ordinance, 1977;
People's Deputy (Saint Saviour) Election Ordinance, 1978;
People's Deputies (General Election) Ordinance, 1978;
People's Deputy (Saint Peter Port) Election Ordinance, 1979;
People's Deputy (Saint Peter Port) Election Ordinance, 1980;
People's Deputy (Saint Saviour) Election Ordinance, 1981;
People's Deputies (General Election) Ordinance, 1981;
People's Deputies (Saint Peter Port, Saint Peter-in-the-Wood, the
Forest and Saint Martin) Elections Ordinance, 1983;
People's Deputy (Saint Peter Port) Election Ordinance, 1983;
People's Deputies (General Election) Ordinance, 1984;
People's Deputy (Saint Peter Port) Election Ordinance, 1984;
People's Deputy (Saint Martin) Election Ordinance, 1985;*

People's Deputy (Castel) Election Ordinance, 1985;
People's Deputy (Vale) Election Ordinance, 1987;
People's Deputies (General Election) Ordinance, 1987;
People's Deputy (Saint Peter Port) Election Ordinance, 1988;
People's Deputies (General Election) Ordinance, 1990;
People's Deputy (Saint Peter Port) Election Ordinance, 1992;
General Elections Ordinance, 1993;
General Elections Ordinance, 1996;
By-Elections Ordinance, 1998;
General Election Ordinance, 1999;
By-Election Ordinance, 2001;
By-election (Vale) Ordinance, 2003;
By-election (Saint Sampson) Ordinance, 2003;
By-election (Saint Peter Port South) Ordinance, 2005;
Elections Ordinance, 2007;
By-election (Saint Peter Port North) Ordinance, 2015;
By-election (Vale) Ordinance, 2016;
Elections Ordinance, 2020.

[Secret ballot, and number of votes that may be cast in a General Election.]

30. (1) Voting in an election for the office of People's Deputy shall be by secret ballot, carried out by means of a ballot paper marked in such a manner that its authenticity can be verified, and placed in a ballot box suitable for the purpose.

(2) In the General Election to be held in [2021] and at each General Election thereafter, a person entitled to vote in accordance with this Law may cast votes for up to 38 candidates.]

NOTES

Article 30 was substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 12, with effect from 22nd April, 2020.

In Article 30, the date in square brackets within paragraph (2) was substituted by the Reform (Guernsey) (Amendment) Law, 2020, section 1(2), with effect from 29th June, 2020.

In its application to the General Election of People's Deputies to be held on 7th October, 2020, and the further General Election of People's Deputies to be held in June 2025, paragraph (2) of this Article is modified in accordance with the provisions of the Elections Ordinance, 2020, section 1(d), with effect from 1st July, 2020.

Procedure in case of equality of votes.

31. Where at an election two or more candidates secure an equal number of votes and the addition of one vote to his poll would have entitled any such candidate to be declared elected, [the result shall be determined by the drawing of lots, overseen by the Central Returning Officer].

NOTE

In Article 31, the words in square brackets were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 13, with effect from 22nd April, 2020.

Nominations.

32. (1) Every nomination of a candidate for office as a People's Deputy shall be in writing signed by two persons whose names are inscribed [on the Electoral Roll, and shall otherwise be made in such form as the Presiding Officer of the States directs, and shall be delivered to the Presiding Officer not later than such time on such day as the Presiding Officer may appoint in accordance with a recommendation made by the States' Assembly and Constitution Committee].

(2) Every such nomination shall be accompanied by a declaration in writing signed by the candidate declaring [–

- (a) that he is eligible under the provisions of this Law to hold the office of People's Deputy,
- (b) his unspent convictions which resulted in sentences of imprisonment as defined in the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 in any

jurisdiction anywhere in the world, other than convictions in respect of an act or default which would not constitute an offence if committed in Guernsey; or, if he has no such unspent convictions, declaring that to be the case.]

[(3) The Presiding Officer of the States may, in respect of any declaration made by a candidate under paragraph (2)(b), take such steps as he reasonably considers necessary and proportionate to verify the information in the declaration, and (subject, for the avoidance of doubt, to any court order to the contrary) he shall require such declarations to be destroyed as soon as reasonably practicable after the conclusion of the election to which they relate.]

[(4) In respect of any one candidate at an election the [Presiding Officer] of the States shall accept only the first valid nomination delivered to him, and any nomination subsequently delivered shall be of no effect.]

NOTES

In Article 32,

first, the words in square brackets in paragraph (1) were substituted, second, the words in square brackets in paragraph (2) were inserted and, third, paragraph (3) was substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 14(a), Article 14(b) and Article 14(c), with effect from 22nd April, 2020;³²

paragraph (4) was inserted by the Reform (Amendment) (Guernsey) Law, 1996, section 5(1), with effect from 5th June, 1996;

the words in square brackets within paragraph (4) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004.

Number of candidates not exceeding number of seats vacant.

33. At any election where the number of candidates is not greater than the

number of seats vacant [...], the [Presiding Officer] of the States shall, after the time fixed for the delivery of nominations has elapsed, declare such candidate or candidates elected, and shall thereupon give notice of such election by means of a notice in the vestibule of the Royal Court and by an announcement in the "Gazette Officielle".

NOTES

In Article 33,

the words omitted in the first pair of square brackets were repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 15, with effect from 22nd April, 2020;

the words in the second pair of square brackets were substituted inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004.

Compilation, publication and correction of Electoral Roll.

[**34.**][(A1) Paragraphs (5) – (7) (relating to the publication and availability for inspection of the Electoral Roll) of this Article are subject to Article 34A (application for name and address to be omitted from Electoral Roll).]

[(1) The Registrar-General shall [...] make available 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 seventh day of September (or on or before such other day, or during such other period, as may be specified by Ordinance of the States made under this paragraph) in any year so specified] he shall, in addition, cause to be distributed to each dwelling in the Island such number of 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 [...] and who, having changed his ordinary place of residence in this Island, desires to

have his address changed on the Electoral Roll [...] may [...] make 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 [...] compile the Electoral Roll [...].

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

(5) The section of the Electoral Roll in respect of each [Parish] shall be published for inspection [in such manner, at such time and place and for such period as the [Committee for Home Affairs] may prescribe by rules made under this paragraph].

(6) In each year all the sections of the Electoral Roll shall be published for inspection [in such manner, at such time and place and for such period as the [Committee for Home Affairs] may prescribe by rules made under this paragraph].

(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 [...] 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.

[(8A) The Registrar-General may remove a person's name and address from any section of the Electoral Roll on the grounds that that person –

(a) is no longer resident at that address, or

(b) is deceased.]

[(8AA) The Registrar-General may remove a person's name and address from the Electoral Roll on an application being made to him in accordance with this Article, or of his own volition in circumstances where he is satisfied that one of the grounds in paragraph (8A) is satisfied in respect of that person.]

[(8B) An application for the removal of a person's name and address under paragraph (8A) may be made –

(a) in the case of an application by virtue of subparagraph (a) of that paragraph, by the current occupier of the dwelling of that address, the application being accompanied by a declaration by the applicant stating that the person named in the Electoral Roll is no longer resident at that address, or

(b) in the case of an application by virtue of subparagraph (b) of that paragraph, by a relative, acquaintance or neighbour of the person named in the Electoral Roll, the application being accompanied by a death certificate relating to that person (or, at the discretion of the Registrar-General, a document of equivalent effect and authority).

(8C) An application or declaration under paragraph (8B) shall be made in such form and manner and accompanied by such information, documents and other material as the Registrar-General may require.]

[(9) Subject to the provisions of any Ordinance made under Article 34B (Supplementary Electoral Roll) of this Law, and under section 15A (Ordinances as to postal voting, etc.) of the Reform (Amendment) (Guernsey) Law, 1972, the section of the Electoral Roll compiled and amended as in this Article provided in respect of each Parish shall constitute the Electoral Roll of that Parish and shall determine, subject to Articles 27(4) and 27A of this Law, whether or not a person is entitled to vote in that Parish 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 each Polling Station Officer, and each Polling Station Officer shall ensure that a copy is available at his polling station.]

[(9A) The copy of the appropriate section of the Electoral Roll to be furnished by the Registrar-General to [each Polling Station Officer] under paragraph (9) may be furnished in such form and by such means as the Registrar-General thinks fit, including, without limitation, in electronic form and by electronic means.]

[(9B) In paragraphs 9 and 9A, references to a Polling Station Officer include references to the Returning Officer for the election where the election in question is an election to the office of Constable or Douzenier.]

(10) A person who knowingly furnishes [in or for the purposes of an application or declaration] under this Law any [information, document or other material] required to be furnished which is false in any material particular or recklessly so furnishes any [information, document or other material] which is false in a material particular shall be guilty of an offence and liable, on conviction, [to a

fine not exceeding level 5 on the uniform scale, or to imprisonment for a term not exceeding three months, or to both].

[(11) Notwithstanding the preceding provisions of this Article, the Electoral Roll shall be closed –

- (a) in respect of an election for the office of People's Deputy, on the date appointed by Ordinance of the States,
- (b) in respect of an election for the office of Constable or Douzenier, on the date appointed by order of the [States Assembly and Constitution Committee],

and, during the period beginning on the date of closure and ending on the date of the election, no entry in the Electoral Roll shall be made or amended.

[(11A) Notwithstanding paragraph (11) [and the provisions of any Ordinance made under Article 34B], the Registrar-General may at any time amend the Electoral Roll or any entry therein in order to rectify any formal defect or any administrative or clerical error or omission, whether on the application in writing of the person in respect of whom the defect, omission or error has occurred or of his own motion.

(11B) An application under paragraph (11A) shall be made in such form and manner and accompanied by such information, documents and other material as the Registrar-General may require.]

[(12) ...]]

NOTES

Article 34 was substituted by the Reform (Amendment) (Guernsey) Law, 1972, section 1(b), with effect from 1st October, 1972.³³

In Article 34,

first, paragraph (A1) was inserted, second, the word "Parish" in square brackets, wherever occurring in paragraphs (4) and (5), was substituted, third, the words "Committee for Home Affairs" in square brackets, wherever occurring in paragraphs (5) and (6), were substituted, fourth, paragraph (8AA) was inserted, fifth, paragraph (9) (which was originally substituted by the Reform (Amendment) (Guernsey) Law, 1972, section 1(b), with effect from 1st October, 1972) was substituted, sixth, the words in square brackets within paragraph (9A) were substituted, seventh, paragraph (9B) was inserted, eighth, the words in square brackets within paragraph (11A) were inserted and, ninth, paragraph (12) (which paragraph was originally inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(16)(i), with effect from 1st August, 2003) was repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 16(a), Article 16(b), Article 16(c), Article 16(d), Article 16(e), Article 16(f), Article 16(g), Article 16(h) and Article 16(i), with effect from 22nd April, 2020;³⁴

the words omitted in the first pair of square brackets in paragraph (1) were repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(16)(a), with effect from 1st August, 2003;³⁵

the words in the second pair of square brackets in paragraph (1) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(16)(b), with effect from 1st August, 2003;³⁶

the words omitted in the square brackets in paragraph (2), paragraph (3) and paragraph (8) were repealed by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(16)(c), section 1(16)(d) and section 1(16)(f), with effect from 1st August, 2003;³⁷

the words in square brackets in paragraph (5) and paragraph (6) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(16)(e), with effect from 1st August, 2003;

the words "States Assembly and Constitution Committee" in square brackets in paragraph (11) were substituted by the House Committee (Transfer of Functions) Ordinance, 2008, section 3, with effect from 24th September, 2008;³⁸

first, paragraph (8A), paragraph (8B) and paragraph (8C) and, second, paragraph (9A) were inserted and, third, the words in the first and, fourth, the second and third pairs of square brackets in paragraph (10) were substituted and, fifth, paragraph (11A) and paragraph (11B) were inserted

by the Reform (Guernsey) (Amendment) Law, 2011, respectively section 4, section 5, section 6(a), section 6(b) and section 7, with effect from 17th January, 2012;

the words and figure in the fourth pair of square brackets in paragraph (10) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(16)(h), with effect from 1st August, 2003;³⁹

paragraph (11) was inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(16)(i), with effect from 1st August, 2003.

The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the States Assembly and Constitution Committee and its Chairman by the House Committee (Transfer of Functions) Ordinance, 2008, section 1, with effect from 24th September, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.⁴⁰

The following Ordinances have been made under Article 34:

*Electoral Roll Ordinance, 1996;
Electoral Roll Ordinance, 1999;
By-election (Saint Peter Port South) Ordinance, 2005;
Elections Ordinance, 2007;
Electoral Roll Ordinance, 2011;
Electoral Roll Ordinance, 2015;
By-election (Vale) Ordinance, 2016;
Electoral Roll Ordinance, 2019;
Elections Ordinance, 2020.*

The following Rules have been made under Article 34:

*Electoral Roll (Public Inspection) Rules, 2020;
Electoral Roll (Public Inspection) (Amendment) Rules, 2021.*

The following Orders have been made under Article 34:

*Electoral Roll (Closure) (Annual Elections of Constables and Douzeniers) Order, 2004;
Electoral Roll (Closure) (St Pierre du Bois By-election) Order, 2004;
Electoral Roll (Closure) (By-Elections of Constables and Douzeniers) Order, 2006.*

In accordance with the provisions of the Electoral Roll Ordinance, 1999, section 1, with effect from 28th July, 1999, the specified year for the purposes of Article 34(1) is 1999.

[Application for name and address to be omitted from Electoral Roll.]

34A. (1) A person may apply to the Registrar-General for the person's name and address to be omitted from the Electoral Roll published for inspection in accordance with paragraphs (5) to (7) of Article 34 and rules made thereunder (in this Article and Articles 35, 48A and 72B, the "**Published Electoral Roll**").

(2) For the avoidance of doubt, the omission of a person's name and address from the Published Electoral Roll in consequence of an application under paragraph (1) does not affect a person's entitlement to vote at an election.

(3) An application under paragraph (1) may only be made on the grounds that the person, his family or his property would be at risk of harm or damage if the person's name and address were included in the Published Electoral Roll, and shall be made in such form and manner and accompanied by such information, documents and other material as the Registrar-General may direct.

(4) On an application being made under paragraph (1), if the Registrar-General is satisfied that the grounds in paragraph (3) are made out, he shall grant the application and take all reasonable steps to ensure that the applicant's name and address are omitted from the Published Electoral Roll.

(5) In either of the circumstances set out in paragraph (6), the Registrar-General may inscribe or re-inscribe in the Published Electoral Roll the name and address of a person that have been omitted from the Published Electoral Roll pursuant to an application in accordance with this Article.

(6) Those circumstances are –

- (a) on a request being made to the Registrar-General by the person, and
- (b) on the volition of the Registrar-General, where –

- (i) the Registrar-General is satisfied that there are no longer grounds for the omission, and
- (ii) the person has consented in writing to the inscription or re-inscription.]

NOTE

Article 34A was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 17, with effect from 22nd April, 2020.

[Supplementary Electoral Roll.]

34B. (1) Subject to the provisions of paragraph (2), the States may by Ordinance make such provision from time to time as it thinks fit in respect of the creation of a Supplementary Electoral Roll, for the purpose of enabling persons eligible for inscription on the Electoral Roll who apply after the date of closure of the Electoral Roll prior to an election to be inscribed on that Supplementary Electoral Roll and to vote in that election, while maintaining the integrity of that election.

(2) Without prejudice to the generality of the foregoing, an Ordinance under this Article –

- (a) shall specify the period (which may be specified as ending on any date after the closure of the Electoral Roll and before the date of the election in question) during which a person may apply for inscription on the Supplementary Electoral Roll,
- (b) may provide that specified provisions of this Law and the Reform (Amendment) (Guernsey) Law, 1972 apply

pari passu, or with such modifications as may be specified, in respect of the Supplementary Electoral Roll as they apply in respect of the Electoral Roll, and

- (c) may place restrictions on the methods by which persons inscribed on the Supplementary Electoral Roll may vote in the election in question, including (but not limited to) providing that a person inscribed on the Supplementary Electoral Roll may not vote by postal vote.]

NOTE

Article 34B was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 17, with effect from 22nd April, 2020.

Copies of [Published Electoral Roll and candidates' criminal conviction declarations] to be kept at Greffe and [office of the Registrar-General].

35. [(1)] [Subject to rules made under paragraphs (2) and (3),] a copy of the [Published Electoral Roll and of the declarations of candidates made under Article 32(2)(b) ("criminal conviction declarations")] shall be kept at the Greffe and at the [office of the Registrar-General] and shall be available during their respective normal office hours for inspection by the public.

[(2) The [Committee for Home Affairs] may by rules made under this paragraph make such provision as they think fit in relation to –

- (a) the persons or classes of persons to whom copies of the [Electoral Roll and the Published Electoral Roll] shall be made available,
- (b) the manner in which, the means by which and the times

and places at which copies of the [Electoral Roll and the Published Electoral Roll] shall be made available, and

- (c) the charges and conditions subject to which copies of the [Electoral Roll and the Published Electoral Roll] shall be made available.]

[(3) The States' Assembly and Constitution Committee may by rules made under this paragraph make such provision as they think fit in relation to –

- (a) the persons or classes of persons to whom copies of criminal conviction declarations shall be made available,
- (b) the manner in which, the means by which and the times and places at which copies of criminal conviction declarations shall be made available,
- (c) the charges and conditions subject to which copies of criminal conviction declarations shall be made available, and
- (d) the publication and making available for inspection of information relating to the verification of criminal conviction declarations.

(4) Subject to paragraphs (5) and (6), rules made under paragraph (2) may make different provision in relation to the availability of the Electoral Roll, and of the Published Electoral Roll.

(5) Rules made under paragraph (2) must provide that only the Published Electoral Roll shall be available to candidates.

(6) When making rules under this Article, the Committee for Home Affairs must consider whether such rules would create or increase a risk of harm of the type described in Article 34A(3).]

NOTES

In Article 35,

first, the words in the first pair of square brackets in the Article heading were substituted, second, the words in the first pair of square brackets in paragraph (1) were inserted and the words in the second pair of square brackets therein were substituted, third, the words "Electoral Roll and the Published Electoral Roll" in square brackets, wherever occurring within paragraph (2), and the words "Committee for Home Affairs" in the first pair of square brackets within that paragraph were substituted and, fourth, paragraph (3), paragraph (4), paragraph (5) and paragraph (6) were inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 18(a), Article 18(b), Article 18(c) and Article 18(d), with effect from 22nd April, 2020;⁴¹

the words in the second pair of square brackets in the Article heading, and in the third pair of square brackets in paragraph (1) thereof, were substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 16(1), with effect from 30th June, 1993;

paragraph (2) was inserted, and the existing text re-numbered as paragraph (1), by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(17)(b) and section 1(17)(a), with effect from 1st August, 2003.

The following Rules have been made under Article 35:

Criminal Conviction Declarations of Candidates (Public Inspection) Rules, 2020;

Electoral Roll (Availability) Rules, 2020.

[Candidates permitted to procure copies of relevant section of Electoral Roll.

36. ...]

NOTE

Article 36 (which was previously substituted by the Reform (Amendment) (Guernsey) Law, 1978, section 1(c), with effect from 21st March, 1978, subject to the saving in section 3 of the 1978 Law) was repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(18), with effect from 1st August, 2003.⁴²

[**Election officers**].

37. At every election the Royal Court, on the application of one of the Law Officers of the Crown, shall appoint –

- [(a) a Polling Station Officer for each polling station, who shall appoint such Deputy Polling Station Officers to assist him as he may deem necessary, and who shall have the duties set out in Article 38, and
- (b) a Central Returning Officer, who shall appoint such Scrutineers to assist him as he may deem necessary, and who shall cause the votes cast in the Electoral District to be counted,

and every Polling Station Officer and the Central Returning Officer shall on appointment be sworn as such before the Royal Court.]]

NOTES

Article 37 was substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(19), with effect from 1st August, 2003.

In Article 37, first, the Article heading and, second the words in square brackets were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 19(a) and Article 19(b), with effect from 22nd April, 2020.

Supervision of Ballot.

[38. (1) The Polling Station Officers shall supervise the conduct of the ballot in their respective polling stations and in particular shall seal the ballot boxes at the conclusion of the voting and shall hand the same to the Central Returning Officer, who shall cause all the votes cast in the Electoral District to be counted and shall forthwith communicate the result of such count to the Presiding Officer of the States.

(2) The Central Returning Officer may make arrangements for votes cast in a general election to be counted electronically if in his opinion and the opinion of the Registrar-General those arrangements would not threaten the integrity of the election.]

NOTE

Article 38 was substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, section 20, with effect from 22nd April, 2020.⁴³

[Presence of candidates etc. at count.

38A. (1) Throughout the time during which the votes cast at an election [...] are being counted [...], any candidate [...] is entitled to be present at [the count] if he has complied, and for so long as he continues to comply, with this Article and all rules made thereunder.

(2) A candidate may, in accordance with any rules made under this Article, nominate one other person to exercise his entitlement under paragraph (1) of this Article in place of, but not as well as, himself.

(3) A candidate or his nominated representative present at any counting of votes pursuant to this Article –

- (a) is to be given by [the Central Returning Officer] all such reasonable facilities for overseeing the proceedings, and all such information in respect of them, as can be given consistently with their orderly conduct and the proper discharge of [the Central Returning Officer]'s duties in connection with them, but
 - (b) must not impede the efficient counting of votes, and
 - (c) must comply with all rules made under this Article and with all reasonable directions given by [the Central Returning Officer].
- (4) The [States Assembly and Constitution Committee] may make rules under this Article –
- (a) requiring candidates who intend to be present at any counting of votes to notify such persons, within such times and in such manner as the rules may specify,
 - (b) limiting the description of persons who may be nominated by candidates pursuant to paragraph (2) of this Article, and making provision as to notifications concerning persons so nominated,
 - (c) regulating the conduct of persons present at any counting of votes pursuant to this Article,
 - (d) making provision generally for the rights conferred by this Article to be exercised without affecting the

fairness and efficiency of the counting of votes.

(5) All rules made under this Article shall be laid as soon as possible before a meeting of the States; and if at that or their next meeting the States resolve to annul them then the rules shall cease to have effect, but without prejudice to anything done under the rules or to the making of new rules under this Article.]

NOTES

Article 38A was inserted by the Reform (Guernsey) Law, 1998, section 2(1), with effect from 27th May, 1998.

In Article 38A,

first, the words omitted in the first, second and third pairs of square brackets in paragraph (1) were repealed and those in the fourth pair therein substituted and, second, the words "the Central Returning Officer" in square brackets, wherever occurring in paragraph (3), were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 21(a) and Article 21(b), with effect from 22nd April, 2020;

the words in square brackets in paragraph (4) were substituted by the House Committee (Transfer of Functions) Ordinance, 2008, section 3, with effect from 24th September, 2008.⁴⁴

The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the States Assembly and Constitution Committee and its Chairman by the House Committee (Transfer of Functions) Ordinance, 2008, section 1, with effect from 24th September, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.⁴⁵

The following Rules have been made under Article 38A:

*Elections (Presence of Candidates at Count) Rules, 1999;
Elections (Presence of Candidates at Count) Rules, 2020.*

[Maintenance of order at elections.]

38B. [(1) A Polling Station Officer or Deputy Polling Station Officer may require any person who he considers is behaving in a disorderly or indecent manner in, or in the precincts of, a polling station to leave that polling station and its

precincts.

(1A) The Central Returning Officer or any Scrutineer may require any person who he considers is behaving in a disorderly or indecent manner in, or in the precincts of, a place where votes are being counted to leave that place and its precincts.]

(2) Any person who –

- (a) behaves in a disorderly or indecent manner in, or in the precincts of, a polling station or a place where votes are being counted, or
- (b) fails to comply with a requirement imposed under paragraph (1) of this Article, or
- (c) contravenes paragraph (b) or paragraph (c) of Article 38A(3) of this Law,

is guilty of an offence and liable, on conviction, to a fine not exceeding level 5 on the uniform scale, or to imprisonment for a term not exceeding three months, or to both.]

NOTES

Article 38B was inserted by the Reform (Guernsey) Law, 1998, section 3, with effect from 27th May, 1998.

In Article 38B, paragraph (1) was substituted and paragraph (1A) inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 22, with effect from 22nd April, 2020.

[Rules as to conduct of elections, etc.]

38C. The [States Assembly and Constitution Committee] may make such rules as it thinks fit in respect of –

- (a) the conduct of, and procedures concerning, elections, and
- (b) the conduct and functions, during elections, of candidates, [the Central Returning Officer, Polling Station Officers, Deputy Polling Station Officers] and other persons or classes of persons prescribed by the rules.]

NOTES

Article 38C was inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(22), with effect from 1st August, 2003.

In Article 38C,

the words in the first pair of square brackets were substituted by the House Committee (Transfer of Functions) Ordinance, 2008, section 3, with effect from 24th September, 2008;⁴⁶

the words in the second pair of square brackets were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 23, with effect from 22nd April, 2020.

The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the States Assembly and Constitution Committee and its Chairman by the House Committee (Transfer of Functions) Ordinance, 2008, section 1, with effect from 24th September, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.⁴⁷

[Complaints as to conduct of elections.]

38D. (1) The States may by Ordinance make such provision as they think fit in relation to the making and determination of complaints concerning –

- (a) the conduct of elections,
 - (b) breaches of procedures concerning elections,
 - (c) the conduct, during elections, of candidates, returning officers and other persons or classes of persons prescribed by rules under Article 38C, and
 - (d) breaches by such persons of their functions during elections.
- (2) An Ordinance under this Article –
- (a) may, without limitation, prescribe –
 - (i) the person, body, court or tribunal to which complaints are to be made,
 - (ii) the proceedings and powers of, and the practice and procedure to be followed before, that person, body or tribunal,
 - (iii) the persons or bodies who may make complaints,
 - (iv) the matters in respect of which complaints may be made, and
 - (v) the manner of making complaints,
 - (b) may contain incidental, consequential, supplementary

and transitional provisions,

- (c) may create offences and prescribe civil and criminal sanctions and penalties,
- (d) may empower the [States Assembly and Constitution Committee] to make rules as to any matter in relation to which an Ordinance may make provision under this Article, and
- (e) may be amended or repealed by a subsequent Ordinance hereunder.]

NOTES

Article 38D was inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(22), with effect from 1st August, 2003.

In Article 38D, the words in square brackets were substituted by the House Committee (Transfer of Functions) Ordinance, 2008, section 3, with effect from 24th September, 2008.⁴⁸

The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the States Assembly and Constitution Committee and its Chairman by the House Committee (Transfer of Functions) Ordinance, 2008, section 1, with effect from 24th September, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.⁴⁹

[Hours of polling.]

39. (1) Subject to the provisions of paragraph (2) of this Article, at every election the polling stations shall open at ten o'clock in the morning and shall be kept open until eight o'clock in the evening of the same day.

[(2) The States' Assembly and Constitution Committee may, after

consulting the Registrar-General, make regulations from time to time varying the times at which the polling stations shall open and close and may so provide that specified polling stations, or polling stations in specified Parishes, shall open and close at different times.]]

NOTES

Article 39 was substituted by the Reform (Amendment) (Guernsey) Law, 1978, section 1(d), with effect from 21st March, 1978, subject to the saving in section 3 of the 1978 Law.⁵⁰

In Article 39, paragraph (2) was substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 24, with effect from 22nd April, 2020.

The following Regulations have been made under Article 39(2):

Polling Stations (Hours of Opening) (Revocation) Regulations, 2020;

Polling Stations (Hours of Opening) (No. 2) Regulations, 2020.

Duties on completion of Ballot.

40. On completion of the count as aforesaid [the Central Returning Officer shall] return the voting slips to the ballot boxes, re-seal the said boxes, keep them in safe custody and deliver them to His Majesty's Greffier [within the two days next following], together with the keys thereof, the counterfoils of the voting slips, any unused voting slips and the lists of voters.

NOTES

In Article 40,

the words in the first pair of square brackets were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 25, with effect from 22nd April, 2020;

the words in the second pair of square brackets were substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(i), with effect from 16th August, 1952.

Recount.

41. If the total of the votes cast for any successful candidate does not exceed by more than two per centum of the total number of persons voting [...] the total of the votes cast for any unsuccessful candidate, such unsuccessful candidate may, by notice in writing delivered to the [Presiding Officer] of the States not later than twenty-four hours after the public declaration of the poll by [the Central Returning Officer], demand a recount, and such recount shall be carried out in the Royal Court building[, or in such other place as the [Presiding Officer] of the States may direct,] as soon as practicable thereafter by independent scrutineers appointed by the [Presiding Officer] of the States. The candidate demanding the recount and any other candidate at that election [...] may be present during the recount, and such recount shall be final and conclusive [...]. On completion of the recount, the scrutineers shall report the result of the same to the [Presiding Officer] of the States, who shall publish such result by causing a notice to be posted in the vestibule of the Royal Court.

NOTES

In Article 41,

first, the words in the first pair of square brackets were repealed, second, the words in the third pair of square brackets were substituted, third, the words omitted in the sixth and, fourth, seventh pairs of square brackets were repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 26(a), Article 26(b), Article 26(c) and Article 26(d), with effect from 22nd April, 2020;

the words "Presiding Officer" in square brackets, wherever occurring, were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004;

the words in the fourth pair square brackets were inserted by the Reform (Amendment) (Guernsey) Law, 1996, section 8, with effect from 5th June, 1996.

Register to be kept of persons under disability.

42. ...

NOTE

Article 42 was repealed by the States (Reform) (Guernsey) Law, 2015, section 5(h), with effect from 16th February, 2016.⁵¹

Persons physically incapable of recording a vote.

43. Persons entitled to vote attending at any polling station who are physically incapable of recording their vote or who declare that they are unable to read may apply to the person in charge of that polling station, who shall thereupon cause the vote of such voter to be marked on a ballot paper in manner directed by such voter, and the ballot paper placed in the ballot box, and shall make a record in writing of his having done so, which record shall include the name and address of the incapacitated person and the cause of his incapacity, and shall be delivered to [the Central Returning Officer].

NOTE

In Article 43, the words in square brackets were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 27, with effect from 22nd April, 2020.

[Expenditure by candidates and political parties].

44. (1) Save as hereinafter provided no candidate in any election shall in respect of such election expend any sum of money or give any value in money's worth otherwise than in accordance with such provisions as shall, from time to time, be prescribed by Ordinance[...].

[(1A) An Ordinance under paragraph (1) may make provision in respect of expenditure by political parties, and by candidates in an election who are

members of, or otherwise affiliated to, political parties and restrictions thereon; and such an Ordinance may set permitted levels of expenditure by candidates and by political parties, and make other related provision, including (but not limited to) allowing for candidates to transfer a defined percentage of their permitted expenditure as candidates to a political party, for that party to spend on promotion of the party and its policies.

(1B) Without prejudice to the generality of paragraph (1A), an Ordinance under paragraph (1) may provide that where a political party contravenes a restriction therein on expenditure by political parties, one or more specified officers of that political party shall be guilty of an offence and shall be liable on conviction to a fine not exceeding level 5 on the uniform scale.]

(2) Any candidate who contravenes, whether by himself or by his servant or agent, any of the provisions of this Article or of any Ordinance made thereunder, shall be guilty of an offence and shall be liable on conviction [to a fine not exceeding level 5 on the uniform scale and in addition to such fine shall, if a successful candidate, and if the Royal Court so orders on the application of Her Majesty's Procureur, forfeit his seat:]

PROVIDED ALWAYS that[, whether on a prosecution under this paragraph or on an application under this paragraph for the forfeiture of a seat,] if it is shown to the satisfaction of the Court that such contravention arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith, the [...] Court may make an order relieving the candidate from the consequences of such contravention.

NOTES

In Article 44,

first, the Article heading was substituted, second, the words omitted

in square brackets in paragraph (1) were repealed and, third, paragraph (1A) and paragraph (1B) were inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 28, with effect from 22nd April, 2020;

the words and figure in the first pair of square brackets in paragraph (2) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(23)(a), with effect from 1st August, 2003;⁵²

the words in the second pair of square brackets in paragraph (2) were inserted, and the words omitted in the third pair of square brackets therein were repealed, by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(23)(b)(i) and section 1(23)(b)(ii), with effect from 1st August, 2003.

The following Ordinances have been made under Article 44(1):

*Elections Ordinance, 2007;
By-election (Saint Peter Port North) Ordinance, 2015;
Electoral Expenditure Ordinance, 2020.*

[Donations.]

44A. (1) The Third Schedule ("Donations"), which makes provision for the purposes of this Law in respect of –

- (a) when gifts, loans and the supply of goods and services are donations,
- (b) the value to be attributed to a donation, and
- (c) related matters,

shall have effect.

(2) A political party, or a candidate in an election for the office of People's Deputy, may not keep an anonymous donation; and for the purposes of this Law, a donation is anonymous if the recipient is unable to ascertain the identity of the donor.

(3) A political party, or a candidate in an election for the office of People's Deputy, may not keep a donation from –

- (a) an individual, if that individual is not eligible to be inscribed on the Electoral Roll, or
- (b) any legal person, unincorporated association or other body based outside Guernsey.

(4) A political party which, or candidate for the office of People's Deputy who, receives a donation of a type described in paragraphs (2) or (3) must, within ten working days of its receipt –

- (a) return it to the donor, or
- (b) send it to the Greffier for the Greffier to pay it to the States.

(5) The States' Assembly and Constitution Committee may issue guidance in respect of subsections (3) and (4).

(6) A candidate who fails to comply with a prohibition or requirement in this Article, and the treasurer of a political party which fails to comply with such a prohibition or requirement, is guilty of an offence and is liable on conviction to a fine.]

NOTE

Article 44A was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 29, with effect from 22nd April, 2020.

[Returns of expenditure by, and donations received by, candidates and political parties].

45. (1) Every candidate at any election shall during the [fourteen days] next following the date of such election submit to [the Central Returning Officer] a return showing full particulars of all moneys or money's worth expended or given by him in respect of such election, and shall submit therewith vouchers supporting such disbursements and a declaration in writing signed by him that the particulars shown in such return are to the best of his knowledge and belief correct.

[(1A) Every political party which supported or endorsed candidates at any election shall during the fourteen days next following the date of such election submit to the Central Returning Officer a return, in such form as the Central Returning Officer may direct, showing full particulars of all moneys or money's worth expended or given by that party in respect of its promotion of the party or its policies at such election, and shall submit therewith vouchers supporting such disbursements and a declaration in writing signed by two office-holders of the party that the particulars shown in such return are to the best of their knowledge and belief correct.

(1B) Every candidate at any election, and every political party which supported or endorsed candidates at any election, shall during the fourteen days next following the date of such election submit to the Central Returning Officer a return, in such form as the Central Returning Officer may direct, showing the donations received by that candidate or party in respect of the election of a value equal to or greater than £50 or, if no such donations have been received, a nil return, and shall submit therewith a declaration in writing signed by the candidate, or two office-holders of the party (as the case may be), that the particulars shown in such return are to the best of their knowledge and belief correct.

(1C) The States may by Ordinance amend the monetary figure in

paragraph (1B).]

(2) Any candidate [or any leader or treasurer of a political party,] who supplies particulars which he knows or ought to have known to be false, or otherwise contravenes the requirements of paragraph (1) of this Article shall be guilty of an offence and, subject to the like proviso as is made to paragraph (2) of [Article 44], shall be liable on conviction to the same penalties as are in that paragraph specified.

NOTES

In Article 45,

first, the Article heading and, second, the words in the second pair of square brackets in paragraph (1) were substituted, third, paragraph (1A), paragraph (1B) and paragraph (1C) were inserted and, fourth, the words in the first pair of square brackets in paragraph (2) were inserted and those in the second pair of square brackets therein were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, respectively Article 30(a), Article 30(b), Article 30(c) and Article 30(d), with effect from 22nd April, 2020;

the words in the first pair of square brackets in paragraph (1) were substituted by the Reform (Amendment) (Guernsey) Law, 1978, section 1(e), with effect from 21st March, 1978, subject to the saving in section 3 of the 1978 Law.

[Expenditure by persons other than candidates.]

45A. (1) Except as authorised under the provisions of Article 44 of this Law, a person shall not expend any sum of money or give any value in money's worth with a view to promoting or procuring the election of a candidate in any election:

Provided that nothing in this Article shall be taken to restrict the publication in a newspaper or in a broadcast by radio or television of a statement presenting the views of a candidate.

(2) Any person who contravenes the provisions of this Article shall be guilty of an offence and liable, on conviction, [to a fine not exceeding level 5 on the uniform scale].]

NOTES

Article 45A was inserted by the Reform (Amendment) (Guernsey) Law, 1975, section 1(g), with effect from 21st October, 1975.

In Article 45A, the words and figure in square brackets in paragraph (2) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(24), with effect from 1st August, 2003.⁵³

Obligation of secrecy.

46. (1) Every person appointed to be in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

(2) Every person who acts in contravention of the last preceding paragraph shall be liable on conviction to imprisonment with or without hard labour for a term not exceeding six months.

NOTES

In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(2), with effect from 21st January, 1980, "[n]o person shall be sentenced by a Court to imprisonment with hard labour; and every enactment conferring power on a court to pass a sentence of imprisonment with hard labour in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this Law; and so far as any enactment requires or permits prisoners to be kept to hard labour it shall cease to have effect".

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offence in subsection (2), a court, instead of

or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

List of Electoral Districts and allocation of Deputies.

47. ...

NOTE

Article 47 was repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 4(2), with effect from 6th October 1998, subject to the provisions of section 8(3) of the 1998 Law.

[Herm and Jethou.]

48. In this Law "**Guernsey**" includes the Islands of Herm and Jethou, which Islands shall be deemed [...]

[...] for all purposes of this Law to be part of the Parish of St. Peter Port[...].]

NOTES

Article 48 was substituted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 4(3), with effect from 6th October 1998, subject to the provisions of section 8(3) of the 1998 Law.

In Article 48, the symbol, parentheses, letters and words omitted in the first, second and third pairs of square brackets were repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 31, with effect from 22nd April, 2020.

In accordance with paragraph (3) of the Resolution of the States of 27th November, 2002 (Billet d'État XXII, Article XXI, Proposition 1), the Islands of Herm and Jethou shall form part of the District of St. Peter Port South.

[Appeals.]

48A. (1) A person aggrieved by a decision of the Registrar-General to

refuse to –

- (a) inscribe or re-inscribe his name and address in the Electoral Roll,
- (b) remove his name and address from the Electoral Roll,
- (c) omit his name and address from the Published Electoral Roll under Article 34A, or
- (d) inscribe or re-inscribe his name and address in the Published Electoral Roll under Article 34A,

may appeal to the Court against the decision.

(2) The grounds of an appeal under this Article are that –

- (a) the decision was *ultra vires* or there was some other error of law,
- (b) the decision was unreasonable,
- (c) the decision was made in bad faith,
- (d) there was a lack of proportionality, or
- (e) there was a material error as to the facts or as to the procedure.

(3) An appeal under this Article shall be instituted –

- (a) within a period of 28 days immediately following the date of the notice of the Registrar-General's decision, and
- (b) by summons served on the Registrar-General stating the grounds and material facts on which the appellant relies.

(4) The Registrar-General may, where an appeal under this Article has been instituted, apply to the Court, by summons served on the appellant, for an order that the appeal shall be dismissed for want of prosecution; and on hearing the application the Court may –

- (a) dismiss the appeal or dismiss the application (in either case on such terms and conditions as the Court may direct), or
- (b) make such other order as the Court considers just.

The provisions of this subparagraph are without prejudice to the inherent powers of the Court or to the provisions of rule 52 of the Royal Court Civil Rules, 2007.

(5) On an appeal under this section the Court may –

- (a) set the decision of the Registrar-General aside and, if the Court considers it appropriate to do so, remit the matter to the Registrar-General with such directions as the Court thinks fit, or
- (b) confirm the decision.

(6) An appeal from a decision of the Court under this Article lies to the Court of Appeal on a question of law.

(7) In this section "**the Court**" means the Royal Court sitting as an Ordinary Court, constituted by the Bailiff sitting unaccompanied by the Jurats.]

NOTE

Article 48A was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 32, with effect from 22nd April, 2020.

[Political Parties.]

48B. The Fourth Schedule (Political Parties) shall have effect.]

NOTE

Article 48B was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 32, with effect from 22nd April, 2020.

[False, deceptive or misleading statements in respect of criminal conviction declarations.]

48C. (1) A person commits an offence if, when making a declaration under Article 32(2)(b) (a criminal conviction declaration) he does any of the following –

- (a) makes a statement which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,

- (b) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,
- (c) produces or furnishes or causes or permits to be produced or furnished any information or document which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular, or
- (d) recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information or document which is false, deceptive or misleading in a material particular.

(2) A person who commits an offence under this Article is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding twice level 5 on the uniform scale, or to both.

(3) Where a person is convicted of an offence under this Article, the States may by Resolution declare that he is ineligible to hold office as a People's Deputy, or as a member of a States' Committee who is not a People's Deputy, until the next General Election for the office of People's Deputy; and where the States makes a Resolution under this subparagraph in respect of such a person –

- (a) that person may not hold such office for that period, as set out in the Resolution of the States, and
- (b) if that person is currently holding office as a People's Deputy, that office shall immediately be vacated.]

NOTE

Article 48C was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 32, with effect from 22nd April, 2020.

Interpretation.

49. In this Part of this Law unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them

—

[...]

["**Central Returning Officer**": see Article 37,]

"**Election**" means election to the office of People's Deputy,

["**Deputy Polling Station Officer**": see Article 37,]

["**donation**" and related terms: see the Third Schedule,]

["**ordinarily resident**": see Article 27(5),]

["**Polling Station Officer**": see Article 37,]

["**Published Electoral Roll**": see Article 34A(1),]

["**Registrar-General**" means the Registrar General of Electors, and the functions of that office shall be performed by [the Chief Executive of the States of Guernsey] or by such other person as the States may, from time to time, by Ordinance appoint to perform the functions of that office and the States may in addition, from time to time, by Ordinance designate such other

person to perform the functions of that office during the absence or incapacity of [the Chief Executive of the States of Guernsey] or other person appointed as aforesaid.]

NOTES

In Article 49,

the words omitted in the first pair of square brackets (which words were previously substituted by the Reform (Amendment) (Guernsey) Law, 1996, section 4, with effect from 5th June, 1996) were repealed by the States (Reform) (Guernsey) Law, 2015, section 5(i), with effect from 16th February, 2016;

the definitions of the expressions "Central Returning Officer", "Deputy Polling Station Officer", "donation", "ordinarily resident", "Polling Station Officer" and "Published Electoral Roll" were inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 33, with effect from 22nd April, 2020;

the definition of the expression "Registrar-General" was substituted by the Reform (Amendment) (Guernsey) Law, 1985, section 1(c), with effect from 30th September, 1985;

the words "the Chief Executive of the States of Guernsey" in square brackets, wherever occurring, were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 3, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

PART V

[Election of Parish Officials]

Application of Law to election of Constables and douzeniers.

50. Notwithstanding any enactment or rule to the contrary, after the 30th day of November, 1948, every election to the office of Constable or Douzenier shall be governed by the provisions of this Part of this Law, but nothing therein contained shall affect the completion of the term of office of any Constable or Douzenier

elected on or before the last mentioned date.

NOTE

In the heading of Part V, the words in square brackets were substituted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 34, with effect from 22nd April, 2020.

Eligibility for office.

51. Only those persons eligible for the office of People's Deputy shall be eligible for the office of Constable or Douzenier, save that any such person shall, in order to be so eligible, be ordinarily resident in the Parish concerned at the date of his nomination and, if elected, shall hold office for so long only as he continues to reside therein[; and, for the avoidance of doubt, paragraphs (a) and (b) of Article 17(2) of this Law apply in the case of a Constable or Douzenier as in the case of a Conseiller or People's Deputy].

NOTE

In Article 51, the words in square brackets were inserted by the Reform (Amendment) (Guernsey) Law, 1996, section 1(3), with effect from 5th June, 1996, subject to the provisions of section 11(2) of the 1996 Law.

Persons entitled to vote.

52. Only those persons whose names are inscribed on the section of the Electoral Roll relating to the Parish concerned shall be entitled to vote at an election.

[Terms of office and casual vacancies.

52A. (1) Subject to Articles 17(2) and 51 of this Law, and to paragraph (2) of this Article –

- (a) the term of office of a Douzenier shall be [four years]

commencing on 1st January following his election, and

- (b) the term of office of a Constable shall be three years commencing on 1st January following his election:

PROVIDED THAT if a Constable notifies the Dean of his Parish's Douzaine before the end of October in his first or second year of office that he so wishes then his term of office shall expire at the end of that year;

BUT PROVIDED FURTHER THAT if both Constables of a parish give such notice in the same year only that given by the Senior Constable shall be effective.

(2) If a Constable or Douzenier dies, ceases to reside in the parish concerned, [resigns his office in accordance with paragraph (4) of this Article,] or is discharged from his office by the Royal Court –

- (a) the resulting casual vacancy shall be filled by an election if it occurred more than five whole months before the end of the term of the office vacated, and in any other case may be so filled at the discretion of the Dean of the Parish's Douzaine,
- (b) a person elected to fill such a vacancy shall take office upon complying with Article 61 of this Law and shall hold office (subject to Articles 17(2) and 51 of this Law, and to paragraph (3) of this Article) for the remainder of the term of the office vacated.

(3) In the case of a person elected to fill a casual vacancy in the office of Constable –

- (a) for the purposes of both subparagraphs (a) and (b) of paragraph (2) of this Article any notice given before the occurrence of the vacancy under the proviso to subparagraph (1)(b) of this Article shall be taken into account, and
- (b) if no such notice has been given by his predecessor, he shall be entitled to give any such notice as his predecessor could have given if the vacancy had not occurred.

[(4) A Constable or Douzenier may at any time resign his office, provided that –

- (a) he gives –
 - (i) in the case of the office of Constable, to the Dean of the Douzaine, or
 - (ii) in the case of the office of Douzenier, to the Senior Constable,

written notice of his wish to resign, and

- (b) his resignation shall not take effect until the expiration of a period of 7 days from the date upon which the Dean, or Constable, as the case may be, receives notice under subparagraph (a)(i) or (ii).]]

NOTES

Article 52A was inserted by the Reform (Guernsey) Law, 1998, section 4(1), with effect from 27th May, 1998, subject to the transitional provisions in section 8(3) of the 1998 Law.

In Article 52A,

the words in square brackets in, first, sub-paragraph (a) of paragraph (1) and, second, paragraph (2) were, respectively, substituted and inserted by the Reform (Guernsey) (Amendment) Law, 2008, respectively section 1(2) and section 1(3), with effect from 30th July, 2008, subject to the transitional provisions in section 3 of the 2008 Law;

paragraph (4) was inserted by the Reform (Guernsey) (Amendment) Law, 2008, section 1(4), with effect from 30th July, 2008, subject to the transitional provisions in section 3 of the 2008 Law.

Application of Part IV of this Law.

53. [(1)] The provisions of Part IV of this Law shall, subject to the modifications in this Part of this Law contained, apply, so far as the same are applicable, to elections to the offices of Constable and Douzenier.

[(2) The States may by Ordinance make such further provision as may be necessary or expedient to modify the application of the provisions of Part IV of this Law to elections to the offices of Constable and Douzenier.]

NOTE

In Article 53, first, the text was renumbered as paragraph (1) and, second, paragraph (2) was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 35, with effect from 22nd April, 2020.

Responsibility for conduct of Elections.

54. [(1) In any election –

- (a) for the office of Constable, the Dean of the Parish concerned, or if he is absent, indisposed or otherwise unable to act the Vice-Dean, or if both are absent, indisposed, or otherwise unable to act, a Douzenier appointed in that behalf by the Douzaine,
- (b) for the office of Douzenier, the Senior Constable of the Parish concerned, or if he is absent, indisposed or otherwise unable to act the Junior Constable, or if both are absent, indisposed or otherwise unable to act, a Douzenier appointed in that behalf by the Douzaine

shall be responsible for fixing the place of the electors' meeting, for fixing the [...] time of the election, and for the conduct of the election.]

(2) The person so responsible as aforesaid shall be the Returning Officer for the election and shall preside at any meeting of electors.

(3) The Returning Officer may appoint such persons as he may deem necessary to assist him in the execution of his duties.

[(4) The election shall be held –

- (a) on the first Wednesday of November, [...]
- (b) if the first Wednesday of November falls on the 5th November, then on the first Tuesday of November, [or]
- [(c) on such other date as the States Assembly & Constitution Committee may prescribe by regulations

in any particular case,]

and, if a secret ballot is demanded pursuant to the provisions of Article 59, it shall be held on the third Wednesday of November[, or on such other date as the States Assembly & Constitution Committee may prescribe by regulations; and regulations made under this paragraph may include such consequential, incidental and supplemental provision as appears necessary or expedient to that Committee, including (without prejudice to the generality of the foregoing) provision modifying the application of Articles 55 (notice of elections), 56 (duty of Registrar-General to supply Roll) and 57 (nominations) in any particular case].]

[(5) The States may by Ordinance amend the provisions of paragraph (4).]

NOTES

In Article 54,

paragraph (1) was substituted by the Reform (Guernsey) Law, 1998, section 4(2), with effect from 27th May, 1998;

the words omitted in square brackets in paragraph (1) were repealed, and paragraph (4) and paragraph (5) were inserted, by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(25)(a) and section 1(25)(b), with effect from 1st August, 2003;

first, the word omitted in square brackets at the end of subsection (4)(a) was repealed, second, the word in square brackets at the end of subsection (4)(b), third, paragraph (c) of subsection (4) and, fourth, the words in the fourth pair of square brackets within that subsection were inserted by the Reform (Guernsey) Law, 1948 (Amendment) (No. 2) Ordinance, 2019, section 1(1), respectively paragraph (a), paragraph (b), paragraph (c) and paragraph (d), with effect from 10th December, 2019.

The following Regulations have been made under Article 54:

*Parochial Elections (St Martin and the Vale) Regulations, 2019;
Parochial Elections (St Saviour) Regulations, 2021;
Parochial Elections (St Martin) Regulations, 2021;
Parochial Elections (Vale) Regulations, 2021;*

Parochial Elections (Vale) (No. 2) Regulations, 2021;
Parochial Elections (St Peter Port) Regulations, 2021;
Parochial Elections (St Peter Port) Regulations, 2022;
Parochial Elections (St Peter Port) (No. 2) Regulations, 2022;
Parochial Elections (St Peter Port) (No. 3) Regulations, 2022;
Parochial Elections (St Peter Port) (No. 4) Regulations, 2022;
Parochial Elections (School Committees) (Torteval) Regulations,
2023;
Parochial Elections (St Saviour) Regulations, 2023;
Parochial Elections (St Peter Port) Regulations, 2023.

Notice of Elections.

55. Notice of an election shall be given by the person responsible for the conduct thereof, not less than fourteen days in advance of the date fixed therefor, by an announcement in the "Gazette Officielle", of the date, time and place of the electors' meeting, which announcement shall also invite the submission of nominations, and a further announcement showing that date, time and place and containing particulars of the nominations received, shall be made by publication in two daily newspapers published locally in the English language or, if there be only one such newspaper, then in that newspaper, [on any three days within the period of the six days immediately preceding the election].

NOTE

In Article 55, the words in square brackets were substituted by the Reform (Amendment) (Guernsey) Law, 1985, section 1(d), with effect from 30th September, 1985.

Duty of Registrar-General to supply Roll.

56. The Registrar-General shall supply to the Returning Officer for each election a copy of the section of the Electoral Roll relating to the Parish concerned.

Nominations.

57. Every nomination of a candidate for the office of Constable or Douzenier shall be in writing, signed by two persons whose names are inscribed on

the section of the Electoral Roll representing the Parish concerned, and such nominations shall be delivered to the Returning Officer [not later than 16.00 on the seventh day (not counting any intervening Saturday, Sunday or Public Holiday) before the day fixed for the holding of the election], and, in the case of an election for the office of Douzenier, shall be accompanied by a declaration in writing signed by the candidate and signifying his consent to be a candidate for that office[:

PROVIDED THAT in respect of any one candidate at an election the Returning Officer shall accept only the first valid nomination delivered to him, and any nomination subsequently delivered shall be of no effect.]

NOTES

In Article 57,

the words in the first pair of square brackets were substituted by the Reform (Guernsey) Law, 1998, section 4(3), with effect from 27th May, 1998, subject to the transitional provisions in section 8(4) of the 1998 Law;

the proviso thereto was inserted by the Reform (Amendment) (Guernsey) Law, 1996, section 5(2), with effect from 5th June, 1996.

Number of candidates not exceeding vacancies.

58. At any election where the number of candidates is not greater than the number of offices vacant, the Returning Officer shall, at the electors' meeting, declare such candidate or candidates elected.

Contested Election.

59. At any election where the number of candidates is greater than the number of offices vacant the following procedure shall be adopted –

- (1) The Returning Officer shall, at the electors' meeting, read to the meeting the names of the candidates and of the persons who have

signed the respective nominations, in the order in which those nominations shall have been received by him, and shall ask the meeting to vote on the question whether or not they desire a secret ballot to be held. A secret ballot shall be held if not less than seven electors present demand it. The Returning Officer shall explain that a secret ballot may be demanded by not less than seven electors and that, if such a ballot be held, the formalities of a ballot for an election to the office of People's Deputy will, so far as the same are applicable, be observed in the holding thereof.

- (2) If a secret ballot be not demanded –
- (a) the Returning Officer shall cause a voting paper to be delivered to, and only to, every elector present, who shall record his vote by writing thereon the name of the candidate (or the names of the candidates if there be more than one vacancy to be filled) for whom he wishes to vote,
 - (b) the Returning Officer shall then cause the voting papers to be collected and the votes counted, and shall declare the result of the election to the meeting,
 - (c) the provisions of Part IV of this Law shall be applied as nearly as possible to a case of an equality of votes and to the right to demand a re-count,
 - (d) the Returning Officer shall be responsible for the safe custody of the voting papers after the same have been collected, and he shall destroy them after, but not before, the successful candidate has taken the oath of

office.

(3) If a secret ballot be demanded, a record of that fact shall be made by the Returning Officer, who shall thereupon declare the meeting closed. He shall then [make arrangements in accordance with the provisions of this paragraph] [...] for the holding of an election [on the third Wednesday of November (or on such other date as the States, by Ordinance under Article 54(5) [(or the States Assembly & Constitution Committee, by regulations made under Article 54(4))], may prescribe)] [at each polling station which shall be established by the Constables in accordance with the provisions of the next following Article and shall give notice of [such time and date] and of the location of each such polling station by means of an announcement in the "Gazette Officielle", and shall be responsible for the supply of ballot papers at each such polling station.] The ensuing election shall be held in the manner prescribed for elections for the office of People's Deputy.

(4) The Returning Officer shall be responsible for the safe custody of the ballot papers, and shall destroy the same after, but not before, the successful candidate shall have taken the oath of office.

NOTES

In Article 59,

the words in the first and third pairs of square brackets in paragraph (3) were, respectively, substituted and inserted by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(26)(a) and section 1(26)(c), with effect from 1st August, 2003;

the words omitted in the second pair of square brackets in paragraph (3) were repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(26)(b), with effect from 1st August, 2003;

the words in square brackets within the third pair of square brackets were inserted by the Reform (Guernsey) Law, 1948 (Amendment) (No. 2) Ordinance, 2019, section 1(2), with effect from 10th December, 2019;

the words in the fourth pair of square brackets in paragraph (3) were substituted by the Reform (Amendment) (Guernsey) Law, 1978, section 1(f), with effect from 21st March, 1978, subject to the saving in section 3 of the 1978 Law;

the words in square brackets within the fourth pair of square brackets in paragraph (3) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(26)(d), with effect from 1st August, 2003.

[Polling Stations.]

60. Where at any election a secret ballot is demanded as aforesaid, the Constables of the Parish concerned shall provide for the establishment of a polling station therein and may provide for the establishment of such additional polling stations therein as they may deem to be convenient to the electorate.]

NOTE

Article 60 was substituted by the Reform (Amendment) (Guernsey) Law, 1978, section 1(g), with effect from 21st March, 1978, subject to the saving in section 3 of the 1978 Law.

Oath of office.

61. After any election every successful candidate shall take an oath of office before the Royal Court at the instance of the Law Officers of the Crown or either of them, and after the taking of such oath the validity of the election shall not be further subject to question.

[Election of other Parish officials.]

61A. (1) Subject to the provisions of paragraph (2), the procedure for electing parochial officers other than Constables and Douzeniers (including the elected members of committees established by Parishes) shall be that prescribed, in

such manner as it thinks fit, by the Douzaine of the Parish concerned.

(2) Before prescribing a procedure under paragraph (1), the Douzaine of the Parish concerned shall consult Her Majesty's Procureur.]

NOTE

Article 61A was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 36, with effect from 22nd April, 2020.

Interpretation.

62. In this Part of this Law the following expressions shall unless the context otherwise requires, have the meanings hereby respectively assigned to them

—

"Election" shall mean an election to the office of Constable or Douzenier,

"Registrar-General" shall have the same meaning as in Part IV of this Law.

PART VI

*Transfer to the States of Deliberation of Functions of a legislative nature
hitherto exercised by the Royal Court*

Date and extent of transfer.

63. On and after the day following the date of the holding of the Chief Pleas after Christmas, 1948, subject to the provisions of this Part of this Law, the powers and functions of a legislative nature theretofore exercised by the Royal Court whether sitting as a Court of Chief Pleas or otherwise shall cease to be exercised by

the Royal Court and those powers and functions shall thenceforth vest in and be exercised by the States of Deliberation (hereinafter in this Part of this Law referred to as "**the States**") or by the States [Policy & Resources Committee] in accordance with the provisions of this Part of this Law and every enactment conferring power on the Royal Court to exercise any such powers and functions by way of Ordinance shall thenceforth be construed as having conferred the like power on the States of Deliberation or on the States [Policy & Resources Committee], as may be appropriate under the provisions aforesaid, in the place and stead of the Royal Court and where under any enactment, whether commencing before or after the said date, power is conferred on the States to make any Ordinance, that enactment shall be construed as conferring power on the States [Policy & Resources Committee], within the limits of that Committee's authority as defined in this Part of this Law, to make that Ordinance.

NOTES

In Article 63, the words "Policy & Resources Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016.⁵⁴

The functions, rights and liabilities of the Legislation Select Committee and its Minister arising under or by virtue of Article 63 of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁵⁵

The following case has referred to Article 63:

Jersey Fishermen's Association Limited, IF Limited, Interfish Wirons Limited, Scerene Fishing Company Limited and Lovell v. States 2007–08 GLR 36.

The date of the holding of the Chief Pleas after Christmas, 1948 was 17th January, 1949.

[...] Defence Regulations and Rules of Procedure.

64. (1) Notwithstanding the provisions of the last preceding Article, powers and functions of a legislative nature as regards the following matters, namely

—

- (a) the making, variation, modification, and revocation or continuation of Defence Regulations in force or to be in force within the Bailiwick of Guernsey or some part thereof, and
- (b) the making, variation, modification and revocation of Rules of Procedure in the Royal Court and any Division thereof and in any Court subordinate thereto,

shall [in the case of powers and functions referred to in subparagraph (a) vest in and be exercisable by the States [Civil Contingencies Authority] and shall in the case of powers and functions referred to in subparagraph (b)] continue as hitherto to vest in and be exercised by the Royal Court.

(2) The Royal Court shall exercise such powers and functions by way of Orders to be styled "Orders of the Royal Court" and no such Order shall lapse, unless expressed so to do, by mere effluxion of time.

[(3) Regulations of the States [Civil Contingencies Authority] made by virtue of paragraph (1) shall be laid before a meeting of the States as soon as possible, and if the States resolve at that meeting or their next meeting that the regulations be annulled they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations.]

NOTES

In Article 64,

the words omitted in the Article heading were repealed, and the words in square brackets in paragraph (1) were inserted, by the Reform (Guernsey) (Amendment) Law, 2003, respectively section 1(27)(a) and section 1(27)(b), with effect from 1st August, 2003;

the words "Civil Contingencies Authority" in square brackets, wherever occurring, were substituted by the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, section 26(2), Schedule 3, Part III, with effect from 4th February, 2013;⁵⁶

paragraph (3) was inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(27)(c), with effect from 1st August, 2003.

The following have been made by Order of the Royal Court under Article 64:

- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) Order, 1950 (O.R.C. No. I of 1950);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 2) Order, 1950 (O.R.C. No. II of 1950);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 3) Order, 1950 (O.R.C. No. VII of 1950);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) Order, 1951 (O.R.C. No. II of 1951);*
- Defence Regulation 62 (Variation to extend to Alderney) Order, 1951 (O.R.C. No. III of 1951);*
- Saisie Procedure (Simplification) (Bailiwick) Order, 1952 (O.R.C. No. III of 1952);*
- Matrimonial Causes Rules, 1952 (O.R.C. No. IV of 1952);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) Order, 1952 (O.R.C. No. VI of 1952);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 2) Order, 1952 (O.R.C. No. VII of 1952);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) Order, 1953 (O.R.C. No. I of 1953);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 2) Order, 1953 (O.R.C. No. III of 1953);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 3) Order, 1953 (O.R.C. No. IV of 1953);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) Order, 1954 (O.R.C. No. I of 1954);*
- Competent Authority (Alderney) (Revocation) Order, 1954 (O.R.C. No. III of 1954);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 2) Order, 1954 (O.R.C. No. IV of 1954);*
- Defence (Finance) (Guernsey) Regulations, 1945 (Revocation) Order, 1955 (O.R.C. No. II of 1955);*
- Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) Order, 1955 (O.R.C. No. III of 1955);*
- Maintenance Orders (Facilities for Enforcement) (Guernsey) Rules,*

1955 (O.R.C. No. V of 1955);
 Court of Alderney (Robes) Order, 1955 (O.R.C. No. VII of 1955);
 Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) *Order, 1956* (O.R.C. No. III of 1956);
 Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 2) *Order, 1956* (O.R.C. No. IV of 1956);
 Defence (General) (Guernsey) Regulations, 1945, Amendment (No. 1) *Order, 1958* (O.R.C. No. I of 1958);
 Judgments (Reciprocal Enforcement) (Guernsey) Rules, 1972;
 Matrimonial Causes (Amendment) Rules, 1973;
 Matrimonial Causes (Amendment) (No. 2) Rules, 1973;
 Judgments (Reciprocal Enforcement) (Amendment) (Guernsey) Rules, 1975;
 Matrimonial Causes (Amendment) Rules, 1980;
 Royal Court (Despatch of Business) Order, 1982;
 Royal Court (List of Advocates) Order, 1982;
 Royal Court (Plaids d'Héritage) Order, 1982;
 Committal Proceedings (Written Statements) Rules, 1983;
 Matrimonial Causes (Amendment) Rules, 1983;
 Committal Proceedings (Written Statements) (Amendment) Rules, 1986;
 Eviction Actions Order, 1986;
 Royal Court (Non-contentious Applications) Rules, 1988;
 Curatelle Rules, 1989;
 Companies (Application for change of name) Procedure Rules, 1989;
 Royal Court (Non-contentious Applications) (Amendment) Rules, 1989;
 Magistrate's Court (Criminal Appeals) Rules, 1989;
 Magistrate's Court (Criminal Appeals) (Amendment) Rules, 1989;
 Advocate's Trust Accounts Rules, 1989;
 Advocate's Trust Accounts Rules, 1989;
 Advocate's Accounts Rules, 1989;
 Advocates' Accounts (Deposit Interest) Rules, 1989;
 Eviction Procedures Rules, 1989;
 Saisie Procedure (Simplification) (Bailiwick) (Amendment) Order, 1989;
 Royal Court (Affidavits) Civil Rules, 1990;
 Royal Court (Non-contentious Applications) (Amendment) Rules, 1990;
 Juvenile Court (Criminal Cases) Rules, 1990;
 Royal Court (Criminal Procedure) Rules, 1991;
 Juvenile Court (Criminal Cases) (Amendment) Rules, 1994;
 Royal Court (Election of Counsel) Order 1994;
 Royal Court (Plaids d'Héritage) Order, 1995;
 Royal Court (Non-contentious Applications) Rules, 1995;
 Matrimonial Causes (Amendment) Rules, 2001;
 Royal Court (Signing of Summonses) Order, 2003;
 Royal Court (Publication of Notices, etc) Order, 2006;
 Royal Court Civil Rules, 2007;

*Royal Court Civil Rules (Amendment) Order, 2008;
Matrimonial Causes (Amendment) Rules, 2017;
Company Insolvency (Application to Disclaim Onerous Property)
Rules, 2023.*

The following cases have referred to Article 64:

*Angenent v. Pring 2005–06 GLR 1;
Angenent v. Pring 2005–06 GLR 11.*

In accordance with the provisions of the Royal Court of Guernsey (Miscellaneous Reform Provisions) Law, 1950, section 12, with effect from 11th September, 1951, the power of the Royal Court to make, vary, modify and revoke rules of procedure in the Royal Court and any division thereof in pursuance of the provisions of this section shall include power to make rules of procedure varying, modifying or revoking any rule of procedure operative in pursuance of customary or enacted Law.

In accordance with the provisions of the Judgments (Reciprocal Enforcement) (Guernsey) Law, 1957, with effect from 6th April, 1957, the power of the Royal Court to make rules of court under this section shall include power to make rules of court for the purposes set in section 5 of the 1957 Law.

In accordance with the provisions of the Service of Process and Taking of Evidence (Guernsey) Law, 1957, section 9, as and when that section enters into force, the power of the Royal Court to make rules of court under this section shall include a power to make rules of court from time to time—

- (a) for any purpose for which rules of court may be made under Part II of the 1957 Law, and*
 - (b) for the purposes of giving effect to Part III of the 1957 Law and regulating the procedure thereunder.*
-

The States [Scrutiny Management Committee].

65. (1) There shall be set up by the States, as soon as may be after the 1st day of January, 1949, a States Standing Committee to be styled "the States [Scrutiny Management Committee]" (hereinafter in this Part of this Law referred to as "**the Committee**") [...].

[(2) The constitution of the Committee shall be such as shall, from time to time, be prescribed by the States by Resolution.]

(3) ...

(4) ...

(5) ...

NOTES

In Article 65,

the words "Scrutiny Management Committee" in square brackets, wherever occurring, substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 8(a), Schedule 2, Part 6, paragraph 1, with effect from 1st May, 2016;⁵⁷

first, the words omitted in the second pair of square brackets in paragraph (1) were repealed and, second, paragraph (2) was substituted and paragraph (3), paragraph (4) and paragraph (5) were repealed by the Reform (Amendment) (Guernsey) Law, 1990, respectively section 1(a) and section 1(b), with effect from 20th March, 1990, subject to the savings in section 2 of the Law of 1990.⁵⁸

The functions, rights and liabilities of the Legislation Select Committee and its Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Scrutiny Management Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 8(a), Schedule 2, Part 6, paragraph 1, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁵⁹

Functions of the Committee.

66. The functions of the Committee shall be as follows –

- (1) To review and revise every *Projet de Loi* presented to the Committee by a Law Officer of the Crown for the purpose of ensuring that the same is in accordance with and will effectually carry into effect any Resolution of the States designated to be implemented thereby and to transmit the same

to the States for the consideration and for the decision (subject to the Sanction of His Most Excellent Majesty in Council) of the States.

(2) To review and revise every draft Ordinance presented to the Committee by a Law Officer of the Crown at the instance of the States or of some Authority, Board, Committee or Council of the States [and to transmit the same –

(a) to the States for consideration and decision of the States, or

(b) where the Policy and Resources Committee is of opinion that the immediate or early enactment thereof is necessary or expedient in the public interest under Article 66A, to the Policy and Resources Committee for consideration and order of that Committee.]

(3) ...

(4) ...

NOTE

In Article 66, first, the words in square brackets in paragraph (2) were inserted and, second, paragraph (3) and paragraph (4) were repealed, by the States (Reform) (Guernsey) Law, 2015, respectively section 5(1)(j)(i) and section 5(1)(j)(ii), with effect from 1st May, 2016.

[Power of Policy and Resources Committee to enact Ordinances.]

66A. (1) Where, in the case of any draft Ordinance transmitted under paragraph (2)(b) of Article 66, the Policy and Resources Committee is of opinion that

the immediate or early enactment thereof is necessary or expedient in the public interest, the Policy and Resources Committee shall have power to order that the same shall be operative either immediately or upon such then future date as it shall prescribe and thereupon the Ordinance shall have effect accordingly:

PROVIDED that every Ordinance coming into effect by virtue of this paragraph shall be laid before the States as soon as may be after the making thereof in such manner as the States may, by general resolution, from time to time direct and if, at the Meeting of the States in the course of which any Ordinance made by the Policy and Resources Committee is laid before them or at the next subsequent Meeting, the States resolve that the Ordinance be annulled, the Ordinance shall cease to have effect but without prejudice to anything previously done thereunder or to the making by the Policy and Resources Committee of any new Ordinance.

(2) For the purpose of removing doubts, it is hereby declared that on an Ordinance ceasing to have effect by virtue of a Resolution of the States under the proviso to paragraph (1) of this Article, any other Ordinance which was modified or extended or repealed in whole or in part by the first-mentioned Ordinance shall thenceforth have effect, notwithstanding such modification, extension or repeal as though such modification, extension or repeal had not been effected.

(3) In paragraph (2)(b) of Article 66 and in this Article, **"the Policy and Resources Committee"** means the States Policy and Resources Committee.]

NOTES

Article 66A was inserted by the States (Reform) (Guernsey) Law, 2015, section 5(1)(k), with effect from 1st May, 2016.

The following Ordinances have been made under Article 66A:

Côte d'Ivoire (Restrictive Measures) (Guernsey) (Repeal) Ordinance,

2016;
 Beneficial Ownership of Legal Persons (Guernsey) (Amendment) Ordinance, 2017;
 Beneficial Ownership of Legal Persons (Guernsey) (Amendment) (No. 2) Ordinance, 2017;
 Document Duty (Amendment) Ordinance, 2017;
 Document Duty (Anti-Avoidance) (Guernsey) Law, 2017 (Commencement and Amendment) Ordinance, 2017;
 Document Duty (Anti-Avoidance) (Rates) Ordinance, 2017;
 Document Duty (Guernsey) Law, 2017 (Commencement and Amendment) Ordinance, 2017;
 Document Duty (Rates) Ordinance, 2017;
 Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2017;
 Transfer of Funds (Guernsey) Ordinance, 2017;
 Video-Recorded Evidence (Bailiwick of Guernsey) Ordinance, 2017;
 Post Office (Bailiwick of Guernsey) Law, 2001 (Amendment) Ordinance, 2018;
 Regulation of Investigatory Powers (Bailiwick of Guernsey) (Amendment) Ordinance, 2018;
 Road Traffic (Miscellaneous Amendments) Ordinance, 2018;
 Document Duty (Amendment) Ordinance, 2019;
 European Communities (Official Controls) (Implementation and General Provisions) (Guernsey) Ordinance, 2019;
 European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019;
 European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019;
 Import Duties (Tariff and Related Provisions) (Bailiwick of Guernsey) Ordinance, 2019;
 International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019;
 Lighting of Vehicles and Skips (Amendment) Ordinance, 2019;
 Motor Vehicles (International Circulation) (Amendment) Ordinance, 2019;
 Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019;
 Road Traffic (Guernsey) Ordinance, 2019;
 Road Traffic (Miscellaneous Provisions) (Guernsey) Ordinance, 2019;
 Road Traffic (Motor Vehicles and Trailers) (Periodic Technical Inspections) Ordinance, 2019;
 Road Traffic (Trailer Registration) Ordinance, 2019;
 Seat Belts (Amendment) Ordinance, 2019;
 Driving Licences (Guernsey) (Amendment) Ordinance, 2020;
 European Communities (Coronavirus Vaccine) (Immunity from Civil Liability) (Guernsey) Ordinance, 2020;
 Health and Safety at Work (General) (Guernsey) (Amendment) Ordinance, 2020;
 Income Tax (Surcharges) (Amendment) (Guernsey) Ordinance,

2020;
 International Trade Agreements (General Implementation)
 (Bailiwick of Guernsey) Ordinance, 2020;
 Plant Health (Enabling Provisions) (Guernsey) Law, 2014
 (Commencement) (Amendment) Ordinance, 2020;
 Plant Health (Implementation) (Guernsey) Ordinance, 2020;
 Public Transport (Amendment) Ordinance, 2020;
 World Trade Organization (Privileges and Immunities) (Bailiwick of
 Guernsey) Ordinance, 2020;
 European Committee for the Prevention of Torture and Inhuman or
 Degrading Treatment or Punishment (Privileges and Immunities) (Bailiwick
 of Guernsey) Ordinance, 2021;
 Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law
 (Amendment) Ordinance, 2021;
 Income Support (Implementation) (Amendment) Ordinance, 2022;
 Long-term Care Insurance (Guernsey) (Entitlement to Benefit)
 Ordinance, 2022;
 Road Traffic (Bicycle Events at the Island Games) (Guernsey)
 Ordinance, 2023 (in force until 15 July, 2023).

The following Ordinances have effect, in accordance with the provisions of
section 5(2) of the States (Reform) (Guernsey) Law, 2015, as if made under
Article 66A:

Coast Protection Ordinance, 1949;
 Dutiable Goods (Returns) Ordinance, 1949;
 Automobile Amendment Law Commencement Ordinance, 1950;
 Cutting of Hedges Ordinance, 1953;
 Bills of Exchange (Guernsey) Law, 1958 (Commencement)
 Ordinance, 1958;
 States Water Supply (Commencement) Ordinance, 1958;
 Official Publications (Amendment) Ordinance, 1965;
 People's Deputies (General Election) Ordinance, 1966;
 Wharfage (Guernsey) Law, 1970 (Commencement) Ordinance,
1971;
 Social Insurance (Limited Medical Benefit) (Guernsey) Ordinance,
1971;
 Social Insurance (Medical Certification) (Amendment) (Guernsey)
 Ordinance, 1971;
 Social Insurance (Amendment and Repeals) (Guernsey) Ordinance,
1971;
 Income Support (Implementation) Ordinance, 1971;
 Alderney (Application of Legislation) (Income Support) Ordinance,
1971;
 People's Deputy (Forest) Election Ordinance, 1972;
 Official Publications (Amendment) Ordinance, 1973;
 Motor Vehicles (International Circulation) Ordinance, 1974;
 Motor Vehicles (International Motor Insurance Card) Ordinance,
1974;
 Water Byelaws (Restrictions) Ordinance, 1976;

Supplementary Family Allowances (Guernsey) Law, 1976 (Commencement) Ordinance, 1976;
People's Deputy (Saint Saviour) Election Ordinance, 1981;
People's Deputies (Saint Peter Port, Saint Peter-in-the-Wood, the Forest and Saint Martin) Elections Ordinance, 1983;
Royal Bank of Scotland (Guernsey) Law, 1985 (Appointed Day) Ordinance, 1985;
Judgments (Interest) (Repeal) Ordinance, 1986;
Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1988;
Traffic Signs and Traffic Light Signals (Amendment) Ordinance, 1989;
Prohibited and One-Way Streets (Amendment) (No. 3) Ordinance, 1991;
Public Transport (Amendment) Ordinance, 1993;
Special Constabulary (Amendment) (No. 2) Ordinance, 1993;
Electoral Roll Ordinance, 1995;
Driving Licences (Amendment) (No. 3) (Guernsey) Ordinance, 1996;
Alderney (Application of Legislation) (Health Service) (Benefit) (Amendment) Ordinance, 1997;
Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 (Commencement) Ordinance, 1997;
Water Restrictions (Amendment) Ordinance, 1997;
Motor Taxation and Licensing (Guernsey) Law, 1987 (Commencement) Ordinance, 2001;
Health Service (Benefit) (Amendment) (No. 3) Ordinance, 2003;
Reform (Guernsey) (Amendment) Law, 2003 (Commencement) Ordinance, 2003;
Bar (Amendment) Ordinance, 2004;
Burma (Sale, Supply, Export, Technical Assistance, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) (Guernsey) (Amendment) Ordinance, 2004;
Gambling (Crown and Anchor) (Guernsey) (Amendment) Ordinance, 2004;
States Audit Commission (Guernsey) (Repeal) Law, 2004 (Commencement) Ordinance, 2004;
Boats and Vessels (Registration, Speed Limits and Abatement of Noise) (Amendment) Ordinance, 2005;
Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Enforcement of Overseas Confiscation Orders) (Amendment) Ordinance, 2006;
European Communities (Bailiwick of Guernsey) (Amendment) Ordinance, 2006;
Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2006;
Machinery of Government (Transfer of Functions) (Guernsey) (No. 3) Ordinance, 2006;
Prison Administration (Guernsey) (Amendment) Ordinance, 2006;
Criminal Justice (International Co-operation) (Enforcement of Overseas Forfeiture Orders) (Bailiwick of Guernsey) Ordinance, 2007;

Limited Partnerships (Guernsey) (Amendment) Law, 2006 (Commencement) Ordinance, 2007;
Motorcycle Licence Plates (Guernsey and Alderney) Ordinance, 2007;
Terrorism and Crime (Enforcement of External Orders) (Bailiwick of Guernsey) Ordinance, 2007;
Alderney (Application of Legislation) (Education) (No. 2) Ordinance, 2008;
Companies (Guernsey) Law, 2008 (Amendment) Ordinance, 2008;
Companies (Guernsey) Law, 2008 (Amendment) (No.2) Ordinance, 2008;
Companies (Guernsey) Law, 2008 (Commencement) Ordinance, 2008;
Education (Compulsory School Age) (Guernsey) (No.2) Ordinance, 2008;
Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008 (Amendment) Ordinance, 2008;
Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007 (Amendment) Ordinance, 2008;
Road Traffic (Drink Driving) (Amendment) Ordinance, 2008;
Alderney (Application of Legislation) (Education) Ordinance, 2009;
Cash Controls Law (Definition of Cash) (Bailiwick of Guernsey) Ordinance, 2009;
Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009;
Gambling (Betting) (Amendment) Ordinance, 2009;
Judgments (Reciprocal Enforcement) (Amendment) Ordinance, 2009;
Public Holidays Ordinance, 2009;
Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Ordinance, 2009;
Fees, Charges and Penalties (Guernsey) (Amendment) Ordinance, 2010;
Health Service (Benefit) (Amendment) (No. 2) Ordinance, 2011;
Libya (Restrictive Measures) (Guernsey) (Amendment) (No. 3) Ordinance, 2011;
Income Tax (Pension Amendments) (Guernsey) Ordinance, 2012;
Public Holidays (Diamond Jubilee) Ordinance, 2012;
Foreign Tax (Retention Arrangements) (Guernsey and Alderney) (Amendment) Ordinance, 2013;
Iran (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2013;
Libya (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2013;
Mental Health (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2013;
North Korea (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2013;
North Korea (Restrictive Measures) (Guernsey) (Amendment) (No. 2) Ordinance, 2013;

Rehabilitation of Offenders (Bailiwick of Guernsey) (Amendment) Ordinance, 2013;
Income Tax (Approved International Agreements) (Implementation) (Guernsey) Ordinance, 2013;
Aviation Registry (Guernsey) (Amendment) Ordinance, 2014;
Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008 (Amendment) Ordinance, 2014;
Companies (Guernsey) Law, 2008 (Amendment) Ordinance, 2014;
Crimea and Sevastopol (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2014;
Income Tax (Guernsey) (Miscellaneous Amendments) Ordinance, 2014;
Income Tax (Guernsey) (Amendment) (No. 2) Ordinance, 2014;
Income Tax (Guernsey) (Amendment) (No. 3) Ordinance, 2014;
Protection of Investors (Limitation of Liability) (Bailiwick of Guernsey) Ordinance, 2014;
Aviation Registry (Interests in Aircraft) (Guernsey) Ordinance, 2015;
Cremation (Longue Hougue Facility) Ordinance, 2015;
Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014 (Commencement and Amendment) Ordinance, 2015;
Sark General Purposes and Advisory and Finance and Commerce Committees (Transfer of Functions) (Guernsey) Ordinance, 2015;
Income Tax (Zero 10) (Company Intermediate Rate) (Amendment) (Guernsey) (No. 2) Ordinance, 2015;
Public Transport (Amendment) Ordinance, 2016.

Approval of subordinate legislation by Committee and States in lieu of Royal Court.

67. Where in any enactment it is provided that rules, regulations or other subordinate legislation, however described, prepared by any Authority, Board, Committee or Council of the States shall only come into operation after having received the approval of the Royal Court, that enactment shall, instead, be deemed to provide that on and after the day following the date of the holding of the Chief Pleas after Christmas, 1948, any such rules, regulations or other subordinate legislation as shall not have been approved by the Royal Court before that day shall only come into operation after having been reviewed by the Committee and after having received the approval of the States. Such approval shall be given by way of Ordinance.

New style of Ordinances.

68. Ordinances made by the States or by [the Policy & Resources Committee] shall be styled "Ordinances of the States" and no such Ordinance unless its period of operation be limited by express words or by operation of law, shall lapse merely by effluxion of time.

NOTES

In Article 68, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016.

The functions, rights and liabilities of the Legislation Select Committee and its Minister arising under or by virtue of Article 68 of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

Making of Orders under Defence Regulations.

69. On and after the day following the date of the holding of the Chief Pleas after Christmas, 1948, the Royal Court shall cease to be a Competent Authority under any Defence Regulation and the powers and functions theretofore vesting in the Royal Court as a Competent Authority under that Defence Regulation shall thenceforth for so long as that Defence Regulation continues in force vest in and be exercised by [the Policy & Resources Committee] as a Competent Authority thereunder but without prejudice to anything previously done thereunder.

NOTES

In Article 69, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016.

The functions, rights and liabilities of the Legislation Select Committee and

its Minister arising under or by virtue of Article 68 of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

Permanent and Provisional Ordinances existing at Chief Pleas after Christmas, 1948.

70. On and after the day following the date of the holding of the Chief Pleas after Christmas, 1948, Ordinances of the Royal Court –

- (1) which after receiving the approval of the States, have before that day been made Permanent Ordinances by the Royal Court and are still in force, shall, until repealed, continue in force,
- (2) which by virtue of the provisions of any Order in Council are Permanent Ordinances and are still force, shall, until repealed, continue in force,
- (3) made before that day which are Provisional Ordinances and are still in force, shall, unless previously repealed, continue in force as Provisional Ordinances until the 1st day of January, 1950, and shall thenceforth become Permanent Ordinances of the States:

PROVIDED that the Committee shall review all such Provisional Ordinances as are referred to in paragraph (3) of this Article and shall report to the States thereon and if, at any time during the calendar year 1949, the States resolve that any such Provisional Ordinance shall be annulled, the same shall cease to have effect as

though it had been repealed but without prejudice to anything previously done thereunder.

Power of Committee to repeal or vary Ordinances.

71. [The Policy & Resources Committee], within the limits of the latter's authority and subject to the provisions of paragraph (4) of Article 66 of this Law, and the States shall have power, from time to time, to repeal, suspend, vary or modify any Ordinance made by the Royal Court (except in relation to any of the matters referred to in paragraph (1) of Article 64 of this Law) or by the States or by [the Policy & Resources Committee].

NOTES

In Article 71, the words "T/he Policy & Resources Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016.

The functions, rights and liabilities of the Legislation Select Committee and its Minister arising under or by virtue of Article 68 of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The following Ordinances have been made under Article 71:

*Public Health (Amendment) Ordinance, 2010;
European Communities (Food and Feed Controls) (Guernsey)
Ordinance, 2016.*

PART VII

Miscellaneous and Repeals

Number of votes restricted to number of vacancies.

72. No person shall vote or purport to vote at any election for a greater number of candidates than there are seats vacant, and any vote cast or purported to be cast in contravention of this Article shall be void.

[Duty to refer certain matters to the States of Deliberation.]

72A. (1) Where it is proposed that –

- (a) a provision of a draft Act of the Parliament of the United Kingdom should apply directly to Guernsey, or
- (b) an Order in Council should be made –
 - (i) extending to Guernsey a provision of an Act of the Parliament of the United Kingdom,
 - (ii) extending to Guernsey a Measure, pursuant to the Channel Islands (Church Legislation) Measures 1931[§] and 1957^{§§}, or
 - (iii) that is otherwise expressed to have effect in, or to be applicable to or otherwise binding upon, Guernsey,

the Policy and Resources Committee shall, unless that Committee considers it unnecessary, submit the proposal to the States of Deliberation, in order that the States may signify their views on it.

[§] 21 and 22 Geo.V. No. 4 and 5.

^{§§} 5 and 6 Eliz. 2, No. 1.

- (2) Where, upon transmission of –
 - (a) an Act of the Parliament of the United Kingdom containing a provision described in paragraph (1)(a), or
 - (b) an Order in Council described in paragraph (1)(b),

to the Royal Court for registration, it appears to the Royal Court that the States of Deliberation have not signified their agreement to the substance of the provision or Order in Council –

- (i) the Royal Court shall refer the provision or Order in Council, as the case may be, to the Policy and Resources Committee, and
- (ii) the Policy and Resources Committee shall, unless that Committee considers it unnecessary, submit it to the States in accordance with paragraph (1).

(3) In this Article "**Policy and Resources Committee**" has the meaning given in Article 66A(3).]

NOTE

Article 72A was inserted by the Reform (Guernsey) (Amendment) Law, 2019, section 2, with effect from 4th November, 2019.

[General Election Observers.]

72B. (1) The States' Assembly and Constitution Committee may, after consultation with the Policy & Resources Committee, appoint one or more observers

of a General Election.

(2) The States' Assembly and Constitution Committee shall, as soon as possible after making an appointment under subparagraph (1), present a report to the States of Deliberation informing the States of the appointment.

(3) An observer appointed under subparagraph (1) shall have the right –

(a) to be provided by the Registrar-General with a copy of the Published Electoral Roll,

(b) to be present in any polling station –

(i) while preparations are being made to open the poll,

(ii) during the poll, and

(c) to be present during any count of the votes cast in the election.

(4) When exercising a right conferred by paragraph (3) an observer must not –

(a) attempt to influence a voter, or

(b) do anything to compromise the secrecy or integrity of voting in an election.

(5) When exercising a right conferred by paragraph (3) an observer

must comply with any direction given to him by the Central Returning Officer, a Polling Station Officer or a Deputy Polling Station Officer.

(6) A person who contravenes paragraph (4) or (5) is guilty of an offence and is liable on conviction to a fine not exceeding level 5 on the Uniform Scale.

(7) The States may by Ordinance make further provision in relation to observers appointed under this Article.]

NOTE

Article 72B was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 37, with effect from 22nd April, 2020.

[Costs of elections.]

72C. The States shall bear the costs of the election of Jurats and of elections to the office of People's Deputy, and each Parish shall bear the costs of the election of its officers.]

NOTE

Article 72C was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 37, with effect from 22nd April, 2020.

Disqualification of Advocates for the office of Constable.

73. ...

NOTE

Article 73 was repealed by the Reform (Guernsey) (Amendment) Law, 2003, section 1(28), with effect from 1st August, 2003.

Limitation of the application of the Secret Ballot Laws.

74. ...

NOTE

Article 74 was repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 38, with effect from 22nd April, 2020.

[Saving of powers for existing States of Deliberation and Election.

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.]

NOTE

Article 75 was substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(k), with effect from 16th August, 1952.

Repeals.

76. The enactments set out in the first column of the Second Schedule to this Law shall be repealed to the extent and on the dates indicated in the second and third columns respectively of that Schedule.

Saving.

77. The repeal of section 3 of the States (Election of People's Deputies) (Special Provisions) Law, 1945, shall not affect the continuance of the qualification for office in respect of residence of any People's Deputy elected or deemed to have been elected at the General Election to be held during the month of December, 1948.

[Power to amend First, Third and Fourth Schedules by Ordinance.]

77A. The States may by Ordinance amend –

- (a) Part 2, and paragraph 15, of the First Schedule, and
- (b) the Third and Fourth Schedules.]

NOTE

Article 77A was substituted by the Reform (Guernsey) (Amendment) Law, 2022, section 1(6), with effect from 22nd May, 2023, subject to the transitional provision in section 4(2) of the 2022 Law.⁶⁰

[General provisions as to Ordinances.]

77B. (1) An Ordinance under this Law –

- (a) may be amended or repealed by a subsequent Ordinance hereunder, and
- (b) may contain such consequential, incidental, supplementary, savings and transitional provision as may appear to be necessary or expedient, including provision amending any enactment.

(2) Any power conferred by this Law to make an Ordinance may be exercised –

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised –
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same class of case for different purposes,
 - (iii) any such provision either unconditionally or subject to any prescribed conditions.]

NOTE

Article 77B was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 39, with effect from 22nd April, 2020.

[General provisions as to regulations.]

77C. (1) Any regulations under this Law –

- (a) may be amended or repealed by subsequent regulations hereunder,

- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the States' Assembly and Constitution Committee or the Committee for Home Affairs (as the case may be) to be necessary or expedient,
 - (c) shall be laid before a meeting of the States of Deliberation as soon as possible and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.
- (2) Any power conferred by this Law to make regulations may be exercised –
 - (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
 - (b) so as to make, as respects the cases in relation to which it is exercised –
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

- (iii) any such provision either unconditionally or subject to any prescribed conditions.]

NOTES

Article 77C was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 39, with effect from 22nd April, 2020.

The following Regulations have been made under Article 77C:

Registration of Political Parties (Fees) Regulations, 2020;
Polling Stations (Hours of Opening) (Revocation) Regulations,
2020;
Polling Stations (Hours of Opening) (No. 2) Regulations, 2020;
Parochial Elections (St Saviour) Regulations, 2021;
Parochial Elections (St Martin) Regulations, 2021;
Parochial Elections (Vale) Regulations, 2021;
Parochial Elections (Vale) (No. 2) Regulations, 2021;
Parochial Elections (St Peter Port) Regulations, 2021;
Parochial Elections (St Peter Port) Regulations, 2022;
Parochial Elections (St Peter Port) (No. 2) Regulations, 2022;
Parochial Elections (St Peter Port) (No. 3) Regulations, 2022;
Parochial Elections (St Peter Port) (No. 4) Regulations, 2022;
Parochial Elections (School Committees) (Torteval) Regulations,
2023;
Parochial Elections (St Saviour) Regulations, 2023;
Parochial Elections (St Peter Port) Regulations, 2023.

[General provisions as to rules.]

78. Rules made by the [States Assembly and Constitution Committee]
[and the Committee for Home Affairs] under any provision of this Law –

- (a) shall be laid as soon as possible before a meeting of the States and shall, if at that or their next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new rules under that provision,

- (b) may contain incidental, consequential, supplementary and transitional provisions, and
- (c) may be amended or repealed by subsequent rules under that provision.]

NOTES

Article 78 was inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(29), with effect from 1st August, 2003.

In Article 78,

the words in the first pair of square brackets were substituted by the House Committee (Transfer of Functions) Ordinance, 2008, section 3, with effect from 24th September, 2008;⁶¹

the words in the second pair of square brackets were inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 40, with effect from 22nd April, 2020.

The Law received Royal Sanction on 5th August, 1948 and was registered on the Records of the Island of Guernsey and came into force on 28th August, 1948.

The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the States Assembly and Constitution Committee and its Chairman by the House Committee (Transfer of Functions) Ordinance, 2008, section 1, with effect from 24th September, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.⁶²

[FIRST SCHEDULE
COMMISSIONER FOR STANDARDS

Article 21

Office of Commissioner.

1. (1) There is established an office of Commissioner of Standards.

(2) A person who holds the office of Commissioner of Standards is referred to in this Law as the "**Commissioner**".

Appointment of Commissioner.

2. (1) The Commissioner shall be appointed by the States on the nomination of the Committee.

(2) The Commissioner shall be appointed on such terms and conditions as may from time to time be agreed between the Committee and the Commissioner, provided that none of those terms and conditions is inconsistent with any provision of this Schedule.

(3) Without prejudice to subparagraph (2), and subject to the provisions of this paragraph and paragraph 3 (vacancy in office), the Commissioner shall hold office for such term not exceeding five years as may be agreed between the Committee and the Commissioner at the time of appointment.

(4) On being appointed the Commissioner shall cease to –

(a) hold any employment as an employee of the States, and

(b) be the holder of any public office in the Bailiwick.

(5) If the Commissioner ceases to hold office by reason of the expiration of the agreed term, he or she shall be eligible for reappointment.

Vacancy in office.

3. (1) The office of Commissioner becomes vacant if –
- (a) the term of appointment of the person holding the office expires,
 - (b) the States resolves to revoke the appointment, or
 - (c) the person holding the office –
 - (i) dies,
 - (ii) gives the Committee written notice of resignation from the appointment,
 - (iii) stands for election to the office of People's Deputy,
 - (iv) becomes an employee of the States, or the holder of a public office in the Bailiwick,
 - (v) is compulsorily detained or made subject to guardianship under the Mental Health (Bailiwick of Guernsey) Law, 2010,
 - (vi) becomes bankrupt,
 - (vii) whether in the Bailiwick or elsewhere, is convicted of an offence involving corruption, or

- (viii) whether in the Bailiwick or elsewhere, is ordered to be imprisoned following conviction for any offence.

(2) Subject to subparagraph (3), the Committee may appoint a person to carry out the duties of the office of the Commissioner while –

- (a) the office is vacant, or
- (b) the holder of the office is unable to perform the functions of the office.

(3) The Committee must report an appointment under subparagraph (2) to the States as soon as reasonably practicable.

Resources.

4. The States must ensure that the Commissioner is provided with such administrative and other support as the Commissioner may reasonably require for the purpose of discharging the functions of the Commissioner under this Law.

PART 2 - POWERS AND DUTIES

Commissioner's functions relating to investigations, complaints and other matters.

5. (1) The functions of the Commissioner are –
- (a) to investigate a complaint to the Commissioner that a breach of the code of conduct has occurred,
 - (b) to initiate an investigation if the Commissioner believes that a breach of the code of conduct may have occurred,

- (c) to report to the Committee on the outcome of any investigation referred to in item (a) or (b),
 - (d) on the Commissioner's own initiative or, if requested by the Committee, to give advice on any matter relating to standards of conduct of elected members of the States, including proposals to change the code of conduct, and
 - (e) all such other functions as may be assigned to the office of the Commissioner by Resolution of the States, or under any other enactment.
- (2) The Commissioner shall not investigate a complaint which –
 - (a) is made anonymously,
 - (b) in the Commissioner's opinion, is frivolous, vexatious or unsubstantiated, or
 - (c) is from a person who is not a member of the States regarding words spoken by, or actions of, an elected member during a meeting of the States.
- (3) On receipt of a complaint described in subsection (1)(a), the Commissioner must decide whether there are grounds to investigate and shall either –
 - (a) notify the complainant that no such grounds exist (including, but not limited to, because the complaint falls into subparagraph (2)), or

- (b) undertake an investigation,

save that (for the avoidance of doubt) the Commissioner is not required to notify the complainant under item (a) where the complaint has been made anonymously.

(4) The Commissioner shall determine the procedure and timing of any investigation.

(5) In making a report to the Committee under subsection (1)(c), the Commissioner shall state his or her conclusions and recommend what action, if any, should be taken.

(6) The Commissioner's conclusions and recommendations are not binding on the Committee.

Independence.

6. (1) The Commissioner must not be directed by any person on how any function of the office of Commissioner is to be carried out, including, in particular, whether or not to undertake an investigation referred to in paragraph 5(1)(a) or (b).

(2) The Commissioner may seek legal advice from His Majesty's Procureur on any subject relevant to the functions of the office of the Commissioner.

Statement of manner in which functions are to be discharged.

7. (1) The Commissioner may make and publish a statement of the manner in which he or she proposes to discharge his or her functions under this Schedule and any other enactment.

(2) The Commissioner shall keep under review and revise, as needed, any statement made and published under subparagraph (1).

(3) The Commissioner must, at the same time that a statement or revision is made, provide a copy of the statement or revision, as the case may be, to the Committee.

(4) The Committee must, as soon as reasonably practicable, lay any statement made under this paragraph, and any revision of it, before the States.

Duty to prepare annual report.

8. (1) The Commissioner shall, each year –

- (a) make a report in respect of the activities of the office of Commissioner for the previous year, and
- (b) at the same time as the report is made, provide a copy of it to the Committee.

(2) On receiving the report mentioned in subparagraph (1) the Committee shall, as soon as reasonably practicable, lay it before the States.

PART 3 – ENFORCEMENT AND OFFENCES

Power to require people to appear, answer questions and provide documents.

9. (1) Subject to subparagraph (2), the Commissioner may, in the exercise of his or her functions, do all or any of the following –

- (a) require a person to appear before the Commissioner to give evidence or to produce a specified document, or to do both,
- (b) require a person to answer questions,

- (c) require a person who has access to a document to provide the information contained in it to the Commissioner in a legible and comprehensible form.

(2) For the avoidance of doubt, a person may at any time refuse to answer a question from, or produce a document to, the Commissioner on the ground of a privilege conferred by Article 20E.

(3) The power under subparagraph (1)(a) to require a document to be produced includes a power –

- (a) if the document is produced, to retain the document or to take copies of it or extracts from the information it contains, and
- (b) if the document is not produced, to require the person to whom the requirement was directed to state, to the best of his or her knowledge and belief, where it is.

(4) If documents are retained, a list of the documents must be supplied to the person from whom they were obtained.

(5) A document retained under subparagraph (3)(a) –

- (a) may be retained for one year, but
- (b) if within that year proceedings to which the document is relevant are commenced against any person, may be retained until the conclusion of those proceedings.

(6) If –

- (a) the Commissioner has retained a document under subparagraph (3)(a), and
- (b) a person reasonably requires the document for his or her business,

the Commissioner must provide the person with a copy of it as soon as reasonably practicable.

(7) In this Part, "**document**" has the meaning given in Part II of the Schedule to the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016.

Offences

Disobedience to requirement of Commissioner.

10. (1) A person who, without reasonable excuse –

- (a) disobeys a requirement to produce documents to the Commissioner, to answer questions or to appear before the Commissioner to give evidence, or
- (b) having so appeared, refuses to comply with a requirement to answer a question put by the Commissioner,

is guilty of an offence.

(2) A person guilty of an offence under subparagraph (1) shall be

liable to a fine not exceeding level 5 on the uniform scale.

Interference with witnesses.

11. (1) A person is guilty of an offence if he or she, by fraud, intimidation, force or threat, by the offer or promise of any inducement or benefit, or by other improper means –

- (a) induces or attempts to induce another person who has been required to answer questions from, appear before or produce documents to the Commissioner, to refrain from doing as requested or formally required, or
- (b) influences or attempts to influence another person in respect of any information given or documents produced in response to such a request.

(2) A person guilty of an offence under subparagraph (1) shall be liable to imprisonment for a term not exceeding two years, or to a fine, or to both.

False or misleading information.

12. (1) If a person to whom subparagraph (2) applies –

- (a) makes a statement which he or she knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,
- (b) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,

- (c) produces or furnishes, or causes or permits to be produced or furnished, any information or document which he or she knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular, or
- (d) recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information or document which is false, deceptive or misleading in a material particular,

he or she is guilty of an offence.

(2) This subparagraph applies to a person ("**P**") who –

- (a) makes any statement or provides any information or document to the Commissioner, or to any officer, servant or agent of the Commissioner, when the Commissioner or that person is acting in the exercise of his or her functions, or
- (b) otherwise than as mentioned in paragraph (a) makes any statement or provides any information or document to the Commissioner in circumstances in which P knows or could reasonably be expected to know that the statement, information or document would or might be used by the Commissioner for the purpose of exercising his or her functions.

(3) A person guilty of an offence under subparagraph (1) shall be liable to imprisonment for a term not exceeding two years, or to a fine, or to both.

Obstruction.

13. (1) A person shall be guilty of an offence if he or she hinders or obstructs a person in the exercise by that person of a function under this Schedule.

(2) A person guilty of an offence under subparagraph (1) shall be liable to a fine of level 5 on the standard scale, to a period of imprisonment not exceeding three months, or to both.

Destruction of documents.

14. (1) A person shall be guilty of an offence if, when required to produce a document under this Schedule or knowing that a document may be required to be produced under this Schedule, the person, with intent to deceive, destroys the document or in any other way renders it unintelligible or useless, or difficult or impossible to retrieve.

(2) A person guilty of an offence under subparagraph (1) shall be liable to imprisonment for a term not exceeding two years, or to a fine, or to both.

PART 4 - FINAL

Immunity of persons appearing, answering questions and providing documents.

15. (1) Subject to subparagraphs (2) and (3) –

(a) no civil proceedings or criminal proceedings may be instituted against any person in respect of any words spoken or written by that person –

(i) in a complaint to the Commissioner that a breach of the code of conduct has occurred, or

(ii) in the course of answering questions from, or appearing and giving evidence before, the Commissioner, and

(b) an answer given by a person to a question put to that person, or an oral or written statement made by a person in the course of the person's appearance before the Commissioner, shall not be admissible in evidence against the person in any other civil proceedings or criminal proceedings.

(2) Subparagraph (1) does not preclude the institution of criminal proceedings under paragraph 12 (false or misleading information).

(3) Subparagraph (1)(a) does not apply to a complaint that the Commissioner does not investigate in accordance with paragraph 5(2).

(4) Where a person ("A") provides, in compliance with a request made under this Schedule, a document in respect of another person ("B"), the provision of that document shall not be regarded as a breach of any duty owed by A to B.

Exclusion of liability.

16. (1) No person undertaking a function under this Schedule (including, but not limited to, the Commissioner) is to be liable in damages or personally liable in any civil proceedings in respect of anything done, or omitted to be done, after the coming into force of this Schedule in respect of that function, unless the thing was done or omitted to be done in bad faith.

(2) Subparagraph (1) does not prevent an award of damages in respect of an act or omission on the ground that it was unlawful as a result of section

6(1) of the Human Rights (Bailiwick of Guernsey) Law, 2000.

Interpretation.

17. In this Schedule, unless the context requires otherwise –

"bankrupt", in relation to any person ("**P**"), means –

- (a) that P has been declared by the Court to be insolvent or that a Commissioner or Committee of Creditors has been appointed by the Court to supervise or secure P's estate,
- (b) that P's affairs have been declared in a state of "désastre" at a meeting held before a Commissioner,
- (c) that a preliminary vesting order has been made against P in respect of any of his or her real property in the Bailiwick, or
- (d) that a composition or arrangement with creditors has been entered into in respect of P whereby P's creditors will receive less than 100p in the pound or that possession or control has been taken of any of P's property or affairs by or on behalf of creditors,

"the code of conduct" means a code of conduct within the meaning of Article 20G that is in force at the relevant time, and for these purposes **"the relevant time"** means –

- (a) for the purposes of paragraph 5(1)(a), the time of the alleged breach relating to the complaint,

(b) for the purposes of paragraph 5(1)(b), the time of the suspected breach, and

(c) for the purposes of paragraph 5(1)(d), the time the proposals for change are made,

the "**Commissioner**": see paragraph 1(2), and

the "**Committee**" means the States' Assembly & Constitution Committee.]

NOTE

*The First Schedule was inserted by the Reform (Guernsey) (Amendment) Law, 2022, section 1(7), with effect from 22nd May, 2023, subject to the transitional provision in section 4(2) of the 2022 Law.*⁶³

SECOND SCHEDULE

Article 76

REPEALS

<i>Law</i>	<i>Extent of Repeal</i>	<i>Date of Repeal</i>
Réforme des États, registered on the Records on 27 th December, 1844	Articles 1, 2, 3, 4 and 5	On date of registration of this Law
	Articles 6, 7 and 14	So far as the same concern the States of Election, on the 30 th September, 1948, and, so far as they concern the States of Deliberation, on the 31 st December, 1948
	Articles 8, 9, 10, 11 and 12	On the 31 st December, 1948
	Articles 15 and 16	On such date after the 31 st December, 1948, as the States of Deliberation shall by Resolution appoint
	Article 17	On the 30 th September, 1948
De l'Eligibilité des Douzeniers de Canton à la Charge de Douzenier de Paroisse,	Article 5	On date of registration of this Law

registered on the Records on 2 nd August, 1851		
Articles Supplémentaires à la Loi de 1844 qui Règle la Constitution des États, registered on the Records on 25 th June, 1853	Article 1	So far as the same concerns the States of Election, on the 30 th September, 1948, and, so far as it concerns the States of Deliberation, on the 31 st December, 1948
	Articles 2, 3, 4 and 5	On date of registration of this Law
Constitution des États Articles Supplémentaires à la Loi de 1844, registered on the Records on 6 th August, 1864	The Whole Law	On such date after the 31 st December, 1948, as the States of Deliberation shall by Resolution appoint
Loi relative à la Réforme des États de Délibération, registered on the Records on 26 th August, 1899	Articles II, VIII, IX and X	On the 31 st December, 1948
Loi relative à la Douzaine de la Ville et Paroisse de Saint Pierre Port, registered on the Records on 13 th October, 1900	The Whole Law	On date of registration of this Law
Loi relative aux États	The Whole Law	On the 30 th September, 1948

d'Election, registered on the Records on 29 th June, 1901		
Loi Supplémentaire à la Loi réglant la Constitution des États (1844), registered on the Records on 8 th June, 1915	The Whole Law	On such date after the 31 st December, 1948, as the States of Deliberation shall by Resolution appoint
Loi Supplémentaire à la Loi relative à la Réforme des États de Délibération, registered on the Records on 30 th October, 1920	Articles I and V	On the 31 st December, 1948
	Articles VIII, X, XI, XIII and XVI	On the 30 th September, 1948
	Articles XIV, XV, XVII and XVIII	On date of registration of this Law
Loi Supplémentaire à la Loi relative à la Réforme des États de Délibération, 1923	The Whole Law	On the 30 th September, 1948
Loi Supplémentaire à la Loi relative à la Réforme des États de Délibération, 1938	The Whole Law	On the 31 st December 1948
Loi Supplémentaire relative à la Réforme des États (No. 2), 1938	The Whole Law	On the 30 th September, 1948
Loi relative à la Réforme des	The Whole Law	On the 30 th September, 1948

États, 1939		
Loi provisoire supplémentaire à la Loi relative à la Réforme des États (No. 2, 1940)	Articles 1, 2 and 4	On the 31 st December, 1948
	Article 3.	On date of registration of this Law.
Loi relative à la Réforme des États (1940)	The Whole Law	On date of registration of this Law
Loi Supplémentaire à la Loi relative à la Réforme des États de Délibération, 1941	The Whole Law	On date of registration of this Law
The States (Election of People's Deputies) (Special Provisions) Law, 1945	The Whole Law except section 3 thereof	On the 30 th September, 1948
	Section 3	On the 31 st March, 1949

[THIRD SCHEDULE

Article 44A

DONATIONS

Money.

1. (1) A gift of money is a donation if –
 - (a) it is made at any time before the date of the election and the giver signifies, expressly or otherwise, that the money is intended for use to pay the recipient's election expenses, or
 - (b) it is made after the time and date appointed by the Presiding Officer of the States for the closing of nominations under Article 32(1), and is either made anonymously or the giver does not signify the intended use of the money.
- (2) A loan of money is a donation if –
 - (a) it is made either at no cost to the recipient or on terms below the commercial rate for the loan, and
 - (b) it is made –
 - (i) at any time before the election and the lender signifies, expressly or otherwise, that the loan is intended for use to pay the recipient's election expenses, or

- (ii) after the time and date appointed by the Presiding Officer of the States for the closing of nominations under Article 32(1), and is either made anonymously or the lender does not signify the intended use of the loan.

(3) A gift or loan of money is made at the time when the money is given or lent to the recipient or, if earlier, the time when the giver or lender informs the recipient of his intention to make the gift or loan.

Goods and services.

2. (1) A supply of goods (including by way of loan or rental) or a supply of services is a donation if –

- (a) it is made free of charge or at a discount to the open market value of or rate for the supply of the goods or services, and
- (b) it is made –
 - (i) at any time before the election, and the person making the supply signifies, expressly or otherwise, that the goods or services are intended for use to promote or procure the candidate's election,
 - (ii) after the time and date appointed by the Presiding Officer of the States for the closing of nominations under Article 32(1), and is either made anonymously or the person making the

supply does not signify the intended use of the goods or services.

(2) A supply of goods or services is made at the time when the goods or services are provided to the recipient.

Value attributable to loans, goods and services.

3. (1) The value of a donation that is a loan of money is the amount equal to the difference between the cost to the recipient if the loan had been made on commercial terms, and the actual cost to the recipient.

(2) The value of a donation of goods is the amount equal to the difference between the open market value of the goods and the actual cost to the recipient.

(3) The value of a donation of the use of goods is the amount equal to the difference between the open market rate for the use of the goods and the actual cost to the recipient.

(4) The value of a donation of the supply of services is the amount equal to the difference between the open market value rate for their supply and the actual cost to the recipient.

Exceptions: States Committees, and services of an individual provided without charge.

4. (1) If a Committee of the States disseminates information about or on behalf of candidates in an election on the same terms to each candidate, that Committee is not making a donation.

(2) If an individual is providing his own services, that individual is not making a donation if those services are provided –

- (a) as a volunteer,
- (b) without charge, and
- (c) otherwise than in the course of the individual's employment, trade, profession or any other business.

Exceptions: newspapers and broadcasts.

5. (1) Subject to subparagraph (2), the publication of any matter relating to an election –

- (a) in a newspaper or periodical circulating in Guernsey,
- (b) in a programme broadcast by a television or radio service provider, or
- (c) on a website as part of the news service of a television or radio service provider or news agency,

is not a donation.

(2) Subparagraph (1) does not apply to an advertisement.

(3) Where the publisher of a newspaper or periodical circulating in Guernsey also publishes an edition of the newspaper or periodical on the internet, the reference in subparagraph (1)(a) to a newspaper or periodical includes the edition of it published on the internet.

(4) Where a television or radio service provider makes a programme accessible by streaming or downloading from a website, the reference in

subparagraph (1)(b) to the broadcast programme includes the programme as it may be accessed from a website.]

NOTE

The Third Schedule was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 42, Schedule 1, with effect from 22nd April, 2020.

[FOURTH SCHEDULE

Article 48B

POLITICAL PARTIES

Political parties must be registered.

1. (1) A political party may not support or endorse any candidate for election to the office of People's Deputy unless it is registered under this Schedule.

(2) For the purposes of this Law, a "**political party**" means a free association of persons, one of the aims of which is to participate in the management of public affairs, including through the presentation of candidates to free and democratic elections.

Application for registration as a political party.

2. (1) A political party that wishes to be registered under this Schedule shall apply to the Greffe.

(2) A political party that wishes to be registered under this Schedule must have a leader, treasurer and secretary, all of whom must be natural persons; and for the avoidance of doubt, a person may hold more than one such office.

(3) Subject to subparagraph (4), an application under subparagraph (1) shall be in such form as the Greffe may from time to time direct.

(4) An application under subparagraph (1) must contain the following information in respect of the political party –

(a) its name, and any abbreviation of its name,

- (b) its emblem (if any),
- (c) the full names of its leader, treasurer and secretary and any other office-holders,
- (d) its constitution (setting out information relating to the purpose and structure of the party including but not limited to its aims and objectives, one of which must be the support or endorsement of candidates for the office of People's Deputy, and its membership rules),
- (e) its most recent financial accounts, prepared in line with generally accepted accounting standards, and
- (f) its postal address in Guernsey,

and must be signed by at least two members of the party who are inscribed on the Electoral Roll.

(5) An application under subparagraph (1) must be accompanied by such fee not exceeding £200 as the States' Assembly and Constitution Committee may prescribe by regulations.

Determination of application for registration as a political party.

3. (1) The Greffier shall determine applications for registration as a political party.

(2) Subject to subparagraph (3), the Greffier must grant an application for registration as a political party if he is satisfied that the application complies with the requirements set out in paragraph 2.

(3) The Greffier may not grant an application for registration as a political party if in his opinion the name, any abbreviation of the name, or emblem of the political party is –

- (a) offensive or otherwise inappropriate, or
- (b) the same as the name, abbreviation or emblem of any other organisation, or of such similarity to the name, abbreviation or emblem of another organisation that it might reasonably be confused with it.

The Register of Political Parties.

4. (1) The Greffier shall establish and maintain a Register of Political Parties (in this Schedule, "**the Register**").

(2) The Register shall be kept in such form as the Greffier thinks fit, including in electronic form only.

(3) Where the Greffier grants an application for registration of a political party, he must register that party by entering in the Register the information set out at subparagraphs 2(4)(a) – (f) in respect of that party.

Public inspection of the Register and other documents.

5. A person may inspect the Register, and any document filed pursuant to a requirement imposed by this Schedule, at the Greffe during normal office hours.

Change of name or emblem of registered political party.

6. (1) A registered political party may apply to the Greffier for the name, any abbreviation of that name, or the emblem of a registered political party to be changed.

(2) An application under subparagraph (1) shall be signed by the leader, treasurer or secretary of the party and accompanied by evidence that the decision to make the change was made in accordance with the party's constitution.

(3) An application under subparagraph (1) must be accompanied by such fee not exceeding £100 as the States' Assembly and Constitution Committee may prescribe by regulations.

(4) The Greffier must grant an application under subparagraph (1) if he is satisfied that the application complies with the requirements set out in paragraphs (2) and (3) and he is not of the opinion set out in paragraph 3(3).

Change of other particulars of registered political party.

7. (1) A registered political party must notify the Greffier in writing of a change to any of the following –

- (a) its constitution,
- (b) its leader, treasurer or secretary, or
- (c) its postal address.

(2) A notification under paragraph (1) must be made within ten working days of the change in question occurring, and shall be signed by the leader, treasurer or secretary of the political party and accompanied by evidence that the decision to make the change was made in accordance with the party's constitution.

(3) Where the change was to the political party's constitution, the notification must be accompanied by a copy of the new constitution.

(4) On receipt of a notification under this paragraph, if he is satisfied that it complies with subparagraphs (2) and (3), the Greffier must enter the notified particulars in the Register.

Accounts.

8. During the month of February each year the treasurer of a registered political party must file with the Greffier financial accounts, for the previous calendar year (or for the part of the previous calendar year it has been a registered political party, if shorter), prepared in line with generally accepted accounting standards.

Removal from the Register.

9. (1) The Greffier shall remove a political party from the Register –
- (a) upon an application being made to the Greffier that is signed by the leader and one other office-holder of the party, and that is accompanied by evidence that the decision to apply for removal from the Register was made in accordance with the party's constitution,
 - (b) of his own volition if he is satisfied that –
 - (i) the party has not supported or endorsed a candidate for election to the office of People's Deputy at either of the two previous general Elections,
 - (ii) the party has failed to comply with paragraphs 7 (Change of other particulars of registered political party) or 8 (Accounts), or

- (iii) the party has ceased to exist or is otherwise no longer functioning as a political party.

(2) Unless he is satisfied that the party has ceased to exist, the Greffier must notify the party at least two months before removing it from the Register under subparagraph (1)(b).

Appeals.

- 10.** (1) A person aggrieved by a decision of the Greffier to –
- (a) refuse to grant an application to register a political party,
 - (b) refuse to grant an application to change the name or emblem of a registered political party, or
 - (c) remove a political party from the Register.

may appeal to the Court against the decision.

- (2) The grounds of an appeal under this Article are that –
- (a) the decision was *ultra vires* or there was some other error of law,
 - (b) the decision was unreasonable,
 - (c) the decision was made in bad faith,
 - (d) there was a lack of proportionality, or

- (e) there was a material error as to the facts or as to the procedure.

(3) An appeal under this section shall be instituted –

- (a) within a period of 28 days immediately following the date of the notice of the Greffier's decision, and
- (b) by summons served on the Greffier stating the grounds and material facts on which the appellant relies.

(4) The Greffier may, where an appeal under this section has been instituted, apply to the Court, by summons served on the appellant, for an order that the appeal shall be dismissed for want of prosecution; and on hearing the application the Court may –

- (a) dismiss the appeal or dismiss the application (in either case on such terms and conditions as the Court may direct), or
- (b) make such other order as the Court considers just.

The provisions of this subparagraph are without prejudice to the inherent powers of the Court or to the provisions of rule 52 of the Royal Court Civil Rules, 2007.

(5) On an appeal under this paragraph the Court may –

- (a) set the decision of the Greffier aside and, if the Court considers it appropriate to do so, remit the matter to the Greffier with such directions as the Court thinks fit, or

(b) confirm the decision.

(6) An appeal from a decision of the Court under this Article lies to the Court of Appeal on a question of law.

(7) In this paragraph "**the Court**" means the Royal Court sitting as an Ordinary Court, constituted by the Bailiff sitting unaccompanied by the Jurats.]

NOTES

The Fourth Schedule was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 43, Schedule 2, with effect from 22nd April, 2020.

The following Regulations have been made under the Fourth Schedule:

Registration of Political Parties (Fees) Regulations, 2020.

¹ The Law was previously modified by the Emergency Powers (Coronavirus) (States Procedures) (Guernsey) Regulations, 2020, regulation 1, with effect from 9th April, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2020, regulation 36, with effect from 16th April, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020, regulation 36, with effect from 15th May, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2020, regulation 33, with effect from 13th June, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2021, regulation 17K, with effect from 26th January, 2021; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2021, regulation 27, with effect from 5th February, 2021; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2021, regulation 27, with effect from 5th March, 2021.

² Previously, collective title provisions were included in the Reform (Guernsey) Amendment Law, 1950, section 4; the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, section 2; the Reform (Amendment) (Guernsey) Law, 1960, section 2(2); the Reform (Amendment) (Guernsey) Law, 1962, section 2(2); the Reform (Amendment) (Guernsey) Law, 1963, section 3; the Reform (Amendment) (Guernsey) Law, 1972, section 19; the Reform (Amendment) (Guernsey) Law, 1975,

section 2(2); the Reform (Amendment) (Guernsey) Law, 1978, section 4(2); the Reform (Amendment) (Guernsey) Law, 1984, section 4; the Reform (Amendment) (Guernsey) Law, 1985, section 3; the Reform (Amendment) (Guernsey) Law, 1987, section 3; the Reform (Amendment) (Guernsey) Law, 1988, section 4; the Reform (Amendment) (Guernsey) Law, 1990, section 7; the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 21; the Reform (Amendment) (Guernsey) Law, 1996, section 10(2); the Reform (Amendment) (No. 2) (Guernsey) Law, 1996, section 3; the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 7(2).

³ Prior to its substitution, Article 2 was amended by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 2(2), with effect from 1st May, 2000.

⁴ Paragraph (1) was previously amended by the Reform (Amendment) (Guernsey) Law, 1987, section 1(a), with effect from 19th May, 1987.

⁵ Prior to their repeal, paragraph (2) and paragraph (3) were amended by the Reform (Amendment) (Guernsey) Law, 1987, respectively section 1(b) and section 1(c), with effect from 19th May, 1987; and the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004.

⁶ These words were previously substituted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 2(3)(b), with effect from 1st May, 2000.

⁷ Prior to this substitution, the first proviso to Article 4(2) was inserted by the Reform (Amendment) (Guernsey) Law, 1978, section 1(a), with effect from 21st March, 1978, subject to the saving in section 3 of the 1978 Law; the second proviso thereto was inserted by the Reform (Amendment) (Guernsey) Law, 1984, section 1, with effect from 29th January, 1985.

⁸ Prior to its substitution, paragraph (1) was amended by the Appointment of Her Majesty's Sheriff (Guernsey) Law, 1955, section 2, with effect from 18th June, 1955.

⁹ Prior to its substitution, paragraph (2) was amended by the Appointment of Her Majesty's Sheriff (Guernsey) Law, 1955, section 2, with effect from 18th June, 1955.

¹⁰ The words in the first pair of square brackets were previously substituted, in part, by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 10(3)(b), with effect from 1st May, 1994.

¹¹ Prior to its substitution, paragraph (1) was substituted by the Reform (Amendment) (Guernsey) Law, 1978, section 1(b), with effect from 21st March, 1978, subject to the saving in section 3 of the 1978 Law.

¹² Prior to its substitution, paragraph (c) was amended by the Reform (Amendment) (Guernsey) Law, 1960, section 1(a), with effect from 20th December, 1960; paragraph (d) was previously repealed by the Reform (Amendment) (Guernsey) Law, 1960, section 1(b), with effect from 20th December, 1960; re-inserted by the Reform (Amendment) (Guernsey) Law, 1988, section 1, with effect from 21st June,

1988, then repealed again by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 2(4)(b), with effect from 1st May, 2000.

13 Prior to its substitution, the Article heading was amended by the Reform (Amendment) (Guernsey) Law, 1960, section 1(c), with effect from 20th December, 1960.

14 Prior to its repeal, Article 10 was amended by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(a), with effect from 16th August, 1952; the Reform (Amendment) (Guernsey) Law, 1975, section 1(a), with effect from 21st October, 1975.

15 Prior to its repeal, Article 12 was amended by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(b), with effect from 16th August, 1952; the Reform (Amendment) (Guernsey) Law, 1975, section 1(b), with effect from 21st October, 1975.

16 Prior to its repeal, Article 14 was amended by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(c), with effect from 30th November, 1954; the Reform (Guernsey) Law, 1998, section 1, with effect from 27th May, 1998, subject to the transitional provisions in section 8(2) of the 1998 Law.

17 Prior to its substitution, paragraph (1) was substituted by the Reform (Amendment) (Guernsey) Law, 1975, section 1(c), with effect from 21st October, 1975.

18 The word in square brackets in paragraph (a) was previously substituted in accordance with the provisions of the Resolution of the States of 12th December, 1996, concerning Billet d'État No. XXVII.

19 Paragraph (a) was previously amended by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 11, with effect from 1st May, 2016; the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 14, with effect from 1st May, 2016. The functions, rights and liabilities of the Scrutiny Management Committee and its President or Vice-President, where first mentioned in that paragraph, were transferred to and vested in them from, respectively, the Public Accounts Committee and its Minister by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 11, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance; and the functions, rights and liabilities of the Scrutiny Management Committee and its President or Vice-President, where second mentioned in that paragraph, were transferred to and vested in them from, respectively, the Scrutiny Committee and its Minister by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 14, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

20 Article 21 was previously repealed by the Royal Court (Reform) (Guernsey) Law, 2008, section 9(2), with effect from 29th October, 2008.

21 Paragraph (2) was previously substituted by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 4(1)(a), with effect from 6th October 1998, subject to the provisions of both section 8(3) and the transitional provisions in section 9(1) of the 1998 Law.

22 Prior to its substitution, paragraph (1) was substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(f)(i), with effect from 16th August, 1952; and the Reform (Amendment) (Guernsey) Law, 1996, section 2, with effect from 5th June, 1996, subject to the provisions of section 11(3) of the 1996 Law; and amended by the Reform (Amendment) (Guernsey) Law, 1963, section 1, with effect from 9th August, 1963; the Reform (Amendment) (Guernsey) Law, 1972, section 1(a), with effect from 1st October, 1972; the Reform (Amendment) (Guernsey) Law, 1985, section 1(a), with effect from 30th September, 1985; the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 13(1)(a), with effect from 1st September, 1993.

23 The words omitted in the second pair of square brackets within the first pair of square brackets within paragraph (4) were previously inserted, in part, by the Reform (Amendment No. 2) (Guernsey) Law, 2003, section 1(5), with effect from 19th January, 2004.

24 Paragraph (3) was originally inserted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(f)(iii), with effect from 16th August, 1952; and amended by the Reform (Amendment) (Guernsey) Law, 1975, section 1(e), with effect from 21st October, 1975.

25 Prior to their substitution, these words were amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

26 This date, where first appearing, was previously substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 11(2)(a), with effect from 31st March, 1994; the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 3(a), with effect from 6th October 1998, subject to the provisions of section 8(3) of the 1998 Law; the States (Reform) (Guernsey) Law, 2015, section 5(1)(g)(i)(A), with effect from 1st May, 2016; and, where second appearing, was previously inserted by the States (Reform) (Guernsey) Law, 2015, section 5(1)(g)(ii), with effect from 1st May, 2016.

27 Prior to its substitution, the date in the first pair of square brackets was substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 11(2)(a), with effect from 31st March, 1994.

28 This word was previously substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 11(2)(b), with effect from 31st March, 1994.

29 This word was previously substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 11(2)(c), with effect from 31st March, 1994.

30 Paragraph (2) was also amended, in part, by the Reform (Guernsey) (Amendment) Law, 2020, section 1(3), with effect from 29th June, 2020, subject to the provisions of section 3 of the 2020 Law, whereby that amendment ceased to have effect on 1st January, 2022.

31 Prior to their ceasing to have effect on 1st January, 22, paragraph (2) (in part) and paragraph 2(A) were also modified in accordance with the provisions of the Elections Ordinance, 2020, respectively section 1(c) and section 1(d), with effect from 1st July, 2020.

32 The words in paragraph (1) were previously amended by the Reform (Amendment) (Guernsey) Law, 1960, section 1(d), with effect from 20th December, 1960; the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 14, with effect from 30th June, 1993; the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004.

33 Prior to its substitution, Article 34 was substituted by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(h), with effect from 16th August, 1952; and amended by the Reform (Guernsey) Amendment Law, 1950, section 1, with effect from 21st October, 1950; the Reform (Amendment) (Guernsey) Law, 1963, section 2, with effect from 9th August, 1963.

34 First, the words "Committee for Home Affairs" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 27, with effect from 6th May, 2004; the House Committee (Transfer of Functions) Ordinance, 2008, section 3, with effect from 24th September, 2008; the functions, rights and liabilities of the States Assembly and Constitution Committee and its Chairman arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the House Committee and of Chairman by the House Committee (Transfer of Functions) Ordinance, 2008, section 1, with effect from 24th September, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance; and the functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were previously transferred to them from the States Procedures and Constitution Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 27, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance. Second, paragraph (9) was previously amended by the Reform (Guernsey) (Amendment) Law, 2003, section 1(16)(g), with effect from 1st August, 2003; the Reform (Amendment) (Guernsey) Law, 1996, section 3(3), with effect from 5th June, 1996. Third, paragraph 12 was previously amended by the Reform (Guernsey) (Amendment) Law, 2011, section 8, with effect from 17th January, 2012.

35 Prior to their repeal, these words were amended by the Reform (Amendment) (Guernsey) Law, 1985, section 1(b)(i), with effect from 30th September, 1985.

36 Prior to their substitution, these words were amended by the Reform

(Amendment) (Guernsey) Law, 1985, section 1(b)(i), with effect from 30th September, 1985; and the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 13(2), with effect from 1st September, 1993.

37 Prior to their repeal, the words in the third pair of square brackets in paragraph (2) were amended by the Reform (Amendment) (Guernsey) Law, 1985, section 1(b)(ii), with effect from 30th September, 1985.

38 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 27, with effect from 6th May, 2004.

39 These words and figure were previously amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

40 The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were previously transferred to them from the States Procedures and Constitution Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 27, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

41 The words "Committee for Home Affairs" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 27, with effect from 6th May, 2004; the House Committee (Transfer of Functions) Ordinance, 2008, section 3, with effect from 24th September, 2008; the functions, rights and liabilities of the States Assembly and Constitution Committee and its Chairman arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the House Committee and of Chairman by the House Committee (Transfer of Functions) Ordinance, 2008, section 1, with effect from 24th September, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance; and the functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were previously transferred to them from the States Procedures and Constitution Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 27, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

42 Prior to its repeal, Article 36 was amended by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 15, with effect from 30th June, 1993; and the Reform (Amendment) (Guernsey) Law, 1996, section 7, with effect from 5th June, 1996.

43 Prior to its substitution, Article 38 was amended by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 16(2), with effect from 30th June, 1993; the Reform (Guernsey) (Amendment) Law, 2003, section 1(3), with effect from 1st May, 2004; the Reform (Guernsey) (Amendment)

Law, 2003, section 1(20), with effect from 1st August, 2003.

44 These words were previously substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 1(21), with effect from 1st August, 2003; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 27, with effect from 6th May, 2004.

45 The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were previously transferred to them from the States Procedures and Constitution Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 27, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

46 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 27, with effect from 6th May, 2004.

47 The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were previously transferred to them from the States Procedures and Constitution Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 27, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

48 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 27, with effect from 6th May, 2004.

49 The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were previously transferred to them from the States Procedures and Constitution Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 27, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

50 Prior to its substitution, Article 39 was previously substituted by the Reform (Amendment) (Guernsey) Law, 1975, section 1(f), with effect from 21st October, 1975.

51 Prior to its repeal, Article 42 was amended by the Reform (Guernsey) Law, 1948 (Amendment) Law, 1952, Article 1(j), with effect from 16th August, 1952; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

52 Prior to their substitution, these words and figure were previously amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

53 Prior to their substitution, these words and figure were previously amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

54 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 20, with effect from 6th May, 2004.

55 The functions, rights and liabilities of the Legislation Select Committee and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Legislation Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 20, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

56 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 14, with effect from 6th May, 2004; and the functions rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Law were transferred to them from, respectively, the Emergency Council and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 14, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; and by the Emergency Powers (Bailiwick of Guernsey) (Amendment) Law, 2005, section 9, with effect from 12th May, 2005; and the functions, rights and liabilities of the Policy Council and of the Chief Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Emergency Powers Authority and its Chairman by the Emergency Powers (Bailiwick of Guernsey) (Amendment) Law, 2005, section 8, with effect from 12th May, 2005, subject to the savings and transitional provisions in section 10 of the 2005 Law.

57 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 20, with effect from 6th May, 2004.

58 Prior to their repeal, the words in paragraph (1) were amended by the Reform (Guernsey) Amendment Law, 1950, section 2, with effect from 21st October, 1950; prior to its substitution, paragraph (2) was previously substituted by the Reform (Guernsey) Amendment Law, 1950, section 3, with effect from 21st October, 1950.

59 The functions, rights and liabilities of the Legislation Select Committee and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Legislation Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 20, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

60 Article 77A was originally inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 39, with effect from 22nd April, 2020.

61 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 27, with effect from 6th May, 2004.

62 The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of this Law were previously transferred to them from the States Procedures and Constitution Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 27, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

63 The First Schedule was previously repealed by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, Article 41, with effect from 22nd April, 2020; prior to that repeal, it was amended in accordance with paragraph (1) of the Resolution of the States of 27th November, 2002 (Billet d'État XXII, Article XXI, Proposition 1).

PROJET DE LOI

ENTITLED

The Reform (Amendment) (Guernsey) Law, 1972 *

[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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* Ordres en Conseil Vol. XXIII, p. 476; as amended by the Reform (Amendment) (Guernsey) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 255); the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993 (No. V of 1993, Ordres en Conseil Vol. XXXIV, p. 397); the Reform (Amendment) (Guernsey) Law, 1996 (No. II of 1996, Ordres en Conseil Vol. XXXVI, p. 478); the Reform (Replacement of Conseillers) (Guernsey) Law, 1998 (No. X of 1998, Ordres en Conseil Vol. XXXVIII, p. 295); the Reform (Guernsey) (Amendment) Law, 2003 (No. XIII of 2003); the Reform (Guernsey) (Amendment) Law, 2009 (No. VII of 2010); the Reform (Guernsey) (Amendment) (No. 2) Law, 2019 (No. II of 2020); the Reform (Amendment) (Guernsey) Law, 1972 (Amendment) Ordinance, 2004 (No. III of 2004); the Reform (Amendment) (Guernsey) Law, 1972 (Amendment) Ordinance, 2006 (No. LI of 2006); the Postal Voting (Amendment) Ordinance, 2020. See also the Guernsey Competition and Regulatory Authority Ordinance, 2012 (No. XIII of 2012). This Law is modified, in part, by the Posting Voting Regulations, 2020 (G.S.I. No. 73 of 2020)

PROJET DE LOI

ENTITLED

The Reform (Amendment) (Guernsey) Law, 1972

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PROJET DE LOI

ENTITLED

The Reform (Amendment) (Guernsey) Law, 1972

THE STATES, in pursuance of their Resolutions of the twenty-seventh day of October, nineteen hundred and seventy-one, and the twenty-seventh day of September, nineteen hundred and seventy-two, 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.

PART I

Voting age and compilation of Electoral Roll

Amendments to Law of 1948.

1. The Reform (Guernsey) Law, 1948, as amended (hereinafter referred to as "**the principal Law**")^a, is hereby further amended as follows –

- (a) sub-paragraph (a) of paragraph (1) of Article twenty-seven thereof is repealed and the following sub-paragraph is substituted therefor –

"(a) is of the age of eighteen years or over or will attain the age of eighteen years before the commencement of that electoral year,"¹

^a Ordres en Conseil Vol. XIII, p. 288; Vol. XIV, p. 407; Vol. XV, p. 279; Vol. XVIII, p. 275; Vol. XIX, p. 84 and p. 140.

- (b) Article 34 thereof is repealed and the following Article is substituted therefor –

" **34.** (1) The Registrar-General shall, during the period commencing on the first day of October in each year and ending on the thirty-first day of October in the same year, make available 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 seventh day of October in the year next preceding the year of a triennial election he shall, in addition, cause to be distributed to each dwelling in the Island such number of 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 first day of October in any year and ending on the twentieth day of January in the year next following, make 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, on or before the thirty-first day of December in each year, compile the Electoral Roll for the next 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) 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 to which the section relates during the period commencing on the second day of January and ending on the seventeenth day of January in each year at such suitable place in that District during such hours on each week day other than Saturday as shall from time to time be prescribed by the Registrar General after consultation with those Constables.

(6) In each year all the sections of the Electoral Roll shall be published for inspection under the control of the Registrar-General during the period referred to in the last preceding subsection at such Offices of the States as he shall prescribe during such hours on each week day other than Saturday as he shall from time to time 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 week 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) A person who knowingly furnishes in an application under this Law any information required to be furnished which is false in any material particular or recklessly so furnishes any information which is false in a material particular shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds."²

PART II

Voting by Post

Postal voting by absent voters.

2. Notwithstanding any of the provisions of the principal Law, a person whose name is inscribed on the Electoral Roll and who is a person to whom this Part of this Law applies (hereinafter referred to as "**an absent voter**") may vote by post in accordance with the succeeding provisions of this Part of this Law at an election for the office of [...] People's Deputy] (hereinafter referred to as "**an election**").

NOTES

In section 2,

the words in square brackets were substituted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 18(4), with effect from 30th June, 1993, subject to the provisions of section 22(2) of the 1993 Law;

the words omitted in the square brackets within the square brackets were repealed by the Reform (Replacement of Conseillers) (Guernsey) Law, 1998, section 5, Schedule, with effect from 1st May, 2000, subject to the transitional provisions in section 9(2) of the 1998 Law.

Absent voters.

[3. This part of this Law applies to any person who has made an application in accordance with section 5.]

NOTE

Section 3 was substituted by the Reform (Amendment) (Guernsey) Law, 1972 (Amendment) Ordinance, 2004, section 1, with effect from 25th February, 2004.³

Register of absent voters.

4. (1) For the purposes of this Part of this Law the Registrar-General shall, on the coming into force of this Law, establish and thereafter maintain [...], a register of absent voters (hereinafter referred to as "**the Register**").

(2) ...

NOTE

In section 4, subsection (2), and the words omitted in square brackets in subsection (1), were repealed by the Postal Voting (Amendment) Ordinance, 2020, section 2, with effect from 1st July, 2020.⁴

Application by absent voter to be entered on the Register.

5. [(1)] [Subject to subsection (2),] an absent voter who is desirous of voting by post at an election shall, not less than [five days] before [the first day on which votes may be cast at a polling station at that election], apply to the Registrar-General on such form as the Registrar-General may from time to time prescribe to have his name entered in the Register.

[(2) An absent voter who is desirous of voting by post at the general election to be held in October 2020 must apply to the Registrar-General on or before 25th September 2020 on such form as the Registrar-General may from time to time prescribe to have his name entered in the Register.]

NOTES

In section 5,

first, subsection (1) was renumbered, second, the words in the first pair of square brackets in subsection (1) were inserted, and, third, those in the third pairs therein were substituted and, fourth, subsection (2) was inserted by the Postal Voting (Amendment) Ordinance, 2020, section 3, respectively paragraph (a), paragraph (b), paragraph (c) and paragraph (d), with effect from 1st July, 2020;

the words in the second pair of square brackets in subsection (1) were substituted by the Reform (Amendment) (Guernsey) Law, 1978, section 2, with effect from 9th February, 1978.

[Entry on Register by Registrar-General.]

6. Upon receipt of an application under section 5, the Registrar-General shall, if he is satisfied that the applicant is an absent voter, enter the name and address of the absent voter in the Register, and against such entry the Registrar-General shall enter a number personal to that absent voter for the election concerned; the names entered in the Register under this section shall be numbered consecutively throughout the Register.]

NOTE

Section 6 was substituted by the Postal Voting (Amendment) Ordinance, 2020, section 4, with effect from 1st July, 2020.

[Effect of registration and removal of name.]

6A. (1) A person shall not vote in person at an election whilst his name is entered in the Register.

(2) The Registrar-General shall delete from the Register the name of any person who applies in that behalf on a form prescribed by the Registrar-General before the documents referred to in section 7 of this Law are sent to him.]

NOTE

Section 6A was inserted by the Reform (Election of Conseillers and Minor Amendments) (Guernsey) Law, 1993, section 17, with effect from 30th June, 1993.

Documents to be sent to absent voters.

7. [(1)] The Registrar-General shall, as soon as practicable, [provide the absent voter with] –

- (a) a ballot paper,
- (b) a form of declaration of identity to be completed by the absent voter,
- (c) an envelope marked "BALLOT PAPER ENVELOPE",
and
- (d) a pre-paid envelope addressed to the Registrar-General.

[(2) The Registrar General may provide the documents referred to in subsection (1) by –

- (a) sending them to the absent voter by post, or
- (b) giving them to the absent voter in person upon production of such form of identification as the Registrar General may from time to time require.]

NOTES

In section 7,

subsection (2) was inserted, and the original section was re-designated as "subsection (1)", by the Reform (Amendment) (Guernsey) Law, 1972 (Amendment) Ordinance, 2004, respectively section 3(3) and section 3(2), with effect from 25th February 2004;

the words in square brackets in subsection (1) were substituted by the Reform (Amendment) (Guernsey) Law, 1972 (Amendment) Ordinance, 2004, section 3(1), with effect from 25th February 2004.

[Registrar-General power to reissue and cancel postal ballot packs.]

7A. (1) For the avoidance of doubt, the Registrar-General may provide the absent voter with another set of the documents referred to in section 7(1) in circumstances where the Registrar-General is satisfied that –

- (a) the documents previously sent to the absent voter were not received by the voter, have been lost by the voter, or have been damaged such that they cannot be used, or
- (b) the absent voter otherwise needs to be provided with another set of those documents to be able to vote, and it would not threaten the integrity of the election so to provide them.

(2) Before providing the absent voter with another set of documents under subsection (1), the Registrar-General must ensure that procedures are in place to render null and of no effect the documents previously sent to the absent voter, and otherwise to protect the integrity of the election.

(3) For the avoidance of doubt, the Registrar-General may render null and of no effect documents sent to the absent voter under section 7(1) (or subsection (1)) without sending that voter another set of such documents in circumstances where the Registrar-General is satisfied that –

- (a) it is necessary to do so for the purposes of protecting the integrity of the election, and
- (b) he is not preventing a voter who is desirous of voting at an election from so doing.]

NOTE

Section 7A was inserted by the Postal Voting (Amendment) Ordinance, 2020, section 5, with effect from 1st July, 2020.

Form of ballot paper.

8. A ballot paper sent to an absent voter under the provisions of [section 7 or section 7A] shall be in the same form as, and indistinguishable from, the ballot paper delivered to other voters, not being absent voters, for the purposes of the election.

NOTE

In section 8, the words in square brackets were substituted by the Postal Voting (Amendment) Ordinance, 2020, section 6, with effect from 1st July, 2020.

Marking of counterfoil and Register.

9. The [...] number of an absent voter as entered in the Register to whom a ballot paper has been sent under the provisions of [section 7 or section 7A] of this Law shall be marked by the Registrar-General on the counterfoil of the ballot paper and a mark shall be placed by him in the Register against the entry relating to the absent voter denoting that a ballot paper has been sent to him but without disclosing the number of the said ballot paper.

NOTES

In section 9, the words omitted in the first pair of square brackets were repealed and the words in the second pair of square brackets were substituted by the Postal Voting (Amendment) Ordinance, 2020, section 7, with effect from 1st July, 2020.

In its application in respect of the 2020 General Election to take place on 7th October, 2020, section 9 is modified (being substituted) in accordance with the provisions of the Postal Voting Regulations, 2020, regulation 1(2), with

effect from 10th August, 2020.

Marking of documents.

10. The number of a ballot paper sent to an absent voter under the provisions of [section 7 or section 7A] of this Law shall be marked –

- (a) on the form of declaration of identity, and
- (b) on the envelope marked "BALLOT PAPER ENVELOPE",

sent as aforesaid [...] and the personal number of the absent voter as so entered shall be marked on the pre-paid envelope addressed as aforesaid to the Registrar-General.

NOTES

In section 10, the words in the first pair of square brackets were substituted and the words omitted in the second pair of square brackets were repealed by the Postal Voting (Amendment) Ordinance, 2020, section 8, with effect from 1st July, 2020.

In its application in respect of the 2020 General Election to take place on 7th October, 2020, section 10 is modified (being amended) in accordance with the provisions of the Postal Voting Regulations, 2020, regulation 1(3), with effect from 10th August, 2020.

Copies of Register to be sent to [Central Returning Officer].

11. The Registrar-General shall, prior to the opening of the poll on the date appointed for the election, send to [the Central Returning Officer a copy of the Register] marked by the Registrar-General against the entry relating to the absent voter denoting that a ballot paper has been sent to him but without disclosing the number of the said ballot paper.

NOTE

In section 11, the words in square brackets in the section heading were substituted and the words in square brackets were substituted by the Postal Voting (Amendment) Ordinance, 2020, section 9, with effect from 1st July, 2020.

Marking of ballot paper by absent voter and return to Registrar-General [or Polling Station Officer].

12. An absent voter to whom a ballot paper has been sent under the provisions of [section 7 or section 7A] of this Law shall mark that ballot paper in accordance with [the relevant provisions of the Principal Law] and the ballot paper shall be placed and sealed by him in the envelope marked "BALLOT PAPER ENVELOPE" and returned together with the completed declaration of identity in the pre-paid envelope to the Registrar-General so as to reach him not later than [noon on] the date appointed for the holding of the election[, or returned to a Polling Station Officer at a polling station before the close of the poll].

NOTES

In section 12,

first, the words in square brackets in the section heading were inserted, second, the words in the first pair of square brackets and those in the second pair were substituted and, third, the words in the fourth pair of square brackets were inserted by the Postal Voting (Amendment) Ordinance, 2020, section 10, with effect from 1st July, 2020;

the words in the third pair of square brackets were substituted by the Reform (Amendment) (Guernsey) Law, 1972 (Amendment) Ordinance, 2006, section 1, with effect from 29th November 2006.

Envelope to be sent to [Central Returning Officer].

13. [(1)] The Registrar-General shall, upon receipt of a pre-paid envelope sent to him under the provisions of the last preceding section, cause the said envelope to be delivered unopened to [the Central Returning Officer] so as to reach

him [prior to the commencement of the vote count].

[(2) A Polling Station Officer shall, on receipt of a pre-paid envelope returned to him under the provisions of the last preceding section, cause that pre-paid envelope to be delivered unopened to the Central Returning Officer so as to reach him prior to the commencement of the vote count.]

NOTE

In section 13, first, the words in the section heading were substituted, second, subsection (1) was renumbered, third, the words in the first and second pairs of square brackets in subsection (1) were substituted and, fourth, subsection (2) was inserted by the Postal Voting (Amendment) Ordinance, 2020, section 11, respectively paragraph (a), paragraph (b), paragraph (c) and paragraph (d), with effect from 1st July, 2020.

[Recording of vote of absent voter.]

14. (1) The Central Returning Officer shall, no earlier than the day appointed for the holding of the election, cause a pre-paid envelope sent to him under the provisions of section 13(1) or 13(2) above to be opened in the presence of one or more scrutineers appointed by him under the provisions of Article 37 of the principal Law and, after satisfying himself that the number on the form of declaration of identity coincides with the number on the envelope marked "BALLOT PAPER ENVELOPE" and that the form of declaration of identity has been duly completed, he shall place the envelope marked "BALLOT PAPER ENVELOPE" unopened in a ballot box used solely for that purpose and retain the form of declaration of identity and the pre-paid envelope with the Register sent to him as aforesaid save that if the said numbers do not coincide as aforesaid, the Central Returning Officer shall endorse the form of declaration of identity with the words "VOTE REJECTED" and place the envelope marked "BALLOT PAPER ENVELOPE" and the form of declaration of identity and the pre-paid envelope in a container used solely for that purpose.

(2) At the conclusion of the process set out in subsection (1), the Central Returning Officer shall seal in a separate package used solely for that purpose the forms of declaration of identity and the pre-paid envelopes and the copy of the Register, and in a separate package any form of declaration of identity endorsed with the words "VOTE REJECTED" together with the "BALLOT PAPER ENVELOPE" and pre-paid envelope relating thereto.

(3) On the completion of the counting of the votes in pursuance of Article 38 of the principal Law the Central Returning Officer shall seal, in a package used solely for that purpose, the ballot paper envelopes taken from the ballot box in which the unopened ballot paper envelopes were placed.]

NOTE

Section 14 was substituted by the Postal Voting (Amendment) Ordinance, 2020, section 12, with effect from 1st July, 2020.

Documents to be returned by [the Central Returning Officer] to Registrar-General and destruction thereof.

15. (1) Before the expiration of the period of forty-eight hours next succeeding the date appointed for the holding of an election [the Central Returning Officer] shall deliver to the Registrar-General the [...] sealed packages referred to in subsections (2) and (3) of the last preceding section.

(2) Not earlier than forty-eight hours after the public declaration of the poll by [the Central Returning Officer], or in the event of a re-count pursuant to Article forty-one of the principal Law not earlier than forty-eight hours after the result of that re-count has been published by the [Presiding Officer] of the States, the Registrar-General shall destroy all the sealed packages delivered to him in pursuance of subsection (1) of this section.

NOTES

In section 15,

first, the words "the Central Returning Officer" in square brackets, wherever occurring, were substituted and second, the words omitted in the second pair of square brackets in subsection (1) were repealed by the Postal Voting (Amendment) Ordinance, 2020, section 13, with effect from 1st July, 2020;

the words in the second pair of square brackets in subsection (2) were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 4(2), with effect from 1st May, 2004.

[Ordinances as to postal voting, etc.]

15A. (1) The States may by Ordinance make such provision as they think fit in relation to –

- (a) postal voting, and
- (b) other means of voting, whether or not involving attendance at a polling station,

at elections for the office of People's Deputy or any other office specified by the Ordinance.

[(1A) Without prejudice to the generality of subsection (1), an Ordinance under that subsection may make provision in relation to voting at polling stations before the date appointed for the holding of the election in question, and may provide for a person to vote in an election at a polling station outside the Parish in respect of which his name appears on the Electoral Roll, and the principal Law shall be construed accordingly.]

- (2) An Ordinance under this section –

- (a) may amend any provision of this Law,
- (b) may contain incidental, consequential, supplementary and transitional provisions,
- (c) may make consequential amendments to the provisions of the principal Law and the law from time to time regulating the procedure for Secret Ballot, and
- (d) may be amended or repealed by a subsequent Ordinance hereunder.]

NOTES

Section 15A was inserted by the Reform (Guernsey) (Amendment) Law, 2003, section 4(3), with effect from 1st August, 2003.

In Article 15A, subsection (1A) was inserted by the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, section 44, with effect from 22nd April, 2020.

The following Ordinances have been made under section 15A:

Reform (Amendment) (Guernsey) Law, 1972 (Amendment) Ordinance, 2004;

Reform (Amendment) (Guernsey) Law, 1972 (Amendment) Ordinance, 2006;

Advance and Super Polling Station Ordinance, 2020.

[Regulations as to postal voting.]

15B. (1) Subject to subsections (2) and (3), for the purpose of facilitating the introduction of an automated, partially automated or otherwise more efficient system for preparing, collating and sending documents to absent voters under this Law, the States' Assembly & Constitution Committee may by regulations make such provision as it thinks fit to modify any of sections 7, 9, 10 and 14 as they apply in respect of any election to the office of People's Deputy specified in the

regulations.

(2) The States' Assembly & Constitution Committee may only make regulations under this section if it is satisfied that such regulations would not threaten the integrity of the election in question.

(3) The States' Assembly & Constitution Committee must consult the Registrar-General before making regulations under this section.

(4) Regulations under this section –

- (a) may contain incidental, consequential, supplementary and transitional provisions,
- (b) may be amended or repealed by subsequent regulations hereunder, and
- (c) shall be laid as soon as possible before a meeting of the States and shall, if at that or their next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations under this section.]

NOTES

Section 15B was inserted by the Postal Voting (Amendment) Ordinance, 2020, section 14, with effect from 1st July, 2020.

The following Regulations have been made under section 15B:

Posting Voting Regulations, 2020.

PART III

States Employees

[States employees and public officers may not be States Members.]

16. (1) A States employee or public officer who is elected under the provisions of the principal Law to hold office as a member of the States of Deliberation may not take before the Royal Court the oaths required to be taken under Article 19 of the principal Law unless and until he ceases to be a States employee or public officer (as the case may be).

(2) A member of the States of Deliberation who has taken the oaths referred to in subsection (1) must resign as such a Member before commencing employment as a States employee or commencing office as a public officer.]

NOTE

Section 16 was substituted by the Reform (Guernsey) (Amendment) Law, 2009, section 5, with effect from 5th August, 2010.

PART IV

General

Repeals.

17. The Laws set out in the left hand column of the Schedule to this Law are hereby repealed to the extent set out in the right hand column of that Schedule.

Interpretation.

18. In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

[...]

"Office of the States" means any office, building, room or place used for the purpose of the States,

[**"public officer"** means a person who is –

- (a) the holder of judicial office in any court in the island of Guernsey,
- (b) a member of the regular armed forces,
- (c) a member of the Guernsey Financial Services Commission,
- (d) the Director General of the Guernsey Financial Services Commission,
- (e) [the Director General of Utility Regulation],
- (f) the Data Protection Commissioner,
- (g) the Public Trustee, or
- (h) the holder of any other office specified by Ordinance of the States,]

"States Employee" means a person employed by the States of Guernsey [(whether on a full time or part time basis)] in such circumstances that the said States have the right to require that he shall devote the whole of his services to such employment during all hours of work normally applicable

thereto.

NOTES

In section 18,

the words omitted in the first pair of square brackets were repealed by the Postal Voting (Amendment) Ordinance, 2020, section 15, with effect from 1st July, 2020;

the definition of the expression "public officer", and the words in square brackets in the definition of the expression "States employee", were inserted by the Reform (Guernsey) (Amendment) Law, 2009, respectively section 6(a) and section 6(b), with effect from 5th August, 2010.

In accordance with the provisions of the Guernsey Competition and Regulatory Authority Ordinance, 2012, section 5(2), with effect from 1st June, 2012, the reference in paragraph (e) of the definition of the expression "public officer" to the "Director General of Utility Regulation" is substituted with a reference to the "Guernsey Competition and Regulatory Authority"; and the functions, rights and liabilities of the Director General of Utility Regulation and the Office thereof arising under or by virtue of this Law are transferred to and vested in the Guernsey Competition and Regulatory Authority by the Guernsey Competition and Regulatory Authority Ordinance, 2012, section 5(1), with effect from 1st June, 2012, subject to the provisions of section 5(3) of, and section 6, Schedule 2 to, the 2012 Ordinance.

Construction and collective title.

19. This Law and the principal Law shall be construed as one and this Law and the Reform (Guernsey) Laws, 1948 to 1963, may be cited together as the Reform (Guernsey) Laws, 1948 to 1972.

Citation and commencement.

20. This Law may be cited as the Reform (Amendment) (Guernsey) Law, 1972 and shall be deemed to have come into operation on the first day October, nineteen hundred and seventy-two.

SCHEDULE
REPEALS

Section seventeen

Laws	Extent of Repeal
The States Employees (Ineligibility for Membership of the States of Deliberation) Law, 1949 ^c .	The whole Law.
The Reform (Guernsey) Law, 1948 (Amendment) Law, 1952.	Paragraph (h) of section one.
The Reform (Amendment) (Guernsey) Law, 1963.	Section two.

¹ For subsequent amendments, see the consolidated text of the Reform (Guernsey) Law, 1948.

² For subsequent amendments, see the consolidated text of the Reform (Guernsey) Law, 1948.

³ Prior to its substitution section 3 was amended by the Reform (Amendment) (Guernsey) Law, 1996, section 3(4), with effect from 5th June, 1996; and the Reform (Guernsey) (Amendment) Law, 2003, section 4(1), with effect from 1st August, 2003.

⁴ Prior to its repeal, subsection (2) was amended by the Reform (Amendment) (Guernsey) Law, 1972 (Amendment) Ordinance, 2004, section 2, with effect from 25th February, 2004.

^c Ordres en Conseil Vol. XIV, p. 157.

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).

PROJET DE LOI

ENTITLED

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

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.

PROJET DE LOI

ENTITLED

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".

PROJET DE LOI

ENTITLED

The States (Reform) (Guernsey) Law, 2015 *

[CONSOLIDATED TEXT]

NOTE

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* No. XVII of 2015; as amended by the Reform (Guernsey) (Amendment) Law, 2020 (No. ** of 2020).

PROJET DE LOI

ENTITLED

The States (Reform) (Guernsey) Law, 2015

ARRANGEMENT OF SECTIONS

1. ...
2. Performance of functions by members of Committees.
3. Performance of functions by other Committees.
4. Regulations.
5. Amendment of Reform (Guernsey) Law, 1948.
6. Amendment of States Committees (Constitution and Amendment) (Guernsey) Law, 1991.
7. Interpretation.
8. Citation.
9. Commencement.

PROJET DE LOI

ENTITLED

The States (Reform) (Guernsey) Law, 2015

THE STATES, in pursuance of their Resolutions of the 25th June, 2015^a and the 9th July, 2015^b 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.

General Election: 2016.

1. ...

NOTE

Section 1 was repealed by the Reform (Guernsey) (Amendment) Law, 2020, section 2, with effect from 29th June, 2020.¹

Performance of functions by members of Committees.

2. (1) Subject to subsection (4), a Committee may arrange for any of its functions to be performed in its name by any one or more members of that Committee.

(2) A function performed by a member of a Committee pursuant to an arrangement made under this section is for all purposes performed by the Committee concerned; and every decision taken or other thing done by a member of a

^a Billet d'État No. XI of 2015.

^b Billet d'État No. XII of 2015.

Committee pursuant to such an arrangement has the same effect as if taken or done at a quorate meeting of the Committee concerned.

(3) An arrangement under this section for the performance of a function by a member of a Committee –

- (a) may be varied or terminated at any time by the Committee concerned, but without prejudice to anything done pursuant to the arrangement or to the making of a new arrangement, and
- (b) does not prevent the performance of the function by the Committee concerned whilst the arrangement subsists.

(4) This section does not empower a Committee to arrange for any legislative function to be performed by a member of that Committee.

(5) This section –

- (a) is not to be construed as impliedly invalidating anything done in conformity with any other enactment or rule of law, either before or after this section comes into force, and
- (b) does not permit the making of an arrangement which would clearly be inconsistent with the intention of the function concerned.

(6) The power created by this section is exercisable by a Committee in addition to any other power of the Committee to arrange for any of its functions to be performed in its name by any other person, including any power

exercisable under the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991^d.

Performance of functions by other Committees.

3. (1) Subject to subsection (5) a Committee ("**Committee A**") may, by regulations made jointly with another committee ("**Committee B**"), arrange for any of its functions to be performed by Committee B in the name of Committee B.

(2) Unless regulations under subsection (1) provide otherwise –

- (a) a function performed, and
- (b) every decision taken, or other thing done,

by Committee B pursuant to an arrangement made under this section have the same effect as if performed, taken or done at a quorate meeting of Committee A.

(3) For the avoidance of doubt, unless regulations under subsection (1) provide otherwise, Committee B may arrange for any functions under those regulations to be performed –

- (a) by an officer responsible to Committee B under section 4 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991, or
- (b) by any one or more members of Committee B under section 1.

(4) An arrangement under this section –

^d Ordres en Conseil Vol. XXXIII, p. 478.

- (a) may be varied or terminated at any time by further regulations made jointly by Committee A and Committee B, but without prejudice to anything done pursuant to the arrangement or to the making of a new arrangement, and
- (b) unless regulations under subsection (1) provide otherwise, does not prevent the performance of the function by Committee A whilst the arrangement subsists.

(5) This section does not empower Committee A to arrange for any legislative function to be performed by Committee B.

(6) This section –

- (a) is not to be construed as impliedly invalidating anything done in conformity with any other enactment or rule of law, either before or after this section comes into force, and
- (b) does not permit the making of an arrangement which would clearly be inconsistent with the intention of the function concerned.

NOTE

The following Regulations have been made under section 3:

States (Reform) (Transfer of Functions) Regulations, 2016;
Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018;

*States Reform (Performance of Functions) (Public Transport)
Regulations, 2019.*

Regulations.

- 4.** (1) Regulations under this Law –
- (a) may be amended or repealed by subsequent regulations hereunder, and
 - (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient including, without limitation, provision making consequential amendments to this Law and any other enactment.
- (2) Any power to make regulations under this Law may be exercised –
- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
 - (b) so as to make, as respects the cases in relation to which it is exercised –
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different

provision for different cases or classes of cases,
or different provision for the same case or class
of case for different purposes, or

- (iii) any such provision either unconditionally or
subject to any prescribed conditions.

(3) Regulations under this Law shall be laid before a meeting of the States as soon as possible after being made; and, if at that or the next meeting the States resolve that the regulations be annulled, then they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

Amendment of Reform (Guernsey) Law, 1948.

5. (1) In the Reform (Guernsey) Law, 1948 –

- (a) in Article 1(1)(c), for "Forty-five" substitute "Thirty-eight",
- (b) in Article 4(2)(f), for "forty-five" substitute "thirty-eight",
- (c) Article 8(b) is repealed,
- (d) in Article 17 –
 - (i) in paragraph (2)(a), the words "or has, subsequently to such election, ceased to possess either of the first two qualifications required by that Article," are repealed, and

- (ii) in paragraph (3) –
 - (A) the words "is under a legal disability or" are repealed, and
 - (B) for the words "in either of which cases" substitute "in which case",
- (e) in Article 27 –
 - (i) paragraph (1)(b) is repealed, and
 - (ii) in paragraph (4) the words "or is subject to any legal disability" are repealed,
- (f) immediately after Article 27A, insert the following Article –

"Abolition of mental incapacity to vote."

27B. Any rule of law which provides that a person is subject to a legal incapacity to vote by reason of his or her mental state is abolished.",

- (g) in Article 29 –
 - (i) in paragraph (1) –
 - (A) for "2000", substitute "2020",
 - (B) for "April" wherever appearing, substitute "June", and

- (C) for "May" substitute "July",
- (ii) in paragraph (2), immediately after the words "the four year term then current", insert "or, in the case of the General Election held on the 27th day of April, 2016, until the 30th day of June, 2020",
- (h) Article 42 is repealed,
- (i) in Article 49, the definition of "Legal disability" is repealed,
- (j) in Article 66 –
 - (i) in paragraph (2), for "and, subject to the provisions of the next succeeding paragraph, to transmit the same to the States for the consideration and decision of the States." substitute –

"and to transmit the same –
 - (a) to the States for consideration and decision of the States, or
 - (b) where the Policy and Resources Committee is of opinion that the immediate or early enactment thereof is necessary or expedient in the public interest under Article 66A, to the Policy and

Resources Committee for consideration and order of that Committee.",

- (ii) paragraphs (3) and (4) are repealed, and
- (k) immediately after Article 66 insert the following Article

—

"Power of Policy and Resources Committee to enact Ordinances.

66A. (1) Where, in the case of any draft Ordinance transmitted under paragraph (2)(b) of Article 66, the Policy and Resources Committee is of opinion that the immediate or early enactment thereof is necessary or expedient in the public interest, the Policy and Resources Committee shall have power to order that the same shall be operative either immediately or upon such then future date as it shall prescribe and thereupon the Ordinance shall have effect accordingly:

PROVIDED that every Ordinance coming into effect by virtue of this paragraph shall be laid before the States as soon as may be after the making thereof in such manner as the States may, by general resolution, from time to time direct and if, at the Meeting of the States in the course of which any Ordinance made by the Policy and Resources Committee is laid before them or at the next subsequent Meeting, the States resolve that the Ordinance be annulled, the Ordinance shall cease to have effect but without prejudice to anything previously done thereunder or to the making by the Policy and Resources Committee of any new Ordinance.

- (2) For the purpose of removing doubts, it is hereby declared that on an Ordinance ceasing to have effect by virtue of a

Resolution of the States under the proviso to paragraph (1) of this Article, any other Ordinance which was modified or extended or repealed in whole or in part by the first-mentioned Ordinance shall thenceforth have effect, notwithstanding such modification, extension or repeal as though such modification, extension or repeal had not been effected.

(3) In paragraph (2)(b) of Article 66 and in this Article, "the Policy and Resources Committee" means the States Policy and Resources Committee."

(2) An Ordinance made under paragraph (3) of Article 66 of the Reform (Guernsey) Law, 1948, which is in force immediately before subsection (1) comes into force, shall remain in force as if made under paragraph (1) of Article 66A of that Law.

Amendment of States Committees (Constitution and Amendment) (Guernsey) Law, 1991.

6. Immediately after section 1(4) of the States Committees (Constitution and Amendment) (Guernsey) Law, 1991^e, insert the following subsection –

"(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."

^e Ordres en Conseil Vol. XXXIII, p. 471.

Interpretation.

7. (1) In this Law, unless the context requires otherwise –

"Committee" means any department, authority, board, committee, council or other like body (however denominated) of the States constituted by a Resolution or Law approved by the States,

"enactment" means any Law, Ordinance or subordinate legislation,

"function" includes every power and duty which is or may be given to or imposed on a Committee, whether by an enactment, resolution of the States, rule of law, custom or otherwise,

"legislative function" means a power to make any Ordinance, regulations, rules, order, scheme or other instrument of a legislative character,

"a member of a Committee" includes every member of a Committee, whether or not elected, and

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance.

(2) Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation.

8. This Law may be cited as the States (Reform) (Guernsey) Law, 2015.

Commencement.

9. This Law shall come into force on the day appointed by Ordinance of the States; and different dates may be appointed for different provisions and for different purposes.

NOTE

The Law was brought into force on 16th February, 2016 by the States Reform Law, 2015 (Commencement) Ordinance, 2016, section 1(1), save for section 5(1)(a)-(b), 5(1)(g), 5(1)(j)-(k) and section 6, brought into force on 1st May, 2016 by section 1(2) of the 2016 Ordinance.

¹ Prior to its repeal. section 1 was disapplied by the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2020, regulation 36A, with effect from 16th April, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020, regulation 37, with effect from 15th May, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 3) Regulations, 2020, regulation 34, with effect from 13th June, 2020.