

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

PROJET DE LOI

Entitled

THE REFORM (GUERNSEY) (AMENDMENT) LAW, 2019

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Reform (Guernsey) (Amendment) Law, 2019", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

The Law inserts a new Article into the Reform (Guernsey) Law, 1948 to make equivalent provision to Article 31 of the States of Jersey Law 2005. The new Article 72A requires the Policy & Resources Committee to refer to the States of Deliberation, for the States to signify their views upon it, any proposal for –

- a) a provision of a draft Act of Parliament to apply directly to Guernsey, or
- b) the making of an Order in Council extending to Guernsey a provision of an Act of Parliament, or a Church of England measure, or that is otherwise expressed to be binding upon Guernsey,

unless that Committee considers that to do so is unnecessary.

Where such a provision or Order in Council has already been made, and is transmitted to the Royal Court for registration, the Royal Court is required to refer it to the Policy & Resources Committee, but only if it appears to the Court that the States of Deliberation have not signified their agreement to the substance of the provision or Order in Council. That Committee must then refer it to the States, unless it considers that to do so is unnecessary.

The new Article 72A is in equivalent terms to the Jersey provision (with necessary modifications) apart from in these respects –

- a) as set out, the requirement in Article 72A applies in respect of all Orders in Council expressed to have effect in, or be applicable to, or otherwise be binding upon Guernsey (not just Orders in Council extending to Guernsey a provision of an Act of Parliament or a Church of England measure) to ensure that all relevant Orders in Council fall within the requirement;
- b) as a consequence of the extra requirement described above, uncontentious and non-legislative types of Orders in Council would have to be placed before the States of Deliberation for their views to be signified when no purpose would be served thereby. Hence, while the default position is that all such provisions and Orders in Council will be submitted to the States by the Policy & Resources Committee, the inserted Article gives the Policy & Resources Committee the power to exclude provisions and Orders in Council from this procedure when it considers that their submission to the States would be unnecessary.

PROJET DE LOI

ENTITLED

The Reform (Guernsey) (Amendment) Law, 2019

THE STATES, in pursuance of their Resolution of the 28th day of March, 2019^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 Islands of Guernsey, Herm and Jethou.

Amendment to the Reform Law.

1. Immediately after Article 72 of the Reform (Guernsey) Law, 1948, insert the following Article -

"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 -

^a Article I of Billet d'État No. VI of 2019.

- (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^b and 1957^c, 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.

(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),

^b 21 and 22 Geo.V. No. 4 and 5.

^c 5 and 6 Eliz. 2, No. 1.

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)."

Citation.

2. This Law may be cited as the Reform (Guernsey) (Amendment) Law, 2019.