

**Proposition in pursuance of Rule 18 submitted by the  
President of the States' Assembly & Constitution Committee**

**THE STATES OF DELIBERATION  
of the  
ISLAND OF GUERNSEY**

**STATES' ASSEMBLY & CONSTITUTION COMMITTEE**

**THE REFORM (GUERNSEY) (AMENDMENT) LAW, 2020**

The States are asked to decide:-

Whether, after consideration of "The Reform (Guernsey)(Amendment) Law, 2020" and the Policy Letter dated 5<sup>th</sup> May, 2020, they are of the opinion:-

1. To approve the draft Projet de Loi entitled "The Reform (Guernsey) (Amendment) Law, 2020", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.
2. To direct the States' Assembly & Constitution Committee to review the feasibility of holding a General Election in November 2020 or in March, April or May 2021 (instead of June 2021) and:
  - (a) if of the opinion that it is feasible to hold such an Election in November 2020, to bring a policy letter to the States no later than July 2020, or
  - (b) if of the opinion that it is feasible to hold such an Election in March, April or May 2021, to bring a policy letter to the States no later than six months ahead of the proposed Election date, and
  - (c) in either case, to include in that policy letter the propositions necessary to enable a General Election to be held on the proposed date, together with information as to how such an Election could be held in accordance with Public Health advice, depending on the extent of the Covid-19-related health risks prevailing at the time.
3. To direct the States' Assembly and Constitution Committee to make arrangements to enable a General Election to be held in September, 2020 and to bring a policy letter to the States as soon as possible to propose a date to be fixed for holding the General Election in September, and to include information as to how such an Election can be held in accordance with Public Health advice, depending on the extent of the Covid-19 related health risks prevailing at that time, as well as including such other propositions as may be necessary, including in relation to the necessary legislation, to enable a General Election to be held on the proposed date.

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

Section 1 of the Reform (Guernsey) (Amendment) Law, 2020 ("the Law") amends the Reform (Guernsey) Law, 1948 ("the Reform Law"). It amends references to the date of the general election from 2020 to 2021, and creates a power for the States by Ordinance to modify the application of Article 29 and any other provision of Part IV of the Reform Law from time to time, for the purpose of enabling a general election to be held at a time other than as provided for in paragraph (1) of Article 29. Inserted Article 29(5) provides that the provisions of Article 3(5) of the Reform Law apply in relation to such an Ordinance as they apply to a Projet de Loi intended to repeal or vary any of the provisions of the Reform Law (mirroring a requirement in respect of an existing power to amend by Ordinance at Article 20H). The Article 3(5) requirements include a requirement for a two-thirds majority of members present and voting for the approval of the Ordinance to be effective immediately.

Section 1 also amends the Reform Law to provide that no by-election shall be held if a casual vacancy in the office of Deputy occurs before the 2021 General Election. Section 3 provides that this amendment shall cease to have effect on 1st January, 2022, to avoid this provision of time-bound application being permanently on the face of the statute book.

Section 2 of the Law repeals section 1 of the States (Reform) Law, 2015, which provides that a person elected to the office of People's Deputy at the 2016 general election or a by-election thereafter shall retire from office on 30 June 2020. Sections 4 and 5 are the citation and commencement provisions.