



*Date of Vote: 17 March, 2016*

**Billet d'État: IX of 2016**  
**Article: 3**  
**Department: States' Assembly & Constitution Committee**  
**Subject: Declaration of Unspent Convictions**  
**Proposition: 1 - 5**

1. *To approve that the Rules of Procedure of the States of Deliberation and their Committees be amended as follows:*

*Replace the existing title of Rule 29 with "Register of Members' Interests and Register of Members' Unspent Convictions"*

*and*

*In Rule 29(1) replace "declarations of interests" with "Declarations of Interest"*

*and*

*Insert immediately after Rule 29(4) new paragraphs in the following terms:*

- "(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 May 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.*
- (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 The Greffier shall remove from the Register and immediately destroy any Declaration which has been superseded by another.*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."*

*and*

*In Rule 46(2) insert immediately before the full stop "and a completed Declaration of Unspent Convictions as set out in Schedule 3";*

*and*

*In Rule 46(5) replace the words "or if there was potentially one it could be managed. The Declaration" with "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";*

*and*

*Insert immediately after Schedule 2 a new Schedule 3 in the following terms:*

*"Schedule 3*

*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.

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").

Table with 2 columns: Imprisonment term and corresponding rehabilitation period.

It is important to note that convictions recorded outside the Bailiwick are equally subject to rehabilitation, and are "unspent" for the same periods.

- 2. To approve that the Code of Conduct for Members of the States of Deliberation be amended as follows:
Insert a new Rule 15A in the following terms:
"A Member shall not knowingly or recklessly make a false statement in a Declaration of Unspent Convictions."
3. To approve that the Reform (Guernsey) Law, 1948, as amended, be further amended to provide that candidates for the office of People's Deputy must make a declaration of all 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 unless they were in respect of an act which would not constitute an offence if committed in Guernsey; that candidates must agree that appropriate verification of the information declared could be undertaken by the Returning Officer for the election; and that the declaration form would be available for inspection by the electorate at that election; and that Declarations would be destroyed as soon as the election to which they related had concluded; and that provisions would be included to enable the States to prescribe rules as to the publication of this information;
and
that a specific offence be created of knowingly or recklessly making false statements, the penalty for which, in addition to any fine, imprisonment or other sentence imposed in the event of a prosecution and conviction, be that the States, once any legal proceedings and appeals, if appropriate, had been concluded, could by Resolution declare any person convicted of the offence ineligible to hold office as a People's Deputy or as a member of a States' Committee who is not a Member of the States until the next General Election.
4. To agree that the States' Assembly & Constitution Committee consult with the Douzaines and, if considered necessary, report back to the States on the merits or otherwise of extending these provisions to the holders of parochial offices.
5. To direct the preparation of such legislation as may be necessary to give effect to the above decisions, including further amendments to The Reform (Guernsey) Law, 1948, as amended.



**CARRIED:**    **Pour: 35**    **Contre: 7**    **Ne vote pas: 1**    **Absent: 4**

**St. Peter Port South**

Deputy Peter A. Harwood    **P**  
Deputy Jan Kuttelwascher    **P**  
Deputy Barry L. Brehaut    **P**  
Deputy Roger Domaille    **P**  
Deputy Allister H. Langlois    **P**  
Deputy Robert A. Jones    **P**

**St. Peter Port North**

Deputy Michelle K. Le Clerc    **P**  
Deputy John A. B. Gollop    **C**  
Deputy Peter A. Sherbourne    **C**  
Deputy Richard Conder    **C**  
Deputy Charles Parkinson    **C**  
Deputy Elis G. Bebb    **C**  
Deputy Lester C. Queripel    **C**

**St. Sampson**

Deputy Gavin A. St. Pier    **P**  
Deputy Kevin A. Stewart    **A**  
Deputy Peter L. Gillson    **P**  
Deputy Paul R. Le Pelley    **P**  
Deputy Scott J. Ogier    **C**  
Deputy Lyndon S. Trott    **A**

**Vale**

Deputy Matthew J. Fallaize    **P**  
Deputy David B. Jones    **P**  
Deputy Laurie B. Queripel    **P**  
Deputy Mary M. Lowe    **P**  
Deputy Andrew R. Le Lièvre    **P**  
Deputy Anthony Spruce    **A**  
Deputy Garry M. Collins    **P**

**Castel**

Deputy Darren J. Duquemin    **P**  
Deputy Christopher J. Green    **P**  
Deputy Mark H. Dorey    **P**  
Deputy Barry J. E. Paint    **P**  
Deputy Jonathan P. Le Tocq    **P**  
Deputy Sandra A. James, MBE    **P**  
Deputy A. Hunter Adam    **P**

**West**

Deputy Roger A. Perrot    **P**  
Deputy Alvord H. Brouard    **P**  
Deputy Arrun M. Wilkie    **P**  
Deputy David de G. De Lisle    **P**  
Deputy Yvonne Burford    **P**  
Deputy David A. Inglis    **P**

**South-East**

Deputy Heidi J. R. Soulsby    **P**  
Deputy Robert W. Sillars    **A**  
Deputy Paul A. Luxon    **P**  
Deputy Michael G. O'Hara    **P**  
Deputy Francis W. Quin    **P**  
Deputy Michael P. J. Hadley    **N**

Alderney Representative Louis E. Jean    **P**  
Alderney Representative S. D. Graham McKinley, OBE    **P**