

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

24th April, 2019

Proposition No. P.2019/22

States' Assembly & Constitution Committee

General Election 2020

AMENDMENT

Proposed by: Deputy G A St Pier

Seconded by: Deputy L S Trott

Insert the following proposition immediately after Proposition 3.(I):

"(Ia) To modify the provisions of the Reform (Guernsey) Law, 1948 relating to eligibility to hold the office of People's Deputy such that, in the case of any candidate who is aged 20 years or more on the date of his or her nomination, he or she must have been liable to make social insurance contributions under the Social Insurance (Guernsey) Law 1978 (or excused by reason of being in full-time education or under 20 years of age) for at least 40 weeks in each of the 2 years up to the end of the month immediately preceding the month in which nominations open for any election."

Explanatory note

Under Article 8 of the Reform (Guernsey) Law, 1948, in order to hold the office of People's Deputy, in addition to any other criteria, candidates must be ordinarily resident on the date of their nomination and have been (i) ordinarily resident in Guernsey for 2 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.

The purpose of this amendment is to introduce revised eligibility criteria in respect of candidates who are aged 20 years or more. It is submitted that the revised criteria would remove some of the uncertainty that can arise when trying to establish whether or not someone has been ordinarily resident in Guernsey.

The revised criteria would require candidates aged 20 years or more, to have been liable or entitled (whether by choice or otherwise) to make social insurance contributions under the Social Insurance (Guernsey) Law, 1978 for at least 40 weeks

in each of the 2 years up to the end of the month immediately preceding the month in which nominations open for any election in which they stand. This condition would replace the requirement (but only for persons aged 20 years or more on the date of their nomination), for candidates to have been ordinarily resident for 2 years immediately before their nomination date, or for a period of periods of at least five years in the aggregate at any time before that date.

The condition and specifically its applicability to candidates aged 20 years of age or more is proposed for two principal reasons. Firstly, potential candidates aged 18 or 19 years of age will rarely have had the opportunity to have become liable or entitled to pay contributions in each of the 2 years described above simply because they will be too young. Thus the condition is not expressed so as to apply to them and their eligibility would continue to be established by reference to the current conditions relating to ordinary residence. Secondly it should be noted that non-employed insured persons under the age of 20 are not liable to make social insurance contributions but are entitled to make contributions if they choose to do so. Consequently the condition may fairly be applied to all potential candidates aged 20 years or more given it provides for liability or eligibility to pay. Whether or not any contributions are actually paid would be irrelevant.