



THE REFORM  
(GUERNSEY)  
LAW, 1948, as amended

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LOI RELATIVE AU  
SCRUTIN SECRET, 1899,  
as amended

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extract from  
The Deputy Bailiff (Guernsey) Law,  
1969, as amended

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Loi relative à la Réforme des États de  
Délibération of 1899, as amended

*On the 28th September, 1989 the States resolved (inter alia) that the various provisions and pieces of legislation which together make up [the Reform (Guernsey) Law, 1948, as amended] and the provisions of the Law relating to Secret Ballots shall be consolidated into one new Law as soon as it may be practical to do so, and in the meanwhile [the Constitution of the States Review Committee] shall prepare a statement incorporating the text of the current Law of 1948, as amended, and publish the text as soon as possible.*

*This document is published by the States Procedures and Constitution Committee\* in conformity with the aforementioned resolution of the States.*

*\* On 6<sup>th</sup> May, 2004 the functions of the States Procedures and Constitution Committee were transferred to the House Committee and on the 1<sup>st</sup> August, 2008 that Committee was renamed the States Assembly and Constitution Committee.*

*Whilst every care has been taken to ensure accuracy, this publication of the Reform (Guernsey) Law, 1948, as amended and the Loi relative au Scrutin Secret of 1899, as amended, is not authoritative. In any case of doubt reference should be made to the authoritative text of the Laws. These may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey.*

*[Issued: 13<sup>th</sup> August 2010, amended 26<sup>th</sup> October 2011]*

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# THE REFORM (GUERNSEY) LAW, 1948, as amended

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 1.

### ***The States of Deliberation.***

#### ***Constitution***

1. (1) The States of Deliberation shall be composed as follows:-

- (a) The Bailiff.
- (b) (i) His Majesty's Procureur.  
(ii) His Majesty's Comptroller.
- (c) Forty-five People's Deputies.
- (d) *[repealed]*
- (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 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.

***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.

***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) *[repealed]*

(3) *[repealed]*

(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.

## 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) *[repealed]*
- (d) The ten Rectors.
- (e) (i) His Majesty's Procureur.  
(ii) His Majesty's Comptroller.
- (f) Forty-five 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 I 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.

***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) Election to the office of Jurat shall be conducted in accordance with the provisions of the law from time to time regulating the procedure for secret ballot, save that the following special provisions shall 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; and
- (d) not more than one vacancy shall be filled at any one meeting of the States of Election.

***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.

## 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) *[repealed]*
- (b) he be not subject to any legal disability, as that expression is defined in Part IV of this Law;
- (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.

***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.

*[Articles 10, 11, 12, 13 and 14 repealed]*

***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;

*[\* amended by Resolution of the States 12 December, 1996]*

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) *[repealed]*

(3) On the issue of a Billet d'Etat 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.

***Duty of a Douzaine Representative.***

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.

***Resignation of a 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 has, subsequently to such election, ceased to possess either of the first two qualifications required by that Article; 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 is under a legal disability or has no residence in this Island, in either of which cases 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.

***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.

***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 the 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.

***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.

***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.

***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.

***Protection of persons appearing before Committees***

20E. A person attending to give evidence to or to produce any document before –

- (a) the States Public Accounts Committee or the States Scrutiny Committee, or
- (b) a panel established pursuant to article 20F to investigate an allegation or complaint that there has been a failure to comply with a code of conduct or a breach or abuse of privilege,

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.

***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 such allegations and complaints, and the constitution, powers and proceedings of any such panel,
- (c) requiring any People's Deputy under investigation by a panel to co-operate fully with it,
- (d) without prejudice to subparagraph (b), empowering the panel to request the production of documents from any person (including the People's Deputy under investigation) and to request any person to appear before it,
- (e) for the sanctions to be available against an offending People's Deputy, which may include –
  - (i) a reprimand or caution, 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 decision shall have effect for the purposes of -

- (a) this Law,
  - (b) the States Committees (Constitution and Amendment) (Guernsey) Law, 1991<sup>1</sup> 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.

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<sup>1</sup> Order in Council No XX of 1991.

- (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),
  - (c) a person who has at any time been a members 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.

***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),

“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<sup>2</sup>, and
- (d) to include in a programme service within the meaning of section 201 of the Broadcasting Act 1990<sup>3</sup>,

and related expressions shall be construed accordingly,

“States” means the States of Guernsey.

***Power to amend by Ordinance***

20H. (1) The States of Deliberation may by Ordinance amend –

<sup>2</sup> An Act of Parliament (1949 c. 54); extended to the Bailiwick by United Kingdom S.I. 1952/1900.

<sup>3</sup> An Act of Parliament (1990 c.42); extended to the Bailiwick by United Kingdom S.I. 1991/1709.

- (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.

(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 provisions of this Law.

### ***Review in ten years.***

21. *[Repealed]*

### ***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.

### ***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.

## 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) There shall be shown on the Electoral Roll in respect of every voter his surname, Christian names and full postal address, and such distinguishing 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.

***Division of the Electoral Roll, and definition of the Electoral Districts.***

26. (1) The Electoral Roll shall be divided into 10 sections whereof each shall represent one Parish; but where for the purpose of any election an Electoral District (hereinafter referred to as a "District") is an area other than one entire Parish, the section or sections of the Electoral Roll representing the Parish or Parishes concerned shall be subdivided and/or amalgamated to produce the section of the Electoral Roll for that District at that election.

(2) For the purpose of elections to the office of People's Deputy Guernsey shall be divided into such number of Districts, each being identified by such boundaries, and each returning such number of the People's Deputies provided for in this Law, as may from time to time be prescribed by resolution of the States.

PROVIDED THAT

- (i) everywhere in Guernsey shall be represented by at least one Deputy;



- (ii) the allocation of numbers of Deputies shall be in accordance with the respective populations of the Districts; and
- (iii) no such Resolution shall take effect before the next General Election of Deputies.

(2A) Where by virtue of any Resolution of the States under paragraph (2) of this Article a District includes the whole or part of more than one Parish the references to Parishes in paragraph (3) of this Article and in Articles 34(5) and 38 of this Law are to be construed as references to each of the Parishes concerned.

(3) In each of the Districts, polling stations shall be established by the Constables of the Parishes concerned in accordance with any Resolution of the States for the time being in force in that behalf and the Constables of a Parish may provide for the establishment of such additional polling stations therein as they may deem convenient to the electorate.

***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) is not subject to any legal disability; and
- (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 sub-paragraph (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:

(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 application, and, in the case of a person whose age is 15 years on that date, that person's date of birth.

(1B) *[repealed]*

(2) Subject to paragraph (4) of this Article and to Article 27A of this Law, any person whose name is inscribed on the section of the Electoral Roll for a District may vote at any polling station in that District.

(3) At an election the Returning Officer of each District shall cause to be kept at each polling station in that District 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 Christian names and the number assigned to him in pursuance of the provisions of paragraph (2) of Article 25 of this Law and in any District where there is more than one polling station the Returning Officer shall cause the lists from each polling station in that District 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.

(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 or is subject to any legal disability.

### ***Prisoners***

27A (1) *[repealed]*

(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.

### ***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 a person shall vote only in the District in respect of which

his name appears on 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.

### ***Holding of Deputies' Elections.***

29. (1) General Elections for the office of People's Deputy shall be held in 2000 during the month of April and in every fourth year thereafter during the month of April, and, subject to the provisions of Article 19 of this Law, the persons elected shall take office on the 1st day of May next following their election, save that if at any General Election there shall be no candidate or an insufficient number of candidates for any District, an election to fill any vacancy not filled at that General Election shall be held as soon as may be thereafter in respect of that District 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, 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.

(3) The date for the holding of any election shall be appointed by Ordinance.

### ***Elections to be determined by Secret Ballot Law.***

30. Elections shall be held in accordance with the provisions of the law from time to time regulating the procedure for Secret Ballot.

***Procedure in case of an 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, a further election shall be held, as soon as conveniently may be, in respect of such candidates only, which further election shall for the purposes of the term of office of any successful candidate be deemed to have been held on the date of the original election.

***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 section of the Electoral Roll representing the District for which the candidate intends to stand, and shall be delivered to the Presiding Officer of the States not later than such time on such day, being a day before the 22 days next preceding the day fixed for the holding of the election, as the Presiding Officer may appoint.

(2) Every such nomination shall be accompanied by a declaration in writing signed by the candidate declaring that he is eligible under the provisions of this Law to hold the office of People's Deputy.

(3) A person may not stand as a candidate for more than one District at the same election.

(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.

***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 for that District, 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".

***Compilation, publication and correction of Electoral Roll.***

34. (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 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 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 in such manner, and at such time and place and for such period as the States Assembly and Constitution Committee 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, and at such time and place and for such period as the States Assembly and Constitution Committee 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.

(9) The section of the Electoral Roll compiled, published and amended as in this Article provided in respect of each District shall constitute the Electoral Roll of that District and shall determine, subject to Articles 27(4) and 27A of this Law, whether or not a person is entitled to vote in that District 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 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.

(12) References in paragraph (11) to the Electoral Roll are references to the section of the Electoral Roll relating to the District in which the election is to be held.

***Copies of Electoral Roll to be kept at Greffe and office of the Registrar-General.***

35. (1) A copy of the Electoral Roll 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 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 the 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 shall be made available;
- (c) the charges and conditions subject to which copies of the Electoral Roll shall be made available.

36. *[repealed]*

***Returning Officers.***

37. At every election the Royal Court, on the application of one of the Law Officers of the Crown, shall appoint -

- (a) a Returning Officer for each District concerned, who shall appoint such Scrutineers to assist him in the counting of votes and otherwise as he may deem necessary;
- (b) a deputy Returning Officer for each Parish within the District concerned, where that District comprises more than one Parish;

and every Returning Officer and deputy Returning Officer shall on appointment be sworn as such before the Royal Court.

***Supervision of Ballot.***

38. (1) The Constables and Douzaines shall supervise the conduct of the ballot at the polling stations in their respective Parishes, and in particular shall seal the ballot boxes on the conclusion of the voting, and shall, subject to the provisions of paragraph (2), hand the same to the Returning Officer for the District, who shall thereupon cause the votes cast to be counted

and shall forthwith communicate the result of such count to the Presiding Officer of the States. In each District in which an election has been held the Returning Officer shall cause the said result to be exhibited at each polling station in the District.

(2) Where, pursuant to article 37, a deputy Returning Officer for each Parish within the District has been appointed, the Constables and Douzaines shall, after sealing the ballot boxes, hand them to the deputy Returning Officer for the Parish, who shall thereupon deliver them to the Returning Officer to enable him to perform his functions under paragraph (1).

(3) Where a District comprises more than one Parish, the Returning Officer shall, in performing his functions under paragraph (1), communicate and exhibit the result of the count only in respect of the District as a whole and not in respect of each Parish within the District.

***Presence of candidates etc. at count***

38A (1) Throughout the time during which the votes cast at an election in an Electoral District are being counted at any place, any candidate in that district is entitled to be present at that place 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 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 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 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.

### ***Maintenance of order at elections***

38B (1) A Returning Officer, or other person appointed by him to be in charge of a polling station, may require any person who he considers is behaving in a disorderly or indecent manner in, or in the precincts of, a polling station or a place where votes are being counted to leave that polling station or 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.

***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) conduct and functions, during elections, of candidates, returning officers and other persons or classes of persons prescribed by the rules.

***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 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.

***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 may, from time to time, by Ordinance vary the times at which the polling stations shall open and close and may so provide that the polling stations shall open and close at different times in different Districts.

***Duties on completion of Ballot.***

40. On completion of the count as aforesaid each Returning Officer shall in respect of his District 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.

***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 in the District concerned 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 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 for that District may be present during the recount, and such recount shall be final and conclusive as to the result of the poll in respect of that District. 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.

***Register to be kept of persons under disability.***

42. Particulars of all persons of full age resident in the Island of Guernsey placed under or relieved from guardianship, or detained in any public institution or otherwise by reason of mental incapacity or released from such detention or who have died in any week shall be furnished at the end of that week by His Majesty's Greffier or the States Board of Health, as the case may be, to the Registrar-General, who shall cause to be kept a register of persons so under guardianship or detained.

***Persons physically incapable of recording 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 Returning Officer.

***Expenditure by candidates.***

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:

Save that nothing contained in this Article or in any Ordinance made hereunder, shall be deemed to affect the right of any candidate to purchase copies of the appropriate section of the Electoral Roll in accordance with Article 36 of this Law, and any moneys expended in such purchase may be expended in addition to the maximum permissible amounts so prescribed.

(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.

***Return of expenditure by candidates.***

45. (1) Every candidate at any election shall during the fourteen days next following the date of such election submit to the 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.

(2) Any candidate who supplies any 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 the last preceding Article, shall be liable on conviction to a fine not exceeding level 5 on the uniform scale.

***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.

***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.

47. *[repealed]*

### ***Herm and Jethou***

48. In this Law "Guernsey" includes the Islands of Herm and Jethou, which Islands shall be deemed

- (a) for all purposes of this Law to be part of the Parish of St. Peter Port, and
- (b) for the purpose of elections of People's Deputies, to be part of such District within the Parish of St. Peter Port as may be specified in any Resolution of the States under Article 26(2) of this Law.

### ***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:-

"Legal disability" means -

- (i) certification as a person of unsound mind;
- (ii) subjection, in the case of a person of full age, to guardianship;
- (iii) detention ordered by a Law Officer in a hospital or institution, as a person in need of treatment for a mental ailment.

"Election" means election to the office of People's Deputy.

"Registrar-General" means the Registrar General of Electors, and the functions of that office shall be performed by the States 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.

## PART V

***Election of Constables and Douzeniers.******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; 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.

***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.

***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 terms 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 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).

***Application of Part IV of this Law.***

53. 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.

***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 -

- (c) on the first Wednesday of November; or
- (d) if the first Wednesday of November falls on the 5<sup>th</sup> November, then on the first Tuesday of November.

(5) The States may by Ordinance amend the provisions of paragraph (4).

***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.

***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.

***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), 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.

### ***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.

### ***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.

### ***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 Legislation Select 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 Legislation Select 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 Legislation Select Committee, within the limits of that Committee's authority as defined in this Part of this Law, to make that Ordinance.

***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 Policy Council 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 Policy Council 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.

***The Legislation Select 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 Legislation Select 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.

***The Reform (Amendment) (Guernsey) Law, 1990  
(Savings re Article 65).***

On the date of the reconstitution of the Committee first occurring as shall be prescribed by the States by Resolution in accordance with the provisions of Article 65 of the Law of 1948, as amended by section 1 of this Law, the President and every other member of the former Committee in office on that date shall be deemed to have resigned:

Provided that such President and every such other member shall be deemed lawfully to continue in office during the period between the date of registration of this Law on the records of the Island of Guernsey and the date of the reconstitution of the Committee as aforesaid and the acts of the former Committee during such aforesaid period shall be valid and binding for all purposes and on all persons accordingly and anything in process of being done under or by virtue of the Law of 1948 by, or in relation to the former Committee at such aforesaid date, whether by way of legal

proceedings or otherwise, may be continued by, or in relation to the reconstituted Committee and in this section, the expression "former Committee" means the Committee constituted under the Law of 1948, the expression "reconstituted Committee" means the Committee constituted under the Law of 1948 as amended by this Law and the expression "Committee" shall be construed accordingly.

***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, subject to the provisions of the next succeeding paragraph, to transmit the same to the States for the consideration and decision of the States.

(3) Where, in the case of any draft Ordinance so presented, the Committee is of opinion that the immediate or early enactment thereof is necessary or expedient in the public interest, the Committee shall have power to order that the same shall be operative either immediately or upon such then future date as the Committee 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 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 Committee of any new Ordinance.

(4) For the purpose or 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 (3) 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.

***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 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.

***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 Committee as a Competent Authority thereunder but without prejudice to anything previously done thereunder.



***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 in 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 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 Committee.

## 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.

73. *[repealed]*

***Limitation of the application of the Secret Ballot Laws.***

74. Where any provision of any law relating to Secret Ballot (Scrutin Secret) conflicts with any of the provisions of this Law, then, unless that law specifically provides to the contrary, the provisions of this Law shall prevail.

***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.

***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.

***General provisions as to rules***

78. Rules made by the States Assembly and Constitution Committee 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.

**FIRST SCHEDULE Article 47 (1)**

***Allocation of Deputies between the Electoral Districts.***

<i>Electoral District.</i>	<i>Number of Deputies specified in Law</i>
Parish of Saint Peter Port	13
Parish of Saint Sampson	4
Parish of the Vale	5
Parish of the Castel	3
Parish of Saint Saviour	1
Parish of Saint Peter-in-the-Wood	1
Parish of Torteval	1
Parish of the Forest	1
Parish of Saint Martin	3
Parish of Saint Andrew	1

***Districts and Allocation of Seats  
Applicable from 2004 General Election\****

<i>Electoral District</i>	<i>Deputies</i>
St. Peter Port South <sup>α</sup>	6
St. Peter Port North	7
St. Sampson	6
The Vale	7
The Castel	7
West – (St. Saviour, St. Pierre du Bois, Torteval and Forest)	6
South-East (St. Martin and St. Andrew)	6

<sup>α</sup>Resolution of the States of 27<sup>th</sup> November, 2002 includes Herm and Jethou in the electoral district of St. Peter Port South.

**SECOND SCHEDULE Article 76**  
*REPEALS*

...

**Transitional provisions in  
THE REFORM (AMENDMENT) (GUERNSEY) LAW 1998**

(1) ...

(2) ...

(3) With regard to the new Article 52A inserted in the Reform Law by section 4(1) of this Law:

- (a) the term of office of a Douzenier elected before the commencement of this Law at an election in consequence of a casual vacancy is to be computed without reference to the new Article 52A(2)(b); but
- (b) within two months following the commencement of this Law [*i.e. 28th July, 1998*],
  - (i) the Douzaine of each Parish must ascertain whether for the purposes of any election of Douzeniers required by law to be held during the next six years it is necessary to determine seniority as between two or more Douzeniers who took office on the same day; and
  - (ii) any Douzeniers as between whom that matter does need to be determined must make the determination themselves (by drawing lots if they cannot agree) and report it to their Douzaine for inclusion in the minutes of the Douzaine,

whereupon that determination shall irrevocably fix the seniority for electoral purposes of those Douzeniers.

(4) The amendment made by section 4(3) of this Law does not apply in the case of any election for which the date has been fixed before the commencement of this Law.

**Transitional provisions in  
THE REFORM (REPLACEMENT OF CONSEILLERS)  
(GUERNSEY) LAW 1998**

(1) The States may exercise any of the powers conferred on them by Article 26(2) of the Reform Law, as substituted by section 4(1)(a) of this Law, at any time after the registration of this Law on the records of the Island of Guernsey; and any such Resolution passed before 1st January 2000 shall have effect as respects the General Election to be held in April 2000 and thereafter until further Resolution of the States under Article 26(2) of the Reform Law.

(2) It is hereby declared for the avoidance of doubt that a person in office as a Conseiller on 30th April, 2000 whose term of office as such would, apart from this Law, have continued beyond that date -

(a) shall cease to hold the office of Conseiller on that date;

and

(b) may (if he is otherwise eligible in accordance with the Reform Law) be a candidate at the General Election for People's Deputies to be held in April 2000.

**Transitional provisions in  
THE REFORM (GUERNSEY) (AMENDMENT) LAW 2008**

(1) ...

(2) ...

(3) (1) The expiry of the term of office of the Douzeniers elected before the commencement of this Law as set out in column 2 of the Schedule shall, following the commencement of this Law, be as set out in column 3 of the Schedule.

(2) When a person listed in the Schedule has ceased to hold office before the commencement of this Law the term of office of the Douzenier elected in his place shall expire on the same date as that which applied to his predecessor.

**SCHEDULE**

Section 3

Douzenier	Year in which term of office expires prior to the commencement of this Law	Year in which term of office expires following the commencement of this Law
<b>St. Peter Port</b>		
R. A. R. Evans	2013	2011
R. E. Cann	2013	2011
P. J. B. Wilson	2013	2011
L. R. Gallienne	2013	2011
Mrs J. M. Tasker	2012	2011
Mrs A. M. Outram	2012	2010
D. H. Le Moignan	2012	2010
Mrs P. R. M <sup>c</sup> Cathie	2012	2010
F. J. Roper	2011	2010
B. J. Gabriel	2011	2010
J. Kuttelwascher	2011	2009
Mrs P. A. Child	2011	2009
R. H. H. Barneby	2010	2009
Mrs C. E. Goodlass	2010	2009
Mrs C. E. M. Lane	2010	2009
B. L. Cash	2010	2008
R. R. Matthews	2009	2008
P. B. Falla	2009	2008
N. G. Weyson	2008	2008
Mrs K. E. Jones	2008	2008

**St. Sampson**

J. E. Foster	2013	2011
D. E. Corson	2013	2011
T. R. Oliver	2012	2011
P. O. Gallienne	2012	2010
S. G. Park	2011	2010
P. A. de Carteret	2011	2010
M. Hamel	2010	2009
A. F. Harris	2010	2009
K. A. Brouard	2009	2009
S. G. Whales	2009	2008
A. W. Nant	2008	2008
Mrs Y. M. Tanner	2008	2008

**Vale**

A. Goubert	2013	2011
J. C. S. F. Smithies	2013	2011
A. Spruce	2013	2011
B. R. de Jersey	2012	2011
Mrs J. M. M. Guille	2012	2010
P. de Garis	2012	2010
G. A. Goddard	2011	2010
A. Quevâtre	2011	2010
Dr P. J. H. Tooley	2011	2009
Miss R. A. Henry	2010	2009
D. T. Ingrouille	2010	2009
G. J. Wherry	2010	2009
G. Guille	2009	2008
P. F. Mees	2009	2008
N. N. Duquemin	2008	2008
W. H. Cohu	2008	2008

**Castel**

D. E. Chester	2013	2011
Mrs B. E. C. Holliday	2013	2011
K. J. Guille	2012	2011
R. P. Hervé	2012	2010
M. H. Dorey	2011	2010
R. J. Marquis	2011	2010
C. Le Page	2010	2009
M. A. Bisson	2010	2009
M. A. Fooks	2009	2009
B. J. E. Paint	2009	2008
N. M. Dorey	2008	2008
D. J. Ozanne	2008	2008



**St. Saviour**

S. J. Bichard	2013	2011
M. N. de Garis	2013	2011
J. V. Brache	2012	2011
M. E. Best	2012	2010
M. I. Guille	2011	2010
P. M. Burnard	2011	2010
J. H. Humphreys	2010	2009
J. W. Fewkes	2010	2009
P. B. Bott	2009	2009
P. W. Elliott	2009	2008
M. D. Chester	2008	2008
I MacRae	2008	2008

**St. Pierre du Bois**

P. A. Martel	2013	2011
Mrs G. P. Dudley-Owen	2013	2011
S. L. Langlois	2012	2011
R. W. Place M.B.E.	2012	2010
M. A. Ozanne	2011	2010
A. H. Brouard	2011	2010
P. E. F. Domaille	2010	2009
T. R. Langlois	2010	2009
Miss C. H. Le Pelley	2009	2009
J. H. Lenfestey	2009	2008
Dr D. de G. De Lisle	2008	2008
A. Le S. Morris	2008	2008

**Torteval**

E. H. Ozanne	2013	2011
G. H. Cook	2013	2011
C. J. Tostevin	2012	2011
Dr M. E. Singer	2012	2010
V. J. Watson	2011	2010
P. M. Burnard	2011	2010
D. J. Cherry	2010	2009
A. Sauvarin	2010	2009
P. I. Le Tocq	2009	2009
L. P. Brehaut	2009	2008
C. P. Plant	2008	2008
P. J. Pannett	2008	2008

**Forest**

D. J. Gorvel	2013	2011
R. Plumley	2013	2011
Mrs S. G. Ephgrave	2012	2011
K. R. Bienvenu	2012	2010
F. X. Paul	2011	2010
Mrs A. C. Shakerley	2011	2010
J. C. Le Prevost	2010	2009
R. H. Bartlett	2010	2009
R. L. Heaume	2009	2009
Mrs J. W. Klimaschewski	2009	2008
F. G. Brouard	2008	2008
A. J. Penney	2008	2008

**St. Martin**

J. R. Nicolle	2013	2011
R. A. Strappini	2013	2011
G. M. Tattersall	2012	2011
S. J. Morris	2012	2010
Mrs B. J. Hervé	2011	2010
J. H. Sarre	2011	2010
B. E. Gregg	2010	2009
P. H. Steer	2010	2009
P. N. Danks	2009	2009
C. J. Pickard	2009	2008
M. W. Weysom	2008	2008
S. M. Jones	2008	2008

**St. Andrew**

C. N. Claxton	2013	2011
S. de J. Harvey	2013	2011
D. M. Hubber-Richard	2012	2011
J. P. Cook	2012	2010
G. Guilbert	2011	2010
P. Lund	2011	2010
J. R. Domaille	2010	2009
J. D. Watkin	2010	2009
G. C. Le Mesurier	2009	2009
B. L. Rumens	2009	2008
Mrs J. F. Watts M.B.E.	2008	2008
M. G. O'Hara	2008	2008

**THE REFORM  
(AMENDMENT) (GUERNSEY) LAW, 1972**

PART I

***Voting age and compilation of Electoral Roll***

***Amendments to Law of 1948***

...

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").

***Absent voters.***

3. This Part of this Law applies to any person who has made an application in accordance with section 5.

***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 in a book kept solely for the purpose, a register of absent voters (hereinafter referred to as "the Register").

(2) The Register shall be divided into seven sections, one for each Electoral District, for the purposes of making entries in accordance with the provisions of section six of this Law.

***Application by absent voter to be entered on the Register.***

5. An absent voter who is desirous of voting by post at an election shall, not less than five days before the date appointed for the holding of 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.

***Entry on Register by Registrar-General.***

6. Upon receipt of an application under the provisions of the last preceding section, 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 section of the Register for the Electoral District in which he is entitled to vote and against such entry the Registrar-General shall enter the letter he has allocated for that Electoral District and 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 respective sections of the Register.

***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.

***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.

***Form of ballot paper.***

8. A ballot paper sent to an absent voter under the provisions of the last preceding section 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.

***Marking of counterfoil and Register.***

9. The letter and number of an absent voter as entered in the Register to whom a ballot paper has been sent under the provisions of section seven 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.

***Marking of documents.***

10. The number of a ballot paper sent to an absent voter under the provisions of section seven 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 letter of the Electoral District entered against the name of the absent voter in the Register 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.

***Copies of Register to be sent to Returning Officer.***

11. The Registrar-General shall, prior to the opening of the poll on the date appointed for the election, send to each Returning Officer a copy of the section of the Register for his Electoral District and 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.

***Marking of ballot paper by absent voter and return to Registrar-General.***

12. An absent voter to whom a ballot paper has been sent under the provisions of section seven of this Law shall mark that ballot

paper in accordance with the provisions of the law from time to time regulating the procedure for Secret Ballot 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.

***Envelope to be sent to Returning Officer.***

13. 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 Returning Officer of the Electoral District indicated by the letter on the envelope so as to reach him prior to the close of the poll on the date appointed for the holding of the election.

***Recording of vote of absent voter.***

14. (1) The Returning-Officer shall, on the date appointed for the holding of an election, cause the pre-paid envelope sent to him under the provisions of the last preceding section to be opened in the presence of the two scrutineers appointed by him under the provisions of Article thirty-seven 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 the ballot box provided for the election and attach the form of declaration of identity and the pre-paid envelope to the copy of the section of the Register for his Electoral District sent to him as aforesaid save that if the said numbers do not coincide as aforesaid, the 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) On the conclusion of the voting but before the ballot box is sealed in pursuance of Article thirty-eight of the principal Law, the 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 section of the Register for his Electoral District to which they are attached 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 thirty-eight of the principal Law the Returning Officer shall seal, in a package used solely for that purpose, the ballot paper envelopes taken from the ballot box.

***Documents to be returned by Returning Officer to Registrar-General and the 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 Returning Officer shall deliver to the Registrar-General the three 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 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.

***Ordinances as to postal voting, etc.***

15A (1) The States may by Ordinance make provisions 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.

(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 procedures for Secret Ballot; and
- (d) may be amended or repealed by a subsequent Ordinance hereunder.

## PART III

**States Employees****States employees elected not to take oath of office or allegiance.**

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.

## 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:-

"the law from time to time regulating the procedure for Secret Ballot" means the Law entitled "Loi relative au Scrutin Secret" registered on the twenty-eighth day of October, eighteen hundred and ninety-nine, as amended;

"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.

***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  
Section seventeen

***Repeals***

...

## The Reform (Guernsey) Law, 1948, as amended

Ordres en Conseil	Vol.	XIII, p.288 XIV, p.407 XV, p.279 XVI, p.178 XVIII, p.275 XIX, p.84 XIX, p.140 XXII, p.122 XXIII, p.476 XXV, p.326 XXVI, p.255 XXIX, p.56 XXX, p.16 XXXI, p.164 XXXII, p.41 XXXIV, p.397 XXXVI, p. 478
	Nos.	XXXVIII, p.150 XXXVIII, p.295 XIII of 2003 III of 2004 II of 2007 XX of 2007 XIII of 2008 XXII of 2008 VII of 2010
+		
Ordinances	Tome	XXIX, p.406 XXIX, p.427 XXXI, p.666 XXXIII, p.126
	No.	** of 2011

## **LOI RELATIVE AU SCRUTIN SECRET, 1899, as amended**

### ***Elections de Jurés, Prévôt et Députés des Etats se feront par Scrutin Secret.***

1. A l'avenir les élections de Jurés-Justiciers, du Prévôt de la Reine et des Députés des Etats élus par les Chefs de Famille de l'Île se feront par le moyen du scrutin secret - s'il se trouve plus d'un candidat pour la charge - et ce dans la forme et au conditions ci-après spécifiées.

### ***Scrutin sera facultatif pour élections d'Officiers paroissiaux mais obligatoire si trois des électeurs présents l'exigent Scrutin aura lieu en séance tenante ou en séance ajournée.***

2. Le Scrutin Secret sera facultatif pour les élections de Connétables, de Douzeniers et autres Officiers paroissiaux mais obligatoire si, aussitôt que les candidats auront été dûment proposés et secondés, trois des électeurs présents l'exigent.

Le Scrutin Secret pourra avoir lieu soit en séance tenante soit en séance ajournée. Cependant le Scrutin Secret en séance tenante ne pourra pas avoir lieu si le Scrutin Secret en séance ajournée est demandé par trois des électeurs présents.

### ***Assemblées, autres que l'élection des Députés, comme par le passé.***

3. Les assemblées des électeurs autres que celles pour l'élection des Députés seront convoquées et tenues dans les lieux ordinaires, aux heures indiquées dans les publications officielles le tout suivant loi et coutume comme par le passé.

### ***Président***

4. Chaque assemblée des électeurs sera présidée par qui de droit - suivant loi et coutume - comme par le passé.

### ***Elections de Jurés, Prévôt et Députés - Nominations.***

5. Tout électeur qui proposera un candidat pour la charge de Juré-Justicier, Prévôt de la Reine ou Député des Etats sera tenu de le faire par écrit, et de présenter en même temps, à l'appui de sa proposition, un soussigné d'un autre électeur. Les nominations devront être livrées à l'Officier Président (anglicé

«Presiding Officer») des Etats, lequel donnera connaissance de la première nomination valide lui livrée aux électeurs avant le jour de l'élection par le moyen d'une annonce dans la Gazette Officielle. En cas qu'il n'y ait qu'une seule nomination à la charge de Juré-Justicier ou de Prévôt de la Reine, l'élection se fera de vive voix de la manière ordinaire, bien entendu qu'il ne sera pas loisible de proposer d'autres candidats que celui dont la nomination a été reçue par l'Officier Président (anglicé «Presiding Officer») des Etats.

***Connaissance de chaque nomination doit être donnée aux Electeurs.***

Devra toujours le Président des Etats de temps en temps et avant de faire la susdite annonce dans la Gazette Officielle, donner connaissance aux Électeurs de la première nomination valide aussitôt livrée pour chaque candidat, et ce par le moyen d'une affiche dans le vestibule de la Cour.

***Procédure.***

6. L'élection d'un candidat pour la charge de Juré-Justicier, Prévôt de la Reine ou Député des Etats, se fera par le moyen d'un bulletin de vote estampillé de manière qu'on puisse en constater l'authenticité. Le bulletin portera autant de noms qu'il y a de nominations et sera livré à chaque électeur présent. Celui-ci devra faire une croix (ou autre marque qui, à l'avis des scrutateurs, signifie sans aucun doute l'intention de l'électeur) contre le nom de son candidat ou les noms de ses candidats s'il s'agit de l'élection de plus d'un candidat pour la même charge - et ces bulletins, lesquels devront être pliés et fermés de manière à cacher les noms, seront recueillis, ou déposés par les électeurs dans une boîte scellée adaptée à cet effet, et le scrutin sera dépouillé par les scrutateurs qui seront chargés de former le scrutin et de recueillir les suffrages.

***Procédure pour élections d'officiers paroissiaux.***

7. Lorsqu'une élection à la charge de Connétable, Douzenier ou autre officier paroissial doit avoir lieu, le Recteur, les Connétables ou autres officiers paroissiaux, suivant le cas, convoqueront une assemblée des électeurs de la manière ordinaire. À la dite assemblée le Président de l'assemblée recevra les nominations des candidats, chacune desquelles doit être proposée par un électeur et secondée par un autre. Nul électeur ne pourra

proposer ou seconder plus de candidats qu'il n'y a de places vacantes.

Le Président, après avoir donné l'occasion à tout électeur présent de proposer ou de seconder tel candidat qu'il jugera à propos, déclarera les nominations closes, après quoi il ne sera plus permis de proposer ou de seconder aucun candidat. Les électeurs qui désirent demander le Scrutin Secret devront le faire immédiatement après la clôture des nominations, et après que le Président aura demandé si quelqu'un demande le Scrutin Secret.

***Président aura voix prépondérante en élection de vive voix en cas d'égalité.***

(1) Si le Scrutin Secret n'est pas demandé par trois des électeurs présents, l'élection se fera de vive voix comme par le passé, et en cas d'égalité de voix, le Président aura voix prépondérante, en outre sa voix ordinaire.

***Procédure pour Scrutin Secret en séance tenante.***

(2) Si le Scrutin Secret doit avoir lieu séance tenante, un bulletin de vote estampillé ou autrement marqué de manière qu'on puisse en constater l'authenticité sera livré à chaque électeur présent. L'électeur devra indiquer sur son bulletin le nom du candidat ou des candidats de son choix. Les bulletins devront être pliés et fermés de manière à cacher les noms et seront recueillis par deux scrutateurs nommés à cet effet. Les scrutateurs compteront les votes et en feront rapport au Président de l'assemblée qui en cas d'égalité de votes aura voix prépondérante et qui annoncera de suite aux électeurs présents le résultat de Scrutin.

***Procédure pour Scrutin Secret en séance ajournée.***

(3) Si le Scrutin Secret doit avoir lieu en séance ajournée, le jour de l'élection sera fixé par l'assemblée qui nommera aussi les Scrutateurs. Le Recteur, les Connétables ou autres officiers paroissiaux suivant le cas, donneront avis au électeurs par le moyen d'une annonce dans la *Gazette Officielle* et d'une publication dans le cadre au porche de l'Église paroissiale du jour et du lieu de l'élection. L'élection se fera alors comme est porté à l'article 6. Les Scrutateurs feront rapport du résultat du scrutin au Président de l'assemblée mentionné à l'article 4 qui en case d'égalité de votes aura voix prépondérante en outre sa voix ordinaire.

***Heures pendant lesquelles le lieu d'élection sera ouvert.***

8. Le lieu où se tiendra une élection de Connétable, Douzenier ou autre officier paroissial sera ouvert pour un jour, depuis onze heures du matin à huit heures du soir en la paroisse de St. Pierre-Port, et depuis trois heures de l'après-midi à huit heures du soir en les paroisses de la campagne.

L'élection sera sous la charge des Recteurs, des Connétables ou d'autres officiers paroissiaux suivant le cas, ou d'autres personnes qui à la requête du Président de l'assemblée pourront être autorisées par l'assemblée au jour de la nomination.

***Bulletin nuls.***

9. Seront complètement nuls dans toute élection par le Scrutin Secret:-

(1) Tous les bulletins autres que ceux dont l'usage est permis par la présente Loi.

(2) Les bulletins dont l'usage est permis:-

- (a) S'ils ne portent pas l'estampille officielle,
- (b) S'ils ne contiennent pas l'expression certaine d'un suffrage,
- (c) S'ils contiennent plus de suffrages qu'il n'y a de vacances,
- (d) S'ils contiennent un suffrage en faveur d'une personne autre que celles qui auront été dûment proposées et secondées.

***Bulletins seront gardés.***

(3) Les bulletins qui, par une écriture marque ou indication quelconque, servent à identifier un électeur.

***Frais d'élection.***

10. Après les élections les bulletins seront gardés dans une boîte scellée jusqu'à ce que le candidat ait été sermenté de la manière ordinaire.

11. Les Etats feront les frais d'élection des Jurés-Justiciers, du Prévôt de la Reine, et des et Députés des Etats, et les paroisses feront les frais de l'élection de leurs officiers respectifs.

## **Loi relative au Scrutin Secret, 1899, as amended**

Ordres en Conseil	Vol.	III, p.175
		IV, p.392
		V, p.444
		VII, p.310
		XXXIV, p.397
		XXXVI, p.478
		XXXVIII, p. 150
	XXXVIII, p.295	
No.	XIII of 2003	

## **Extract from The Deputy Bailiff (Guernsey) Law, 1969, as amended<sup>4</sup>**

### ***Functions and powers of the Deputy Bailiff.***

1. (3) The Deputy Bailiff shall be ex officio Deputy Presiding Officer of the States of Deliberation and of the States of Election and in the absence or incapacity of the Bailiff or during a vacancy in that office shall sit in, and otherwise discharge all the duties of the Presiding Officer of, the States of Deliberation and the States of Election.

(4) The Deputy Bailiff when discharging the duties of Presiding Officer of the States of Deliberation and of the States of Election shall have all the powers and be subject to all the duties of the Presiding Officer.

- (5) Nothing in the foregoing provisions of this section shall -
- (a) derogate from the powers and duties of an Acting Presiding Officer of the States of Deliberation or of the States of Election in the event of the absence or incapacity of both the Bailiff and Deputy Bailiff and in the event of the absence or incapacity of the Deputy Bailiff during a vacancy in the office of Bailiff;
  - (b) ...
  - (c) authorise the Deputy Bailiff to appoint an Acting Presiding Officer of the States of Deliberation or and Acting Presiding Officer of the States of Election.

### ***Precedence, etc. of the Deputy Bailiff.***

2. (1) The Deputy Bailiff, in the discharge of any function or in the exercise of any power appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of this Law, shall have the same precedence and prerogatives and shall be subject to the same duties and obligations as the Bailiff would have or be subject to if he were discharging that function or exercising that power.

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<sup>4</sup> Ordres en Conseil Vol.XXII, p.122 and No. XIII of 2003



## **Loi relative à la Réforme des États de Délibération of 1899, as amended<sup>5</sup>**

I and II *repealed*

### ***Douzaines seront renouvelées tous les quatre ans***

III A l'avenir les Douzaines de l'île seront renouvelées tous les quatre ans, comme suit: -

- (a) Les membres de la Douzaine de St. Pierre Port devant sortir de charge les cinq les plus anciens à la fin de chaque année;
- (b) Les membres de la Douzaine du Valle devant sortir de charge les quatre les plus anciens à la fin de chaque année;
- (c) Les membres des autres Douzaines de l'île devant sortir de charge les trois les plus anciens à la fin de chaque année;

### ***Douzenier re-élu tenu de server jusqu'à 60 ans***

IV Un Douzenier sortant de charge sera toujours ré-éligible et tenu de server comme d'ancienneté jusqu'à ce qu'il ait atteint l'âge de 60 ans. Un Douzenier ré-élu reprendra le rang qu'il occupait dans la Douzaine avant sa ré-élection. Un Douzenier qui n'est pas ré-élu lorsqu'il sortira de charge pourra refuser de server s'il est élu subséquentement à la dite charge.

V, VI, VII, VIII, IX and X *repealed*

*[See also the transitional provisions contained in The Reform (Guernsey) (Amendment) Law, 2008]*

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<sup>5</sup> Ordres en Conseil Vol. III, p.162; Vol. VI, p.262, Vol. XIII, p.288 and No. \*\* of 2008