

Island of  Guernsey

Ordinance of the States. **III**

1953

Made 14th January, 1953.
Coming into Operation .. 14th January, 1953.

**The Guernsey Tomato Marketing Board
(Elections) Ordinance, 1953.**

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The Guernsey Tomato Marketing Board (Elections) Ordinance, 1953.

THE STATES, under and by virtue of the powers in that behalf conferred upon them by the Tomato Marketing (Guernsey) Law, 1952, hereby order:—

PART I

INTERPRETATION AND APPLICATION

Interpretation

1. In this Ordinance, unless the context otherwise requires or it is otherwise specially provided, the following words and expressions have the meanings hereby respectively assigned to them, namely:—

“the Board” means the Guernsey Tomato Marketing Board;

“election” means an election of a member or members of the Board;

“the Law” means the Tomato Marketing (Guernsey) Law, 1952; and

“registered producer” includes a person entitled to exercise voting rights under the Law.

Application

2. (1) The provisions of this Ordinance shall, subject to the provisions of subsection (2) of this section, apply to every election.

(2) In the application of the provisions of this Ordinance to the first election of members of the Board—

(a) in sections three to six inclusive, nine, fourteen, seventeen to twenty inclusive and

twenty-two to twenty-four inclusive, the references to the Board shall be construed as references to the committee referred to in subsection (3) of section two of the Law; and

- (b) in sections seven and fifteen the references to the Board and its registered office shall be construed as references to the said committee and the States Office.

PART II

PROVISIONS AS TO TIME

Computation of time

3. In computing any period of time for the purposes of this Ordinance, a Sunday, Christmas Day or Good Friday shall be disregarded and any such day shall not be treated as a day for the purpose of any proceedings up to the counting of the votes nor shall the Board be obliged to proceed with the counting of the votes thereon.

PART III

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

4. (1) Not less than twenty-one days notice of the day fixed by the Board for the counting of the votes in connection with an election shall be given by the Board in the "Gazette Officielle".

(2) The said notice shall state—

- (a) the district or districts as respects which the election is to be held and the number of vacancies in relation thereto;

- (b) the place and times at which nomination papers may be obtained;
- (c) the place, date and time at and by which completed nomination papers are to be returned to the Board; and
- (d) the latest time for the return to the Board of voting papers in the event of a contest.

Nomination of candidates

5. (1) Each candidate shall be nominated by a separate nomination paper in the form set out in the First Schedule to this Ordinance, stating the full name, place of residence and description of the candidate and the district in respect of which he is nominated, and shall bear the signatures and addresses of not less than five registered producers entitled to vote in respect of that district.

(2) The Board shall provide nomination papers and shall supply any registered producer with as many nomination papers as may be required.

Consent to nomination

6. A person shall not be validly nominated as a candidate unless he consents to nomination and endorses the nomination paper accordingly: PROVIDED that if the Board is satisfied that owing to the absence of a person from Guernsey it has not been reasonably practicable for his consent in writing to be given as aforesaid, a telegram consenting to his nomination and purporting to have been sent by him or a letter or other document signed by him and consenting to his nomination and delivered at the place and within the time for the delivery of nomination papers shall be deemed for the purposes of this section to be consent given by him, and endorsement of the nomination paper shall not be required.

Place and time for return of completed nomination papers

7. Every completed nomination paper shall be returned to the Board at its registered office not later than four o'clock in the afternoon on such day as shall be appointed by the Board, being not earlier than the sixth day after the first day of the giving of the notice of election in pursuance of subsection (1) of section four of this Ordinance nor later than the sixteenth day before the day fixed for the counting of the votes.

Withdrawal of candidates

8. A candidate may withdraw his candidature by notice of withdrawal signed by him and attested by one witness and delivered at the place and within the time for the return of completed nomination papers.

Publication of nominations

9. (1) The Board shall not later than the fourteenth day before the day fixed for the counting of the votes prepare and publish a statement in the "Gazette Officielle" of the names, addresses and descriptions of persons standing nominated as given in their nomination papers, together with the names of the registered producers by whom they are nominated.

(2) The statement shall show under each district the persons standing nominated in respect of that district arranged alphabetically.

Nomination for more than one district

10. A candidate who is validly nominated for more than one district shall duly withdraw from his candidature in all those districts except one, and if he does not so withdraw he shall be deemed to have withdrawn from his candidature in all districts.

Method of election

11. If as respects any district the number of persons remaining validly nominated after any withdrawals under the provisions of this Ordinance exceeds the number of vacancies a poll shall be taken in accordance with Part IV of this Ordinance.

PART IV

CONTESTED ELECTIONS

Poll to be taken by postal ballot

12. The votes at the poll shall be given by postal ballot, the result in relation to each district shall be ascertained by counting the votes given to each candidate nominated to represent that district, and the candidate or candidates receiving the greatest number of votes shall be declared to have been elected.

Voting papers

13. (1) The ballot of every registered producer shall consist of a voting paper, and the persons shown in the statement of persons nominated and no others shall be entitled to have their names inserted as candidates in the voting paper.

(2) Every voting paper shall as respects each district be in the form set out in the Second Schedule to this Ordinance and—

- (a) shall have a distinctive number printed thereon;
- (b) shall contain the name and address of the registered producer;
- (c) shall contain the number of votes he is entitled to exercise; and
- (d) shall contain the names and other particulars

of the candidates as shown in the statement of persons nominated.

(3) The order of the names of the candidates in the voting paper shall be the same as in the statement of persons nominated.

(4) The voting papers in respect of the several districts shall be of distinctive colours as follows:—

	<i>District</i>	<i>Colour of voting paper</i>
(a)	Vale	Pink
(b)	Castel, Saint Andrew and Saint Saviour	Blue
(c)	Saint Sampson	White
(d)	Saint Martin and Saint Peter Port	Red
(e)	Forest, Saint Peter-in-the- Wood and Torteval	Green

Despatch of voting papers

14. The Board shall not later than the ninth day before the day fixed for the counting of the votes serve on every registered producer entitled to vote in the election one voting paper in respect of and relating to each district in respect of which that registered producer is entitled to vote, together with a postage prepaid or a business reply envelope for its or their return.

Return of voting papers

15. Voting papers shall be returned to the Board at its registered office not later than four o'clock in the afternoon of the day preceding the day fixed for the counting of the votes.

Voting

16. (1) A registered producer shall mark his choice of candidate or candidates by marking a cross on the voting paper—

- (a) against the name of the candidate chosen by him where there is only one vacancy; or
- (b) against the names of the candidates chosen by him where there are two or more vacancies.

(2) The application of a cross as aforesaid against the name of a candidate shall operate to give to that candidate the number of votes exercisable by the registered producer.

(3) The voting paper shall be signed by the registered producer.

Lost or spoilt voting papers

17. Subject to the provisions of section fifteen of this Ordinance, a registered producer who has lost or spoilt or inadvertently dealt with his voting paper in such a manner that it cannot be conveniently used as a voting paper may, on proving that fact to the Board's satisfaction, obtain another voting paper.

Death of candidate

18. If before the counting of the votes is commenced the Board is satisfied that a candidate has died the Board shall as respects the district concerned countermand the counting of votes and all proceedings with reference to the election in relation to that district shall be commenced afresh in all respects:

PROVIDED that no fresh nomination shall be necessary in the case of a person shown in the statement as standing nominated.

Attendance at counting of votes

19. No person other than—

- (a) members of the Board; and
- (b) servants of the Board thereunto authorised in that behalf by the Board;

may be present at the counting of the votes, unless permitted by the Board to attend.

Rejected voting papers

20. (1) Any voting paper—

- (a) on which votes are given for more candidates than the number for which the registered producer is entitled to vote; or
- (b) on which a vote is given in favour of a person other than a candidate; or
- (c) which is unmarked or the marking on which is uncertain; or
- (d) which is not signed by the registered producer;

shall, subject to the provisions of this section, be void and not counted.

(2) Where the registered producer is entitled to vote for more than one candidate, a voting paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote shall be counted.

(3) A voting paper on which a vote is marked—

- (a) elsewhere than in the proper place; or
- (b) otherwise than by means of a cross; or
- (c) by more than one mark;

shall not by reason thereof be deemed to be void (either wholly or as respects that vote), if the intention that the vote shall be for one or other of the candidates clearly appears.

- (4) The Board shall endorse—
 - (a) the word “rejected” on any voting paper which under this section is not to be counted; and
 - (b) in the case of a voting paper on which any vote is counted under subsection (2) of this section, the words “rejected in part” and a memorandum specifying the votes counted.
- (5) The Board shall draw up a statement showing the number of voting papers rejected, including those rejected in part, under the several heads of—
 - (a) voting for more candidates than a voter is entitled to;
 - (b) voting for a person other than a candidate;
 - (c) not marked or wholly void by reason of uncertain marking;
 - (d) not signed; and
 - (e) rejected in part.

Equality of votes

21. 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.

PART V

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Declaration of result

22. (1) In an uncontested election as respects any district, the statement of persons nominated shall also declare the person or persons elected.

(2) In a contested election as respects any district, when the result of the poll has been certified under the provisions of section twenty of the Law by the independent person, the Board shall forthwith publish in the "Gazette Officielle" the name or names of the person or persons elected and the total number of votes given for each candidate whether elected or not.

PART VI

SUPPLEMENTAL

Retention of documents

23. The Board shall retain for six months all documents relating to an election and on the expiry of the said period the Board shall destroy the said documents.

General duty of Board

24. It shall be the general duty of the Board at an election to do any act or thing that may be necessary for effectually conducting the election under the provisions of this Ordinance.

FIRST SCHEDULE Section five
Form of nomination paper
NOMINATION PAPER

ELECTION OF A MEMBER of the Guernsey Tomato Marketing Board to represent the district comprising

We, the undersigned, being registered producers entitled to vote in respect of the said district, do hereby nominate the undermentioned person as a candidate at the said election.

Candidate's surname	Other names in full	Place of Residence	Description

Signatures	Address
1.
2.
3.
4.
5.

Consent of Candidate to nomination

I, _____ the above-mentioned candidate, do hereby consent to the foregoing nomination.

.....
 (Signature of candidate)

NOTE: This form must be returned completed to not later than four o'clock in the afternoon of the 19.....

SECOND SCHEDULE

Form of voting paper

VOTING PAPER No.

District comprising the parish(es) of

Election of one* member(s) of the Guernsey Tomato Marketing Board.

..... day of, 19.....

Name and address of registered producer:

.....
.....
.....
.....

Number of votes to which entitled:

IMPORTANT : The registered producer should carefully read the notes for the guidance of registered producers set out below.

	Candidates	Mark X Here

.....
(Signature of voter)

Notes for the guidance of registered producers

1. This voting paper must be returned not later than four o'clock in the afternoon of the 19.....
2. The registered producer may vote for not more than one* candidate(s).
3. The registered producer should place a cross on the righthand side of the voting paper, opposite the name* of the candidate(s) for whom he votes, thus X
4. If the registered producer votes for more than one* candidate(s) his voting paper will be void and will not be counted.
5. The registered producer must sign the voting paper.

* To be modified where there is more than one vacancy.

JAMES E. LE PAGE,

Her Majesty's Greffier.