

ORDER IN COUNCIL

II
2007

ratifying a Projet de Loi

ENTITLED

The Reform (Guernsey) (Amendment) Law, 2006

(Registered on the Records of the Island of Guernsey
on the 19th February, 2007.)



2007

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

19th day of February, 2007 before Geoffrey Robert Rowland, Esquire, Bailiff; present:- David Charles Lowe, OBE, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, Keith Bichard, OBE, Michael Henry De La Mare David Osmond Le Conte Esquires, The Reverend Peter Gerald Lane, Susan Mowbray, and Barbara Jean Bartie, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 14th day of December, 2006 approving and ratifying the Projet de Loi entitled "The Reform (Guernsey) (Amendment) Law, 2006", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Procureur, thereon, ORDERED that the said Order in Council be registered on the records of this Island.



At the Court at Buckingham Palace

THE 14TH DAY OF DECEMBER 2006

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

"In accordance with Your Majesty's General Order of Reference of 22 February 1952 the Committee have considered a Petition of the States of Guernsey:

"That, in pursuance of their Resolutions of 29th October 2003, 26th May 2005 and 27th April 2006, the States of Deliberation at a meeting on 28th June 2006 approved a *Projet de Loi* entitled *The Reform (Guernsey) (Amendment) Law 2006* and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction *The Reform (Guernsey) (Amendment) Law 2006*, and to order that it shall have force of law in the Islands of Guernsey, Herm and Jethou.

"The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it".

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Islands of Guernsey, Herm and Jethou and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

A. K. Galloway

PROJET DE LOI

ENTITLED

The Reform (Guernsey) (Amendment) Law, 2006

THE STATES, in pursuance of their Resolutions of the 29th October, 2003^a, the 26th May, 2005^b and the 27th April, 2006^c, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou:-

Amendment of Law of 1948.

1. For article 8(c) of the Reform (Guernsey) Law, 1948, as amended^d substitute the following subparagraphs -

"(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

^a Article XXV of Billet d'État No. XXI of 2003.

^b Article VII of Billet d'État No. VI of 2005.

^c Article II of Billet d'État No. VII of 2006.

^d Ordres en Conseil Vol. XIII, p.288; Vol. XIV, p.407; Vol. XV, p.279; Vol. XVI, p.178; Vol. XVIII, p.275; Vol. XIX, pp.84 and 140; Vol. XXII, p.122; Vol. XXIII, p.476; Vol. XXV, p.326; Vol. XXVI, p.255; Vol. XXIX, p.56; Vol. XXX, p.16; Vol. XXXI, p.164; Vol. XXXII, p.41; No. V of 1993; No. II of 1996; No. III of 1998; No. X of 1998; No. XIII of 2003; No. III of 2004; also amended by Ordinances XXXIII of 2003 and III of 2004.

that date, or

- (ii) for a period or periods of at least five years in the aggregate at any time before that date,".

2. After article 20 of the Reform (Guernsey) Law, 1948, as amended, insert the following articles -

"Absolute privilege for Members in 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
 - (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 such decision shall have effect for the purposes of -

- (a) this Law,
- (b) the States Committees (Constitution and Amendment) (Guernsey) Law, 1991^e and any resolution of the States of Deliberation

^e Order in Council No. XX of 1991.

thereunder, and

- (c) the Rules of Procedure of the States of Deliberation,

the provisions of which shall apply accordingly.

- (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),

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^f, and
- (d) to include in a programme service within the meaning of section 201 of the Broadcasting Act 1990^g,

and related expressions shall be construed accordingly,

^f An Act of Parliament (1949 c. 54); extended to the Bailiwick by United Kingdom S.I. 1952/1900.

^g An Act of Parliament (1990 c. 42); extended to the Bailiwick by United Kingdom S.I. 1991/1709.

"States" means the States of Guernsey.

Power to amend by Ordinance.

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

(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 of the provisions of this Law."

Citation.

3. This Law may be cited as the Reform (Guernsey) (Amendment) Law, 2006.