

# **The Reform (Election of President) (General Provisions)**

## **(Sark) Ordinance, 2012**

**THE CHIEF PLEAS OF SARK**, in pursuance of their Resolutions of the 6th October, 2010 and the 10th November, 2010, and in exercise of the powers conferred on them by section 22A(6) of the Reform (Sark) Law, 2008, as amended<sup>a</sup>, hereby order:-

### **Nomination of candidates.**

1. (1) A nomination of a person as a candidate for office as President of the Chief Pleas ("the President") shall be made by a Conseiller in the form set out in Schedule 1 to this Ordinance and shall be delivered to the Greffier, or such other officer as the Chief Pleas may by resolution designate ("the returning officer"), in accordance with the provisions of this Ordinance.

(2) A nomination shall be seconded by a Conseiller.

(3) Nominations under this section shall be delivered during such period, and during such hours, as the returning officer shall appoint, such period to expire not later than 10 days prior to the date appointed for the election, prior notice having been given in the official notice boxes of the period and times appointed for this purpose.

(4) Every such nomination shall be accompanied by a declaration in writing signed by the candidate stating that he is, or will on the date of the election be, eligible to stand for election under the provisions of section 22A of the

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<sup>a</sup> Order in Council No. V of 2008; amended by Nos. VI and XXVII of 2008; No. XXVII of 2008; No. XIV of 2010 and No. XII of 2011.

Law, and that he is willing to serve as President if elected.

(5) For the avoidance of doubt, the returning officer may accept the nomination of a person to whom the provisions of section 22A(4) of the Law, or the provisions of section 26 of the Reform (Sark) (Amendment) (No. 2) Law, 2010<sup>b</sup> ("the 2010 Law"), would apply; or the nomination of a person who otherwise is, as at the date of nomination, ineligible to be elected as President but in respect of whom the returning officer is satisfied that he will be so eligible on the date appointed for the election.

(6) A candidate may withdraw his consent to serve as President by written notice delivered to the returning officer at any time before the end of the period appointed under subsection (3) for the delivery of nominations.

(7) Upon receipt of a nomination in accordance with this section the returning officer shall take all reasonable steps to satisfy himself that the nominated person is, or will on the date appointed for the election be, eligible to be elected as President, or that he is a person to whom section 22A(4) of the Law or section 26 of the 2010 Law would apply, and, if he is so satisfied, shall sign the declaration on the nomination form declaring that the candidate has been duly nominated.

(8) The returning officer shall, not less than 7 days prior to the date fixed for the holding of an election, publish the nominations made by notice in the official notice boxes.

**Conduct of election.**

2. (1) Subject to subsection (3), the election for the office of

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<sup>b</sup> Order in Council No. XII of 2011.

President shall be conducted by secret ballot at a meeting of the Chief Pleas convened for that purpose.

(2) The Seneschal shall preside over the meeting of the Chief Pleas for the purpose only of the election of the President.

(3) In the event that there is only one candidate for the office of President, that candidate shall be declared elected without a secret ballot provided that such election is approved by resolution of the Chief Pleas.

(4) Prior to the secret ballot, the Conseillers who have proposed and seconded the nomination of each candidate shall be given the opportunity to make representations in support of their nomination but no other speeches shall be permitted.

(5) The conduct of the secret ballot shall be supervised by the returning officer who shall deliver a voting paper, on which is inscribed the names of each candidate for election, to each Conseiller present at the meeting at which the election is held.

(6) Each Conseiller shall indicate his choice of candidate by marking an "X" against the name of such candidate and his voting paper shall be returned to the returning officer for inclusion in the ballot.

(7) The counting of the votes shall be carried out by the returning officer and such person or persons appointed by him to assist.

(8) The successful candidate shall be the candidate who receives the largest number of votes in the secret ballot and the returning officer shall deliver the result of the ballot to the Seneschal who shall declare such successful

candidate elected as President.

**Procedure on equality of votes.**

3. (1) If at an election there is an equal number of votes for two or more candidates, and the addition of one vote to his poll would have entitled any such candidate to be declared elected -

(a) a recount of the votes shall be carried out forthwith, and

(b) in the event that the result of such recount is that there remains an equal number of votes for two or more candidates, a further ballot shall be held, as soon as reasonably practicable, in respect of such candidates only and without further nomination.

(2) The provisions of subsection (1) may, at the discretion of the Seneschal, apply to any further ballot held under subsection (1)(b).

**Oath of office.**

4. The oath of office, or a solemn affirmation pursuant to section 3(2) of the Law, to be taken, or made, before the Court of the Seneschal by the person appointed as the President, shall be in the form set out in Schedule 2 to this Ordinance.

**Interpretation.**

5. (1) In this Ordinance, unless the context otherwise requires -

"**election**" means an election for the office of President of the Chief Pleas held under section 22A of the Law,

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**Greffier**" includes the Deputy Greffier,

"**the Law**" means the Reform (Sark) Law, 2008,

"**returning officer**", in relation to any election, means such person, being the Greffier or other officer designated by the Chief Pleas in accordance with section 1(1), who is the returning officer for the purpose of that election,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

(2) The Interpretation (Guernsey) Law, 1948<sup>c</sup> applies to the interpretation of this Ordinance.

(3) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Citation.**

6. This Ordinance may be cited as the Reform (Election of President) (General Provisions) (Sark) Ordinance, 2012.

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<sup>c</sup> Ordres en Conseil Vol. XIII, p. 355.



FORM OF OATH OF OFFICE

**Oath of Office**

“You swear and promise upon the faith and truth that you owe to God that you will discharge faithfully and well the office of President of the Chief Pleas of this Island and that you will perform promptly all and any duty appertaining to that office. So help you God.”

**Solemn Affirmation of Office**

“You solemnly, sincerely and truly declare and affirm that you will discharge faithfully and well the office of President of the Chief Pleas of this Island and that you will perform promptly all and any duty appertaining to that office.”