

ORDINANCE OF THE CHIEF PLEAS OF SARK

Ordinance No. X of 2016

**The Reform (Elections of Speaker and Deputy Speaker)
(General Provisions) (Sark) Ordinance, 2016**

THE CHIEF PLEAS OF SARK, in exercise of the powers conferred on them by section 22A(6) and (12) and 22B(2) of the Reform (Sark) Law, 2008, as amended^a, and section 38(2) of the Reform (Sark) (Amendment) Law, 2016^b, hereby order:-

Nomination of candidates.

1. (1) A nomination of a person as a candidate for the office of Speaker of the Chief Pleas ("Speaker"), or the office of Deputy Speaker of the Chief Pleas ("Deputy Speaker"), 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 ("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 appointed for the election be, eligible to stand for election under the provisions of section 22A of

^a Order in Council No. V of 2008; amended by Nos. VI and XXVII of 2008; No. XIV of 2010; No. XII of 2011; No. XI of 2014 and No. IX of 2016.

^b Order in Council No. IX of 2016.

the Law, and that he is willing to serve as Speaker or as Deputy Speaker, as the case may be, 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 would apply (if the person were elected as Speaker or Deputy Speaker); or the nomination of a person who otherwise is, as at the date of nomination, ineligible to be elected as Speaker or as Deputy Speaker, as the case may be, 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 Speaker or as Deputy Speaker, as the case may be, by written notice delivered to the returning officer at any time before the expiry 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 Speaker or as Deputy Speaker, as the case may be, or that he is a person to whom section 22A(4) of the Law would apply (if he were elected as Speaker or Deputy Speaker), 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 appointed for the holding of an election, publish the nominations made in respect of that election by notice in the official notice boxes.

Conduct of election.

2. (1) Subject to subsection (3), an election for the office of Speaker or Deputy Speaker 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 Speaker.

(3) In the absence or incapacity of the Speaker, the Greffier shall preside over the meeting of the Chief Pleas for the purpose only of the election of the Deputy Speaker and in such a case the Greffier shall not be the returning officer designated under section 1(1).

(4) In the event that there is only one candidate for the office of Speaker, or for the office of Deputy Speaker, as the case may be, that candidate shall be declared elected without a secret ballot provided that such election is approved by resolution of the Chief Pleas.

(5) 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.

(6) 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.

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

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

(9) 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 presiding officer who shall declare such successful candidate elected as Speaker, or as Deputy Speaker, as the case may be.

(10) Where an election for the office of Speaker is held on the same day as an election for the office of Deputy Speaker, a candidate who has been nominated for the office of Speaker and for the office of Deputy Speaker, and who is declared elected as Speaker pursuant to section 2(9), shall thereupon be deemed to have withdrawn his consent to serve as Deputy Speaker; and the election for the office of Deputy Speaker shall proceed in accordance with this section as if that candidate had not been nominated for such office.

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 those candidates only and without further nomination.

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

Oath of office.

4. The oath of office under section 22A(12) of the Law, 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 Speaker, or as the Deputy Speaker, 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 Speaker, or Deputy Speaker, as the case may be, of the Chief Pleas held under section 22A of the Law,

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

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

"**presiding officer**" means the person presiding over an election in accordance with this Ordinance,

"**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, and "**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^c applies to the

^c Ordres en Conseil Vol. XIII, p. 355.

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.

(4) References in this Ordinance to section 22A of the Law, or a provision thereof, shall, in the case of an election for the office of Deputy Speaker, be deemed to refer to that section, or that provision, as extended by section 22B(2) of the Law.

Repeal.

6. The Reform (Election of President) (General Provisions) (Sark) Ordinance, 2012 is repealed.

Citation.

7. This Ordinance may be cited as the Reform (Elections of Speaker and Deputy Speaker) (General Provisions) (Sark) Ordinance, 2016.

Commencement.

8. This Ordinance shall come into force on 1st January, 2017.

FORM OF NOMINATION OF CANDIDATE

**Nomination paper for a candidate for the office of Speaker/Deputy Speaker at
the election to be held on [date]**

WE, the undersigned, being Conseillers of the Chief Pleas of Sark, hereby nominate [NAME OF CANDIDATE], to be a candidate for election as Speaker/Deputy Speaker of the Chief Pleas of Sark. The said [name of candidate] has given his/her consent to his/her nomination and we request that s/he be declared duly nominated.

Proposed by [Name of Proposer] [Signature of Proposer]

Seconded by [Name of Seconder] [Signature of Seconder]

I hereby give my consent to be nominated as a candidate for election as Speaker/Deputy Speaker of the Chief Pleas of Sark. I solemnly affirm that I am, or will on the date appointed for the election be, eligible to be so elected under the provisions of the Reform (Sark) Law, 2008.

.....

Dated

.....

Candidate

This nomination paper having been duly delivered by one of the above-named, the proposer and seconder being Conseillers of the Chief Pleas, and being satisfied that the said [NAME OF CANDIDATE] is, or will on the date appointed for the election be, eligible to be elected as Speaker/Deputy Speaker, I hereby declare [NAME OF CANDIDATE] to be duly nominated to stand as a candidate for election as Speaker/Deputy Speaker of the Chief Pleas of Sark.

.....

Dated

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Returning Officer

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 Speaker/Deputy Speaker 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 Speaker/Deputy Speaker of the Chief Pleas of this Island and that you will perform promptly all and any duty appertaining to that office.”