



GUERNSEY STATUTORY INSTRUMENT

2018 No. 30

The Electoral System Referendum (Miscellaneous Provisions) Regulations, 2018

<i>Made</i>	<i>5th July, 2018</i>
<i>Coming into operation</i>	<i>5th July, 2018</i>
<i>Laid before the States</i>	<i>, 2018</i>

THE STATES' ASSEMBLY & CONSTITUTION COMMITTEE, in exercise of the powers conferred on it by sections 7 and 30 of the Electoral System Referendum (Guernsey) Law, 2018^a and all other powers enabling it in that behalf, hereby makes the following regulations:-

Amendment of Schedule 3 to the Law.

1. (1) Schedule 3 to the Electoral System Referendum (Guernsey) Law, 2018 is amended as follows.

(2) In paragraph 1(1), after "43 (Persons physically incapable of recording a vote)," insert "45A (Expenditure by persons other than candidates)," and after "46 (Obligation of secrecy)" for "and" substitute ", 49 (Interpretation) and".

(3) After paragraph 1(2), insert –

"(2A) In article 27(4), for "at any election" substitute "in the referendum".".

^a Order in Council No. VII of 2018.

(4) In paragraph 1(4), for "In article 27A(2)(a)," substitute "In article 27A(2), for "an election" substitute "the referendum" and for "at that election" substitute "in the referendum", and in paragraph (2)(a),".

(5) After paragraph 1(12), insert –

"(12A) In article 45A –

(a) for the heading, substitute "Donations by individuals and bodies to campaign groups.", and

(b) for paragraphs (1) and (2), substitute –

"For the avoidance of doubt, nothing in this Law, or in the Electoral System Referendum (Guernsey) Law, 2018 (including but not limited to section 17), shall be taken to restrict the right of individuals and bodies to donate money to campaign groups within the meaning of that Law."

(6) After paragraph (13) insert –

"(14) In article 49, delete the definition of "Election"."

Interpretation.

2. (1) In these Regulations -

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance,

and other expressions have the meaning given in the Law.

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

Citation and commencement.

3. These Regulations may be cited as the Electoral System Referendum (Miscellaneous Provisions) Regulations, 2018, and shall come into force on the day they are made.

Dated this 5th day of July, 2018

P. J. ROFFEY

President, States' Assembly & Constitution Committee

For and on behalf of the Committee



EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made by the States' Assembly & Constitution Committee, amend Schedule 3 (Application of Provisions of Reform (Guernsey) Law, 1948 and Reform

(Amendment) (Guernsey) Law, 1972) to the Electoral System Referendum (Guernsey) Law, 2018 ("the Law"). The main effect is to make clear that donations to campaign groups are not referendum expenses within the meaning of the Law and so do not come within the £100 limit on referendum expenses incurred by or on behalf of any individual or body (except a campaign group, in respect of which a different, higher limit applies) set out in section 17 of the Law. They came into force on the day they were made.