

# STATES OF JERSEY

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## DRAFT CONNÉTABLES (JERSEY) LAW 200

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Lodged au Greffe on 4th December 2007  
by the Privileges and Procedures Committee

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STATES GREFFE





Jersey

## **DRAFT CONNÉTABLES (JERSEY) LAW 200**

### **European Convention on Human Rights**

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Chairman of the Privileges and Procedures Committee has made the following statement –

In the view of the Chairman of the Privileges and Procedures Committee the provisions of the Draft Connétables (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Connétable D.F. Gray of St. Clement**

## REPORT

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This draft Law gives effect to the decision of the States taken on 19th July 2007 (Composition and Election of the States Assembly: election dates for Connétables – P.54/2007) that a single election day for all Connétables should be established and that the 3 year term of office for Connétables should be extended to 4 years. In addition to establishing the principle of a single election day for Connétables, this draft Law also sets out transitional measures to move from the current election system for Connétables to the new system.

Article 1 of the Law specifies that the term of office of Connétables is extended from 3 years to 4 years. The terms of office of all current Connétables are set out in the Appendix and, as can be seen, after the elections in St. Clement and St. Helier at the start of 2008 (that will be unaffected by this Law as it will not yet be debated there are no elections due until the autumn of 2008. The 4 year term of office will therefore start for all Connétables elected in the Connétables election in October 2008.

Article 2 refers to the date of the Connétables election which will be on the Wednesday in the 7 day period from 15th October (the Public Elections (Jersey) Law 2002 currently specifies that public elections must be held on a Wednesday). Although the decision of the States in July referred to the Connétables' election being held on a different day from the elections for Senators and Deputies, PPC did not consider that was necessarily desirable and therefore agreed with the Comité des Connétables that the States should be asked to vary their decision and agree that the election for Connétables should take place on the same day as the elections for Senator. PPC was conscious that concern was expressed in St. Brelade in 2005 when 3 separate elections were held in quick succession (Senators, Connétable and Deputies) and the Committee fears that it would have led to 'election fatigue' if this 3 election day process had been established across the Island on a permanent basis.

PPC believes that the 'Island wide' issues raised in a senatorial election are normally different from the issues in an election for Connétable, and it is therefore a logical combination to hold these 2 elections on one day. Article (c) (see below) will prevent a person from being nominated for the senatorial and Connétables elections at the same time. There has, historically, been more movement between the position of Deputy and Connétable, and this made the alternative option of combining Deputies' and Connétables' elections on one day less desirable.

Articles 3 and 4 refer to the procedures to be followed for the filling of any casual vacancy arising in the office of Connétable. The Law codifies the practice followed in Grouville in 2003 that a Connétable filling a casual vacancy only serves until the expiry of the term of the person he or she is replacing. This rule will, of course, be an essential feature of having a fixed election date for all Connétables. If a vacancy occurs after 15th August in a year when there is due to be a Connétables' election, it would not be worthwhile to fill the vacancy for a very short period through a by-election, and the vacancy will therefore be filled in the ordinary election in October.

Articles 5, 6 and 7 make certain consequential amendments to other enactments.

Article 5 amends the Code of 1771 to remove reference to the current 3 year term for Connétables. An amended Article, referring only to the election of Vingteniers (who are currently referred to in the Code alongside Connétables), is inserted instead. (The term of office of Centeniers is now covered by the Centeniers (Terms of Office) (Jersey) Law 2007 and the term of Constable's Officers is found in the Loi (1838) sur les officiers du Connétable.)

Article 6 makes a minor technical change to the Police Force (Jersey) Law 1974 to refer to this new Law. The opportunity has also been taken to insert reference to the recently approved Law on the election of Centeniers.

Once amended, Article 4(2) of the 1974 Law would read as follows –

#### 4 Composition of Honorary Police

- (1) The Honorary Police shall comprise, as hitherto, one Connétable for each parish in Jersey and such number of Centeniers, Vingteniers and Constable's Officers for each parish or Vingtaine as the States shall specify by law.
- (2) *Except as provided in the Centeniers (Terms of Office) (Jersey) Law 2007 and the Connétables (Jersey) Law 200* members of the Honorary Police shall continue to be elected in the manner specified prior to the coming into force of this Law.

Article 7(a) and (b) makes a small technical change to the Public Elections (Jersey) Law 2002 to insert reference to this Law and make it clear that the Royal Court must order an election for Connétables for the period specified in this Law.

Once amended, Article 17(1) of the 2002 Law would read as follows –

## **17 Order for election**

- (1) The Royal Court shall make an order for the holding of a public election when such an election is required under Article 6 or 13 of the States of Jersey Law 2005 *or under Article 2 or 3 of the Connétables (Jersey) Law 200* or is otherwise required.

Article 7(c) contains a new restriction which, in PPC's view, is a necessary consequence of the proposal to hold senatorial and Connétables elections on the same day every 4 years. The Committee considers that, in practice, it is unlikely that one person would have wished to have stood for election for the 2 positions at the same time and even if this had been possible, it is unlikely that the electorate would have been prepared to elect them to both positions. The practical consequences of allowing this would, however, have been unfortunate if the same person had been elected as both a Senator and a Connétable on the same day. The successful candidate would have had to choose between the 2 positions, meaning that a bye-election would immediately have been necessary to fill the other position. Article 7(c) therefore makes it impossible for a person to be nominated as both a Connétable and a Senator when the elections are held on the same day. If a sitting Connétable wishes to stand as a Senator, or vice versa, he or she will need to accept that they cannot also be nominated for re-election in their current role. The restriction will not apply to the filling of any casual vacancies that arise during the 4 year cycle.

Article 8 is a very important Article setting out the transitional arrangements that will ensure that the single election date is in place in all 12 parishes by 2012 at the very latest.

PPC was encouraged to note that in the Report of the Comité des Connétables that accompanied P.54/2007 that the Comité (as constituted at that time) was unanimous that all Connétables should voluntarily step down to allow a first election involving all 12 Parishes to take place in 2008. PPC has nevertheless received legal advice that it would be unwise to try to force all current incumbents to leave office early, as this could make the legislation open to challenge on human rights grounds and possibly thereby delay the introduction of the first election. PPC is therefore proposing a voluntary system that will enable any Connétable who wishes to do so to resign from office in advance of the first ordinary election for Connétables in October 2008. Those who do this will then, of course, be able to stand for re-election in that election if they wish to do so. In practice, if the Connétables follow their earlier unanimous indication, there could be an election for all 12 on one day from 2008.

Because Connétables cannot be forced to resign early, Article 8(1) makes it clear that this Law does not in any way affect the existing term of office of any Connétable elected before the Law comes into force. This means that, with 2 exceptions, no existing Connétable needs to be affected by the Law and the present officeholders can choose to continue in office until the normal end of their term of office shown in the Appendix. The 2 exceptions who are directly affected are the Connétables of Trinity and St. Brelade as their current term of office coincidentally finishes very near to the proposed single election date and the elections to replace them would, irrespective of the introduction of this Law, take place at this time. Article 8(3)(a) therefore makes it clear that the election for Connétable in these 2 parishes (the only ones where the Connétable's term of office expires in 2008) will take place on the day of the first Connétables' elections in October 2008.

Paragraphs (4) to (6) of Article 8 set out the procedure that a Connétable must follow if he wants to step down from office voluntarily. Notice of resignation must be given to the Attorney General no later than Friday 15th August 2008 and the Attorney General will then notify the Court accordingly so that an election can be ordered in the parish concerned. Once a resignation has been submitted it cannot be withdrawn. The resignation of the Connétable concerned will only become effective when the successful candidate in the election is sworn in, so any Connétable concerned who gives notice can continue in office until after the election.

Article 8(7) explains what will happen in the case of a Connétable who decides not to step down from office for the October 2008 election. In this case the next term of office for that Connétable will be shortened so that it ends on the day of the Connétables' election date in 2012, meaning that from that year it is certain that all

12 Connétables will be elected on one single day every 4 years.

Article 9 gives the usual citation and also sets out the rather unusual commencement provision. If this draft Law is adopted by the States in early 2008, the Committee sees no reason why it should not be sanctioned by Her Majesty in Council and registered by the Royal Court in good time to allow the proposed system to be implemented as planned from August 2008. Article 9(3) nevertheless provides a fallback position if, for any reason, the Law is not registered by 8th August 2008. After that date it would be too late for the system to be implemented for 2008 and the Law would then only come into force through an Appointed Day Act. In addition the States would then be able, by Regulation, to amend Article 8 to make sense of the Law for a later commencement date.

### **Financial and manpower implications**

There are no additional financial and manpower implications and the combination of senatorial and Connétables' elections on one single day may, in fact, lead to some small saving.

### **European Convention on Human Rights**

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 30th November 2007 the Chairman of the Privileges and Procedures Committee made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Chairman of the Privileges and Procedures Committee the provisions of the Draft Connétables (Jersey) Law 200- are compatible with the Convention Rights.

APPENDIX

<b>Parish</b>	<b>Connétable</b>	<b>Expiry of term of office</b>
Trinity	John Le Sueur Gallichan	04.11.08
St. Brelade	Michael Keith Jackson	11.11.08
St. Lawrence	Geoffrey William Fisher	03.02.09
St. Martin	Silvanus Arthur Yates	30.06.09
St. Mary	Kenneth Alan Le Brun	25.08.09
St. Ouen	Kenneth Priaulx Vibert	25.08.09
St. John	Graeme Frank Butcher	08.12.09
St. Peter	Thomas John du Feu	06.07.10
Grouville	Daniel Joseph Murphy	27.07.10
St. Saviour	Peter Frederick Maurice Hanning	24.08.10
St. Clement	Derek Frederick Gray	11.01.11
St. Helier	<i>(Election on 9th January 2008)</i>	11.01.11

## Explanatory Note

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*Article 1* provides for Connétables to be elected for a term of office of 4 years and for a Connétable to retire upon the person elected to fill his or her place taking the oath of office.

*Article 2* provides for an ordinary election for Connétables to be held, in every fourth year, in the period 15th to 21st October, being the same period within which the ordinary elections for Senators are to be held. Because, under the Public Elections (Jersey) Law 2002, a public election must be held on a Wednesday, and in the event that the States of Jersey (Amendment No. 5) Law 200 (P.183/2007) is adopted, there will be a single election day for Connétables and Senators.

*Article 3* requires the Royal Court to make an order for an election to fill a casual vacancy in the office of Connétable as soon as is convenient. However, if the vacancy occurs after 15th August in a year in which an ordinary election is due, the vacancy is instead filled at the ordinary election. The States may, by Regulations, amend the cut-off date.

*Article 4* codifies the rule that a person filling a casual vacancy in the office of Connétable holds office for the remainder of the term of office of the Connétable he or she replaces.

*Article 5* amends the Code of 1771 so as to remove the rule that a Connétable is elected for a term of 3 years.

*Article 6* amends the Police Force (Jersey) Law 1974 consequentially upon the provision for election of Connétables made by this Law. The opportunity is also taken to make a consequential reference to the arrangements for election of Centeniers made by the Centeniers (Terms of Office) (Jersey) Law 2007.

*Article 7* amends the Public Elections (Jersey) Law 2002. The first amendment is merely consequential, widening the requirement upon the Royal Court to order a public election to include an election required by this Law. The second amendment applies where an ordinary election for Senators and an ordinary election for Connétables are to be held at the same time. It prohibits a person standing as a candidate for election both as a Senator and as a Connétable.

*Article 8* makes arrangements for the transition from the present arrangements whereby Connétables are elected for 3 years and their terms of office expire on different dates to the new arrangements in this Law. The first ordinary election for Connétables is set for October 2008. At the first ordinary election, the two Connétables whose terms of office expire in 2008 (specifically, in November) shall retire. In addition, every Connétable who gives notice to the Attorney General, on or before 15th August 2008, shall retire at the first ordinary election. Every other Connétable shall continue in office until the expiry of his or her 3 year term. His or her successor shall then be elected for a term expiring at the ordinary election in 2012. The States are given power, by Regulations, to make further transitional arrangements.

*Article 9* provides for the citation of the Law. The Law needs to be in force before the process for ordering the first ordinary election commences and therefore is expressed to come into force at the earliest available opportunity, being the day it is registered in the Royal Court. However, contingency provisions are needed in the event that the Law is not registered in time. Accordingly, if the Law is not registered on or before 8th August 2008, it will instead be brought into force by Appointed Day Act made by the States and the States will also have power to defer the changes made by it by amending Article 8.







Jersey

## DRAFT CONNÉTABLES (JERSEY) LAW 200

### Arrangement

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#### Article

- 1 [Term of office of Connétables](#)
- 2 [Ordinary elections for Connétables](#)
- 3 [Casual vacancy in office of Connétable](#)
- 4 [Term of office of person filling casual vacancy](#)
- 5 [Code of 1771 amended](#)
- 6 [Police Force \(Jersey\) Law 1974 amended](#)
- 7 [Public Elections \(Jersey\) Law 2002 amended](#)
- 8 [Transitional arrangements](#)
- 9 [Citation](#)





Jersey

## DRAFT CONNÉTABLES (JERSEY) LAW 200-

**A LAW** to make provision as to the terms of office of the Connétables of the 12 Parishes of Jersey and arrangements for their election, and for connected purposes

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*Adopted by the States* [date to be inserted]

*Sanctioned by Order of Her Majesty in Council* [date to be inserted]

*Registered by the Royal Court* [date to be inserted]

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

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### **1 Term of office of Connétables**

- (1) Connétables shall be elected for a term of 4 years.
- (2) Notwithstanding the term of office stated for Connétables in paragraph (1), a Connétable shall retire on his or her place being filled by an ordinary election.
- (3) Where a Connétable resigns before the expiry of his or her term of office, he or she shall continue in office until his or her place is filled by an election ordered under Article 3(2) or, by virtue of Article 3(3), an ordinary election.
- (4) The place of a Connétable is filled upon the person elected to fill the place taking the oath of the office.

### **2 Ordinary elections for Connétables**

An ordinary election for Connétables shall be held in the period of 7 days beginning on 15th October in every fourth year.

### **3 Casual vacancy in office of Connétable**

- (1) This Article applies where a casual vacancy occurs in the office of Connétable, being a vacancy occurring otherwise than upon retirement of the officeholder under Article 1.
- (2) Subject to paragraph (3), the Royal Court shall, on being informed of the vacancy, make an order under the Public Elections (Jersey) Law 2002<sup>[1]</sup> for an election to fill the vacancy to be held as soon as is convenient.
- (3) Where the vacancy occurs after the 15th August immediately preceding an ordinary election for Connétables –
  - (a) the Royal Court shall not order an election to fill the vacancy; and
  - (b) the vacancy shall be filled by that ordinary election.

(4) The States may by Regulations amend the date in paragraph (3).

#### **4 Term of office of person filling casual vacancy**

A person elected to fill a casual vacancy in the office of Connétable shall hold office until the day on which the person in whose place he or she is elected would have retired under Article 1, and shall then retire.

#### **5 Code of 1771<sup>[2]</sup> amended**

- (1) The second paragraph following the heading “CONNETABLE” shall be deleted.
- (2) After the heading “REGITRES” and the paragraphs following it there shall be inserted the following heading and paragraph –

“VINGTENIERS

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Les Vingteniers ne continueront point en la charge plus de trois ans, à moins qu’ils n’y soient élus de nouveau, et qu’ils consentent de l’exercer.”.

#### **6 Police Force (Jersey) Law 1974 amended**

At the beginning of Article 4(2) of the Police Force (Jersey) Law 1974<sup>[3]</sup> there shall be inserted the words “Except as provided in the Centeniers (Terms of Office) (Jersey) Law 2007<sup>[4]</sup> and the Connétables (Jersey) Law 200,”.

#### **7 Public Elections (Jersey) Law 2002 amended**

In the Public Elections (Jersey) Law 2002<sup>[5]</sup> –

- (a) in Article 17(1) of after the words “States of Jersey Law 2005” there shall be inserted the words “or under Article 2 or 3 of the Connétables (Jersey) Law 200,”;
- (b) Article 18 shall be renumbered as paragraph (1) of that Article;
- (c) after paragraph (1) of Article 18 there shall be added the following paragraph–

“(2) Where, in a year, there is to be both an ordinary election for Senators, pursuant to Article 5(1) of the States of Jersey Law 2005<sup>[6]</sup> and an ordinary election for Connétables, pursuant to Article 2 of the Connétables (Jersey) Law 200, a person may be admitted either as a candidate for election as a Connétable or as a candidate for election as a Senator, but not both.”.

#### **8 Transitional arrangements**

- (1) Except as provided in this Article, the terms of office of the Connétables who are in office on the day this Law comes into force, and of any person who fills a casual vacancy in such an office, are unaffected by this Law.
- (2) The first ordinary election for Connétables shall be held in 2008.
- (3) The following Connétables shall retire upon their places being filled by the first ordinary election –

- (a) every Connétable whose term of office expires in 2008;
  - (b) every other Connétable who has delivered notice in accordance with paragraph (4).
- (4) A Connétable may, on or before 15th August 2008, deliver to the Attorney General notice, in writing, of his or her resignation, for the purpose of his or her place being filled by the first ordinary election.
  - (5) A notice delivered under paragraph (4) cannot be withdrawn.
  - (6) Where a Connétable who has delivered notice in accordance with paragraph (4) subsequently ceases for any reason, to hold office and, before the first ordinary election, a person is elected to fill the casual vacancy in the office, that person shall be bound by the notice delivered by his or her predecessor.
  - (7) Notwithstanding Article 1(1), upon the expiry of the term of office of any Connétable whose place is not filled by the first ordinary election, the person elected to fill the place shall be elected for a term expiring upon his or her place being filled at the ordinary election for Connétables in 2012.
  - (8) The States may, by Regulations, make further transitional arrangements in connection with the commencement of this Law.

## **9 Citation**

- (1) This Law may be cited as the Connétables (Jersey) Law 200.
- (2) Subject to paragraph (3), this Law shall come into force on the day that it is registered.
- (3) In the event that this Law is not registered on or before 8th August 2008–
  - (a) this Law shall come into force on such day or days as the States by Act appoint; and
  - (b) the States may, by Regulations, amend Article 8(1) to (7).

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- [1] *chapter 16.600*
- [2] *chapter 15.120*
- [3] *chapter 23.375*
- [4] *L.35/2007*
- [5] *chapter 16.600*
- [6] *chapter 16.800*