

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

24th January, 2024

Proposition No. 2023/119 (Billet d'État I of 2024)

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

GENERAL ELECTION 2025

AMENDMENT

Proposed by: Deputy R G Prow

Seconded by: Deputy P T R Ferbrache

For Proposition 5 substitute the following proposition:-

- "5. To amend the restriction on eligibility to hold the office of People's Deputy at Article 8(e) of the Reform Law so that it also provides that a person found guilty of an offence (whether in Guernsey or elsewhere) and sentenced to be imprisoned or detained for more than one year shall not be eligible to hold the office of People's Deputy while detained anywhere in the United Kingdom, Channel Islands or Isle of Man in pursuance of the sentence or while unlawfully at large at a time when he or she would otherwise be so detained.

Rule 4(1) Information

- (a) This proposition contributes to the States' objectives and policy plans by ensuring freedom to stand for election is balanced against the need to secure a safe and secure community.
- (b) Some consultation has been undertaken with the President of SACC in preparing the proposition.
- (c) The proposition has been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- (d) There are not considered to be any financial implications to the States of carrying the proposal into effect.

Explanatory note

The amendment seeks to replace proposition 5 –

- (a) by preserving the current position as set out in Article 8(e) of the Reform Law (which provides that a person is not eligible to hold the office of People's Deputy if he or she has during the five years immediately preceding the date of the election been sentenced for an offence by a court in the UK, Channel Islands or Isle of Man, to imprisonment for a period of six months or more), and
- (b) by adding another restriction, corresponding to paragraph (b) of proposition 5, based on that set out in the Representation of the People Act 1981, that a person found guilty of an offence (whether in Guernsey or elsewhere) and sentenced to be imprisoned or detained for more than one year shall not be eligible to hold the office of People's Deputy while detained anywhere in the UK, Channel Islands or Isle of Man in pursuance of the sentence or while unlawfully at large at a time when he or she would otherwise be so detained,

thereby removing the references in the proposition to fraud and corruption which in the UK, in this context, relate to specific technical offences under electoral law which do not exist in Guernsey.