

STATES OF JERSEY



Jersey

DRAFT ELECTIONS (TRANSITIONAL PROVISIONS) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 6th December 2021
by the Privileges and Procedures Committee
Earliest date for debate: 18th January 2022**

STATES GREFFE

REPORT

Whilst Article 13(5) of the [States of Jersey Law 2005](#) provides that there would not normally be an election to fill any Deputy vacancy which occurs less than 6 months before an ordinary election, the timescale contained within the [Connétables \(Jersey\) Law 2008](#) is different. In respect of any casual vacancy in the role of Connétable, it is only if such vacancy occurs 2 months prior that no such election would be ordered. This is reflective of the Connétables' Parochial responsibilities outside of their States duties and the impact a vacancy in that role would have within a Parish if left longer than 2 months. These Transitional Regulations which have been lodged alongside the Commencement Act for the [Elections \(Miscellaneous Amendments\) \(Jersey\) Law 202-](#), will ensure that in the event that a by-election is held for any Connétable vacancy between January and April 2022, the current provisions of the 2002 Law will continue to apply in relation to that election. In keeping with that approach, the Commencement Act provides for Part 3 of the Elections (Miscellaneous Amendments) (Jersey) Law 202-, which makes changes to the provisions in the 2008 Law relating to declarations as to qualification for office as a Connétable and the related provisions for disqualification, to come into force on 22nd April 2022 – 2 months before the general election. This means that the current law is preserved in relation to any Connétable by-election taking place before June 2022.

Financial and manpower implications

There are no manpower or financial implications arising from the approval of these Transitional Regulations.

EXPLANATORY NOTE

The draft Elections (Transitional Provisions) (Jersey) Regulations 202- would, if passed, make transitional provision in connection with the commencement of amendments made by the Elections (Miscellaneous Amendments) (Jersey) Law 202- (the “Amendments Law”). The transitional provision relates to any by-election for a Connétable held during the period between commencement of those amendments and 22nd June 2022 (the date of the next ordinary election).

Regulation 1 inserts a new Article 70A in the Elections (Jersey) Law 2002 (the “2002 Law”). The new Article provides that the provisions of the 2002 Law, as in force immediately prior to the commencement of the Amendments Law, continue to apply in relation to a Connétable by-election held during the transitional period. The new Article ceases to have effect on 22nd June 2022.

Regulation 2 inserts a new Article 18B in the Elections (Expenditure and Donations) (Jersey) Law 2014 (the “2014 Law”). The new Article provides that the provisions of the 2014 Law, as in force immediately prior to the commencement of the Amendments Law, continue to apply in relation to a Connétable by-election held during the transitional period. The new Article ceases to have effect on 22nd June 2022.

Regulation 3 makes provision for the citation of the Regulations, and provides that they come into force on the commencement of Article 1 of the Amendments Law.



Jersey

DRAFT ELECTIONS (TRANSITIONAL PROVISIONS) (JERSEY) REGULATIONS 202-

Made *[date to be inserted]*
Coming into force *[date to be inserted]*

THE STATES make these Regulations under Article 72 of the [Elections \(Jersey\) Law 2002](#) and Article 18A of the [Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#) –

1 Transitional provision: [Elections \(Jersey\) Law 2002](#)

After Article 70 of the [Elections \(Jersey\) Law 2002](#) there is inserted –

“70A Transitional provision: Connétable by-election before 22nd June 2022

- (1) This Article applies if an election under Article 3 of the [Connétables \(Jersey\) Law 2008](#) (a “Connétable by-election”) is ordered to be held –
 - (a) on or after the Amendments Law commencement date; but
 - (b) before 22nd June 2022.
- (2) The provisions of this Law, as in force immediately before the Amendments Law commencement date, continue to apply in respect of the Connétable by-election.
- (3) In this Article, “Amendments Law commencement date” means the date on which Article 1 of the Elections (Miscellaneous Amendments) (Jersey) Law 202- comes into force.
- (4) This Article ceases to have effect on 22nd June 2022.”.

2 Transitional provision: [Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#)

After Article 18A of the [Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#) there is inserted –

“18B Transitional provision: Connétable by-election before 22nd June 2022

- (1) This Article applies if an election under Article 3 of the [Connétables \(Jersey\) Law 2008](#) (a “Connétable by-election”) is ordered to be held –
 - (a) on or after the Amendments Law commencement date; but
 - (b) before 22nd June 2022.
- (2) The provisions of the Public [Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#), as in force immediately before the Amendments Law commencement date, continue to apply in respect of the Connétable by-election.
- (3) In this Article, “Amendments Law commencement date” means the date on which Article 81 of the Elections (Miscellaneous Amendments) (Jersey) Law 202- comes into force.
- (4) This Article ceases to have effect on 22nd June 2022.”.

3 Citation and commencement

These Regulations may be cited as the Elections (Transitional Provisions) (Jersey) Regulations 202- and come into force on the commencement of Article 1 of the Elections (Miscellaneous Amendments) (Jersey) Law 202-.