



Jersey

CONSTITUTION OF THE STATES AND PUBLIC ELECTIONS (JERSEY) LAW 202-

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Jersey

CONSTITUTION OF THE STATES AND PUBLIC ELECTIONS (JERSEY) LAW 202-

A **LAW** to amend the constitution of the States and make provision about the election of Deputies and Connétables, and for connected purposes.

<i>Adopted by the States</i>	<i>22nd April 2021</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

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

PART 1

CONSTITUTION OF THE STATES

1 Constitution of the States

- (1) This Article amends the States of Jersey Law 2005¹.
- (2) In Article 2(1) (constitution of the States) –
 - (a) “8 Senators, elected as provided by this Law;” is deleted;
 - (b) for “29 Deputies” there is substituted “37 Deputies”.
- (3) For Schedule 1 (Deputies’ constituencies) there is substituted the Schedule contained in Schedule 1 to this Law.

PART 2

ELECTION OF DEPUTIES: STATES OF JERSEY LAW 2005 AMENDED

2 States of Jersey Law 2005 amended

This Part amends the States of Jersey Law 2005².

3 Term of office

For Article 5 (term of office of Senators and Deputies) there is substituted –

“5 Term of office

The term of office of a Deputy for a constituency –

- (a) begins with the day on which the person elected as Deputy takes the oath of that office; and
- (b) ends with the earlier of –
 - (i) the first day on which a Deputy elected for that constituency at the next ordinary election takes the oath of that office, or
 - (ii) the resignation of the Deputy in accordance with Article 12.

5A Transitional provision for the 2022 ordinary election

- (1) This Article applies in relation to a person who, immediately before the 2022 ordinary election, holds office as a Deputy for a constituency (a “pre-2022 constituency”).
- (2) Where the Deputy’s pre-2022 constituency comprises an area within St. Helier, Article 5 has effect in relation to the Deputy as if for subparagraph (b)(i) there were substituted –
 - “(i) the first day on which a Deputy elected for any of the constituencies of St. Helier South, St. Helier Central or St. Helier North at the next ordinary election takes the oath of that office, or”.
- (3) In any other case, Article 5 has effect in relation to the Deputy as if the reference in Article 5(b)(i) to “that constituency” were a reference to the constituency that includes, or corresponds to, the Deputy’s pre-2022 constituency.
- (4) In paragraph (1), the reference to the 2022 ordinary election is a reference to the election held in accordance with Article 6(1).”.

4 Ordinary elections

For Article 6 (ordinary elections for Senators and Deputies) there is substituted –

“6 Ordinary elections for Deputies

- (1) An ordinary election for Deputies is to be held on 22nd June 2022.
- (2) A subsequent ordinary election for Deputies is to be held in the fourth calendar year (an “election year”) following that in which the previous ordinary election was held.
- (3) The States may by Act appoint the date in an election year on which the ordinary election is to be held.”.

PART 3

ELECTION OF CONNÉTABLES

5 Term of office

For Article 1(1) of the Connétables (Jersey) Law 2008³ there is substituted –

- “(1) The term of office of a Connétable begins with the day on which the person elected as Connétable takes the oath of that office.”.

6 Ordinary elections

For Article 2 of the Connétables (Jersey) Law 2008⁴ there is substituted –

“2 Ordinary elections for Connétables

- (1) An ordinary election for Connétables is to be held on 22nd June 2022.
- (2) A subsequent ordinary election for Connétables is to be held in the fourth calendar year (an “election year”) following that in which the previous ordinary election was held.
- (3) The States may by Act appoint the date in an election year on which the ordinary election is to be held.”.

PART 4

OTHER AMENDMENTS, CITATION AND COMMENCEMENT

7 Article 18 (Council of Ministers) of the States of Jersey Law 2005 amended

- (1) In Article 18(2)(e) of the States of Jersey Law 2005⁵, “, within 4 months of their appointment under Article 19(7),” is deleted.
- (2) After Article 18(2) of the States of Jersey Law 2005, there is inserted –
 - “(2A) The Council of Ministers must lodge the statement of their common strategic policy under paragraph (2)(e) –
 - (a) no later than the day on which the first government plan is lodged; and
 - (b) within 4 months of their appointment under Article 19(7).
 - (2B) In paragraph (2A), “first government plan” means the first government plan (as defined in the Public Finances (Jersey) Law 2019⁶) prepared by the Council of Ministers after their appointment under Article 19(7).”.

8 Transitional provision for the 2022 ordinary election

After Article 21 of the States of Jersey Law 2005⁷, there is inserted –

“21B Transitional provision for the 2022 ordinary election

- (1) For the purposes of Article 21(3)(b), a 2022 departing Senator is not to be treated as ceasing to be an elected member until the first day on which a Deputy elected for any constituency at the 2022 ordinary election takes the oath of that office (and the reference in Article 21(1)(b) to an “elected member” is to be construed accordingly).
- (2) In this Article –
 - (a) “2022 departing Senator” means a person who, immediately before the 2022 ordinary election –
 - (i) holds office as a Senator; and
 - (ii) holds a Ministerial office (but is not the Chief Minister); and
 - (b) references to the 2022 ordinary election are references to the election held in accordance with Article 6(1).”.

9 Minor and consequential amendments

- (1) Schedule 2 contains minor and consequential amendments.
- (2) The States may by Regulations make consequential, incidental, supplementary or transitional provision in connection with any provision of this Law.
- (3) The power to make Regulations under paragraph (2) includes the power to amend, repeal or otherwise modify the application of any enactment.

10 Citation and commencement

- (1) This Law may be cited as the Constitution of the States and Public Elections (Jersey) Law 202-.
- (2) The following provisions of this Law come into force on 22nd June 2022 –
 - (a) Article 1(2);
 - (b) in Part 1 of Schedule 2, paragraphs 15 to 21;
 - (c) in Part 2 of Schedule 2, paragraphs 2 to 4, paragraph 7 and paragraphs 9 to 11, 13 and 14;
 - (d) in Part 6 of Schedule 2, paragraphs 3 and 5.
- (3) The following provisions of this Law come into force on 22nd December 2021 –
 - (a) Article 1(1) and (3);
 - (b) Schedule 1;
 - (c) in Part 1 of Schedule 2, paragraphs 1 to 14;
 - (d) in Part 2 of Schedule 2, paragraphs 6 and 8;
 - (e) Part 4 of Schedule 2;
 - (f) Part 5 of Schedule 2;
 - (g) in Part 6 of Schedule 2, paragraphs 1 and 2.

- (4) The other provisions of this Law come into force 7 days after the Law is registered.

SCHEDULE 1

(Article 1(3))

SCHEDULE 1 TO THE STATES OF JERSEY LAW 2005 SUBSTITUTED**“SCHEDULE 1**

(Article 4(2))

DEPUTIES’ CONSTITUENCIES

Constituencies	Number of Deputies to be returned
St. Helier South Canton de Bas de la Vingtaine de la Ville, St. Helier Canton de Haut de la Vingtaine de la Ville, St. Helier	4
St. Helier Central Vingtaine de Rouge Bouillon, St. Helier Canton de Bas de la Vingtaine du Mont au Prêtre, St. Helier	5
St. Helier North Vingtaine du Mont Cochon, St. Helier Vingtaine du Mont à l’Abbé, St. Helier Canton du Haut de la Vingtaine du Mont au Prêtre, St. Helier	4
St. Saviour Parish of St. Saviour	5
St. Clement Parish of St. Clement	4
St. Brelade Parish of St. Brelade	4
St. Mary, St. Ouen and St. Peter Parish of St. Mary Parish of St. Ouen Parish of St. Peter	4
St. John, St. Lawrence and Trinity Parish of St. John Parish of St. Lawrence Parish of Trinity	4
Grouville and St. Martin Parish of Grouville Parish of St. Martin	3”

SCHEDULE 2

(Article 9)

MINOR AND CONSEQUENTIAL AMENDMENTS**PART 1****PUBLIC ELECTIONS (JERSEY) LAW 2002****1 Public Elections (Jersey) Law 2002 amended**

This Part amends the Public Elections (Jersey) Law 2002⁸.

2 Article 1 (interpretation) amended

- (1) Article 1 is amended as follows.
- (2) In paragraph (a) of the definition “constituency”, “a Senator or” is deleted.
- (3) For the definition “electoral district” there is substituted –
“electoral district” has the meaning given by Article 1A.”.
- (4) In the definition “public election”, “Senator or” is deleted.

3 Article 1A (electoral districts) inserted

After Article 1 there is inserted –

“1A Electoral districts

- (1) In relation to an election of a Deputy or Connétable, “electoral district” means –
 - (a) in the Deputies’ constituency of St. Saviour, each of –
 - (i) Vingtaine de la Petite Longueville,
 - (ii) Vingtaine de Sous l’Eglise,
 - (iii) Vingtaines de Maufant, de Sous la Hougue, des Pigneaux and de la Grande Longueville;
 - (b) in the Deputies’ constituency of St. Brelade, each of –
 - (i) Vingtaines de Noirmont and du Coin,
 - (ii) Vingtaines de Quennevais and de la Moye;
 - (c) in any other Deputies’ constituency –
 - (i) where the constituency comprises a single parish, that parish,
 - (ii) where the constituency comprises more than one parish, each of those parishes,
 - (iii) in any other case, the part of the parish which comprises the constituency.

- (2) In relation to an election of a Centenier or Procureur du Bien Public of a parish, the “electoral district” is the parish.”

4 Article 2 (entitlement to vote) amended

- (1) Article 2 is amended as follows.
- (2) In paragraph (1), for “an electoral district within the parish” there is substituted “the electoral district that corresponds to the parish”.
- (3) In paragraph (1A) –
 - (a) for “the electoral register for an electoral district within the parish” there is substituted “the electoral register for an electoral district which is within, or is the area comprising, the parish”;
 - (b) for “in force for the election for an electoral district within the parish” there is substituted “in force for the election for the electoral district”.
- (4) In paragraph (2) –
 - (a) for “one or more Deputies of an electoral district” there is substituted “Deputies for a constituency”;
 - (b) for “the electoral register for the electoral district” there is substituted “the electoral register for an electoral district which is within, or is the area comprising, the constituency”.
- (5) Paragraph (3) is deleted.
- (6) In paragraph (3A), for “paragraphs (1) to (3)” there is substituted “paragraphs (1), (1A) and (2)”.

5 Article 9A (supplementary electoral registers for elections of Senators, Deputies and Connétables) amended

- (1) Article 9A is amended as follows.
- (2) In the heading, “Senators,” is deleted.
- (3) In paragraph (1) –
 - (a) for “Senators, Deputies and Connétables” there is substituted “Deputies or Connétables”;
 - (b) after “the parish” there is inserted “which is, or part of which is, the electoral district”.

6 Article 12 (electoral register in force for an election) amended

In Article 12(1), for “within” there is substituted “which is, or is within,”.

7 Article 15 (cost of election) amended

- (1) Article 15 is amended as follows.
- (2) In paragraph (1), for “paragraphs (2) and (3) provide” there is substituted “paragraph (3) provides”.
- (3) Paragraph (2) is deleted.

8 Article 17 (order for election) amended

- (1) Article 17 is amended as follows.
- (2) At the beginning of paragraph (2)(a) there is inserted “subject to paragraph (2AA)(a),”.
- (3) In paragraph (2)(d), for “*Autorisé*” there is substituted “principal *Autorisé*”.
- (4) After paragraph (2) there is inserted –
 - “(2AA) In the case of an order in respect of an election under Article 6 of the States of Jersey Law 2005⁹ (ordinary elections for Deputies) or Article 2 of the Connétables (Jersey) Law 2008¹⁰ (ordinary elections for Connétables) –
 - (a) paragraph (2)(a) does not apply where the date of the public election has been appointed by the States by Act under those provisions;
 - (b) the date fixed under paragraph (2)(c) must be within the period of 14 days beginning with the day of the election.”.
- (5) In paragraph (2B) –
 - (a) “, and the constituency is a parish,” is deleted;
 - (b) “in the parish” is deleted.
- (6) Paragraph (2C) is deleted.
- (7) In paragraph (3A), “or (2C)” is deleted.
- (8) In paragraph (4), after “paragraph (3)” insert “, or a designation under paragraph (3A),”.

9 Article 17A (electoral administrator for parish) amended

In Article 17A(2), in the words before paragraph (a), “or of a Senator,” is deleted.

10 Article 18 (nomination of candidates) amended

- (1) Article 18 is amended as follows.
- (2) In paragraph (1), for “(1A), (2) or (3)” there is substituted “(1A) or (2)”.
- (3) In paragraph (2), “Senators,” is deleted.

11 Article 19 (holding of nomination meeting) amended

- (1) Article 19 is amended as follows.
- (2) In paragraph (1), for “(1A), (2) or (3)” there is substituted “(1A) or (2)”.
- (3) Paragraph (3)(a) is deleted.
- (4) In paragraph (3), before sub-paragraph (b) there is inserted –
 - “(aa) in the case of an election of a Deputy for a constituency comprising a parish, or parts of a parish, by the Connétable of the parish;
 - (ab) in the case of an election of a Deputy for a constituency comprising 2 or more parishes, by the Connétable of one of those parishes (to be determined by agreement between the

Connétables of the parishes comprising the constituency);
or”.

- (5) In paragraph (3)(b), for “, Procureur du Bien Public or Deputy” there is substituted “or Procureur du Bien Public”.
- (6) Paragraph (3A) is deleted.

12 Article 20 (procedure at nomination meeting)

- (1) Article 20 is amended as follows.
- (2) In each of the following provisions, for “(1A), (2) or (3)” there is substituted “(1A) or (2)” –
 - (a) paragraph (2);
 - (b) paragraph (2A)(b);
 - (c) paragraph (4).
- (3) In paragraph (4A), “Senator,” is deleted.

13 Article 24 (ballot papers) amended

- (1) Article 24 is amended as follows.
- (2) Paragraphs (1) and (2) are deleted.
- (3) In paragraph (3A)(aa), “, Senator” is deleted.

14 Article 47 (designation of counting stations) amended

- (1) Article 47 is amended as follows.
- (2) In paragraph (3) “and the constituency is a parish,” is deleted.
- (3) Paragraph (4) is deleted.
- (4) For paragraph (5) there is substituted –

“(5) Before making a designation under paragraph (2), the principal *Autorisé* must consult the electoral administrator for the parish which is, or part of which is, the electoral district.

(5A) Before making a designation under paragraph (3), the principal *Autorisé* must consult –

 - (a) the electoral administrator for each parish which, together with one or more other parishes, comprises the constituency; and
 - (b) the *Autorisés* for each of the other electoral districts in the constituency.”.
 - (5) In each of paragraphs (6) and (7), for “paragraph (2), (3) or (4)” there is substituted “paragraph (2) or (3)”.

15 Article 52 (result in election for one or more Senators) deleted

Article 52 is deleted.

16 Article 52A (result in other public elections) amended

- (1) Article 52A is amended as follows.
- (2) In the heading, “other” is deleted.
- (3) Paragraph (1) is deleted.
- (4) In paragraph (2), for “an election” there is substituted “a public election”.

17 Article 52AA (recounts) amended

- (1) Article 52AA is amended as follows.
- (2) Paragraphs (2) and (3) are deleted.
- (3) In paragraph (4), for “any other public election” there is substituted “a public election”.
- (4) In paragraph (5), for “Neither the Judicial Greffier nor a principal *Autorisé* is required” there is substituted “A principal *Autorisé* is not required”.

18 Article 52B (procedure for recount in election for one or more Senators) deleted

Article 52B is deleted.

19 Article 52C (procedure for recount by *Autorisé*) amended

- (1) Article 52C is amended as follows.
- (2) In the heading “by *Autorisé*” is deleted.
- (3) Paragraph (1)(a) is deleted.
- (4) After paragraph (1) there is inserted –
“(1A) An *Autorisé* and his or her *Adjoints* must comply with any request made by the principal *Autorisé* for assistance in conducting a recount in the electoral district for which the *Autorisé* was appointed.”.

20 Article 53 (completion of return and delivery of papers) amended

- (1) Article 53 is amended as follows.
- (2) In paragraph (1) for “Each principal *Autorisé* for an election for one or more Senators, or the principal *Autorisé* for any other public election,” there is substituted “The principal *Autorisé* for a public election”.
- (3) In each of paragraphs (2), (3) and (4), the words “Subject to paragraph (5),” are deleted.
- (4) Paragraph (5) is deleted.

21 Article 58 (procedure) amended

In Article 58(1)(b) –

- (a) “within 6 weeks after the date of the order where the election has been for Senator, and” is deleted;

- (b) “in the case of any other election” is deleted.

PART 2

STATES OF JERSEY LAW 2005

1 States of Jersey Law 2005 amended

This Part amends the States of Jersey Law 2005¹¹.

2 Article 1 (interpretation) amended

In Article 1, in the definition “elected member”, “Senator,” is deleted.

3 New Part 2A (election of Deputies)

After Article 3, there is inserted –

“PART 2A

ELECTION OF DEPUTIES”.

4 Article 4 (constituencies) amended

- (1) Article 4 is amended as follows.
- (2) Paragraph (1) is deleted.
- (3) In paragraph (4), for “29” there is substituted “37”.

5 Article 6A (transitional arrangements for ordinary elections in 2011 and 2014) deleted

Article 6A is deleted.

6 Article 7 (qualification for election as Senator or Deputy) amended

- (1) Article 7 is amended as follows.
- (2) In the heading, “Senator or” is deleted.
- (3) In paragraph (1), “a Senator or” is deleted.
- (4) In paragraph (2), “Senator or”, in both places, is deleted.
- (5) In paragraph (3), “Senator or” is deleted.

7 Article 8 (disqualification for office as Senator or Deputy) amended

- (1) Article 8 is amended as follows.
- (2) In the heading, “Senator or” is deleted.
- (3) In each of paragraphs (1) and (2), “Senator or” is deleted.

8 Article 9 (declaration to be made when nominated) amended

In Article 9(1), “Senator or” is deleted.

9 Article 11 (oath of office) amended

In Article 11, “Senators and” is deleted.

10 Article 12 (resignation of Senator or Deputy) amended

- (1) Article 12 is amended as follows.
- (2) In the heading, “Senator or” is deleted.
- (3) In paragraph (1), “Senator or” is deleted.

11 Article 13 (casual vacancy in the office of Senator or Deputy) amended

- (1) Article 13 is amended as follows.
- (2) In the heading, “Senator or” is deleted.
- (3) In paragraph (1), “Senator or” is deleted.
- (4) In paragraph (5) for “the ordinary election at which the Senator or Deputy would otherwise have retired under Article 5” there is substituted “an ordinary election under Article 6”.
- (5) Paragraphs (6) and (7) are deleted.

12 Article 14 (term of office of person filling casual vacancy) deleted

Article 14 is deleted.

13 Article 21 (term of office and dismissal of Ministers) amended

In Article 21(2), “Senator or” is deleted.

14 Schedule 2 (oaths) amended

- (1) Part 1 of Schedule 2 is amended as follows.
- (2) In the heading, “SENATORS AND” is deleted.
- (3) For “(Senator) (Deputy)” there is substituted “Deputy”.

PART 3**CONNÉTABLES (JERSEY) LAW 2008****1 Connétables (Jersey) Law 2008 amended**

This Part amends the Connétables (Jersey) Law 2008¹².

2 Article 1 (term of office of Connétables) amended

- (1) Article 1 is amended as follows.
- (2) In paragraph (2), “Notwithstanding the term of office stated for Connétables in paragraph (1),” is deleted.
- (3) In paragraph (3), “before the expiry of his or her term of office” is deleted.

3 Article 2A (transitional arrangements in 2011 and 2014) deleted

Article 2A is deleted.

4 Article 4 (term of office of person filling casual vacancy) amended

In Article 4, “or 2A” is deleted.

5 Article 5 (transitional arrangements) deleted

Article 5 is deleted.

PART 4**POLITICAL PARTIES (REGISTRATION) (JERSEY) LAW 2008****1 Political Parties (Registration) (Jersey) Law 2008 amended**

This Part amends the Political Parties (Registration) (Jersey) Law 2008¹³.

2 Long title

In the long title, “Senator,” is deleted.

3 Article 2 (requirements for political party to be registered) amended

In Article 2(8), “Senator,” is deleted.

4 Article 10 (removal from the register) amended

In Article 10(2)(c) and (3)(b), for “as a Senator, Deputy” there is substituted “as a member of the States”.

PART 5**PUBLIC ELECTIONS (EXPENDITURE AND DONATIONS) (JERSEY) LAW 2014****1 Public Elections (Expenditure and Donations) (Jersey) Law 2014 amended**

This Part amends the Public Elections (Expenditure and Donations) (Jersey) Law 2014¹⁴.

2 Article 1 (interpretation) amended

In Article 1, in the definition “candidate”, “Senator,” is deleted.

3 Article 4 (restriction on candidate’s election expenses) amended

- (1) Article 4 is amended as follows.
- (2) In paragraph (1)(a), “where the candidate is a candidate for election as Senator, £2,800, or,” is deleted.
- (3) In paragraph (1)(b), for “(1A), (2) or (3)” there is substituted “(1A) or (2)”.

4 Article 10 (restriction on third party’s election expenses) amended

- (1) Article 10 is amended as follows.
- (2) Paragraph (2) is deleted.
- (3) In paragraph (3), “or (2)” is deleted.
- (4) Paragraph (4) is deleted.

PART 6**AMENDMENTS TO OTHER LEGISLATION****1 Judicial and Legislative Functions (Separation) (Jersey) Law 1951 amended**

- (1) The Judicial and Legislative Functions (Separation) (Jersey) Law 1951¹⁵ is amended as follows.
- (2) In Article 1(1) –
 - (a) “Senator or”, in both places, is deleted;
 - (b) “, as the case may be” is deleted.
- (3) In Article 1(2) –
 - (a) “Senator or a”, in both places, is deleted;
 - (b) for “Senator or Deputy, as the case may be,” there is substituted “Deputy”.

2 Employment of States of Jersey Employees (Jersey) Law 2005 amended

- (1) Part 5 of the Employment of States of Jersey Employees (Jersey) Law 2005¹⁶ is amended as follows.
- (2) In the following provisions “Senator,” is deleted –
 - (a) Article 30(2)(c) and (d);
 - (b) Article 36(1);
 - (c) Article 37(1);
 - (d) Article 39(3)(a)(i);
 - (e) Article 40(1).

(3) In the following provisions “Senator or” is deleted –

- (a) Article 36(4)(a);
- (b) Article 39(3)(a)(ii).

3 Matrimonial Causes Rules 2005 amended

In the Matrimonial Causes Rules 2005¹⁷, in Rule 13(3)(a), “a Senator or” is deleted.

4 States of Jersey (Powers, Privileges and Immunities) (Scrutiny panels, PAC and PPC) (Jersey) Regulations 2006 amended

Part 3 of the States of Jersey (Powers, Privileges and Immunities) (Scrutiny panels, PAC and PPC) (Jersey) Regulations 2006¹⁸ is deleted.

5 Civil Partners Causes Rules 2012 amended

In the Civil Partners Causes Rules 2012¹⁹, in Rule 16(3)(a), “a Senator or” is deleted.

ENDNOTES

Table of Endnote References

<i>1</i>	<i>chapter 16.800</i>
<i>2</i>	<i>chapter 16.800</i>
<i>3</i>	<i>chapter 16.250</i>
<i>4</i>	<i>chapter 16.250</i>
<i>5</i>	<i>chapter 16.800</i>
<i>6</i>	<i>L.10/2019</i>
<i>7</i>	<i>chapter 16.800</i>
<i>8</i>	<i>chapter 16.600</i>
<i>9</i>	<i>chapter 16.800</i>
<i>10</i>	<i>chapter 16.250</i>
<i>11</i>	<i>chapter 16.800</i>
<i>12</i>	<i>chapter 16.250</i>
<i>13</i>	<i>chapter 16.555</i>
<i>14</i>	<i>chapter 16.580</i>
<i>15</i>	<i>chapter 16.350</i>
<i>16</i>	<i>chapter 16.325</i>
<i>17</i>	<i>chapter 12.650.50</i>
<i>18</i>	<i>chapter 16.800.25</i>
<i>19</i>	<i>chapter 12.260.20</i>