

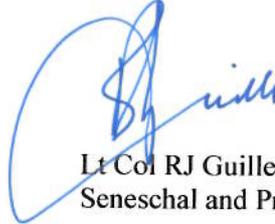
ISLAND OF SARK

EXTRAORDINARY (SPECIAL) MEETING of the Chief Pleas to be held on the 27th February 2013 at 12.00 Noon in the ASSEMBLY ROOM.

AGENDA

1. To ELECT a President of Chief Pleas (see Note).

5th February 2013



Lt Col RJ Guille MBE
Seneschal and President of Chief Pleas

Note: Enclosed for information are copies of the relevant pages from the Law (The Reform (Sark) (Amendment) (No. 2) Law, 2010) and Ordinance (The Reform (Election of President) (General Provisions) (Sark) Ordinance, 2012) governing the election of the President of Chief Pleas.

PROJET DE LOI

ENTITLED

The Reform (Sark) Law, 2008

EXTRACT FROM CONSOLIDATED TEXT

President of the Chief Pleas

President of the Chief Pleas.

22A. (1) Subject to subsection (11), the President of the Chief Pleas ("the President") shall be appointed for a four-year term of office by resolution of the Chief Pleas.

(2) The Seneschal shall preside over the Chief Pleas for the purpose only of the election of the President.

(3) A person shall be eligible for election as President if he is not the Seigneur or the Seneschal and he fulfils the conditions for eligibility for election as a Conseiller set out in paragraphs (a) and (b) of section 28(3).

(4) Should a person who is elected as the President be a Conseiller or the holder of any of the offices mentioned in sections 49 to 55, his resignation as Conseiller, or from such office, as the case may be, shall be deemed to take effect immediately upon his election.

(5) The first election for the office of President shall take place on a date to be appointed by Ordinance; and subsequent elections, except for any held under subsection (10), shall be held in every fourth year thereafter, in each case on a date to be appointed by Ordinance.

(6) The Chief Pleas shall by Ordinance make provision for the procedure to be followed at an election for the office of President including, without limitation -

- (a) prescribing the form and manner in which a nomination is to be made;
- (b) prescribing the manner in which the voting is to be counted;

- (c) the procedure to be followed where there is only one candidate at such an election; and
- (d) the procedure to be followed where there is an equality of votes for two or more candidates at such an election.

(7) The President shall be required to vacate his office before the expiration of his term of office if -

- (a) he ceases to possess the qualifications required by subsection (3) for eligibility for election as the President; or
- (b) a vote of no confidence in him is passed by the Chief Pleas.

(8) It is hereby declared for the avoidance of doubt that no act of a person as the President shall be deemed to be, or ever to have been, invalid by reason only of -

- (a) any lack of qualification on his part to be elected in accordance with subsection (3), or
- (b) the existence of any circumstances requiring him to vacate his office in accordance with this section.

(9) Notwithstanding any other provision of this Law, the President may at any time resign his office by a letter addressed to the Lieutenant Governor.

(10) Should the office of President fall vacant, an election to fill the vacancy shall be held at a meeting of the Chief Pleas within thirty days of the vacancy arising.

(11) A President elected at an election held under subsection (10) shall hold office until the date when that term of office would have expired had it not become vacant.

(12) Subject to section 3(2), before entering on his office, a person appointed as the President shall take the oath of office before the Court of the Seneschal, in such form as may be prescribed by Ordinance, and shall not be required to take an oath in any other form.

(13) At the expiration of his term of office, but not otherwise, the President shall be eligible for re-election in accordance with the provisions of this section.

The Reform (Election of President) (General Provisions)
(Sark) Ordinance, 2012

EXTRACT

Conduct of election.

2. (1) Subject to subsection (3), the election for the office of President shall be conducted by secret ballot at a meeting of the Chief Pleas convened for that purpose.

(2) The Seneschal shall preside over the meeting of the Chief Pleas for the purpose only of the election of the President.

(3) In the event that there is only one candidate for the office of President, that candidate shall be declared elected without a secret ballot provided that such election is approved by resolution of the Chief Pleas.

(4) Prior to the secret ballot, the Conseillers who have proposed and seconded the nomination of each candidate shall be given the opportunity to make representations in support of their nomination but no other speeches shall be permitted.

(5) The conduct of the secret ballot shall be supervised by the returning officer who shall deliver a voting paper, on which is inscribed the names of each candidate for election, to each Conseiller present at the meeting at which the election is held.

(6) Each Conseiller shall indicate his choice of candidate by marking an "X" against the name of such candidate and his voting paper shall be returned to the returning officer for inclusion in the ballot.

(7) The counting of the votes shall be carried out by the returning officer and such person or persons appointed by him to assist.

(8) The successful candidate shall be the candidate who receives the largest number of votes in the secret ballot and the returning officer shall deliver the result of the ballot to the Seneschal who shall declare such successful candidate elected as President.

Procedure on equality of votes.

3. (1) If at an election there is an equal number of votes for two or more candidates, and the addition of one vote to his poll would have entitled any such candidate to be declared elected -

- (a) a recount of the votes shall be carried out forthwith, and
- (b) in the event that the result of such recount is that there remains an equal number of votes for two or more candidates, a further ballot shall be held, as soon as reasonably practicable, in respect of such candidates only and without further nomination.

(2) The provisions of subsection (1) may, at the discretion of the Seneschal, apply to any further ballot held under subsection (1)(b).