

Democratic Accountability and Governance PPC Sub-Committee

Government systems in other Jurisdictions

Briefing Paper

Introduction

This paper provides an overview of the political systems within the following jurisdictions:

- Guernsey
- Gibraltar
- Isle of Man

Guernsey

The Guernsey States is made up of 40 Members – 38 People’s Deputies in Guernsey and 2 Alderney representatives. Elections are held every four years. Its parliamentary and governing [functions](#) are fused in one body – the ‘States of Deliberation’.

Most day-to-day functions are carried out by Committees of the States and each are independently responsible to the States of Deliberation. The civil service runs Guernsey’s public services in accordance with policies set down by the States and their Committees.



Government Reform

During the 2016 – 2020 term of government, Guernsey’s political system started to operate within a new structure. This structure is still based on its traditional Committee system but has fewer Committees, a separate senior Committee, a new way of managing trading assets and a new form of scrutiny management.

The structure was designed during the 2012 – 2016 term of government through a [review](#) undertaken by a States’ Review Committee, established in 2012 to review Guernsey’s political system and recommend any reforms.

The new structure was intended to improve Guernsey’s former structure of government, providing for effective leadership and coordination, appropriate checks and balances, and a greater degree of flexibility to adapt to changing circumstances.

Committee system

The States of Deliberation is [structured](#) into one Senior Committee, six Principal Committees and several other Committees, Boards, Authorities and Commissions. The Policy and Resources Committee is the Senior Committee which concentrates on leadership and co-ordination of the work of the States, fiscal policy and economic affairs, and representing the

Island in external relations. Most policymaking, regulatory and public service functions are delegated to one of six principal committees:

Principal Committees:

Committee for Economic Development - responsible for promotion and development of all sectors of business (e.g. tourism, construction, horticulture, retail, digital, manufacturing, finance), securing and promoting air and sea links, competition and regulation, broadcasting and media, living marine resources (e.g. fishing) tourist information centre

Committee for Education, Sport and Culture - responsible for education, apprenticeships, sport, leisure and recreation, libraries, museums, galleries and heritage, archaeology, the arts, Island archives, civic celebrations including Liberation Day.

Committee for Employment and Social Security - Responsible for social insurance, pensions, social housing, income support, housing benefit, long-term care insurance, health and safety in the workplace, social inclusion including disability, industrial relations, legal aid.

Committee for the Environment and Infrastructure - Responsible for planning appeals, strategic use plan, agriculture, farms, animal imports/exports, states vet, vale common, traffic signs and lines, bus contract, public service vehicles, driving tests, driving licences, vehicle registrations, road closures, road repairs, renewable energy, waste policy, marine policy, water policy, environmental policy, traffic policy and planning policy.

Committee for Health and Social Care - Responsible for adult social care, welfare and protection of children, young people and families, prevention, diagnosis and treatment of acute and chronic diseases, illnesses and conditions, mental health, care of the elderly, health promotion, environmental health, public health, extra care facilities at Le Grand Courtil and La Nouvelle Maraitaine.

Committee for Home Affairs - Responsible for crime prevention, law enforcement, justice policy, population management office, immigration, prison and probation, fire and rescue, trading standards, data protection, emergency planning, civil defence, lotteries and gambling and electoral roll.

Authorities, Boards and Commissions:

Development and Planning Authority: Responsible for planning applications, building control, protected buildings, protected trees, Island Development Plan, conservation and design and planning policy.

Transport Licensing Authority: Consideration of air transport licensing.

Overseas Aid and Development Commission: Distribution of grants and emergency and disaster relief overseas.

States' Trading Supervisory Board: Responsible for waste disposal, Guernsey and Alderney Airports, Guernsey Dairy, Guernsey Harbours, Guernsey Water, States Works, CI lottery.

States Assembly and Constitution Committee: Review procedures in connection with the Island's Constitution and Government.

Scrutiny Management Committee: To lead and co-ordinate the scrutiny of committees of the States by reviewing and examining legislation, policies, services and the use of monies and other resources for which committees are responsible.

Civil Contingencies Authority: Security and wellbeing in an emergency.

The States sits in the Royal Court Chamber and meetings are open to the public. The order papers are referred to as Billet d'État and resolutions and voting records relevant to each one are published on their website.

The Bailiff, by virtue of the Reform (Guernsey) Law 1948, is the ex -officio presiding officer of the States of Deliberation, serving as an apolitical moderator of debate, ruling on questions of procedure and maintaining order.

Scrutiny Function

The Guernsey Scrutiny [function](#) is facilitated by a single Scrutiny Management Committee (SMC) which leads and co-ordinates the scrutiny of committees of the States and organisations which are in receipt of public funds or which have been established by legislation. The SMC is chaired by a President and two States Members who cannot be a President or member of the Policy and Resources Committee or any of the six Principal Committees. The SMC also comprises two voting members who are not members of the States but are elected by the States.

The SMC is supported by “task and finish” panels. These panels bring together States' Members and people independent of the States. Members must not have a seat on any of the Principal Committees likely to come under scrutiny. The purpose of the task and finish panels are to review and scrutinise committee policies and services and their management of monies and other resources entrusted to them. In these instances, the SMC retains the power, if it wishes, to carry out any review itself rather than through an appointed panel.

Similar to the Jersey Scrutiny function, the SMC is able to undertake Public Hearings with Presidents and relevant senior civil servants from all the Principal Committees and the Policy and Resources Committee.

Any reviews undertaken by the task and finish panels are published under the name of the SMC and include recommendations for consideration.

The SMC also appoint a standing Legislation Review Panel, which must be chaired by a member of the SMC and include a number of other States Members and independent people who have skills especially suited to the scrutiny of legislation.

Gibraltar

[Gibraltar](#) has a Westminster-style Parliament and is responsible for its own internal affairs whilst foreign affairs and defence remain the responsibility of the UK Government. Elections are held every four years. The head of the Government is the Chief Minister.

The Gibraltar Parliament comprises 18 members of which 17 members are elected by popular vote and the 'Speaker' is appointed by Parliament. There are three political parties currently represented in the Gibraltar Parliament: Gibraltar Social Democrats, Gibraltar Socialist Labour Party and Gibraltar Liberal Party.

The Cabinet (Council of Ministers) is generally formed by 10 of the 17 elected Members of Parliament, through choice made by the Chief Minister with the approval of the Governor. The seven remaining members constitute the Opposition. Instead of a city council, one minister is responsible for municipal affairs.



The [Governor of Gibraltar](#) is the representative of the British monarch in the British overseas territory of Gibraltar. The Governor is appointed by the British Monarch on the advice of the British Government. The role of the Governor is to act as the *de facto* head of state, and they are responsible for formally appointing the Chief Minister of Gibraltar, along with other members of the Government of Gibraltar, after a general election. The Governor serves as Commander-in-Chief of Gibraltar's military forces and has sole responsibility for defence and security.

Reform

In 1999, the UK Government invited [British Dependent Territories](#) to provide proposals for constitutional reform. A cross-party committee of the Gibraltar House of Assembly (former name for the Gibraltar Parliament) was set up to consult with interested parties and in January 2002 produced a report, which was subsequently debated and negotiated with the UK. The proposals for the reform were accepted by the British Foreign and Commonwealth Office in March 2006 and then were unanimously approved in the House of Assembly in October.

Among changes introduced by the new [constitution](#) were:

- Renaming the House of Assembly to the Gibraltar Parliament.
- Renaming "Members of the House of Assembly" to "Members of Parliament" (MPs).
- Removal of the two remaining un-elected members of the House of Assembly.

- Increasing the number of elected representatives from 15 to 17, with the parliament able to legislate to increase this number.
- Decreasing the Governor's powers, and transferring some of these to elected officials.
- Modernisation of the relationship between Gibraltar and the UK, without affecting the issue of sovereignty.
- A bill of "fundamental rights and freedoms" enshrined in the constitution.

Scrutiny Function

In its [Standing Rules and Orders](#), a Select Committee can be nominated by the Parliament only when notice is given. The notice will include the names of the Members proposed, and, once established, the Select Committee will appoint its own Chair.

The Select Committees are established only to deliberate on matters assigned by Parliament. Similar to Jersey, select Committees are able to examine any witnesses, however, these meetings are not transcribed by audio recording and are recorded in writing by a Clerk only.

The Select Committee process does not seem to be as open and transparent as the Jersey system. The publications on the Gibraltar government website relating to Select Committees seem to be limited to motions made to establish a Select Committee, rather than information about its work.

Isle of Man

Tynwald is the Isle of Man's parliament. It is a tri-cameral parliament consisting three parts: the House of Keys and the Legislative Council who meet separately and Tynwald Court, when they all meet together.

- House of Keys: The [House of Keys](#) is the lower Branch of Tynwald. It has twenty-four Members directly elected, every five years, from twelve constituencies. The House of Keys sits in public each week except on the third Tuesday of the month and during recess periods. Sittings include an hour of Questions, followed by the principal business of the House which is the consideration of legislation. By convention, Bills are considered first in the House of Keys and then in the Legislative Council.



The business of the House of Keys is set out in an order paper, decisions are recorded in the votes and proceedings and the full record of discussions are set out in the Official Report - Hansard.

The procedure in the House of Keys is controlled by the Speaker.

- Legislative Council: The Legislative Council is the upper Branch of Tynwald and its eleven members are either indirectly elected or sit ex officio. The Legislative Council sits in public each week except on the third Tuesday of the month and during recess periods.

Sittings may include Questions followed by the principal business of the Council which is the consideration of legislation. Although it is possible for Bills to be first introduced into the Council, by convention Bills are usually first introduced into the Keys and the Council has become primarily a revising chamber.

The business of the Legislative Council is set out in an order paper, decisions are recorded in the votes and proceedings and the full record of discussions are set out in the Official Report - Hansard.

The procedure in the Legislative Council is controlled by the President.

- Tynwald Court: Tynwald Court sits in public on the third Tuesday each month from October to June and on the Tuesday following Tynwald Day. The sittings are for up to three consecutive days, depending on the volume of business.

The business of Tynwald Court is set out in order and question papers, decisions are recorded in the votes and proceedings and the full record of discussions are set out in the Official Report - Hansard.

The thirty-five members of Tynwald Court are those of the two Branches, the House of Keys and the Legislative Council. Procedure is controlled by the President of Tynwald.

There are eight Government [Departments](#), each of which is a separate legal entity with its own functions, powers and responsibilities. Each is represented on the Council of Ministers by its Minister.

The Departments account for the Government's personnel and budget and are the principal agencies through which public services are provided. Each Department is headed by its Minister and the functions of the Department are exercised by the Minister. Each Department has, in addition, one or more members, who are Members of Tynwald. The members are appointed by the Governor in Council and they may be authorised by the Minister to exercise any of his or her functions.

Scrutiny Function

Scrutiny work is carried out by the [Committees of Tynwald](#) and its Branches (House of Keys and the Legislative Council). There are a number of different types of Committee:

- Standing Committees are permanent committees constituted under the Standing Orders of Tynwald and its Branches and they have a continuing remit.

The three Policy Review Committees are Standing Committees of Tynwald and they scrutinise the implemented policies, as deemed necessary by each Committee, of the Departments and Offices together with associated Statutory Boards and other bodies. Each Policy Review Committee is able to take evidence from witnesses, whether representing a Department, Office, Statutory Board or other organisation within its remit or not, in cases where the subject matter cuts across different areas of responsibility of different Departments, Offices, Statutory Boards or other organisations.

The Policy Review Committees may also hold joint sittings for deliberative purposes or to take evidence. The Chairs of the Policy Review Committees agree on the scope of a Policy Review Committee's inquiry where the subject cuts across the respective boundaries of the Policy Review Committees' remits.

- Select Committees may be established by Tynwald or the Branches if a motion on the Order Paper calling for a Committee to investigate a topic is approved. In the Branches they may also be set up to consider Bills in more detail. The members are elected when the Committee is formed, and they normally serve for the life of the Committee.
- Joint Committees are Committees with members appointed by each of the Branches, the House of Keys and the Legislative Council, and not by Tynwald Court. They are appointed by the Council and Keys, by consent of both Branches, when sitting separately. Their reports are presented to the Branches separately. On rare occasions Tynwald may establish a Joint Committee to investigate a Bill.

All Members of Tynwald are eligible to serve on its Committees, except for the President of Tynwald. The President does, however, sit ex officio on the Tynwald Management Committee, the Tynwald Ceremony Arrangements Committee, and the Tynwald Honours Committee.

All Members of the House of Keys except the Speaker are obliged to serve on Committees if elected. All Members of the Legislative Council are eligible to serve on committees of the Council.

Some of the procedures for the operation of a Committee are set out in Standing Orders. Unless the Standing Orders provide who is to be Chair of the Committee, the Committee itself chooses one of its members to take this role.

Similar to Jersey, Committees usually have the authority to call for papers, submissions, and witnesses for examination. They may hold private and public sittings to discuss the information they have gathered and question people who may have detailed knowledge about the matter being explored. Ministers and civil servants often appear before those parliamentary committees whose remit includes scrutiny of government.

Committee reports are usually produced at the conclusion of an investigation. These reports, and any recommendations, are usually laid before the Chamber by which they were appointed, where they may be debated and voted upon.

**Principal Committee and Panel Officer
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