

STATES OF JERSEY

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DRAFT STANDING ORDERS OF THE STATES OF JERSEY

**Lodged au Greffe on 9th August 2005
by the Privileges and Procedures Committee**

STATES GREFFE



Jersey

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REPORT

Introduction

The need to revise the Standing Orders of the States has been apparent for many years and the Report of the Review Panel into the Machinery of Government (the ‘Clothier’ report) commented critically in section 5.18 about the lack of progress that had been made in this area –

“5.18 In connection with the revised assembly we envisage, we noted that Sir Clifford Boulton’s report of April 1996 expressed in urgent terms the need to overhaul the Standing Orders of the States. So far as we can ascertain no action has been taken on this recommendation. It certainly should be.”

Although an initial draft of a revised version of the present Standing Orders was nearly finalised when the Clothier report was published, the then House Committee concluded that it was counter-productive to invest further time and resources into pursuing that revision when it was clear that a major rewrite of the Standing Orders would be needed if the recommendations of the Clothier report were accepted.

The Privileges and Procedures Committee is now pleased to present for approval these new Standing Orders of the States which, if approved, will come into full effect when the new system of government starts after this autumn’s elections. As can be seen, the Committee took the view that Standing Orders should be entirely rewritten rather than attempting to adapt and revise the current Standing Orders. The Committee has attempted to ensure that these new Standing Orders are written in an easily understandable way and in gender neutral language without, for example, the complicated cross-references that are sometimes found in legislation. The Committee is conscious that Standing Orders are, effectively, nothing more than a set of internal rules to enable the States and its members to operate in a structured and efficient way and the new Standing Orders have been designed to achieve that aim.

In drafting these new Standing Orders the Committee has been conscious of the vital rôle that all 53 members of the States must play in the new system of government. It will be seen that the new Standing Orders place no additional restrictions on private members to bring forward propositions, initiate debates and ask questions and, in fact, additional opportunities are given to all members to, for example, ask questions of Ministers without notice and question Ministers after statements have been made.

The Committee is hopeful that members will find the Standing Orders easily understandable and largely self-explanatory. The main purpose of this accompanying report is therefore to draw attention to new provisions and explain the rationale of any proposed changes in procedures. This report does not therefore cover every single Standing Order as the provisions of some are hopefully totally self-explanatory and unchanged from current procedures.

Members’ discipline and code of conduct

It will be noted that all provisions relating to members’ discipline and the code of conduct have been omitted from these Standing Orders even though they were included in the consultation draft sent to all States members in early July. The reason for this omission is that the States have not yet debated P.98/2005 (draft States of Jersey (Amendment No. 2) Law 200) which asks the States to agree to repeal Article 51 of the Law. It would clearly be inappropriate, and indeed be out of order, to lodge draft Standing Orders that were incompatible with the present provisions of Article 51 until a decision has been taken by the States on P.98/2005. As soon as a decision has been taken the Committee will bring forward a further set of Standing Orders compatible with the decision that the States make to cover these issues.

Standing Order 1 – Interpretation

As can be seen the Committee has included a number of new definitions in this Standing Order.

In order to enable the 12 Connétables to bring forward matters in the name of the Comité, which is not currently possible, a definition is given of the Comité. In addition the Standing Orders now refer to the person presiding at a meeting of the States as the ‘presiding officer’ so that a clear distinction can be made between those things that only the Bailiff (or Deputy Bailiff) can do as President of the States, such as approving questions and propositions, and those things that the person presiding at a meeting (who might be an elected member or the Greffier or Deputy Greffier) can do.

Standing Order 2 – Roll of elected members

There is no change from current Standing Order 48 in the slightly complicated rules to establish the order for roll call. Although the Committee considered alternative options it was not convinced that any of the alternatives put forward were preferable as options based, for example, on the number of votes received would inevitably discriminate against members from smaller constituencies. The Committee would point out that, in general, the rules allow seniority to be established within each of the 3 categories of member according to length of service and, with the effective abolition of the ‘appel nominal’ for voting, the order of seniority is of more limited importance than in the past.

Standing Orders 3 to 7 – Sessions and meetings of the States

There are a number of changes proposed to the manner in which meetings of the States are organised.

The concept of having 2 sessions a year is preserved although the end of the second session is moved back to the 3rd Tuesday in December rather than the 2nd Tuesday as at present. The current rules mean that the second session could have to finish as early as the 8th December if 1st December is a Tuesday. It is important to point out that the possibility of continuing to the 3rd Tuesday is simply the latest possible day on which the session can end and, in practice, the PPC would almost certainly not fix a meeting for 20th December in years when 1st December was a Wednesday.

The current somewhat rigid rules on meeting on alternate Tuesdays are replaced in new Standing Order 4 with a provision that the PPC will simply draw up a list of dates and present it to the States no later than the end of September each year. The system of having continuation days for each meeting, which has been successfully trialled this year, is included as a permanent feature and it is hoped that the new system will allow the future PPC to propose a schedule of dates that will meet the likely demands of the forthcoming year, taking account of matters such as the timing of elections. The list of proposed dates will not need to be debated although it would, of course, be open to any member to lodge a proposition to challenge the proposed dates.

The current ability of 7 or more members to requisition an additional meeting for a particular purpose is preserved in new Standing Order 5 and the Bailiff is required to convene a meeting if a requisition is submitted to the Greffier. The Bailiff, as President of the States, is given an unfettered ability to convene a meeting of the States for any reason and this would allow a meeting to be convened for an extremely urgent matter or for a ceremonial purpose such a Royal visit.

Standing Order 7 contains a new provision that the States must not meet in the lead up to elections for Senators and Deputies. Ideally the Committee would have preferred to insert a provision that the States should not meet at all between the day of the nomination meeting and the election but, with the current system of 2 elections, this would have effectively prevented almost any meeting at all between the end of the first session in July and December and this could cause real practical difficulties.

Standing Order 8 – Giving notice of a matter of privilege

The new Standing Orders have been set out to show matters that are done before a meeting of the States in Part 3 before showing the procedures for what actually happens during the meeting in Part 4 from Standing Order 42 onwards.

The provisions of Standing Order 8 are similar to the provisions of current Standing Order 15(1) in relation to the way in which a member who wishes to raise a matter of privilege or immunity must give notice to the Bailiff before a meeting although the current requirement to do this 24 hours before a meeting is removed. This will allow the Bailiff to consider the matter before it is raised during the meeting (see Standing Order 60).

Standing Orders 9 to 15 – Questions

The rules on submitting questions remain largely unchanged from the new system of oral and written questions that was introduced in 2004. The Committee believes that the new system of oral and written questions is working

well but, as will be seen from Standing Order 64 and 65, is also proposing an additional 30 minute question period during each meeting to allow members to ask Ministers questions without notice.

The Committee accepts that some members may consider the rules set out in Standing Order 10 on the contents of questions to be unduly restrictive. The Committee has considered examples of the rules in other parliaments and considers that the rules as set out enable the maximum benefit to be obtained from question time which is primarily designed to seek action or information from Ministers and others in relation to matters for which they have an official responsibility. It is for this reason that, for example, the proposed rules ensure that a question is used to seek information rather than simply convey the questioner's own point of view (10(3)), prevent questions to seek information that is already in the public domain (10(6)(c)) so that the time allocated can be used to find new information, and prevent purely hypothetical questions about unreal situations rather than questions about the actual or proposed policies of Ministers.

The provisions on urgent questions in Standing Order 15 mirror the existing provisions although the opportunity is taken to clarify that the answer to any such question is given outside the 60 minutes allocated for oral questions with notice and the 30 minutes for questions without notice.

Standing Orders 16 and 17 – Statements

The rules on statements are similar to the present procedures followed by the States although the provision in the present Standing Orders that a personal statement must not contain 'controversial' matters is replaced with a simple statement that the explanation must be 'personal in nature'. In addition, to prevent a statement being used to criticise another member in a way that would simply give rise to a legitimate right of reply from that member at a later meeting, such statements are not allowed.

Current Standing Orders are silent on the exact rules on Committee statements and new Standing Order 17 therefore sets out with clarity the rules that will apply to ministerial statements and statements from other bodies such as scrutiny panels. Once again a statement must not contain matters that are critical of individual members in a way that would enable those members to consider that they had a legitimate right to reply (except when statements on code of conduct matters are being made). Members will note from Standing Order 68 that any statement made in accordance with Standing Order 17 will be followed by a 10 minute question period to overcome present concerns that no discussion is possible after Committee Presidents make statements at the present time.

This Standing Order makes it clear that a statement can be made on any day when the States meet, whether that is the first day of a meeting or a continuation day provided that the appropriate notice is given.

Standing Orders 18 to 25 – Lodging propositions

The Committee is proposing significant changes in relation to the rules on lodging propositions in these new Standing Orders.

The current statutory requirements in the States of Jersey Law 1966 for propositions to be lodged for 2 weeks before a debate, and the associated ability of any member to lodge a proposition presented (on a 'blue') without 2 weeks lodging, were not re-enacted in the States of Jersey Law 2005. The new Law sets out that the rules on lodging shall be included in Standing Orders and the Committee has therefore been able to propose an entirely new approach.

As can be seen the Committee is not proposing any changes that would restrict the current ability of every member to lodge propositions for debate. The Committee believes that this is a very important safeguard of the rights of all members in the new system. In addition a new provision, contained in Standing Order 24, enables members to show support in advance for a proposition being lodged by another member by signing the draft.

The procedure for lodging a proposition remains largely unchanged in the new Standing Orders. A draft proposition must be submitted to the Greffier who can advise on the wording before submitting it to the Bailiff for approval. If the Bailiff rules that the proposition is out of order there is a new provision in Standing Order 21(6) (c) which states that the Bailiff must ensure that the member concerned is informed of the reasons for that decision.

An important change being proposed is that a proposition, once approved, can be lodged on any working day and not only on a Tuesday. The Committee believes that this will give greater flexibility for members who, at present, can be prevented from lodging a proposition for a week if they just miss the deadline for a particular Tuesday. As can be seen from Standing Order 25 a member will in future be able to decide when he or she wants a proposition to be lodged once it is approved.

If the member wishes the proposition to be lodged as soon as possible, the Greffier must take steps to distribute it as soon as possible and it is taken to be lodged on the working day after the day on which it is distributed. In practice, unless a proposition is approved very late in the day, this will normally mean that a proposition will be able to be lodged on the working day after it is approved although the present important provision on lodging a proposition the same day if the States are meeting is preserved in Standing Order 25(2)(a) (on condition that it is possible for the Greffier to distribute the proposition during the meeting).

If, for whatever reason, the proposer wishes to delay lodging the proposition until a later day after approval, he or she must inform the Greffier of the working day on which the proposition is to be lodged and the Greffier must distribute it no later than the working day on which it is taken to be lodged. This provision will enable private members and bodies such as the Council of Ministers to ensure that the lodging of a proposition is co-ordinated with matters such as press releases or presentations.

Standing Order 20(3) revises the rules on reconsidering a matter that the States have already rejected. At present a matter cannot be reconsidered during the same session. The Committee believes that this current rule is somewhat illogical as a proposition rejected in December (the end of the second session) can, in theory, be reconsidered the following January (the start of the next session), whereas a proposition rejected in January cannot be reconsidered until the following September. It is therefore proposed that the minimum period should be 3 months in all cases and no longer related to the 2 annual sessions.

Standing Order 26 – Minimum lodging periods

With the abolition of the present statutory 2 week lodging period the Committee is proposing significant changes to the provisions on the minimum period between the lodging of a proposition and the debate. The Committee was initially minded to suggest that all propositions should be lodged for a minimum of 6 weeks to enable all members to consider them in detail and to give adequate time for reports to be prepared. The States have already agreed, for example, in approving the new Public Finances (Jersey) Law 2005, that the future Annual Business Plan (Resource Plan) and the Budget will have to be lodged for 6 weeks before the debate can take place. After careful consideration, the Committee accepted that this lengthy lodging period would unnecessarily delay certain matters such as appointments etc where a shorter period will be acceptable.

Having discussed and reviewed the proposed minimum lodging period during the consultation stage, the Committee is now proposing that there should be only 2 lodging periods; 2 weeks (as at present) and 6 weeks. The proposed system shows how the minimum lodging period applicable would be related to the nature of the proposition. The most significant propositions, such as new legislation, the Strategic Policy and other policy propositions from the Council of Ministers, will need to be lodged for at least 6 weeks. More straightforward propositions such as appointments or Appointed Day Acts could be debated after a minimum of 2 weeks. The 2 week period would also apply to matters such as a vote of no confidence or censure where a longer delay would clearly be inappropriate. The Committee is proposing that propositions from private members that do not fall into any of the 6 week categories should be lodged for at least 2 weeks before debate.

In an attempt to ensure that debates proceed in an orderly way it will be seen that Standing Order 26 also contains details of the minimum lodging periods for amendments and amendments to those amendments. The period is obviously related to the minimum period for the proposition itself with a 2 week minimum for amendments to propositions that have to be lodged for 6 weeks and a one week period for amendments to propositions that can be debated after only 2 weeks.

Once an amendment has been lodged for the minimum period it will be automatically listed for debate at the same meeting as the proposition itself (Standing Order 28). There will no longer be the risk that another member will lodge an amendment as can happen at present with last minute amendments presented on a 'blue'. If a member misses the minimum deadline for bringing an amendment the only option open to that member will be to propose that the entire debate be deferred to a later date.

The Committee believes that the new provisions on minimum lodging periods will assist the States to deal with business in a more orderly way. With major policy items and matters such as new legislation there will no longer be the risk of debates happening after a period of only 2 weeks and, in addition, the proposer and those bringing forward amendments will all be aware before the debate starts of the exact number and nature of any amendments that are being proposed.

As there may be occasions when an urgent matter must be debated in a shorter period than the minimum period there is provision in Standing Order 26(7) for the States to agree to reduce the period if they are of the opinion that it would be prejudicial to delay the debate.

Standing Order 27

Standing Order 27 contains provisions on the preparation of reports by the Council of Ministers on propositions. All private members' propositions will be referred automatically by the Greffier as soon as they are lodged (27(1)) and there will therefore be no need to wait until the next meeting of the States for this referral to be made. Other propositions (for example a proposition lodged by the PAC or Comité des Connétables) may be referred to the Council at the request of the proposer (27(2)(a)) and the States will obviously retain the right to refer a proposition for a report if this has not already been done (27(2)(b)).

Once a proposition has been referred to the Council of Ministers, the Council must report within 4 weeks although, if the States agree to debate the proposition in a lesser period, the Council must report in time for the debate. The Committee is concerned that, at present, Committees can take many weeks, or even many months, to prepare reports and, for this reason, the fixed period of 4 weeks is considered appropriate. The Committee accepts that there will, on occasions, be propositions where the Council will need more than 4 weeks to report but, in these circumstances, the Council will need to present an initial report setting out the further work it intends to do and explaining how long it will take to complete this work. Once members have this information they will be able to decide whether or not to defer the debate on the proposition.

For the avoidance of doubt Standing Order 27(4) makes it clear that a debate can proceed even if the Council fails to comply with the requirement to present a report.

Standing Orders 29 to 32 – Fixing dates for debate

One important new procedure that the Committee is proposing in these new Standing Orders is that every proposition lodged must, at all times, have a proposed date for debate associated with it. The Committee believes that the present procedures, where many propositions remain with 'no date fixed' for long periods, is unsatisfactory as it inevitably makes the planning of future business more difficult because of the uncertainty about when a debate may be requested. There is therefore a requirement in the new Standing Orders for a date to be agreed for debate when a proposition is lodged and, although that date can obviously be amended by the methods set out, there will at all times be a date for debate for the proposition.

Standing Order 30 sets out how the proposer of a proposition and the Greffier must agree a date for debate, taking account of the expected volume of business already set down for future meetings. The proposer can, at any time before the debate, agree a revised date with the Greffier. If the Greffier considers that the volume of business being requested for a meeting is more than can realistically be dealt with in the days available he or she must notify the Chairman of the PPC.

The manner in which the proposed order of debate for each meeting will be established is set out in Standing Order 31. At present, unless the States decide to amend the order, propositions are listed in the order in which they were lodged and experience has shown that this is not always the most appropriate way to approach public business.

Under the proposed new procedures matters brought forward from one meeting to the next would be listed as the first items of business. Certain major items of business would, as set out in Standing Order 31(2), be listed automatically as the first items of business. For the remaining items the Greffier would seek to come to an agreement with the proposers to find the most appropriate order. If the Greffier could not come to an agreement he or she would need to refer the matter to the Chairman of the PPC who would initially try to come to an agreement with the proposers and, if this proved impossible, would simply put forward a list in the order he or she considered appropriate. It is important to point out that the States retain the absolute right to amend the order when agreeing the proposed list of business (see Standing Order 89).

The main provisions on fixing business for meetings are set out in Part 4, but Standing 32 provides that, if a member wishes to add a proposition to the list already agreed for the next meeting, he or she must give 2 clear working days' notice of the intention to make the request.

Standing Order 33 – Limit on deferral of debate

This Standing Order contains a new provision which the Committee believes will provide protection for private members seeking a debate. As can be seen, private members are given the right to insist on a debate for a proposition if the States have refused to list it for debate on at least 3 occasions. This provision will override the normal ability of the States to fix their own agenda at all times but the Committee believes it will ensure that the ability of private members to bring forward propositions for debate is protected.

Standing Order 34 – Withdrawing a proposition before debate

Standing Order 34(1) mirrors the provisions of the current Standing Orders in relation to the right of a proposer to withdraw a proposition at any time before the start of the debate.

Standing Order 34(2) states that a proposition is automatically withdrawn if it has not been debated within 6 months of lodging. At present propositions are automatically withdrawn after 12 months but the Committee considers that this period is too long. With the new provisions explained above on ensuring that a date for debate is, at all times, associated with a proposition there are unlikely to be many propositions that have not been debated or withdrawn within 6 months but the automatic withdrawal will apply to any that are not debated within that period. This could happen, for example, if the States decided to defer the debate on a proposition that had already been lodged for nearly 6 months when the next meeting would take the proposition past the maximum 6 month period. The main purpose of the provision is to ensure that there is a 'cut off' point as, if there was not, a proposer could, in theory, request a date for debate from the Greffier many months or even years later when lodging a proposition.

Standing Order 34(3) makes it clear that no member is unduly prejudiced by the automatic withdrawal of a proposition after 6 months as it is possible to simply resubmit an identical proposition for lodging at a later date.

Standing Orders 35 to 37 – Reports and comments

The procedure for the presentation of a comment or report has been amended so that they may be presented on any working day in line with the changes for lodging propositions. The Committee believes that this will give greater flexibility and overcome difficulties that arise at present when the embargo related to presentation on a Tuesday can prevent media coverage of a comment or report for several days. This can cause particular difficulties when a comment on a proposition is presented very close to the debate date.

As can be seen provision has been made in Standing Order 35(2) for minority reports to be included in reports. Although there have been examples of minority reports in the past there has never been proper provision for them.

Standing Orders 38 to 41 – Duties of the Greffier before a meeting

The provisions of these Standing Orders are self-explanatory and there are no changes of substance from present provisions. It should be noted that the Order Paper (together with any Supplementary Order Paper) will contain details of all propositions lodged since the last meeting together with any propositions approved for lodging that are to be lodged on or before the meeting day.

Standing Order 42 to 49 – Meetings of the States

Part 4 of the Standing Orders sets out what actually happens at a meeting.

There is no proposed change to the normal start time of 9.30 a.m. although the Committee is proposing in Standing Order 44 that the lunch adjournment should normally be from 1 p.m. until 2.15 p.m. As the Committee is proposing (see Standing Order 64) that there should be an additional 30 minute period for questions without notice to Ministers this additional half hour will allow the extra question period to be accommodated without reducing the overall time currently available for other business and it will also provide extra time on continuation days (when there are no questions).

Members will note that a distinction is made between the 'adjournment' of a meeting and the 'closure' of a meeting. If a meeting is 'adjourned' it will continue after lunch or on another day to enable the business to be concluded whereas, once a meeting is 'closed', the States will not reconvene until the next scheduled meeting day.

The present provision that a meeting must be adjourned at 5.30 p.m. unless the States decide otherwise is replaced in Standing Order 47 by a more flexible rule. At 5.30 p.m. the presiding officer will simply draw members' attention to the time and invite members to decide whether to continue or adjourn. Alternatively a member may propose, in accordance with Standing Order 48, that the meeting be closed. As the States must agree the arrangement of future business at the end of a meeting (see Standing Orders 88 and 89) it is nevertheless necessary to do that before the meeting can be closed.

Standing Orders 50 to 54 – Order of business and roll call

There are no significant changes to the order of business during a meeting with the exception of the moving of the arrangement of public business for future meetings to the end of the meeting. The Committee believes that valuable time can be wasted at present when lengthy discussions of future business under 'E' are sometimes repeated at the end of a meeting when, for example, there is business carried over and there is a need to revisit the list agreed earlier. The Committee believes it would be simpler to consider this matter once, just before the

meeting closes, once it is clear whether there is outstanding business to be carried forward.

The Committee, in response to concerns expressed by some members, is proposing changes to the way in which absence from the States is dealt with. Under the existing provisions members may be excused attendance from the States if they go to Guernsey to play golf but cannot be excused in other circumstances. The Committee is therefore proposing that the present rules be amended so that a member who is 'absent(e) de l'île' on States' business or ill will be shown as such in the States Minutes and automatically excused attendance. If a member is absent for any other reason it will be possible for the States to agree that the reason for absence is such that the member should be excused attendance. This will be a matter for members to decide but could, of course, include matters such as bereavement, medical appointments and childbirth. In addition it is possible that members may, in certain circumstances, be willing to excuse a colleague if he or she has to deal with important States' business in Jersey when, at present, a member would be 'en défaut'. If a member is not excused he or she will be shown as 'en défaut' and, under the provisions of Standing Order 54(3), the Minutes will record the time at which the défaut is raised if the member subsequently arrives. The Committee does not believe that it is fair that members who arrive very late in the day are currently shown as present for the entire meeting in the States Minutes.

Standing Orders 55 and 56 – States inquorate

Following the approval of an amendment of Senator Stuart Syvret to the States of Jersey Law 2005 the quorum of the States will be increased to 27 once the new system of government is in place. Standing Orders 55 and 56 set out the procedure that will be followed if the States are inquorate. The only change of any significance is that a roll call will be held before the meeting is closed if the States become inquorate during the course of a meeting and members do not return when summoned by the presiding officer.

Standing Order 57 – Matters taken as read

The Committee is proposing a minor change to current procedures in this Standing Order. In order to save time is it being proposed that the list of subordinate legislation and other matters presented will be taken as read and will not have to be read out by the presiding officer. The presiding officer will nevertheless have to notify members of any matter presented during the meeting that was not on the list included in the Order Paper.

Standing Order 58 – Propositions lodged

It is being proposed that the list of propositions lodged since the last meeting should still be read out to give the opportunity for members to request matters such as the referral of a proposition for a report. As with presentations (see above) the presiding officer must also notify the States of any proposition that is to be lodged during the meeting.

Standing Orders 60 and 61 – Matters of Privilege

Standing Order 8 set out how a member who wished to raise a matter affecting the privileges or immunity of the States had to give notice to the Bailiff and Standing Order 60 explains how the matter is raised. Standing Order 61 sets out how a matter that arises unexpectedly during the course of a meeting can be raised. In both cases, if the presiding officer is of the opinion that the matter is so serious and urgent that it must be dealt with immediately, he or she can allow the matter to be debated immediately. There are no changes of substance in these procedures from the procedures set out in current Standing Order 15 and such cases are fortunately extremely rare.

Standing Orders 63 to 66 – Oral questions

The Committee is not proposing any changes to the rules agreed in 2004 on the one hour period for oral questions with notice as it believes that the new system is working well. The Committee has nevertheless made it clear in Standing Order 63(5) that the member who asked the original question will be given the opportunity to ask at least one supplementary question.

Standing Orders 64 to 66 contain details of an important new procedure that the Committee believes will be extremely effective in holding Ministers to account. On every scheduled meeting day (excluding any continuation days) there will be a 30 minute period set aside for questions without notice to Ministers. The Committee considered whether it should simply allow an 'open' questioning period to any of the 10 Ministers during the period at every meeting but concluded that the session would be more effective if it is announced in advance which Ministers will be answering at a particular meeting. In this way both potential questioners and the Minister will be able to prepare relevant material and the Committee anticipates that Ministers will take some considerable time to prepare for potential questions. If a member has a particular question for a Minister who is not due to answer for several meetings, the member can, of course, submit a question with notice for oral answer during the one hour oral question period at the next meeting.

As set out there will be a rota showing the dates on which Ministers will be answering and, with 9 Ministers, each Minister will answer once over a period of 6 meetings. The Chief Minister will answer questions without notice at every other meeting. The Committee is proposing that the Chief Minister should answer during the second 15 minute period as it is possible that the first period of questions will finish early and the remaining time can, because of the operation of Standing Order 66(2), be added to the second period. In addition there may be matters raised by the Minister answering first that members will then wish to raise with the Chief Minister.

The Committee believes that questions without notice, when Ministers will not be able to rely on answers prepared in advance, usually with the assistance of officers, will be an extremely effective tool to hold the Executive to account and to assess whether Ministers are aware of all issues affecting their areas of responsibility.

Standing Order 67 and 68 – Statements

There are no changes of substance to the provisions on personal statements but an important change is made to the procedures relating to statements made by Ministers or by the Chairman or President of other bodies.

The Committee is conscious that members are currently frequently frustrated at not being able to seek further information to elucidate the contents of a statement and Standing Order 68 therefore proposes that a period of up to 10 minutes will be allowed after a statement of this type to allow members to raise any queries they may have.

Standing Order 69 and 70 – Procedure for debate on proposition or amendment

There are no changes of substance to the current rules of debate set out in these 2 Standing Orders. It is made clear in Standing Order 69(4) that a proposition can only be withdrawn with the agreement of the States once the debate has commenced.

Standing Order 71 to 75 – Draft Laws or Regulations

In P.79/2003 (Machinery of Government: Establishment of Scrutiny Panels and PAC) the Committee set out its concerns over the way in which draft legislation is considered by the States at the present time –

10.1 It is generally accepted that the present method of dealing with primary legislation in the States is unsatisfactory. The following general criticisms of the present system may be made –

- *complicated legislation is frequently not subject to detailed analysis;*
- *those promoting the legislation are not always required to explain the effect of particular provisions;*
- *there is frequently a very short delay, sometimes no more than the minimum two week lodging period, between the lodging of the legislation and its adoption, and almost invariably no delay between adopting the draft in second reading and adopting it in third reading;*
- *the process for dealing with amendments does not work as well as it might. Often amendments are lodged late, or presented with the minimum of 4 days' notice, and on many occasions residual concerns about the draft are expressed during the debate without any formal amendment being presented, meaning that the draft is either adopted or rejected but not developed.*

The proposed approach for dealing with draft Laws or draft Regulations set out in these Standing Orders follows the process set out in P.79/2003 which, it is hoped, will address some of the concerns above.

The draft legislation will, of course, have to be lodged for the minimum lodging period of 6 weeks before the debate can commence. The first stage of the debate, as set out in Standing Order 71, will be the debate on the principles of the draft. This debate will be similar to the debate that is currently described as the 'debate on the preamble' and will enable members to discuss and vote on the underlying rationale behind the draft. As can be seen from Standing Order 71(4) members will be given more latitude than at present to refer to the Articles of the draft to explain why they support or oppose the principles.

On the assumption that the States agree the overall principles, the draft must be referred to a scrutiny panel or panels if the Chairman of the relevant panel indicates that the panel wishes to scrutinise the draft. It is possible that, in many cases, a draft may already have been referred to the panel informally before this stage, but at this stage in the legislative process the panel will have an absolute right to ask for a formal referral of the draft to scrutiny. Although it was suggested in P.79/2003 that every single draft Law had to be referred to a scrutiny panel, the Committee accepts that the panels may not wish to have to consider every single item and it is therefore being suggested that the decision in each case be left to the panel.

If a draft is referred to a panel or panels the States must fix a provisional date for the resumption of the debate

which must be not later than the 4th scheduled meeting day following the debate on the principles (in practice usually at least 8 weeks in a cycle of fortnightly meetings). There is, of course, provision for the proposed debate date to be changed at a later stage by the States (see Standing Order 89) if, for example, the panel needs longer than expected to scrutinise the draft.

Although it is not necessary to specify it in this section of Standing Orders it will, of course, be possible for amendments to be lodged to the draft (subject to the 2 week minimum lodging period) if issues are identified during the scrutiny stage. Amendments could be lodged by the panel itself, by a private member, or even by the relevant Minister if he or she accepted the conclusions of the panel.

Standing Order 72(7) makes it clear that it will not be possible for draft legislation related to the Budget to be referred to a scrutiny panel. Members will know that legislation relating to matters such as increases in impôts duties often needs to be given immediate effect and it would not be possible as a result for it to be delayed. The Committee has nevertheless discussed the matter of budget scrutiny with the Policy and Resources and Finance and Economics Committees and agreed a system of scrutiny throughout the budget process and this system will hopefully enable scrutiny to have a meaningful input into the process even if taxation legislation cannot be referred to scrutiny during the 2nd reading stage.

Standing Order 73 sets out how the debate on legislation that is not referred to scrutiny can continue immediately after the debate on the principles or no later than the 2nd meeting after that debate.

Standing Order 74 explains how the debate on the Articles or Regulations will take place and there are no changes of substance from the procedures used at present. Similarly the provisions relating to third reading in Standing Order 75 are unchanged from current practice.

Standing Order 76 and 77 – Draft legislative Act or Standing Orders

Standing Order 76 set out the procedure for dealing with legislative Acts such as Appointed Day Acts and Standing Order 77 for Standing Orders. There are no changes of substance from present procedures.

Standing Order 78 – Draft enactment to be discussed in committee

Although the present procedures for the States to sit as a Committee of the Whole House are used very infrequently, the Committee has retained the procedures relating to them in these new Standing Orders. The procedure is now described as the ‘States sitting in committee’ and this Standing Order sets out how the debate on a draft enactment can be suspended to enable an in committee discussion to take place. Further provisions on the States sitting in committee are found in Standing Orders 97 and 98.

Standing Order 79 – Suspension of debate for the purposes of scrutiny

This Standing Order contains an entirely new procedure to reflect the important rôle that scrutiny panels will play in the new system. As can be seen the procedure allows the Chairman or a member of a scrutiny panel to propose during a debate that the debate be suspended to allow the proposition to be referred to a scrutiny panel. The Committee believes that this procedure could be helpful if it becomes clear during a debate that there are concerns or issues that would benefit from review by a panel. Standing Order 79(2) makes it clear, however, that a matter that has already been referred to scrutiny cannot be referred again through this procedure.

Throughout the Standing Orders the Committee has been careful not to introduce any procedures that allow matters to be referred to scrutiny panels unless the panels wish to consider the matter in question. This is an important safeguard to ensure that panels are able to set their own agendas and it is for this reason that the ability to propose a suspension and referral to scrutiny is only given to the Chairmen and members of scrutiny panels in this Standing Order.

Standing Order 80 – Suspension of Standing Orders

It will be possible, in the normal way, for a member to submit for approval in the usual way a proposition for the suspension of one or more Standing Orders. Any such proposition has to be lodged for a minimum of 2 weeks before it can be debated (see Standing Order 26(3)). The provisions of Standing Order 80 will apply when a member wishes to propose the suspension of one or more Standing Orders without notice. This is possible providing that the presiding officer gives approval for the proposition to be moved.

Standing Order 81 and 82 – Proceedings in camera

There are no changes of any substance to the present procedures on *in camera* proceedings although it is made clear that a vote must always take place in public. Standing Order 82(2) makes it clear that *in camera* proceedings can be recorded so that a transcript of the proceedings can be prepared. Standing Order 155(4) makes it clear that

the transcript of *in camera* proceedings cannot be made public unless the States agree that it should be released.

Standing Order 83 – Reference back

The Committee considers that the present requirement that a proposition that a matter be referred back must not ‘negative’ the proposition can lead to difficulties of interpretation for the presiding officer and members. As a result this Standing Order sets out more clearly the circumstances in which a reference back can be allowed and explains that a reference back cannot be proposed if the effect would be to prevent debate resuming at a future meeting.

Standing Order 84 – Closure of debate

The Committee is aware that some members of the States remain strongly opposed to the introduction of the closure motion but, following the 2 States’ decisions on the procedure, the Committee has concluded that it should be included in the new Standing Orders. The Committee is nevertheless proposing 4 changes to the operation of the closure in this Standing Order which it hopes will go some way to addressing the concerns of some members.

The first change is that the period of one hour will now run from the end of the proposer’s speech and not from the start of that speech as at present (the presiding officer only ‘opens the debate’ after the proposer has spoken, see Standing Order 69(3)). Secondly the proposition will only be able to be made by a member who has not yet spoken to ensure that members are not able to speak and subsequently seek to prevent others from speaking. The third change proposed is that 15 minutes’ warning will have to be given before the proposition can be made. The final change is that any member will be able to propose without notice during the debate that the ability to propose a closure should not apply throughout the debate. Under present procedures any such proposition to suspend Standing Orders on closure cannot be made without the leave of the presiding officer – this would not be a requirement under the revised procedure set out here.

There is no change to the present rule that the presiding officer may refuse to allow the proposition to be put if he or she believes it is an abuse of procedure or an infringement of the rights of a minority.

Standing Order 88 and 89 – Arrangement of public business for future meetings

The Committee is conscious that members frequently express the view that steps must be taken to reform the present method for fixing the arrangement of public business for future meetings. At present there can be lengthy discussions under ‘E’ with decisions often being taken to amend or add to the draft list set out in the Order Paper. The Committee is nevertheless equally conscious that, unlike many parliaments where a dominant government majority simply dictates the agenda, the States must remain masters of their own agenda and be able to discuss and amend any proposed arrangement.

The procedures being proposed in these new Standing Orders will hopefully represent an appropriate balance between the need to improve the current system whilst not restricting members’ ability to fix the final list. One important change that has been referred to earlier is the new requirement for all propositions to have a proposed debate date agreed at all times. It will be recalled that Standing Order 30 requires a member to agree a debate date with the Greffier taking account of the likely volume of business already set down for the proposed date and it is hoped that this new requirement will avoid the overloading of dates as happens at the present time.

The Committee believes that the Chairman of the future PPC should take an active rôle in the arrangement of business. The procedures set out in this Standing Order will mean that a full list of all future business will be presented to members at each meeting showing all propositions lodged and the proposed dates for debate. This list will be similar to the salmon coloured ‘Arrangement of Public Business’ sheets currently circulated by the Greffier except that there will no longer, of course, be a ‘no dates fixed’ section.

At the very end of each meeting the Chairman of the PPC will propose that the list be approved. He or she will remind members of any outstanding business that is to be carried over from the present meeting and will also express an opinion on the volume of business set down for all future meetings. The Chairman will undoubtedly, in practice, seek the views of the proposers, other members and the Greffier before making this assessment and, if necessary, the Chairman will be able to propose that the States meet on additional days if he or she is of the opinion that the business cannot be completed in the time set down.

Unlike the present procedures where debate dates can only be finalised from one meeting to the next, the proposed system will allow the States to approve the list for all future meetings thereby allowing members to plan much further ahead even though the agreed list of future business will be able to be refined and amended from meeting to meeting. Although members will still be free to propose changes to the list it is hoped that changes will

be less frequent than at present because of the more structured approach to this matter and the active involvement of the Chairman of the PPC and the Greffier in advising members on appropriate dates.

Standing Orders 90 to 96 – Voting

The Committee is not proposing any changes of substance from the procedures on voting that were introduced with the electronic voting system in 2004. The only change to draw to members' attention is contained in Standing Order 93(1) where the current choice between a roll call vote or an open ballot in the case of a failure of the electronic voting is replaced with a presumption in favour of a ballot unless the States take the decision to use a roll call vote. The Committee believes that now that the simultaneous nature of the electronic voting system has become a feature of States proceedings, votes should normally be taken by a system which has the same characteristics in the case of a breakdown of the system even if a paper based ballot is clearly a more time-consuming way to take a vote than reverting to the old style 'appel nominal'.

Standing Orders 97 and 98 – States sitting in committee

The present provisions are repeated without significant change in these Standing Orders although, as mentioned earlier, the term 'Committee of the Whole House' has been amended. In addition a sitting in committee will always be chaired by an elected member or the Greffier or Deputy Greffier and can no longer be chaired by the Bailiff.

Standing Order 99 – Presiding officer to maintain order

This Standing Order repeats the existing provisions relating to the rôle of the presiding officer. The Committee nevertheless draws members' attention to paragraph (3) which makes it clear that any member can bring a proposition to challenge a decision of the presiding officer in relation to any point of order.

Standing Orders 100 to 106 – Behaviour of members and contents of speeches

This Standing Order formalises current practices and customs on the behaviour expected of members during a meeting. Although food and drink is not normally permitted in the Chamber, Standing Order 100(3)(b) makes it clear that members may drink a glass of water.

In common with practice in many other parliaments, provision is made for members who are unable to stand to remain in their places when they would normally be required to stand.

The proposed rules on interruptions and the contents of speeches are reproduced without substantive changes from the existing Standing Orders although the current convention on not using the names of officers or other persons who are not members of the States unless it is strictly necessary to do so is formalised in Standing Order 105(i).

Standing Order 107 – Declaration of Interest

The provisions on the registration of members' interests are contained in Schedule 2 and this Standing Order refers to the position when a member has an interest in a matter under debate or in an oral question. The initial rule is similar to present procedures, making it clear that a member who has a direct financial interest must declare that interest and withdraw from the proceedings. An additional rule is nevertheless included to refer to an interest that is indirect, shared with a large class of people (for example landlords) or not financial. The Committee is aware that concern has been expressed in the past that such interests do not currently need to be declared and this new requirement will mean that such interests will need to be declared although, in common with the position in many other parliaments, the member concerned will be able to remain and participate in the proceedings.

All declarations made will be recorded in the States Minutes.

Standing Order 109 to 111 – Powers of presiding officer

The provisions of these Standing Orders indicate the powers of the presiding officer in maintaining order and in regulating members' speeches. It is obviously important that the person presiding over proceedings whether that person is the Bailiff, an elected member or an officer, has adequate authority to regulate proceedings.

Standing Order 109 sets out the initial response of the presiding officer if a member is making an irrelevant speech or unduly repeating others' arguments when the presiding officer can initially direct a member to discontinue his or her speech.

Standing Order 110 sets out how the presiding officer may deal with a member who uses inappropriate language. The member must initially be requested to explain the sense in which the words were used and the presiding

officer then makes a determination. If the presiding officer believes that the language used was inappropriate, he or she may require the member to withdraw the words and apologise.

Standing Order 111 explains how the presiding officer may request a member to withdraw for all or part of the remainder of a meeting if the member has obstructed the meeting, been disorderly, refused to withdraw inappropriate language or generally refused to comply with standing orders or disregarded the authority of the presiding officer.

As explained in the introduction above, these Standing Orders do not currently contain provisions on members' discipline in relation to matters such as suspension etc. These provisions will need to be brought forward in due course when the outcome of the debate on the repeal of Article 51 of the States of Jersey Law 2005 is known.

Standing Orders 112 to 114 – Order and time for selection of Ministers, Committees and Panels

Part 6 of these Standing Orders sets out new procedures relating to the appointment of the various officeholders under the new system of government.

The order of appointments shown in Standing Order 112 reflects existing decisions of the States. As can be seen the appointment of the Chief Minister will be followed at the next meeting by the appointment of the Chairman of the PPC, the Ministers, the Chairman of the PAC and then the Chairmen of the 4 scrutiny panels. At the meeting after that the members of the PPC, the PAC and the scrutiny panels will be appointed. The final appointments, at the 4th meeting after an ordinary election for Deputies, will be the 2 additional members of the Chairmen's Committee.

Because of the current system of Deputies elections in late November it is, unfortunately, impossible to appoint a new Chief Minister immediately after the elections this autumn as time must be allowed for the Budget to take place before the new States can be sworn in. There is no scope to hold the Budget before the elections because of the tight timescale for the Finance and Economics Committee between the adoption of the States Business Plan (Resource Plan) in September 2005 and the Budget. In addition it would clearly have been politically undesirable for the Budget debate to take place just before the Deputies elections even if this had been possible. For this reason the period set out in the table in Standing Order 112 for the appointment of the Chief Minister is 14 days after the election. This will allow the Budget to be held on 29th November (and subsequent days) with the swearing in of the new States and the election of a Chief Minister Designate on Monday 5th December. If the somewhat unsatisfactory situation of the Budget being held after the elections is to be avoided in 2008 some reform will be required before those elections. A change could, of course, be achieved by simply moving the elections to another period of the year such as the Spring even if there was no consensus on amending the composition of the States or moving to one single election day.

In case of a casual vacancy it is possible to appoint a new Chief Minister more quickly and the period given in Standing Order 113 is therefore 4 clear working days. Therefore if, for example, the Chief Minister resigned on a Tuesday, his or her successor would have to be appointed by the States, assuming there are no bank holidays intervening, no later than the following Tuesday as 'clear working days' are defined in Standing Order 1 as excluding the day the first event happens (here Tuesday 1) and the day the second event happens (here Tuesday 2). There is clearly a balance to be struck between the need for members to have adequate notice of nominations for Chief Minister and the need to avoid a lengthy period before appointing a new Chief Minister and the Committee considers that 4 working days is the appropriate period to choose.

After the selection of the Chief Minister designate, whether after an ordinary election or otherwise, the States must then appoint Ministers at a meeting convened 2 clear working days after the selection of the Chief Minister designate. After an ordinary election the States will first, at this meeting, elect the Chairman of the PPC (see below). In the event of a casual vacancy for Minister the appointment of a successor must be made either at the meeting when the States are notified (or when the vacancy actually arises, for example after a vote of no confidence) or at the next meeting. If members have been aware for some time of a possible vacancy (for example if a Minister has submitted his or her resignation, or even died, during the summer recess) members are likely to be willing to appoint a successor as soon as possible whereas after an event such as vote of no confidence members are more likely to wish to defer the appointment of a new Minister until the next meeting. If a vacancy occurs within 8 weeks of an ordinary election for Deputies the States may decide (Standing Order 113(4) read with Article 22(4) of the Law) that it is not worth filling the vacancy (the States of Jersey Law 2005 makes it clear that the Chief Minister can appoint another Minister to cover the functions of a Minister in case of vacancy or can discharge the functions himself or herself).

Standing Order 114 makes it clear that when vacancies occur in other offices, such as the chairmanship of the

PPC, the vacancy must be filled no later than the next meeting after the vacancy occurs or is notified to members.

Standing Orders 115 and 116 – selection of Chief Minister

The proposed selection process for the Chief Minister follows the process already agreed by the States. Candidates will need to be nominated by at least 6 elected members and will need to provide a statement setting out their ‘manifesto’ for the position. All nominations must be submitted to the Greffier at least 2 working days before the meeting at which the selection will be made and the Greffier must then send the nominations to all members.

At the meeting when the selection is to be made the Greffier will be asked to read out the nominations received. Lots will be drawn to determine the order in which the candidates will speak and they will then speak for up to 10 minutes. There will then be a 20 minute question period for each candidate mirroring the question period that was used successfully on a trial basis for the election of the President of the Policy and Resources Committee in December 2002. A secret ballot will then be held, with successive ballots if necessary, until one candidate emerges with an overall majority of votes. The note after Standing Order 116(12) reminds members that the successful candidate remains as Chief Minister ‘designate’ until the States have selected the remaining Ministers at the meeting held 2 clear days after his or her appointment.

Standing Order 117 – Chairman of PPC

The States have already agreed that the Chairman of the future PPC should be selected immediately after the Chief Minister. As shown later in the Standing Orders the future PPC will be a Committee with representatives of the Executive and members who are not part of the Executive and will have an important rôle in the running of the States. The selection process for the Chairman, as set out in this Standing Order, is quite straightforward. Nominations will be made from the floor of the Chamber, each candidate will speak for up to 10 minutes and there will be a 20 minute question period before the secret ballot or ballots are held.

Standing Order 118 – Appointment of Ministers

Following the adoption by the States on 7th June 2005 of the amendment of Senator Stuart Syvret to the amendment of the Policy and Resources Committee to the States of Jersey Law 2005 the appointment process for Ministers will be as set out in this Standing Order.

The Chief Minister designate will firstly announce the order in which he or she wishes the States to vote on the 9 Ministers to be appointed and will then announce the name of the member he or she wishes to nominate for each of the 9 offices. In this way all members will, at the outset, have a full picture of the ministerial ‘team’ that the Chief Minister would like to see appointed. The Chief Minister is given the flexibility to decide the order of appointments and there will be no pre-determined ‘hierarchy’ of appointments as set out at present for the appointment of Committee Presidents.

After the full list of the proposed ministerial team has been announced by the Chief Minister the States deal with each one in turn. The Chief Minister will announce his or her nomination and the presiding officer will then ask members for alternative nominations. If there are no alternative nominations, the Chief Minister’s candidate is appointed to office. If there are other nominations a ballot or ballots will be held until one candidate emerges with an overall majority of those present.

If one of the Chief Minister’s nominations is rejected, the Chief Minister must again announce the proposed nominations for the remaining ministerial offices. If he or she wants he can revise the order of appointments of the remaining nominees. The Chief Minister may, of course, make no changes but he or she may wish to amend the proposed list in the light of the rejection of one of the original nominations. A revised list would, of course, be necessary if the member appointed to a ministerial office who was not the Chief Minister’s nominee was one of the members originally proposed by the Chief Minister further down the list.

The Chief Minister is given the power in Article 19(6) of the States of Jersey Law 2005 to step down at any time before the selection process is complete. Although this is hopefully an unlikely outcome it could, of course, happen if the Chief Minister genuinely felt that he or she could not work effectively with the team of Ministers being appointed by the States following the acceptance of alternative nominations.

Once the final selection has been made the Chief Minister and the Ministers are appointed to office. Later this year this completion of the selection process will be the ‘trigger’ to initiate the new ministerial system and will signal the abolition of the Committee system.

Standing Order 119 – Appointment of Chairman of PAC

At the same meeting at which the Ministers are appointed after an ordinary election the States must appoint the Chairman of the PAC. The process mirrors the process described above for the Chairman of the PPC. Candidates will be nominated from the floor, each will speak for up to 10 minutes and there will be a 20 minute question period for each candidate before a secret ballot or ballots are held to make the appointment.

Standing Order 120 – Appointment of Chairmen of Scrutiny Panels

The Committee has followed the existing States’ decision in P.79/2003 by proposing in these Standing Orders that there should be 4 scrutiny panels with designated areas of responsibility. As shown in Standing Order 112 and again in Standing Order 134 the 4 Panels would be as follows –

- (a) a scrutiny panel which is assigned the topics of corporate services, corporate policies and external relations (“corporate services”);
- (b) a scrutiny panel which is assigned the topics of economic affairs and economic development (“economic affairs”);
- (c) a scrutiny panel which is assigned the topics of social, education and home affairs (“social affairs”);
- (d) a scrutiny panel which is assigned the topics of environment and technical services (“environment”).

The Committee is aware that some members have suggested that it would be preferable to have a number of ‘generic’ panels that could each choose to review topics on any area of the Executive’s responsibilities. The Committee has nevertheless concluded that it would be preferable to retain the structure already agreed by the States. It will enable members with a particular interest to seek membership of the panel assigned that topic and will ensure that members of the panel can build up an expertise of the subject as well as a relationship with the Minister or Ministers responsible for the areas in question. In addition it will enable legislation to be referred to the relevant panel for review and the members of that panel will hopefully already be aware of the policy framework which led to the drafting of the legislation in question. There is provision in Standing Order 138 for panels to appoint sub-panels with members who do not have to be members of the panel in question and this could be a mechanism used to allow scrutiny members to become involved in reviews on topics outside the terms of reference of their own panel.

The appointment process for the 4 Chairmen of the scrutiny panels is the same as the process already described above for the Chairman of the PPC and the Chairman of the PAC. The 4 Chairmen will be appointed in turn for each of the 4 panels and there will be no restriction on a member who is rejected as Chairman of one panel putting his or her name forward for another one.

Standing Order 121 – Appointment of members of PPC

The appointments described in this Standing Order and in Standing Orders 122 and 124 will take place at the next meeting after the appointment of the scrutiny panel Chairmen.

The future PPC will, as set out in Article 47(2)(b) of the States of Jersey Law 2005, be comprised of a Chairman and 4 other members who are not members of the Executive together with 2 members who are. This Standing Order explains the appointment procedure which mirrors the process used at present for Committee membership except that in the ballot, and other similar ballots for other Committees and Panels, members will not be required to use all of their votes. The Committee believes that it is inappropriate to force members to use all of their votes, and to discount as ‘spoilt papers’ any ballot papers that do not use all votes, and the current requirement is therefore changed in these new Standing Orders.

The ballot for membership of the PPC will be done in 2 stages so that the required combination of membership is achieved. Although the Chairman must consult the Chief Minister on the nominations of the 2 Ministers or Assistant Ministers to be nominated, it can be seen that there is nothing to stop other members proposing alternative Ministers or Assistant Ministers for these 2 positions.

Standing Orders 122 and 123 – Appointment of members of PAC

Article 47(3) of the States of Jersey Law 2005 requires the PAC to be comprised of a Chairman and at least 4 other members, of whom 50% must be States members and 50% persons who are not States members.

Standing Order 122 refers to the appointment of the States members. The Chairman must firstly inform members how many members he or she wishes to have on the PAC and must then make nominations. Alternative nominations can be made as long as the candidates are not Ministers or Assistant Ministers and a secret ballot is then held.

Standing Order 123 describes the process for the appointment of the non-States members. In this case the Chairman must give the Greffier 2 weeks' notice of the intention to make nominations and alternative nominations may be given to the Greffier at least 2 clear working days before the meeting at which the selection is to be made. At that meeting a secret ballot will, if necessary, be held to select the members.

Standing Order 124 – appointment of members of Scrutiny Panels

The process for the appointment of members of the 4 Panels is similar to the appointment process currently used for Committee membership. Each of the 4 Chairmen will, in turn, indicate how many members he or she wishes the panel to have up to a maximum of 4, and will then make nominations. Alternative candidates can then be nominated with a ballot being held if necessary to appoint the number of members proposed by the Chairman. The process will be repeated for each of the 4 panels. Standing Order 134(3) makes it clear that a member can only serve on one panel at a time although he or she could also be on the PAC, the PPC or be one of the 2 members appointed to the Chairmen's Committee (see below).

The Committee is aware that concern has been expressed recently that there will be insufficient members to serve on the scrutiny panels and it very much hopes that this will not be the case. There will be at least 30 members of the States who will not be Ministers or Assistant Ministers and with only 20 members required to fill the 4 panels, the Committee cannot see any reason why each panel should not be fully served with members.

Standing Order 125 – Appointment of members of Chairmen's Committee

5 members of the Chairmen's Committee will, of course, be *ex officio* members by virtue of their position as chairman of the PAC or chairman of a scrutiny panel. It was nevertheless agreed in P.79/2003 that there should also be 2 other members to ensure that the views of other members who are not serving in the Executive are represented.

It will be for the States to decide whether or not these 2 members will be serving on the PAC or a scrutiny panel. In the original consultation draft of the Standing Orders sent around to members it was suggested that the 2 members had to be serving on a panel or the PAC to be eligible for appointment to the Chairmen's Committee but, having received comments from Deputy Dorey, the Committee has agreed to leave the decision with members. The only restriction will be that the 2 members cannot be Ministers or Assistant Ministers.

The appointment process for these members, which will take place at the 4th meeting after an election, will be similar to the process used for other committees and panels, with nominations from the floor of the Chamber, the chance for alternative nominations to be made, and a secret ballot to select the 2 members.

Standing Orders 126 to 129 – PPC

Part 7 sets out the constitution, terms of reference and proceedings of the various committees and panels of the States.

As already mentioned, the PPC will in future be a mixture of 5 members who will not be Ministers or Assistant Ministers and 2 who will be. The terms of reference of the PPC, as set out in Standing Order 127, are similar to the terms of reference of the present Committee with certain minor but important changes.

In Standing Order 127(a) reference is added to issues relating to the 'composition' of the States. Members will be aware that there has been confusion in recent years over political responsibility for this issue. After the publication of the Clothier report it was initially taken forward by the Policy and Resources Committee but, after the series of Parish meetings on the proposals of that Committee in late 2001, it took the decision to ask the States to set up a Special Committee to deal with the matter. Members will recall that the proposals of that Committee were rejected and, after its resignation, it has been uncertain whether responsibility lay again with the Policy and Resources Committee or with PPC. To avoid any future confusion this responsibility is given to the future PPC and the present Committee is hopeful that after the establishment of the new system these issues will again be looked at.

Standing Order 127(b) refers to responsibility for electoral matters (which was passed to the Committee on 24th May 2005) and Standing Order 127(c) refers to the responsibility of the PPC to draw up the future budget of the States and its services in accordance with the terms of the amendment to the new Public Finances (Jersey) Law 200- agreed earlier this year. Other terms of reference are the same as at present with the addition of a requirement to draw up an annual report encompassing all aspects of the work of the States and its committees and panels.

An important difference from the present PPC terms of reference is the omission of the oversight of the scrutiny

function which, because of the mixed membership of the future Committee, is being passed to the Chairmen's Committee.

Standing Order 129 sets out details of the proceedings of the PPC and it should be noted that there is a presumption that the public may observe meetings unless the Committee decides to meet in private. The automatic right of members of the States to attend current Committee meetings unless Part B items are being discussed is preserved in Standing Order 129(10).

Standing Orders 130 to 136 – PAC

The PAC will, as mentioned above, be a combination of elected members and persons who are not.

The Committee is grateful for the input it has received from the shadow PAC in drafting the proposed terms of reference for the future PAC as set out in Standing Order 131. As with the PPC there is a presumption in favour of allowing the public to attend meetings although the Committee can sit in private and it may no doubt wish to do so when deliberating on its conclusions after public hearings etc.

Standing Orders 134 to 139 – Scrutiny Panels

As explained earlier the Committee is putting forward a structure for the scrutiny panels which is broadly in accordance with existing States decisions. The terms of reference for the panels, as set out in Standing Order 135, are as already agreed by the States with one minor change explained earlier, namely that the panels will not be required to scrutinize all primary legislation. The Committee has been careful throughout the Standing Orders to ensure that panels are given the freedom to select their own topics and not be forced to undertake certain reviews.

As can be seen in Standing Order 138, scrutiny panels will be able to set up sub-panels which may contain members who are not members of the panel in question (provided that they are not Ministers or Assistant Ministers). The Committee believes that the use of sub-panels could be an effective mechanism to address particular issues that the panel itself cannot deal with and could be used, for example, to consider draft legislation or an issue that cut across the responsibilities of several panels. In Standing Order 139 provision is made for panels to appoint one single member to deal with an issue. The Committee was impressed with the system of doing this used in Scotland where such members are known as 'rapporteurs' and believes it could be a useful process to have available. To ensure that panels do not decide to undertake more work than can be dealt with within the available resources there is a safeguard in relation to both the appointment of sub-panels and individual members, namely that no resources must be allocated to these without the agreement of the Chairman's Committee.

Standing Order 140 sets out the requirement for all scrutiny panels to comply with any code of practice issued by the Chairmen's Committee as explained below.

Provisions relating to the powers and immunity of scrutiny panels in relation to matters such as requiring attendance of witnesses are not set out in these Standing Orders as the States of Jersey Law 2005 requires those matters to be done by Regulation. The Committee will be bringing forward Regulations to cover these matters shortly.

Standing Orders 141 to 144 – Chairmen's Committee

The Committee is convinced that a strong and effective Chairmen's Committee will be a vital feature of the new system of government. Because the future PPC will be a mix of members from across the States, including Ministers and Assistant Ministers, it would not be appropriate for that committee to have responsibility for the scrutiny function and that responsibility has therefore been taken out of its future terms of reference as mentioned above.

Responsibility for oversight, co-ordination and review of the work of the PAC and the scrutiny panels will rest with the Chairmen's Committee as explained in the Committee's terms of reference in Standing Order 142. The Committee will be a co-ordinating body, ensuring that resources are allocated fairly between the various panels but it is important to stress that the Chairmen's Committee will not have any sort of 'veto' over the programmes drawn up by each panel. It will be for each panel to decide on its own programme within its terms of reference and the rôle of the Chairmen's Committee will be to ensure that there is no unintentional overlap or gaps in the programme of scrutiny over a period of time. It will also be necessary to ensure and agree that the programmes chosen can be undertaken within the financial and manpower resources available to the PAC and scrutiny.

It will be essential for the Chairmen's Committee to maintain close contact with the Council of Ministers and this two way requirement is set out in Standing Order 142(e).

A very important part of the work of the Chairmen's Committee will be the drafting of codes of practice for PAC and scrutiny panels. These will cover the way in which PAC and the panels must operate and will, effectively, be a set of guidelines or protocols including, but not restricted to, the matters listed in Standing Order 142(f) and (g). The codes of practice will need to be approved by the States meaning that all members will be responsible for agreeing the framework within which the PAC and the panels will be operating. One of the lessons learnt during the shadow period is that there can be misunderstandings between the executive and scrutiny on the way in which scrutiny should operate and the Committee is convinced that the approval of the codes of practice, that all parties will need to respect and comply with, will put in place a robust and well understood framework.

Standing Orders 145 to 149 – Committees of Inquiry

The present provisions relating to Committees of Inquiry in the States of Jersey Law 1966 were not reproduced in the States of Jersey Law 2005 and are therefore reproduced without significant amendment here. As with scrutiny panels and other committees provisions relating to the powers and immunities of Committees of Inquiry will be included in Regulations to be brought forward shortly as there is no enabling power to allow those matters to be included in these Standing Orders.

As with all oaths a person who does not wish, for religious or personal reasons, to swear an oath is able to make a solemn affirmation in accordance with the provisions of the Solemn Affirmations (Jersey) Law 1963. The affirmation for a Committee of Inquiry would be as follows –

“I, A.B., do solemnly, sincerely and truly declare and affirm that I will well and faithfully discharge my duties as a member of the committee of inquiry into [.....]”.

Standing Orders 151 to 153 and Schedule 2 – Members' interests

The Committee set up a Working Party to review the whole matter of members' interests and the provisions now included in these Standing Orders reflect the outcome of the work of that Working Party as agreed by the Committee. Best practice in other jurisdictions was researched and the final conclusions adapted for the local situation. As can be seen there is a tightening of the rules in relation to matters that must be declared in response to concern that the present rules are inadequate.

The basic provisions on the creation and completion of a register are largely unchanged in Standing Orders 151 to 153 although the Committee is proposing in the interest of openness and transparency that the register should be published on the internet as has become common practice in many other jurisdictions including the House of Commons and the Scottish Parliament. It is important to stress that there is no requirement to declare the actual monetary value of interests (e.g. the annual salary from employment) although members are free to declare monetary value if they wish to do so. It is also made clear in Standing Order 151(4) that a member is only required to register interests of a spouse or cohabitee if the member is aware of those interests.

The matters that must be declared are set out in Schedule 2. The provisions are hopefully largely self-explanatory and, as can be seen, will require members to declare considerably more interests than at present.

Paragraph 1 of Schedule 2 sets out the requirement to register details of remunerated employment, directorships or partnerships. As mentioned above the actual amount of remuneration received does not need to be specified although there is nothing to prevent members making that information available in the register if they wish. It will be seen that there is no need to register remuneration received as a States member or Connétable. Paragraph 2 refers to self-employment and members are required to give details of persons from whom they receive a significant portion of their income. It would clearly be inappropriate for a member who was self-employed as, say, a carpenter or a piano teacher to give details of every single client but a member who is a self-employed consultant, working principally for one major client, will be required to declare details of that client.

The rules on shareholdings in paragraph 3 have been significantly altered from the present rules. At present it is only necessary to register a shareholding if the member, or member's spouse or cohabitee, holds more than 10% of the issued shares. As can be seen this has been changed to 1% or shares of £25,000 in value. (Standing Order 152(4) requires members to check the value of a shareholding at least once every 12 months to ascertain whether it needs to be registered). The new threshold for registration of shareholdings is similar to provisions in other jurisdictions in the United Kingdom.

Paragraph 4 refers to paid sponsorship. Although such sponsorship is common in other places the Committee is aware that it is not currently a feature of Jersey political life. This provision has nevertheless been included to

ensure that there would be a requirement to register such sponsorship.

Paragraphs 5 and 6 refer to gifts, hospitality, benefits and overseas travel given to members when the matter is related to membership of the States. The value of the gift must be at least 1% of the maximum remuneration figure meaning that a gift would currently need to be valued at over £365 before there was a requirement to register. The Committee appreciates that receipt of gifts of this nature is probably extremely rare, as is the case with overseas visits paid for by others, but there have, of course, been well-publicised cases of abuses in other jurisdictions and the Committee considers that a clear requirement to register such matters should be in place.

The rules on land in paragraph 7 have been tightened from the existing rules which only require land to be registered if an income is received from it. As can be seen paragraph 7(1) will require registration of any land owned, as the Committee is conscious that there could be a perception that a member could be influenced in his or her actions by ownership of land (for example in case of a planning application on neighbouring land) even if no income is received from it. As there may be cases where members receive income from land they do not own, paragraph 7(2) requires registration of such details of any such land.

Paragraph 8 is a general requirement for members to come to an assessment of other interests and benefits received that, although falling outside the other categories, could, in the member's view, be perceived by other persons as influencing their conduct.

The Committee accepts that in a small community such as Jersey, where many members still engage in professional activities outside their work as a member, there is a difficult balance to strike in relation to the declaration of interests. The Committee does not believe it would be appropriate, or in the Island's best interests, to introduce stringent requirements on the holding of directorships as is the case, for example, for Ministers in the United Kingdom. The Committee believes that it has found an appropriate balance in these new rules between the need for openness and transparency whilst not making the rules so stringent that members of the community might be dissuaded from putting their names forward for election.

Standing Orders 154 to 156 – Records of meetings

These Standing Orders require the Greffier to keep Minutes of States meetings and there is, of course, the new requirement for 'Hansard' in Standing Order 155 which must be included in Standing Orders because of the provisions of the States of Jersey Law 2005. The transcript will be a complete record of the matters listed in Standing Order 155(2) and the Greffier will be able to include other discussions that are likely to be of ongoing interest such as some of the discussions on the arrangement of future business. Although it would clearly be a waste of resources to transcribe routine matters during a meeting such as prayers or roll call, the Greffier has made it clear to the Committee that, in his opinion, it will be essential to include details of any matters that are likely to be of interest at a future date including, in particular, any 'undertakings' given to the States to, for example, bring forward a certain matter by a particular date. In the unlikely event that a matter that a member wishes to refer to has been omitted from the transcript the recording will, of course, be available for transcription at a later date. The official report will be published on the States website (see Standing Order 163) and a full and enhanced search facility is currently been installed on that site to enable members and the public to locate documents more easily.

Standing Order 157 and Schedule 3 – Declaration by candidate

The requirement for candidates for election to make a declaration about previous convictions at the time of their nomination was introduced in 2002 and re-enacted in the new States of Jersey Law 2005. The form included in Schedule 3 is identical to the present form with appropriate amendments to refer to the new Law. The States of Jersey Law 2005 makes it clear that the declaration will be read out at the nomination meeting and a note to this effect has been added to the form.

Standing Order 158 and Schedule 1 – Petitions

The Committee is conscious that the present form of petition set out in the Schedule to the current Standing Orders is worded in language that can be off-putting for people who wish to petition the States. In addition members of the public can currently collect signatures on a petition in good faith only to learn afterwards that the form of petition they have designed cannot be presented to the States as it does not comply with the present strict rules on format.

The basic provisions on preparing a petition and submitting it to the States through the Greffier are largely unchanged in Schedule 1. The petition set out is, nevertheless, significantly simplified and it is made clear that this format is simply an example that can be modified as long as the petition contains the necessary basic

information. It simply sets out the name of the person(s) or body responsible for the petition, the reasons for the petition and the action or remedy sought. The Committee is hopeful that this will encourage greater use of petitions and also enable persons who have organised a petition to be able to present it to the States without falling foul of unnecessarily restrictive rules.

Standing Order 161 – Land transactions

The Committee gave careful consideration to the need for the States to debate and agree land transactions. The Committee is conscious that many members consider that such debates are an unproductive use of valuable States time when the States have already agreed the overall resource allocation and capital programme without which the majority of the transactions could not proceed.

With the move to a more efficient corporate structure for property administration and management as agreed by the States on 7th June 2005 the Committee believes that individual property transactions and approval of plans should no longer be systematically referred to the States. Nothing would, of course, prevent any member lodging a proposition to debate a certain transaction, and the Minister for Treasury and Resources might, in certain circumstances, consider that a debate should take place, but most transactions would simply be recommended by the States corporate property department and then notified to the States once approved by the Minister for Treasury and Resources (as happens at present with Standing Order transactions).

Standing Order 163 – Website

The launch of the States website some years ago represented a significant move forward in the provision of information about the States and this Standing Order will formalise the requirement for documents to be published on the site. The Committee is hopeful that further developments will enhance the site in the future.

Standing Order 166 – Entry of strangers

The rules set out here mirror the existing rules issued by the Bailiff on the entry of strangers. The requirement for visitors to submit to a search if required is maintained and the other rules are designed to ensure that the dignity and order of the Chamber is preserved. It should be noted that the right to exclude animals will not extend to guide dogs and other assistance dogs. The present blanket restriction on photography is changed to allow the States to permit filming as happens in practice at present.

Financial and manpower implications

The establishment of an enhanced scrutiny function and the introduction of a Hansard record will obviously have resource implications but these have all already been agreed on more than one occasion and there are no new matters included in these Standing Orders that have not already been approved. All required financial and manpower resources for the new and enhanced services have already been agreed in the resource allocation process for 2006 and beyond and there are therefore no additional unidentified resource implications if these Standing Orders are approved.

Note:

The Policy and Resources Committee supports the Standing Orders and encourages the Privileges and Procedures Committee to ensure that the Scrutiny Process is well managed with a clear and defined programme of work which will ensure the effective scrutiny of existing and proposed policies and legislation.



Jersey

DRAFT STANDING ORDERS OF THE STATES OF JERSEY

Arrangement

Standing Order

PART 1

INTRODUCTORY MATERIAL

- 1 Interpretation
- 2 Roll of elected members

PART 2

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- 4 Planning days for meetings of the States
- 5 Members may requisition additional meeting
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BUSINESS PREPARATORY TO MEETING OF STATES

- 8 Notice of intention to raise matter of privileges or immunity
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 - Questions*
- 9 Who may ask, and be asked, a question
- 10 Contents of question
 - Submission of questions*
- 11 Submission of question to be answered in writing
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- 13 Submission of question to be answered orally
- 14 Determination of order in which questions with notice are to be answered orally
- 15 Urgent oral question
 - Statements*
- 16 Seeking leave to make personal statement
- 17 Notice of intention to make Ministerial, panel, committee or Comité statement
 - Propositions*
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- 19 Who can lodge a proposition
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SCHEDULE 1

PETITIONS BY MEMBERS OF THE PUBLIC

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<u>2</u>	<u>The petitioners</u>
<u>3</u>	<u>Example of form of petition</u>
<u>4</u>	<u>Depositing petition with Greffier</u>
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SCHEDULE 2

REGISTER OF INTERESTS OF ELECTED MEMBERS

<u>1</u>	<u>Employment, offices, directorships and partnerships</u>
<u>2</u>	<u>Self-employment, etc.</u>

- 3 Shareholdings
- 4 Sponsorship
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- 7 Land
- 8 Miscellaneous

SCHEDULE 3

DECLARATION BY CANDIDATE FOR ELECTION



Jersey

DRAFT STANDING ORDERS OF THE STATES OF JERSEY

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 47 of the States of Jersey Law 2005,^[1] have made the following Standing Orders –

PART 1

INTRODUCTORY MATERIAL

1 Interpretation

(1) In these standing orders, unless the context otherwise requires –

“budget proposition” shall be construed in accordance with Articles 7(4) and 17 of the Public Finances (Jersey) Law 2005;^[2]

“chairmen’s committee” means the chairmen’s committee established by standing orders;

“Chamber” means the States’ Chamber;

“cohabitee” in relation to an elected member, means a person of either sex living with the elected member in a relationship similar to that of husband and wife;

“Comité des Connétables” means the Connétables of the 12 parishes;

“committee of inquiry” means a committee of inquiry appointed under standing orders;

“continuation day” means a day on which a meeting which is not concluded on the meeting day continues;

“Law” means the States of Jersey Law 2005;

“legislative Act” means an Act made in the exercise of an enabling power;

“meeting” means a meeting of the States;

“meeting day” is the day a meeting commences;

“Minister” includes the Chief Minister;

“minutes” means the minutes of a meeting;

“ordinary election” means an ordinary election for Deputies;

“PAC” means the Public Accounts Committee established by standing orders;

“PPC” means the Privileges and Procedures Committee established by standing orders;

“presiding officer” means the person presiding at a meeting pursuant to Article 3 of the Law;

“proposition” includes any draft enactment required to be passed or made by the States and any proposal to amend any proposition;

“scrutiny panel” means a scrutiny panel established by standing orders;

“spouse” in relation to an elected member, does not include a former spouse of the elected member or a spouse who is living separately and apart from the elected member;

“States” means the States of Jersey constituted under Article 2(1) of the Law;

“taxation draft” has the meaning given in Article 1(1) of the Public Finances (Jersey) Law 2005;

“working day” means any day other than a Saturday or Sunday or Good Friday, Christmas Day or a day appointed to be observed as a public holiday or a bank holiday under the Public Holidays and Bank Holidays (Jersey) Law 1951.^[3]

- (2) Where any thing is to happen after the expiry of a number of clear days after another thing has happened, in counting those days, the day on which the 1st thing happened and the day on which the other thing is to happen shall be disregarded.

EXAMPLE: B is to happen 4 clear days after A happens. A happens on Thursday. B then happens on the following Tuesday.

EXAMPLE: B is to happen 4 clear working days after A happens. A happens on Thursday. B then happens on the following Thursday (assuming that there are no bank holidays intervening).

- (3) For the purposes of these standing orders, any document is distributed on the day it is sent, by any means, or given to the intended recipients, whether or not it is received by them on that day.

2 Roll of elected members

- (1) When required, the roll of elected members shall be called in the following order –
- (a) Senators;
 - (b) Connétables;
 - (c) Deputies.
- (2) The Senators shall be called in the following order –
- (a) first, Senators elected at an ordinary election for Senators, in the following order –
 - (i) Senators who were also Senators in the last States, in the order that, between them, they were called in the last States, then
 - (ii) Senators who were a Connétable or Deputy in the last States, then
 - (iii) Senators who were a Senator in a previous States (but not the last States), then
 - (iv) Senators who were a Connétable or Deputy in a previous States (but not the last States), then
 - (v) any other Senators, starting with the Senator who received the highest number of votes on being elected, followed by the Senator who received the 2nd highest number of votes, and so on;
 - (b) then, Senators elected to fill a casual vacancy, in the order in which they were elected.
- (3) If there is more than one Senator to whom paragraph (2)(a)(ii), (iii) or (iv) applies –
- (a) the order between them shall be determined according to the length of time that they each held office as a Senator, Connétable or Deputy in the last or a previous States; and
 - (b) if any of them held such office for the same length of time, the order between them shall be determined according to the number of votes they each received on being elected.
- (4) The order in which the Connétables are called shall be determined according to the length of time each of them has held the office of Connétable.

- (5) The Deputies shall be called in the following order –
 - (a) first, Deputies elected at an ordinary election, in the following order –
 - (i) Deputies who were also a Deputy in the last States, in the order that, between them, they were called in the last States, then
 - (ii) Deputies who were a Senator or Connétable in the last States, then
 - (iii) Deputies who were a Deputy in a previous States (but not the last States), then
 - (iv) Deputies who were a Senator or Connétable in a previous States (but not the last States), then
 - (v) any other Deputies, starting with the Deputy whose returning officer is of the greatest seniority followed by the Deputy whose returning officer is of the 2nd greatest seniority, and so on, and, if 2 or more of them are returned by the same constituency, the order between them shall be determined according to the number of votes they each received on being elected;
 - (b) then, Deputies elected to fill a casual vacancy, in the order in which they were elected.
- (6) If there is more than one Deputy to whom paragraph (5)(a)(ii), (iii) or (iv) applies –
 - (a) the order between them shall be determined according to the length of time that they each held office as a Senator, Connétable or Deputy in the last or a previous States; and
 - (b) if any of them held such office for the same length of time, the order between them shall be determined according to the number of votes they each received on being elected.
- (7) If any 2 or more elected members nevertheless remain of equal place in the order, a member who has held an honorary public office in Jersey shall come before a member who has not and –
 - (a) if 2 or more of those members have held such office, the member who held such office for the longest period of time shall come first, and so on; and
 - (b) if 2 or more of those members have not held such office, the eldest shall come first, and so on.

PART 2

SESSIONS AND MEETINGS OF THE STATES

3 Sessions of the States

- (1) There shall be 2 sessions of the States in each year during which they shall meet.
- (2) The 1st session shall start on the 3rd Tuesday in January and end no later than the last Tuesday in July.
- (3) The 2nd session shall start on the 2nd Tuesday in September and end no later than the 3rd Tuesday in December.

4 Planning days for meetings of the States

- (1) The PPC shall, no later than the end of September in each year, present to the States a list of days for meetings of the States in the 1st and 2nd sessions in the following year.
- (2) Ordinarily, a meeting day is a Tuesday.
- (3) The list may include continuation days.

5 Members may requisition additional meeting

- (1) At least 7 elected members may requisition a meeting of the States by written notice signed by them

and given to the Greffier.

- (2) The meeting must be for the purpose of considering the business set out in the requisition.
- (3) The Bailiff shall convene the meeting, which may be within or outside the session.

6 Bailiff may convene additional meeting

The Bailiff may convene a meeting for any specified purpose on any day, within or outside the session.

7 Times when States shall not meet

Except in the case of a meeting convened by the Bailiff (apart from a requisitioned meeting), the States shall not meet during any period of 21 days ending with an ordinary election for Senators or an ordinary election for Deputies.

PART 3

BUSINESS PREPARATORY TO MEETING OF STATES

Matters of privileges or immunity

8 Notice of intention to raise matter of privileges or immunity

A member who wishes to raise, at a meeting, a matter which he or she believes to affect the privileges or immunity of the States shall, before the start of the meeting, inform the Bailiff, stating the facts to which he or she wishes to draw attention.

Questions

9 Who may ask, and be asked, a question

- (1) Any member of the States may address a question to another member of the States upon a public matter for which the other member has an official responsibility.
- (2) A question relating to a function or matter for which the Council of Ministers is responsible shall be answered by the Chief Minister.
- (3) A question relating to a function or matter delegated to an Assistant Minister shall be answered by the Minister who delegated it or by the Assistant Minister.
- (4) A question relating to a matter for which a committee or panel has official responsibility shall be addressed to its chairman or president.
- (5) A question relating to a function or official responsibility which each Connétable has in his or her parish shall be addressed to the chairman of the Comité des Connétables.

10 Contents of question

- (1) A question shall relate to one issue only.
- (2) A question addressed to a member of the States upon a public matter for which the member has an official responsibility must either seek information on the matter or ask for official action with regard to it.
- (3) A question shall not be framed primarily so as to convey information rather than seek it, or to convey

a particular point of view.

- (4) A question shall not contain arguments, inferences, imputations, allegations or opinions.
- (5) A question shall not contain statements of fact or the names of persons, unless they are necessary to render the question intelligible and can be authenticated by the questioner.
- (6) A question shall not seek –
 - (a) an answer to a hypothetical proposition;
 - (b) an expression of opinion;
 - (c) information which is already in the public domain;
 - (d) information about a matter which is of its nature secret.
- (7) A question shall not ask whether any statement in the media or made by any individual who is not a member of the States is accurate.
- (8) A question shall not anticipate the debate on a proposition.
- (9) A question shall not raise an issue which, in the current session, has been decided by the States, fully answered, or to which an answer has been refused.
- (10) A question shall not refer to the proceedings of a committee of inquiry unless the committee has made its final report to the States.
- (11) A question shall not refer to a case pending in a court of law in such a way as might prejudice the case.

Submission of questions

11 Submission of question to be answered in writing

- (1) This standing order applies to a question which the questioner wishes to have answered by the tabling in a meeting of a written reply.
- (2) The questioner must give the written question to the Greffier not less than 5 clear working days before the meeting day on which the questioner wishes the reply to be tabled.
- (3) A question given to the Greffier after 9.30 a.m. on any day shall be taken to be given to the Greffier on the following day.

EXAMPLE: A member who wishes a reply to be tabled to his or her question at a meeting which commences on a Tuesday must give the question to the Greffier no later than 9.30 a.m. on Monday in the preceding week (assuming that there are no public or bank holidays intervening).

- (4) The Greffier shall refer the question to the Bailiff.
- (5) The Bailiff shall approve the question if he or she is of the opinion that it does not contravene standing orders.
- (6) If the Bailiff is of the opinion that the question contravenes standing orders he or she shall –
 - (a) alter the question, with the agreement of the questioner, so that it does not contravene standing orders, then approve it; or
 - (b) direct that the questioner be informed that the question is out of order.
- (7) When a question has been approved, the Greffier shall, as soon as practicable, forward a copy of the question to the member to whom it is addressed.

12 Written reply to question

The member to whom a question is addressed which is to be answered by the tabling of a written reply shall

give the reply to the Greffier before the commencement of the meeting at which the reply is to be tabled.

13 Submission of question to be answered orally

- (1) This standing order applies to a question which the questioner wishes to have answered orally during a meeting during the 60 minutes allowed for questions with notice.
- (2) The question must not exceed 70 words in length.
- (3) The questioner must give notice of the question, in writing, to the Greffier not less than one clear working day before the meeting day.
- (4) A notice given to the Greffier after noon on any day shall be taken to be given to the Greffier on the following day.

EXAMPLE: A member who wishes his or her question to be answered at a meeting which commences on a Tuesday must give the question to the Greffier no later than noon on Friday in the preceding week (assuming that there are no public or bank holidays intervening).

- (5) A questioner cannot give notice of more than 2 questions to be answered at a meeting.
- (6) The Bailiff shall approve the question if he or she is of the opinion that it does not contravene standing orders.
- (7) If the Bailiff is of the opinion that the question contravenes standing orders he or she shall –
 - (a) alter the question, with the agreement of the questioner, so that it does not contravene standing orders, then approve it; or
 - (b) direct that the questioner be informed that the question is out of order.
- (8) When a question has been approved, the Greffier shall, as soon as practicable, forward a copy of the question to the member to whom it is addressed.

14 Determination of order in which questions with notice are to be answered orally

- (1) If, after the Bailiff has approved the questions of which notice has been given or ruled them out of order, there remain 2 or more questions to be answered orally during a meeting, the Greffier shall, in the presence of another person, draw lots to determine the order in which questions are to be answered at the meeting during the 60 minutes allowed.
- (2) A questioner may, no later than 5 p.m. on the working day preceding the meeting day, apply to the Bailiff to request that the question be moved to another place in the order.
- (3) The Bailiff, if he or she is of the opinion that the request is justified, shall indicate where the question shall be moved in the order.

15 Urgent oral question

- (1) A member may, not less than 30 minutes before a meeting commences, seek the leave of the Bailiff to ask a question at the meeting.
- (2) The Bailiff may only grant leave if –
 - (a) in his or her opinion, the question is of an urgent character and relates to a matter of public importance; and
 - (b) he or she approves the question.
- (3) The Bailiff shall approve the question if he or she is of the opinion that it does not contravene standing orders.
- (4) If the Bailiff is of the opinion that the question contravenes standing orders he or she shall –

- (a) alter the question, with the agreement of the questioner, so that it does not contravene standing orders, then approve it; or
 - (b) direct that the questioner be informed that the question is out of order.
- (5) The question shall be asked and answered during the meeting at a time other than during the times allowed for questions with notice and questions without notice.

Statements

16 Seeking leave to make personal statement

- (1) A member of the States who wishes to make a statement during a meeting to explain a matter of a personal nature shall seek the leave of the Bailiff no later than 5 p.m. on the working day preceding the day the statement is to be made.
- (2) The content of the statement –
 - (a) must be personal in nature; and
 - (b) must not include any matter that would cause another member of the States to consider that he or she had a legitimate right to respond to it.
- (3) The Bailiff may grant a member of the States leave to make a statement although the member has not given the requisite notice if the Bailiff is satisfied that the nature of the statement is such that it is urgent.

17 Notice of intention to make Ministerial, panel, committee or Comité statement

- (1) The following office holders may make a statement during a meeting on any matter for which he or she has responsibility as holder of the office –
 - (a) any Minister;
 - (b) the chairman of the PPC;
 - (c) the chairman of the PAC;
 - (d) a chairman of a scrutiny panel;
 - (e) the president of the chairmen's committee;
 - (f) the chairman of a committee of inquiry, if he or she is a member of the States;
 - (g) the chairman or president of any other committee or panel established by standing orders;
 - (h) the chairman of the Comité des Connétables.
- (2) An office holder wishing to make a statement during a meeting shall give notice of his or her intention to the Greffier no later than 5 p.m. on the working day preceding the day the statement is to be made.
- (3) The content of the statement must not include any matter that would cause another member of the States to consider that he or she had a legitimate right to respond to it.
- (4) However, a statement by the chairman of the PPC which is an oral report upon an investigation of a breach of the code of conduct may include such matter.
- (5) A chairman or president of a committee or panel or the Comité must obtain the approval of the committee or panel or the Comité, as the case may be, to the content of the statement.
- (6) The Bailiff may grant an office holder leave to make a statement during a meeting, although the office holder has not given the requisite notice to the Greffier, if the Bailiff is satisfied that the statement relates to an urgent matter of public importance.

Propositions

18 Propositions must be lodged

Every proposition must be lodged, unless it is –

- (a) a matter that, under standing orders, may be proposed without notice; or
- (b) a proposal to debate a proposition at the present meeting.

19 Who can lodge a proposition

Except as provided in any other enactment, a proposition may be lodged by –

- (a) a member of the States, in his or her own right;
- (b) the Council of Ministers;
- (c) any Minister;
- (d) the PPC;
- (e) the PAC;
- (f) a scrutiny panel;
- (g) the chairmen's committee;
- (h) any other committee or panel established by standing orders (apart from a committee of inquiry);
- (i) the Comité des Connétables.

20 Content of proposition

- (1) A proposition to amend another proposition –
 - (a) must relate to the proposition that it would amend;
 - (b) must not wholly negate the proposition that it would amend; and
 - (c) must alter substantively the effect of the proposition that it would amend.
- (2) A proposition to suspend a standing order must be for its suspension only for a specified purpose or in relation to a specified matter.
- (3) A proposition cannot be in the same or substantially the same terms as a proposition which the States have previously debated and voted upon, unless at least 3 months have elapsed since that vote.

21 How a proposition is lodged

- (1) A member of the States or a body wishing to lodge a proposition shall give a draft of it to the Greffier.
- (2) The draft must be accompanied by the proposer's statement of whether the proposition, if adopted, would have any implications for the financial or manpower resources of the States or any administration of the States and, if there are such implications –
 - (a) set out the proposer's estimate of those implications; and
 - (b) explain how, when and from where, in the proposer's opinion, they could be sourced.
- (3) The draft may be accompanied by a report setting out why the proposer considers that the proposition should be adopted.

- (4) The Greffier shall review the draft proposition and, if he or she considers necessary, advise on its wording.
- (5) The Greffier shall then submit the draft proposition to the Bailiff.
- (6) The Bailiff shall –
 - (a) approve the draft proposition without alteration;
 - (b) subject to the agreement of the proposer, approve the draft proposition with such alterations as he or she considers necessary; or
 - (c) rule the draft proposition out of order and ensure that the proposer is informed of the reasons for his or her decision.

NOTE: Article 16 of the Human Rights (Jersey) Law 2000^[4] requires a Minister who lodges a draft Law to make and publish a statement as to the compatibility of the draft Law with the European Convention on Human Rights before the 2nd reading of the draft Law.

22 Additional requirement for proposition of no confidence

A proposition that the States have no confidence in the Council of Ministers, any Minister or Assistant Minister or any committee or panel established by standing orders cannot be lodged unless it is –

- (a) signed by at least 3 members of the States, in addition to the proposer; and
- (b) accompanied by a report setting out why the proposer considers that it should be adopted.

23 Additional requirement for proposition to rescind earlier decision

A proposition that the States rescind an earlier decision to adopt a proposition cannot be lodged unless it is –

- (a) signed by at least 3 members of the States, in addition to the proposer; and
- (b) accompanied by a report setting out why the proposer considers that the proposition should be adopted.

24 Signing proposition in support

A member of the States may allow other members of the States to sign his or her draft proposition as an expression of their support for it.

25 Day a proposition is lodged

- (1) If a draft proposition is approved, the Greffier shall ask the proposer when he or she wishes to lodge it.
- (2) If the proposer wishes to lodge the proposition as soon as possible, the Greffier shall distribute it to members of the States as soon as possible and –
 - (a) if the proposition is distributed during a meeting, it is lodged on the day it is distributed;
 - (b) if the proposition is not distributed during a meeting, it is lodged on the working day after the day on which it is distributed.
- (3) In any other case –
 - (a) the proposer, having taken into consideration the requirements for distribution of the proposition, shall inform the Greffier of the working day on which he or she wishes to lodge it; and

- (b) the Greffier shall distribute the proposition to members of the States no later than the day before the working day it is lodged.
- (4) The Greffier is not required to distribute a proposition on a day which is not a working day.

26 Minimum lodging period

- (1) A proposition cannot be debated during a meeting unless the minimum lodging period applicable to it (if any) has expired before the meeting day.
- (2) The lodging period commences on the day the proposition is lodged.
- (3) A minimum lodging period of 2 weeks applies to the following propositions–
 - (a) a proposition for the appointment of any person to any tribunal or to any public body or office;
 - (b) a proposition lodged by the Chief Minister under Article 20(5) of the Law for dismissal of a Minister;
 - (c) a proposition that the States have no confidence in any person or body;
 - (d) a proposition for the censure of any person or body;
 - (e) a proposition for the suspension of a standing order;
 - (f) a draft legislative Act;
 - (g) any proposition lodged by a member of the States in his or her own right and to which paragraph (4)(a) to (c) does not apply.
- (4) A minimum lodging period of 6 weeks applies to the following propositions–
 - (a) a draft Law, draft Regulations or draft standing orders;
 - (b) a proposition for approval by the States of the common strategic policy of the Council of Ministers under Article 18(2)(e) of the Law;
 - (c) a proposition on any matter relating to the administration of property;
 - (d) any proposition lodged by –
 - (i) the Council of Ministers,
 - (ii) a Minister,
 - (iii) the PPC,
 - (iv) the PAC,
 - (v) the chairmen’s committee,
 - (vi) a scrutiny panel,
 - (vii) any other committee or panel established by standing orders, or
 - (viii) the Comité des Connétables,and to which paragraph (3)(a) to (f) does not apply.
- (5) The minimum lodging periods applicable to proposals to amend a proposition are as follows –
 - (a) in relation to a proposition with a minimum lodging period of 2 weeks–
 - (i) for an amendment, 1 week,
 - (ii) for an amendment to an amendment, 4 days;
 - (b) in relation to a proposition with a minimum lodging period of 6 weeks–
 - (i) for an amendment, 2 weeks,
 - (ii) for an amendment to an amendment, 1 week.
- (6) There is no minimum lodging period applicable to a proposition relating to any action or a remedy sought in a petition.

- (7) The States may reduce a minimum lodging period if they are of the opinion that the proposition relates to a matter of such urgency and importance that it would be prejudicial to Jersey to delay its debate.
- (8) The States may also reduce a minimum lodging period in the case of proposition to amend another proposition if they are of the opinion that, if adopted, the amendment would not make any significant change.
- (9) In paragraphs (3) to (5), “proposition” does not include a proposal to amend any proposition.

NOTE: Article 11 of the Public Finances (Jersey) Law 2005 provides that the annual business plan shall not be debated unless it has been lodged for at least 6 weeks and that it can only be amended during debate if the amendment has been lodged at least 14 days before the start of the debate. Article 17 of that Law provides that a budget proposition, including any relevant taxation draft, shall not be debated unless it has been lodged for at least 6 weeks and Article 20 provides that a taxation draft cannot be amended in debate unless the amendment has been lodged for at least 14 days before the start of the debate. In either case there is an exception for an amendment moved by the Minister for Treasury and Resources, if the States agree. Because these requirements are in a principal enactment, they cannot be overridden by standing orders.

27 Referral of proposition to Council of Ministers

- (1) The Greffier shall refer a proposition lodged by a member of the States in his or her own right to the Council of Ministers for a report.
- (2) Any other proposition –
 - (a) shall be referred by the Greffier to the Council of Ministers for a report at the request of the proposer;
 - (b) may be referred by the States to the Council of Ministers for a report upon a proposal, made without notice and at any time before the debate on the proposition commences, by a member of the States.
- (3) If a proposition is referred to the Council of Ministers it shall, within 4 weeks of the referral or, if the States agree to debate the proposition within that period, before the debate commences –
 - (a) report on the proposal; or
 - (b) as soon as possible, inform the States that it will not be reporting on the proposal.
- (4) The debate on a proposition may proceed notwithstanding that the Council of Ministers has not reported on it.

28 Listing for debate of an amendment

A proposition which is an amendment, if lodged for the minimum lodging period applicable to it, shall be listed for debate at the same meeting as the proposition that it would amend.

29 Relisting for debate of propositions not debated by close of meeting

A proposition listed for debate at a meeting but not debated before the meeting closes shall, unless the States decide otherwise, be listed for debate at the next meeting.

30 Planning arrangement of public business for meetings

- (1) A proposer, when lodging a proposition, shall agree with the Greffier the meeting for which, after the expiry of the minimum lodging period applicable to the proposition, the proposition will be listed for debate.

- (2) The proposer may, at any time before the debate on his or her proposition commences, inform the Greffier that he or she wishes the proposition to be listed for debate at a different meeting and shall agree with the Greffier the meeting for which the proposition shall be listed.
- (3) In reaching an agreement, the proposer and Greffier shall have regard to the expected volume of business for meetings, the expected duration of meetings and the need to comply with any requirements of standing orders.
- (4) The foregoing paragraphs also apply to listing the resumption of the debate on a proposition at a meeting.
- (5) If, at any time, it appears to the Greffier that the volume of business for a meeting exceeds the expected duration of the meeting the Greffier shall notify the chairman of the PPC, who shall take whatever steps he or she considers necessary to remedy the imbalance.

31 Planning order in which public business at meetings will be debated

- (1) Any propositions carried forward from the last meeting by virtue of the fact that the last meeting closed before they were debated shall be listed as the 1st item of public business at a meeting, unless the States decide otherwise.
- (2) Each of the following propositions shall be listed, after any propositions carried forward from the last meeting, as the 1st item of public business at a meeting at which it is to be debated, unless the States decide otherwise –
 - (a) the Annual Business Plan;
 - (b) a budget proposition, including any relevant taxation draft;
 - (c) a statement of the common strategic policy of the Council of Ministers, lodged under Article 18 (2)(e) of the Law.
- (3) Other propositions shall be listed for debate at a meeting –
 - (a) in the order which the Greffier agrees with the proposers;
 - (b) if the Greffier and proposers cannot agree, in the order which the chairman of the PPC agrees with the proposers; or
 - (c) if the chairman of the PPC and the proposers cannot agree, in the order proposed by the chairman of the PPC,unless the States decide otherwise.

32 Notice of proposal to debate proposition at present meeting

A member of the States who wishes to propose, during a meeting, that the States debate at the meeting a proposition that they have not previously agreed to debate at the meeting must give notice of his or her intention to the Greffier at least 2 clear working days before the meeting day.

EXAMPLE: If the meeting commences on a Tuesday, notice must be given no later than the preceding Thursday (assuming that there are no public or bank holidays intervening).

33 Limit on number of decisions not to debate proposition lodged by member in his or her own right

- (1) This standing order applies to a proposition lodged by a member of the States in his or her own right.
- (2) If the States have decided, on 3 or more occasions, not to debate a proposition, and the proposer notifies the Greffier of the meeting at which he or she wishes the debate to take place, no other member of the States may propose that the debate shall not take place that meeting.
- (3) The debate shall proceed at that meeting, whether or not any reports for which the proposition has been referred have been presented.

34 Withdrawing a proposition before debate

- (1) A proposer may, without notice and before the debate on the proposition commences, withdraw his or her proposition by informing the Greffier of his or her intention.
- (2) A proposition which is not debated within 6 months of the day on which it is lodged shall be taken to have been withdrawn at the end of that period.
- (3) The fact that a proposition has been lodged then withdrawn without debate shall not preclude the lodging, at a later date, of a proposition in the same terms.

Reports and comments

35 Who may present report or comment

- (1) A report or comment may be presented to the States by –
 - (a) the Council of Ministers;
 - (b) any Minister;
 - (c) the PPC;
 - (d) the PAC;
 - (e) a scrutiny panel;
 - (f) the chairmen’s committee;
 - (g) any other committee or panel established by standing orders (including a committee of inquiry, where the report is upon the matter inquired into by the committee);
 - (h) the Comité des Connétables.
- (2) A report or comment presented by a body of persons may include a minority report or comment by one of its members.

36 Content of report or comment

A report or comment may relate to a proposition or any other matter.

Presenting or laying a document

37 How document is presented to or laid before the States

- (1) A document which may or must be presented to or laid before the States under standing orders or any other enactment shall be given to the Greffier.
- (2) The Greffier shall assign a reference number to the document and distribute it to members of the States.
- (3) A person giving a document to the Greffier on a meeting day or continuation day may request that the document be presented or laid immediately.
- (4) In that case, if the Greffier is able to distribute the document to States members during the meeting, it is taken to be presented to or laid before the States on that day.
- (5) Otherwise, the document is taken to be presented to or laid before the States on the working day following the day on which it is distributed.
- (6) This standing order does not apply to subordinate enactments required to be laid before the States

under Article 1 of the Subordinate Legislation (Jersey) Law 1960.^[5]

Duties of Greffier preparatory to meeting

38 Greffier to inform members of the States of meeting days

The Greffier shall inform members of the States of the days on which the States shall meet and take such steps as he or she considers necessary to inform the public of those days.

39 Greffier to prepare order paper

(1) The Greffier shall –

- (a) prepare the order paper for a meeting; and
- (b) distribute it to members of the States at least 2 clear working days before the meeting day.

EXAMPLE: If the meeting is on a Tuesday, the order paper must be distributed no later than the preceding Thursday (assuming that there are no public or bank holidays intervening).

(2) The order paper shall –

- (a) include the text of any question to which a written reply is to be tabled at the meeting;
- (b) include a list of propositions lodged since the last meeting and of propositions which have been approved for lodging and which will be lodged on or before the meeting day;
- (c) state, for each proposition listed, the title of the proposition, the reference number assigned to it by the Greffier, the day on which it is lodged and the name of the proposer;
- (d) record the withdrawal of a proposition;
- (e) include a list of propositions for debate at the meeting, in the order in which it is proposed that they be debated;
- (f) include any notice received by the Greffier from a member of the States intending to propose, at the meeting, that the debate on a proposition be brought forward to the meeting;
- (g) include a list of documents presented to or laid before the States since the last meeting day, stating, for each document, its title, the reference number assigned to it by the Greffier, the name of the person or body presenting or laying it and, where appropriate, the day on which it was presented or laid.

(3) The Greffier may distribute a supplementary order paper to members of the States at any time before the meeting commences.

(4) A supplementary order paper contains business for the meeting which was not available for inclusion in the order paper.

40 Greffier to distribute written answers to questions

The Greffier shall, before the start of a meeting, distribute to members of the States the text of any written reply to a question that is to be tabled at the meeting.

41 Greffier to distribute questions to be answered orally

The Greffier shall, before the start of a meeting, distribute to members of the States the text of a question of which notice has been given that is to be answered orally at the meeting.

PART 4

MEETINGS OF THE STATES

Duration and suspension of meetings

42 Start of meeting

A meeting shall start at 9.30 a.m. unless the States decide otherwise.

43 Proposal that meeting start at different time

A member of the States may propose, without notice, that a future meeting shall start at a different time.

44 Lunch adjournment

If the business of the States is not concluded by 1 p.m. the presiding officer shall at that time invite the members of the States to decide whether to adjourn immediately and continue at 2.15 p.m.

45 Proposal to adjourn at any time

A member of the States may at any time propose, without notice, that the States adjourn immediately and continue at a specified time (whether or not on the same day).

46 Suspension of meeting by presiding officer

The presiding officer may, at any time, either for the convenience of members or if he or she considers it appropriate, suspend the meeting for a stated period.

47 Adjournment or closure at 5.30 p.m.

If the business of the States is not concluded by 5.30 p.m. the presiding officer shall at that time invite members of the States to decide whether to –

- (a) continue;
- (b) adjourn immediately, to continue on the next continuation day for the meeting; or
- (c) if there is no continuation day –
 - (i) agree a continuation day and adjourn to continue on it, or
 - (ii) after considering the arrangement of business for future meetings, close the meeting.

48 Proposal to close meeting before business concluded

A member of the States may at any time propose, without notice, that the States proceed immediately to consider the arrangement of public business for future meetings and that the meeting then be closed without further consideration of any outstanding business.

49 Meeting closed when business concluded

Otherwise, the presiding officer shall close a meeting when all the business to be taken at the meeting has been concluded.

Conduct of business

50 Order of business

Unless the States decide otherwise, the business at a meeting shall be taken in the following order –

- (a) formal entry of presiding officer;
- (b) 1st roll call;
- (c) prayers;
- (d) 2nd roll call;
- (e) communications by the presiding officer;
- (f) list of subordinate enactments tabled since the last meeting;
- (g) list of documents presented or laid;
- (h) notification of lodged propositions;
- (i) appointment of Ministers, committees and panels;
- (j) matters of privilege;
- (k) petitions;
- (l) oral questions;
- (m) questions to Ministers without notice;
- (n) personal explanations;
- (o) statements by Ministers, committees or panels;
- (p) public business;
- (q) arrangement of public business for future meetings.

51 1st roll call

At the start of a meeting and of a continuation day, the presiding officer shall ask the Greffier to call the roll of elected members, in French.

52 Prayers

The Dean or, in the Dean's absence, a person nominated by the presiding officer, shall lead prayers.

53 2nd roll call

- (1) After prayers, the Greffier shall call again the names of elected members who were not present when their names were called during the 1st roll call.
- (2) If an elected member is absent from Jersey on States' business or unable, through illness, to attend the meeting –
 - (a) any other elected member may, when the absent member's name is called, declare the reason for his or her absence; and
 - (b) the Greffier shall record the absence and the reason for it in the minutes.
- (3) If an elected member is absent for any other reason –
 - (a) any other elected member may, when the absent member's name is called, declare the reason for his or her absence and ask the States to agree that the reason for the absence is such that the absent member may be excused; and

- (b) if the States so agree, the Greffier shall record the absence and that the member is excused.
- (4) If an elected member is not present when his or her name is called and he or she has not been declared absent on States' business or unable, through illness, to attend, or excused, the Greffier shall record in the minutes that the member is en défaut.

54 Arrival of elected member after 2nd roll call

- (1) If an elected member recorded in the minutes as absent or excused subsequently enters the Chamber, the Greffier shall record in the minutes the time at which he or she becomes aware of, or his or her attention is drawn to, the member's arrival.
- (2) If an elected member recorded in the minutes as en défaut subsequently enters the Chamber, he or she cannot take any part in the proceedings of the States before the défaut is raised.
- (3) An elected member may propose, without notice, that the défaut on another member is raised and, if the States so agree, the Greffier shall record in the minutes the time at which the défaut is raised.

55 States inquorate at start of meeting

- (1) If, at the conclusion of the 2nd roll call, it appears to the presiding officer that the States are inquorate, he or she shall –
 - (a) suspend the meeting to a specified time (which may be a time on a continuation day); or
 - (b) close the meeting.
- (2) If the meeting is suspended the Greffier shall, at the specified time, call the roll again.
- (3) If, when the roll has been called again, it appears to the presiding officer that the States remain inquorate, the presiding officer shall close the meeting.

NOTE: Article 15 of the Law has the effect that the States are quorate when no less than 27 elected members are present.

56 States inquorate during meeting

- (1) If at any time it appears to the presiding officer that the States are inquorate, he or she shall direct that elected members be summoned.
- (2) If the presiding officer, having allowed such time as he or she considers reasonable for elected members to return to the Chamber, believes that the States remain inquorate, he or she shall ask the Greffier to call the roll.
- (3) If, the roll having been called, the States are inquorate, the presiding officer shall close the meeting.

57 Lists of subordinate enactments laid and other documents laid or presented

- (1) It shall not be necessary for the list of subordinate enactments laid since the last meeting or the list of other documents presented or laid since the last meeting to be read out.
- (2) The presiding officer shall inform the States of any document presented or laid during the meeting.

58 Notification of lodged propositions

- (1) The presiding officer shall read out the following details for each lodged proposition of which the States have not previously been informed –
 - (a) the number assigned to the proposition by the Greffier;

- (b) the name of the proposer;
 - (c) the title of the proposition.
- (2) If a proposition is lodged during the meeting the presiding officer shall inform the States of the lodging and read out the name of the proposer and the title of the proposition.
 - (3) The reading out by the presiding officer of the title of a proposition that is a draft Law or draft Regulations is the 1st reading of the draft.

59 Selection and appointment of Ministers, committees and panels

The process for selection and appointment of Ministers, committees and panels is set out in Part 6.

60 Raising a matter of privilege or immunity with notice

- (1) A member of the States raising a matter of privilege or immunity shall state –
 - (a) the facts to which he or she wishes to draw attention; and
 - (b) the grounds on which he or she believes that the facts affect the privileges or immunity of the States.
- (2) The presiding officer shall inform the States whether, in his or her opinion, the matter does or does not affect the privileges or immunity of the States.
- (3) If the presiding officer is of the opinion that the matter raised may affect the privileges or immunity of the States, any member of the States may propose without notice any matter based upon the issue.
- (4) The States shall debate the matter proposed immediately.

61 Matter of privilege or immunity arising during meeting

- (1) A member of the States may propose without notice any matter based upon an issue that arises in the course of the meeting if –
 - (a) the issue appears to the presiding officer to affect the privileges or immunity of the States; and
 - (b) the presiding officer is of the opinion that the issue calls for the immediate intervention of the States.
- (2) The matter cannot be proposed while a vote is in progress.
- (3) The States shall debate the matter proposed immediately.

62 Submitting petition to the States

The procedure for submitting a petition to the States is set out in Schedule 1.

63 Questions with notice to be answered orally

- (1) Up to 60 minutes shall be allowed during a meeting for questions of which notice has been given to be asked and answered.
- (2) If the order in which the questions are to be asked has been altered after the order was distributed to members of the States, the presiding officer shall inform the States of the alteration.
- (3) The presiding officer shall invite a member to ask his or her question in turn.
- (4) Any member of the States may, within the time allowed by the presiding officer for the purpose, ask one or more supplementary questions relating to the subject matter of the question.

- (5) The presiding officer shall give the member who asked the original question the opportunity to ask at least one supplementary question.
- (6) The presiding officer shall rule a supplementary question out of order if –
 - (a) the contents of the questions contravene standing orders; or
 - (b) the question is not concise.
- (7) The member of the States asked the question shall answer it and any supplementary question concisely.
- (8) Neither a question nor the answer shall be made a pretext for debate.
- (9) A question that has not been asked before the end of the 60 minutes allowed shall be taken to have been withdrawn.

64 Questions without notice to be answered by Ministers

- (1) Up to 30 minutes shall be allowed during a meeting for members of the States to ask Ministers questions without giving prior notice of the question.
- (2) The time allowed shall be divided into 2 question periods.
- (3) The Chief Minister shall answer questions during the 2nd question period at every other meeting.
- (4) The other Ministers shall, in rotation, answer questions during the other question periods.
- (5) Within each rotation, the sequence in which Ministers answer questions may be altered.
- (6) The Greffier, after consultation with the Chief Minister, shall distribute to members a rota showing the meetings at which Ministers shall answer questions.
- (7) If, not less than 2 clear working days before a meeting, the Greffier is notified that a Minister due to answer questions will be absent from the meeting, the Greffier may, after consultation with the Chief Minister, alter the rota and notify members of the States of the alteration.
- (8) If, on the day of a meeting, a Minister due to answer questions is unavoidably absent –
 - (a) an Assistant Minister appointed by him or her; or
 - (b) another Minister,may answer in his or her place.

65 Asking questions without notice

- (1) Within each question period, the presiding officer shall invite members of the States to ask questions of the Minister.
- (2) The presiding officer shall rule a question out of order if –
 - (a) the contents of the question contravene standing orders;
 - (b) the question is not concise; or
 - (c) the question would require an answer containing statistical, technical or other detailed information that it would be unreasonable to expect a Minister to be able to provide without notice.
- (3) The presiding officer shall invite a member to ask his or her question.
- (4) The Minister shall answer each of the questions concisely.
- (5) Neither a question nor the answer shall be made a pretext for debate.

66 Duration of periods for questions without notice

- (1) The 1st question period shall be 15 minutes or, if shorter, the time needed for all members of the States wishing to ask a question to have spoken and for those questions to have been answered.
- (2) The 2nd question period shall be the balance of the 30 minutes remaining after the conclusion of the 1st question period, or, if shorter, the time needed for all members of the States wishing to ask a question to have spoken and for those questions to have been answered.

67 Personal statement made by member of the States

A member of the States who makes a personal statement shall not be asked any questions, nor shall any debate ensue upon the statement.

68 Ministerial, committee, panel or Comité statement

- (1) When a Minister, or a chairman or president of a committee or panel, or the chairman of the Comité, is to make a statement he or she shall –
 - (a) give the text of it to the Greffier; and
 - (b) advise the Greffier whether the text is to be distributed to members of the States before the statement is made, or as soon as possible afterwards.
- (2) The Greffier shall distribute the text accordingly.
- (3) After the Minister, chairman or president has made the statement, the presiding officer shall allow a period of up to 10 minutes for other members of the States to ask him or her questions regarding the contents of the statement.
- (4) The question period shall not be made a pretext for debate.

Public business

69 General procedure for debate on proposition

- (1) The presiding officer shall ask the Greffier to read out the proposition and then invite the proposer to move it.
- (2) The proposer may speak in support of the proposition before moving it.
- (3) When the proposer has moved the proposition the presiding officer shall open the debate on it.
- (4) Once the debate on a proposition has opened, the proposer may only withdraw it with the agreement of the States.
- (5) Unless the debate has been closed or ceased earlier, the presiding officer shall close it when all members of the States wishing to speak have spoken.
- (6) The presiding officer shall then invite the proposer to reply to the debate.
- (7) The presiding officer shall then put the proposition to the vote.

70 General procedure for debate on amendment to proposition

- (1) After the proposition which is the subject of the amendment has been moved by the proposer, the presiding officer shall –
 - (a) ask the Greffier to read out the proposition that would amend it; and

- (b) invite the proposer of the amending proposition to move it.
- (2) When there is more than one amending proposition, they shall be moved in the order in which they relate to the text of the proposition they would amend.
- (3) If there is more than one amending proposition relating to the same portion of the text of a proposition, the presiding officer shall decide the order in which they are moved.
- (4) An amending proposition may not be moved if it is inconsistent with a previous decision on the proposition or on an amendment to it.
- (5) Otherwise, the procedure for debate of an amending proposition shall be the same as for the proposition it would amend.

71 2nd reading of draft Law or Regulations: debate on the principle

- (1) At the time for 2nd reading of a draft Law or draft Regulations (the “draft”) the presiding officer shall –
 - (a) ask the Greffier to read out the citation of the draft; and
 - (b) invite the proposer to propose the principles of the draft.
- (2) The proposer may speak in support of the principles before proposing them.
- (3) The presiding officer shall then open the debate on the principles of the draft.
- (4) In the debate on the principles of the draft, the presiding officer shall not allow any discussion of the detail of any provision of the draft, although a member of the States may refer, in his or her speech, to provisions of the draft, in order to explain why he or she supports, or opposes, the principles of the draft.
- (5) An amendment to the draft may not be proposed during the debate.
- (6) If the States do not agree to the principles of the draft, the draft shall be taken to have been withdrawn.
- (7) Otherwise the procedure for the debate on the principles of the draft shall be the same as for propositions in general.

72 Referral of draft Law or Regulations for scrutiny

- (1) If the States agree to the principles of a draft Law or draft Regulations, the draft shall be referred to the relevant scrutiny panel if the chairman of that panel has previously informed the States or confirms, when asked by the presiding officer, that he or she wishes to have the draft referred to the panel.
- (2) A draft shall not be referred to the relevant scrutiny panel if it has previously been referred to that panel.
- (3) When a draft is referred to the relevant scrutiny panel or has been so referred previously, but the panel has not reported on it, the States must decide at which meeting the 2nd reading of the draft shall be listed to continue.
- (4) The meeting must not be later than the 4th meeting following the debate upon the principles, disregarding any additional meeting day.
- (5) The relevant scrutiny panel is the scrutiny panel or panels assigned scrutiny of the topic to which the draft relates.
- (6) If there is doubt as to which is the relevant scrutiny panel, the presiding officer shall take the advice of the president of the chairmen’s committee.
- (7) This standing order shall not apply to a budget proposition or taxation draft.

73 Draft Law or Regulations not referred to scrutiny panel

- (1) If a draft Law is, or draft Regulations are, not referred to a scrutiny panel following the debate on the principles of the draft, the States may decide to continue the 2nd reading of it immediately.
- (2) If the debate is not to continue immediately, the States must decide at which meeting the 2nd reading of the draft shall be listed to continue.
- (3) The meeting must not be later than the 2nd meeting following the debate upon the principles, disregarding any additional meeting day.

74 Continuation of 2nd reading of draft Law or Regulations: debate on provisions

- (1) The 2nd reading of a draft Law or draft Regulations referred to a scrutiny panel may continue notwithstanding that the panel has not reported on the draft.
- (2) When the 2nd reading of a draft Law or draft Regulations is to continue the presiding officer shall invite the proposer to propose each provision (being each Article or Regulation and each Schedule, if any) in turn.
- (3) Alternatively, provisions may be proposed in groups.
- (4) A Schedule may be proposed and voted on with the Article or Regulation that gives it effect, or separately.
- (5) Any member of the States may, however, request that any provision be voted upon separately.
- (6) Provisions may be proposed, whether singly or in groups, in an order other than their numerical order.
- (7) If as a consequence of the adoption of an amendment to a draft Law or draft Regulations or as a consequence of the States not adopting any provision of the draft, an amendment is necessary to the citation or numbering of the draft, the amendment shall be made, without debate or vote, when all the provisions of the draft have been voted upon.
- (8) When all the provisions of the draft have been voted upon, and any necessary changes to the citation or numbering of the draft have been made, the presiding officer shall inform the States that the draft Law has, or draft Regulations have, been adopted in 2nd reading.
- (9) Otherwise the procedure for the debate and for consideration of amendments shall be the same as for propositions and amendments in general.

75 3rd reading of draft Law or Regulations

- (1) When a draft Law has, or draft Regulations have, been adopted in 2nd reading, the presiding officer shall invite the proposer to propose that the draft be adopted in 3rd reading.
- (2) The proposer may first speak in support of the draft as adopted in 2nd reading, before proposing it.
- (3) The debate shall be confined to the content of the draft as adopted in 2nd reading.
- (4) An amendment to the draft may not be proposed during the debate although a clerical error or oversight in it may, with the permission of the presiding officer, be corrected.
- (5) Otherwise the procedure for the debate shall be the same as for propositions in general.

76 Draft legislative Act

- (1) The presiding officer shall ask the Greffier to read out the citation of the draft legislative Act.

- (2) The presiding officer shall then invite the proposer to propose the draft as a whole.
- (3) Otherwise the procedure for the debate and for consideration of amendments shall be the same as for propositions in general.

77 Draft standing orders

- (1) The presiding officer shall ask the Greffier to read out the citation of the draft standing orders.
- (2) The presiding officer shall then invite the proposer to propose each standing order in turn.
- (3) Alternatively, standing orders may be proposed in groups.
- (4) A Schedule may be proposed and voted on with the standing order that gives it effect, or separately.
- (5) Any elected member may, however, request that any standing order be voted upon separately.
- (6) Standing orders may be proposed, whether singly or in groups, in an order other than their numerical order.
- (7) Otherwise the procedure for the debate and for consideration of amendments shall be the same as for propositions and amendments in general.

Matters that may be proposed without notice

78 Proposal to suspend debate on draft enactment

- (1) A member of the States may propose without notice during a debate on a draft enactment that the debate be suspended and the draft enactment discussed by the States sitting in committee at a future meeting.
- (2) The proposal may not be made during the 3rd reading of a draft Law or draft Regulations.
- (3) If the States agree the proposal, they shall then agree the meeting for which the matter shall be listed for discussion in committee.

79 Suspension of debate for the purposes of scrutiny

- (1) Any member of a scrutiny panel may propose without notice that –
 - (a) the debate on any proposition be suspended; and
 - (b) the proposition be referred to the scrutiny panel.
- (2) A proposal cannot be made in relation to –
 - (a) a proposition that has previously been referred to the scrutiny panel in question; or
 - (b) a budget proposition or taxation draft.
- (3) If the States agree to the suspension and referral they must decide at which meeting the debate shall be listed to resume.
- (4) The meeting must not be later than the 4th meeting following the suspension, disregarding any additional meeting day.
- (5) The debate on the proposition may resume, notwithstanding that the scrutiny panel has not reported on it.

80 Proposal (with approval of presiding officer) to suspend standing order

A member of the States may, with the approval of the presiding officer, propose without notice that one or

more standing orders be suspended for a specified purpose.

81 Proposal for conducting business in camera

A member of the States may propose without notice that the States conduct any debate or part of a debate upon a proposition or any other part of its business (apart from a vote) in camera for a specified purpose.

82 Arrangements for conducting business in camera

- (1) Where any enactment requires that the States debate a proposition in camera or where the States decide to conduct any debate or part of a debate upon a proposition or any other part of its business in camera –
 - (a) the presiding officer shall order all strangers to withdraw from the precincts of the States and the doors of the Chamber to be closed; and
 - (b) the Viscount or, in his or her absence, a person instructed by the presiding officer, shall ensure that the order for strangers to withdraw is complied with.
- (2) Any debate or part of a debate or any other business which is conducted in camera may be recorded, for the purpose of the preparation of a transcript, but shall not be broadcast to the public.
- (3) A vote cannot be taken whilst the States are conducting any business in camera.

83 Proposal for reference back

- (1) A member of the States may propose without notice during the debate on a proposition that the proposition be referred back in order that –
 - (a) further information relating to the proposition can be provided to the States; or
 - (b) any ambiguity or inconsistency in information relating to the proposition which has already been provided to the States be clarified.
- (2) The presiding officer shall not allow a proposal that a proposition be referred back if the effect would be to prevent the debate on the proposition resuming at a future meeting.
- (3) The debate on the proposal shall be confined to the merits of the reference back.
- (4) A reference back does not affect any vote already taken by the States on any part of the proposition.

84 Proposal to close debate

- (1) If more than one hour has elapsed since the presiding officer opened the debate on a proposition, a member of the States who has not spoken in the debate may propose without notice that the proposition be put to the vote.
- (2) A member of the States must, at least 15 minutes before he or she makes the proposal, inform the States of his or her intention to do so.
- (3) The presiding officer shall not allow the proposal if it appears to him or her that it is an abuse of the procedure of the States or an infringement of the rights of a minority.
- (4) Otherwise, the presiding officer shall immediately put the proposal to the vote, without debate.
- (5) If the proposal is adopted, the presiding officer shall –
 - (a) invite the proposer of the proposition to reply to the debate; and
 - (b) put the proposition to the vote.
- (6) If the proposal is not adopted –
 - (a) the member who proposed it cannot make a similar proposal during the debate; and

- (b) another member of the States cannot make a similar proposal unless the debate has continued for at least another hour.
- (7) A proposal to suspend this standing order does not require the approval of the presiding officer.

85 Proposal to move to next item

- (1) A member of the States may propose without notice, during a debate on a proposition, that the States move to consideration of the next item on the order paper.
- (2) The presiding officer shall not allow the proposal if it appears to him or her that it is an abuse of the procedure of the States or an infringement of the rights of a minority.
- (3) Otherwise, the presiding officer shall immediately put the proposal to the vote, without debate.
- (4) If the proposal is adopted, the debate on the proposition shall cease.
- (5) If the proposal is not adopted, the member who proposed it cannot make a similar proposal during the debate.
- (6) A move to the next item does not affect any vote already taken by the States on any part of the proposition.

86 Proposer may move proposition again following suspension of debate, reference back or move to next item

When the debate on a proposition resumes following –

- (a) suspension of the debate for the purposes of a discussion by the States sitting in committee or for the purposes of referral to a scrutiny panel;
 - (b) a reference back; or
 - (c) a decision by the States to move to the next item,
- the proposer may move the proposition afresh.

87 Proposals as to arrangement of public business at present meeting

- (1) A member of the States who has given the notice required by standing orders may propose, during a meeting, that the States debate at the meeting a proposition that they have not previously agreed to debate at the meeting.
- (2) A member of the States may propose, without notice –
 - (a) that the order in which propositions are to be debated at the present meeting is altered;
 - (b) that a proposition listed for debate at the present meeting is deferred to another meeting day.

Arrangement of public business for future meetings

88 Chairman of the PPC to propose arrangement of public business for future meetings

- (1) Before a meeting closes, the Greffier shall distribute to members of the States a proposed arrangement of public business for future meetings.
- (2) The arrangement shall –
 - (a) include each lodged proposition which has not been debated or for which a debate has commenced but has not been concluded;
 - (b) state, for each proposition included, the meeting at which it is proposed that the proposition be

debated; and

(c) show for each meeting the proposed order for debate of the propositions.

- (3) Before a meeting closes, the presiding officer shall invite the chairman of the PPC to propose, without notice, the arrangement.
- (4) When doing so, the chairman of the PPC –
 - (a) shall –
 - (i) remind the States of any proposition that, unless the States decide otherwise, will be carried over automatically from the present to the next meeting, and
 - (ii) inform the States if he or she is of the opinion that the volume of public business proposed for any meeting is more than the States can deal with in the days fixed for the meeting; and
 - (b) may further propose, without notice, any change in or addition to the meeting days and continuation days previously agreed by the States.

89 Proposals by other members relating to arrangement of public business for future meetings

- (1) Subject to standing orders, a member of the States may propose without notice an amendment to the arrangement of public business for future meetings.
- (2) A member of the States may propose without notice that the States shall sit in committee at a future meeting –
 - (a) to discuss a draft enactment;
 - (b) to review the general administration and policy of the Council of Ministers or of any Minister;
 - (c) to discuss a report from the PAC or a scrutiny panel, any other report or document presented to or laid before the States or any proposition; or
 - (d) to discuss such other matters as the States may decide.
- (3) A member of the States may propose, without notice, that the States shall meet on a day, or continue a meeting on a day, which is in addition to the days presented to the States by the PPC before the start of the session.

Arrangements for voting

90 Voting

- (1) When the presiding officer puts any matter to elected members for their decision, they shall vote by a standing vote.
- (2) However, if –
 - (a) before a standing vote is taken or after a standing vote is taken but before the result is announced, an elected member requests that elected members vote by a recorded vote; or
 - (b) after a standing vote, the presiding officer is unable to decide whether those elected members in favour of, or against, the matter proposed have prevailed,the elected members shall vote by a recorded vote.
- (3) This standing order does not apply to a vote which is required to be taken by secret ballot.

91 Procedure for standing vote

- (1) A standing vote shall be taken in accordance with this standing order.

- (2) The presiding officer shall call upon those elected members who are in favour of the matter proposed to rise in their places.
- (3) The presiding officer shall then call upon those elected members who are against the matter proposed to rise in their places.
- (4) The presiding officer shall then declare the result of the vote.

92 Recorded vote taken using the electronic voting system

- (1) A recorded vote shall be taken using the electronic voting system, unless it is unavailable.
- (2) A member shall not be permitted to vote using the electronic voting system unless seated in his or her designated seat.
- (3) When a recorded vote is to be taken using the electronic voting system, the presiding officer shall call upon elected members to return to their designated seats.
- (4) The presiding officer, when satisfied that elected members wishing to vote have been allowed sufficient time to return to their designated seats, shall ask the Greffier to open the vote.
- (5) An elected member shall push the appropriate button –
 - (a) to vote; or
 - (b) if he or she so wishes, to record his or her abstention.
- (6) The presiding officer, when satisfied that elected members have been allowed sufficient time to vote or record their abstention, shall ask the Greffier to close the vote.
- (7) The presiding officer shall then –
 - (a) announce the number of elected members voting ‘Pour’ and ‘Contre’ respectively and the number of elected members whose abstention has been recorded; and
 - (b) declare the result of the vote.
- (8) Any elected member may then request all or any of the following information –
 - (a) the names of the members who voted ‘Pour’;
 - (b) the names of the members who voted ‘Contre’;
 - (c) the names of the members whose abstention has been recorded.
- (9) Where a request is made under paragraph (8), the Greffier shall read out the information requested.
- (10) The information described in paragraph (8) shall be entered in the minutes.

93 Manner of taking recorded vote when electronic voting system unavailable

- (1) If the electronic voting system is unavailable, a recorded vote shall be taken by open ballot, unless the States decide that it shall be taken by a roll call vote.
- (2) The decision shall, itself, be taken by a standing vote or open ballot.

94 Recorded vote taken by open ballot

- (1) If a recorded vote is to be taken by open ballot, elected members shall vote or record their abstention by writing it and their name on papers distributed for the purpose.
- (2) The presiding officer shall then –
 - (a) announce the number of elected members voting ‘Pour’ and ‘Contre’ respectively and the number of elected members whose abstention has been recorded; and
 - (b) declare the result of the vote.

- (3) Any elected member may then request all or any of the following information –
 - (a) the names of the members who voted ‘Pour’;
 - (b) the names of the members who voted ‘Contre’;
 - (c) the names of the members whose abstention has been recorded.
- (4) Where a request is made under paragraph (3), the Greffier shall read out the information requested.
- (5) The information described in paragraph (3) shall be entered in the minutes.

95 Recorded vote taken by roll call vote

- (1) If a recorded vote is to be taken by roll call vote –
 - (a) the Greffier shall read out the roll of elected members; and
 - (b) an elected member shall, on his or her name being read out, vote by saying ‘Pour’ or ‘Contre’, or abstain.
- (2) The presiding officer shall then –
 - (a) announce the number of elected members voting ‘Pour’ and ‘Contre’ respectively and the number of elected members whose abstention has been recorded; and
 - (b) declare the result of the vote.
- (3) The names of the members who voted ‘Pour’, the names of the members who voted ‘Contre’ and the names of the members whose abstention has been recorded shall be entered in the minutes.

96 Secret ballot

Where standing orders or any other enactment require that a vote is taken by secret ballot –

- (a) elected members shall record their vote or abstention by writing it on papers distributed for the purpose;
- (b) the presiding officer shall then –
 - (i) announce the number of elected members voting ‘Pour’ and ‘Contre’ respectively and the number of elected members whose abstention has been recorded, and
 - (ii) declare the result of the vote.

States sitting in committee

97 States sitting in committee: chairman

The States shall select a member of the States, the Greffier or the Deputy Greffier to chair the States when they are sitting in committee.

98 States sitting in committee: procedure and rules of discussion

- (1) While the States are sitting in committee, the chairman shall have the powers and duties of the presiding officer.
- (2) The rules of order, conduct and debate in a meeting shall apply while the States are sitting in committee to discuss any matter save that –
 - (a) a member of the States may speak more than once during the discussion;
 - (b) the chairman may allow any person to be present in the Chamber and invite that person to speak;

- (c) the matter under discussion shall not be voted upon;
- (d) the chairman shall decide when sufficient time has been allowed for a discussion on any part or aspect of the matter;
- (e) the chairman shall decide when the sitting shall end.

PART 5

RULES OF ORDER, CONDUCT AND DEBATE IN MEETING

99 Presiding officer to maintain order

- (1) The presiding officer shall maintain order and be responsible for the observance of standing orders during a meeting.
- (2) The presiding officer's decision on any point of order shall not be open to appeal.
- (3) A decision of the presiding officer on any point of order may only be reviewed by the States by debate upon a proposition lodged for that purpose.

100 Behaviour of members during meeting

- (1) Before entering the Chamber, a member of the States must switch off any mobile telephone and every other electronic device he or she has with him or her that would be likely to disturb the proceedings of the States.
- (2) A member of the States must –
 - (a) enter and leave the Chamber with decorum;
 - (b) bow to the presiding officer when entering or leaving the Chamber;
 - (c) stand in his or her place while the presiding officer is entering or leaving the Chamber, unless unable to do so, by reason of illness or infirmity; or
 - (d) sit down and remain silent whenever the presiding officer is speaking.
- (3) A member of the States must not –
 - (a) cross the floor of the Chamber or cross between the member speaking and the presiding officer;
 - (b) consume food or drink in the Chamber, except that a member may drink a glass of water;
 - (c) read any book, newspaper, periodical or other document in the Chamber unless its content is directly relevant to the business of the States; or
 - (d) converse noisily or otherwise act in a way which, in the opinion of the presiding officer, disturbs the proceedings of the States.

101 Member speaking

- (1) A member of the States who wishes to speak in a debate shall wait to be called by the presiding officer.
- (2) A member shall stand to speak and all other members shall remain seated while he or she is speaking.
- (3) A member shall address his or her speech to the presiding officer.
- (4) The presiding officer may permit a member who is ill or infirm to remain seated whilst speaking.

102 Interruptions

- (1) A member of the States may only interrupt the member speaking –
 - (a) in order to raise a point of order or a matter of privilege or immunity that requires an immediate ruling by the presiding officer;
 - (b) in order to draw the presiding officer's attention to the fact that the States are inquorate; or
 - (c) if the member speaking agrees to give way –
 - (i) in order to explain any material part of his or her own speech, or
 - (ii) in order to ask the member speaking to elucidate a matter raised in his or her speech.
- (2) When a point of order or a matter of privilege or immunity is raised, the member who was speaking shall sit down while the presiding officer considers the point.

103 Proposition, proposal or nomination must be seconded

- (1) Every proposition, proposal and nomination must be seconded by a member of the States after the proposer has moved or made it, unless standing orders provide otherwise.
- (2) A proposition, proposal or nomination that is not seconded is taken to have been withdrawn.

104 Member cannot speak twice in debate

- (1) A member of the States cannot speak twice in a debate.
- (2) However –
 - (a) the proposer of a proposition may reply at the conclusion of a debate on it;
 - (b) a member of the States who has seconded a proposition by rising in his or her place without speaking may speak at a later stage of the debate upon the proposition;
 - (c) a member who has spoken in a debate on a proposition which, in the case of a draft enactment, was suspended or, in any case, was the subject of a reference back or a decision to move to the next item, may speak again when the debate resumes;
 - (d) a member may, with the leave of the presiding officer, speak again in a debate in order to explain any material part of his or her speech which the member believes may have been misunderstood but, when speaking again, must not introduce any new matter;
 - (e) in a debate upon a proposition of no confidence in or to censure a member of the States, the member who is the subject to the proposition may speak again before the proposer replies at the conclusion of the debate;
 - (f) in a debate upon a proposition of no confidence in the Council of Ministers or in any committee or panel established by standing orders the Chief Minister or the chairman or president of the committee or panel, as the case requires, may speak again before the proposer replies at the conclusion of the debate.

105 Contents of speech

- (1) A speech by a member of the States must be relevant to the business being discussed.
- (2) A member of the States must not –
 - (a) unduly repeat his or her own arguments or the arguments of others;
 - (b) use offensive or insulting language about any member of the States;
 - (c) impute improper motives, directly or by innuendo, to any member of the States;
 - (d) refer to the private affairs of any member of the States, unless they are of direct relevance to the business being discussed;
 - (e) use the name of Her Majesty the Queen or the Lieutenant-Governor in order to seek to

influence the States;

- (f) refer to the conduct of Her Majesty the Queen, any other member of the Royal Family, any member of the States or any Jurat or other person performing judicial functions, unless the debate is upon a proposition the purpose of which is to discuss such conduct;
- (g) refer to a case pending in a court of law in such a way as might prejudice the case;
- (h) comment upon or seek, within a debate, to re-open discussion of, a decision of the States made within the preceding 3 months, unless the debate is upon a proposition to rescind the decision;
or
- (i) refer to any individual who is not a member of the States by name, unless use of the individual's name is unavoidable and of direct relevance to the business being discussed.

106 Modes of reference to other members of the States

A member of the States shall refer to elected members in the following manner –

- (a) a Senator, by name;
- (b) a Connétable, by the name of the parish he or she represents;
- (c) a Deputy who is the sole Deputy of a parish, by the name of the parish,
- (d) a Deputy who is not the sole Deputy of a parish, by name.

107 Declaration of interest

- (1) A member of the States who has, or whose spouse or cohabitee has, an interest in the subject matter of a proposition must –
 - (a) if it is a direct financial interest –
 - (i) declare the interest, and
 - (ii) withdraw from the Chamber for the duration of the debate and any vote on the proposition;
 - (b) if it is not a direct financial interest, but a financial interest which is general, indirect or shared with a large class of persons, declare the interest;
 - (c) if it is an interest which is not financial, declare the interest.
- (2) A member of the States asking or answering an oral question and who has a financial interest in, or whose spouse or cohabitee has a financial interest in, the subject matter of the question must declare the interest.
- (3) All declarations must be made as soon as possible.
- (4) A financial interest in any subject matter is direct if it is immediate or personal to the person concerned.
- (5) A member of the States is not required to declare any interest of his or her spouse or cohabitee of which the member is not aware.
- (6) The Greffier shall record declarations in the minutes.

108 Presiding officer's powers in relation to matters which are sub judice

The presiding officer may direct that members of the States shall not refer to matters relevant to any proceedings pending in any court.

109 Presiding officer's powers in relation to irrelevant or repetitious speeches

- (1) The presiding officer shall warn a member of the States whose speech –
 - (a) is not relevant to the business being discussed; or
 - (b) unduly repeats the member’s own arguments or the arguments of others.
- (2) If the member disregards the warning, the presiding officer shall direct the member to discontinue his or her speech.

110 Presiding officer's powers in relation to speeches which are offensive, etc.

- (1) If the presiding officer believes that the member of the States speaking has used offensive, objectionable, unparliamentary or disorderly words, the presiding officer shall direct the member speaking to sit down.
- (2) If a member of the States, believing that the member speaking has used offensive, objectionable, unparliamentary or disorderly words, has, on a point of order, drawn the attention of the presiding officer to them, the presiding officer shall direct the member speaking to sit down.
- (3) The presiding officer shall then ask the member who was speaking to explain the sense in which he or she used the words.
- (4) The presiding officer shall then determine whether or not the words are offensive, objectionable, unparliamentary or disorderly.
- (5) If the presiding officer determines that the words are offensive, objectionable, unparliamentary or disorderly, he or she –
 - (a) shall direct the member to withdraw the words; and
 - (b) may direct the member to apologise.
- (6) The member must withdraw the words and, if so required, apologise.

111 Presiding officer may request member to withdraw

The presiding officer may request a member of the States to withdraw from the Chamber either for the remainder of the day, or for a lesser period, if the member has –

- (a) obstructed the meeting;
- (b) conducted himself or herself in a disorderly manner;
- (c) used offensive, objectionable, unparliamentary or disorderly words and refused, when directed by the presiding officer, to withdraw the words or apologise;
- (d) refused to conform to any standing order; or
- (e) disregarded the authority of the presiding officer.

PART 6

PROCESS FOR SELECTION AND APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

112 Order of and time for selection and appointment following ordinary election

- (1) When, by virtue of the Law and standing orders, selections and appointments must be made following an ordinary election, they shall be made in the order and at the meeting described in the following table –

<i>Order of selection or appointment</i>	<i>When</i>
1. selection of Chief Minister designate	Meeting commenced within the period of 14 days following the ordinary election (1st meeting)
2. appointment of chairman of the PPC 3. selection of Ministers 4. appointment of chairman of the PAC 5. appointment of chairmen of the scrutiny panels, in the following order – (a) corporate services; (b) economic affairs; (c) social affairs; (d) environment.	Meeting commenced 2 clear working days after the close of the 1st meeting (2nd meeting)
6. appointment of members of the PPC 7. appointment of elected members as members of the PAC 8. appointment of members of scrutiny panels, in the order in which the chairmen of the panels are appointed	3rd meeting
9. appointment of members of chairmen’s committee	4th meeting

- (2) The 3rd and 4th meetings need not be in the same session as the 1st and 2nd meetings.
- (3) If, under Article 19(6) of the Law, the Chief Minister designate steps down after the States have appointed the chairman of the PPC, that appointment shall stand, although the process for selection and appointment of a Chief Minister and Ministers recommences.

113 Time for selection of Chief Minister and ministers other than following ordinary election

- (1) The period within which the States must select an elected member for appointment as Chief Minister following any event described in Article 19(2) of the Law (other than an ordinary election) is 4 clear working days.
- (2) The States must then select elected members for appointment as ministers at a meeting convened 2 clear working days after the close of the meeting at which the Chief Minister is selected.
- (3) The prescribed period for the purposes of Article 22(1) of the Law is the period which begins during the meeting when the States are informed of a resignation or vacancy or a vacancy arises, and ends upon the closure of the following meeting.
- (4) The prescribed period for the purposes of Article 22(2) of the Law is 8 weeks.

NOTE: Article 22(1) and (2) of the Law states –

- “(1) Where a Minister resigns or a vacancy arises in the office of Minister the Chief Minister shall, within the prescribed period, nominate an elected member for appointment as Minister, proposing also the Ministerial office to which that person would be assigned.
- (2) The Chief Minister shall not be required to make a nomination under paragraph (1) where within the prescribed period following the resignation or vacancy, the States are required to make a selection under Article 19(1).”

114 Filling casual vacancies

- (1) This standing order applies to the filling of a casual vacancy in any of the following offices –
 - (a) chairman of the PPC;
 - (b) chairman of the PAC;
 - (c) chairman of a scrutiny panel;
 - (d) member of the PPC;
 - (e) member of the chairmen's committee appointed by the States.
- (2) The States shall appoint a replacement at the meeting during which, as the case may be, the office holder resigns or the presiding officer informs the States of the vacancy, or at the following meeting.
- (3) If there is more than one vacancy to be filled the States shall make the appointments in the order in which they would be made following an ordinary election.

115 Chief Minister: nominations

- (1) A nomination of a candidate for the office of Chief Minister must be –
 - (a) made by at least 6 elected members;
 - (b) in writing, signed by the elected members making it;
 - (c) accompanied by a statement provided by the candidate setting out –
 - (i) the candidate's vision for a strategic policy, and
 - (ii) the manner in which the candidate would propose to discharge his or her responsibilities as Chief Minister;and
 - (d) submitted to the Greffier not less than 2 clear working days before the day the meeting during which the selection is to be made commences.
- (2) When the time for submission of nominations has expired the Greffier shall circulate to members details of the nominations submitted and copies of the statements which accompanied them.

116 Chief Minister: selection process

- (1) The presiding officer shall ask the Greffier to read out the nominations for the office of Chief Minister.
- (2) If there is only one candidate, that person is taken to have been selected as Chief Minister designate.
- (3) If there is more than one candidate, the presiding officer shall then draw lots to determine the order in which they shall be invited to speak.
- (4) The presiding officer shall then invite each candidate to speak for up to 10 minutes.
- (5) After a candidate has spoken, the presiding officer shall allow up to 20 minutes for elected members to question the candidate.
- (6) While a candidate is speaking or being questioned, other candidates must withdraw from the Chamber to a place where they cannot hear the proceedings in it.
- (7) When the speeches and questions are concluded, a secret ballot shall be held.
- (8) The candidate who receives more than half of the votes cast is selected as Chief Minister designate.
- (9) If no candidate is selected by a ballot, the candidate with the lowest number of votes shall withdraw from the contest and a further secret ballot shall be held.

- (10) If, in the circumstances described in paragraph (9), there are 2 or more candidates who receive the same number of votes as each other, but fewer votes than all the other candidates, there shall be a secret ballot to select which of them shall remain in the contest and the candidate who receives the fewest votes shall withdraw from it.
- (11) A member may withdraw his or her candidacy at any time.
- (12) In the event that, by reason of the withdrawal of a candidate, only one candidate remains, the remaining candidate is selected as Chief Minister designate.

NOTE: By virtue of Article 19(7) of the Law, the Chief Minister designate is appointed to office as Chief Minister upon the States selecting the last Minister required to complete the constitution of the Council of Ministers.

117 Chairman of the PPC: appointment process

- (1) The presiding officer shall invite elected members to make nominations for the office of chairman of the PPC.
- (2) If only one person is nominated that person is appointed as chairman of the PPC.
- (3) If more than one person is nominated, the presiding officer shall then, according to the order in which the candidates were nominated, invite each candidate to speak for up to 10 minutes.
- (4) After a candidate has spoken, the presiding officer shall allow up to 20 minutes for elected members to question the candidate.
- (5) While a candidate is speaking or being questioned, other candidates must withdraw from the Chamber to a place where they cannot hear the proceedings in it.
- (6) When the speeches and questions are concluded, a secret ballot shall be held.
- (7) The candidate who receives more than half of the votes cast is appointed as chairman of the PPC.
- (8) If no candidate is appointed by a ballot, the candidate with the lowest number of votes shall withdraw from the contest and a further secret ballot shall be held.
- (9) If, in the circumstances described in paragraph (8), there are 2 or more candidates who receive the same number of votes as each other, but fewer votes than all the other candidates, there shall be a secret ballot to select which of them shall remain in the contest and the candidate who receives the fewest votes shall withdraw from it.
- (10) A member may withdraw his or her candidacy at any time.
- (11) In the event that, by reason of the withdrawal of a candidate, only one candidate remains, the remaining candidate is appointed as chairman of the PPC.

118 Ministers: selection process

- (1) The Ministerial offices are –
 - Economic Development
 - Education, Sport and Culture
 - Health and Social Services
 - Home Affairs
 - Housing
 - Planning and Environment
 - Social Security
 - Transport and Technical Services

Treasury and Resources.

- (2) The presiding officer shall invite the Chief Minister designate to announce, in the order in which he or she wishes the States to vote on them –
 - (a) his or her intended nominations; and
 - (b) his or her proposals as to the Ministerial office to which each nominee would be assigned.
- (3) The presiding officer shall then invite the Chief Minister designate to make each of his or her nominations and propose the Ministerial office to which the nominee would be assigned.
- (4) After the Chief Minister designate has made a nomination and proposal, the presiding officer shall invite elected members to nominate other candidates for appointment as a Minister and assignment to the Ministerial office proposed.
- (5) If only one person is nominated for appointment as a Minister and assignment to the Ministerial office proposed, that person is selected for appointment.
- (6) Otherwise, there shall be a secret ballot and the candidate who receives more than half of the votes cast is selected for appointment and assignment to the Ministerial office proposed.
- (7) If no candidate is selected by the secret ballot, the candidate with the lowest number of votes shall withdraw from the contest and a further secret ballot shall be held.
- (8) If, in the circumstances described in paragraph (7), there are 2 or more candidates who receive the same number of votes as each other, but fewer votes than all the other candidates, there shall be a secret ballot to select which of them shall remain in the contest and the candidate who receives the fewest votes shall withdraw from it.
- (9) A candidate may withdraw his or her candidacy at any time.
- (10) In the event that, by reason of the withdrawal of a candidate, only one candidate remains, that remaining candidate is selected for appointment and assignment to the Ministerial office proposed.
- (11) If, during the process, the States select a candidate who was not nominated by the Chief Minister designate, the presiding officer shall invite the Chief Minister designate to make a further announcement, in the order in which he or she wishes the States to vote on them, of his or her remaining nominations and proposals for assignment to the remaining Ministerial offices.
- (12) The order, nominations and proposals in respect of the remaining appointments and assignments may differ from those previously announced by the Chief Minister designate.
- (13) If, for any reason apart from his or her appointment to office as Chief Minister, the Chief Minister designate ceases to be such, the procedure under this standing order shall cease.

NOTE: Article 19(6) and (7) of the Law states –

- “(6) The Chief Minister designate may, at any time before his or her appointment to office under paragraph (7), inform the States of his or her wish to step down and, upon doing so, shall cease to be Chief Minister designate.
 - (7) Upon the States making the last selection under paragraph (5) required to complete the constitution of the Council of Ministers, the Chief Minister designate and the persons selected are appointed to office.”
- (14) This process shall also apply, with the necessary modifications, in the event of one or more vacancies in the office of Minister.

119 Chairman of the PAC: appointment process

- (1) The presiding officer shall invite elected members to make nominations for the office of chairman of the PAC.
- (2) If only one person is nominated that person is appointed as chairman of the PAC.

- (3) If more than one person is nominated, the presiding officer shall then, according to the order in which the candidates were nominated, invite each candidate to speak for up to 10 minutes.
- (4) After a candidate has spoken, the presiding officer shall allow up to 20 minutes for elected members to question the candidate.
- (5) While a candidate is speaking or being questioned, other candidates must withdraw from the Chamber to a place where they cannot hear the proceedings in it.
- (6) When the speeches and questions are concluded, a secret ballot shall be held.
- (7) The candidate who receives more than half of the votes cast is appointed as chairman of the PAC.
- (8) If no candidate is appointed by a ballot, the candidate with the lowest number of votes shall withdraw from the contest and a further secret ballot shall be held.
- (9) If, in the circumstances described in paragraph (8), there are 2 or more candidates who receive the same number of votes as each other, but fewer votes than all the other candidates, there shall be a secret ballot to select which of them shall remain in the contest and the candidate who receives the fewest votes shall withdraw from it.
- (10) A candidate may withdraw his or her candidacy at any time.
- (11) In the event that, by reason of the withdrawal of a candidate, only one candidate remains, the remaining candidate is appointed as chairman of the PAC.

120 Chairman of a scrutiny panel: appointment process

- (1) The presiding officer shall invite elected members to make nominations for the office of chairman of the scrutiny panel.
- (2) If only one person is nominated that person is appointed as chairman of the scrutiny panel.
- (3) If more than one person is nominated, the presiding officer shall then, according to the order in which the candidates were nominated, invite each candidate to speak for up to 10 minutes.
- (4) After a candidate has spoken, the presiding officer shall allow up to 20 minutes for elected members to question the candidate.
- (5) While a candidate is speaking, or being questioned, other candidates must withdraw from the Chamber to a place where they cannot hear the proceedings in it.
- (6) When the speeches and questions are concluded, a secret ballot shall be held.
- (7) The candidate who receives more than half of the votes cast is appointed as chairman of the scrutiny panel.
- (8) If no candidate is appointed by a ballot, the candidate with the lowest number of votes shall withdraw from the contest and a further secret ballot shall be held.
- (9) If, in the circumstances described in paragraph (8), there are 2 or more candidates who receive the same number of votes as each other, but fewer votes than all the other candidates, there shall be a secret ballot to select which of them shall remain in the contest and the candidate who receives the fewest votes shall withdraw from it.
- (10) A candidate may withdraw his or her candidacy at any time.
- (11) In the event that, by reason of the withdrawal of a candidate, only one candidate remains, the remaining candidate is appointed as chairman of the scrutiny panel.

121 Members of the PPC: appointment process

- (1) The chairman of the PPC shall nominate the following candidates for membership of the PPC –

- (a) 4 elected members who are neither Ministers or Assistant Ministers; and
 - (b) after consultation with the Chief Minister, 2 elected members who are each a Minister or Assistant Minister.
- (2) The presiding officer shall invite elected members to nominate other candidates.
 - (3) If there are no other elected members nominated who are neither Ministers or Assistant Ministers, the 4 elected members nominated under paragraph (1)(a) are appointed as members of the PPC.
 - (4) If there are no other elected members nominated who are either Ministers or Assistant Ministers, the 2 elected members nominated under paragraph (1)(b) are appointed as members of the PPC.
 - (5) Otherwise –
 - (a) if there are more than 4 candidates who are neither Ministers or Assistant Ministers, there shall be a secret ballot and the 4 candidates who receive the highest number of votes are appointed as members; and
 - (b) if there are more than 2 candidates who are each a Minister or Assistant Minister there shall be a secret ballot and the 2 candidates who receive the highest number of votes are appointed as members of the PPC.
 - (6) In a ballot an elected member shall have the same number of votes as there are members to appoint, although a member need not use all of his or her votes.
 - (7) In the event that 2 or more candidates receive the same number of votes in a ballot, being a number which, if received by one candidate, would be the lowest number of votes required for that candidate to be appointed as a member, there shall be a further secret ballot between those candidates, and the candidate receiving the greater number of votes shall be appointed as a member of the PPC.
 - (8) This process shall also apply, with the necessary modifications, in the event of one or more vacancies in the membership of the PPC.

122 Elected members of the PAC: appointment process

- (1) The chairman of the PAC shall –
 - (a) indicate the number of elected members (being not less than 2) that he or she wishes to have as members of the PAC; and
 - (b) nominate that number of elected members (who are neither Ministers or Assistant Ministers) as candidates for appointment as members of the PAC.
- (2) The presiding officer shall invite elected members to nominate other candidates.
- (3) If no other candidates are nominated, the persons nominated by the chairman of the PAC are appointed as members of the PAC.
- (4) If other candidates are nominated there shall be a secret ballot and the number of candidates required to complete the membership of the PAC who receive the highest number of votes are appointed as members of the PAC.
- (5) In a ballot an elected member shall have the same number of votes as there are members to appoint, although a member need not use all of his or her votes.
- (6) In the event that 2 or more candidates receive the same number of votes in a ballot, being a number which, if received by one candidate, would be the lowest number of votes required for that candidate to be appointed as a member, there shall be a further secret ballot between those candidates and the candidate receiving the greater number of votes shall be appointed as a member of the PAC.
- (7) This process shall also apply, with the necessary modifications, whenever the chairman of the PAC wishes to appoint one or more members of the PAC from amongst the elected members.

123 Unelected members of the PAC: appointment process

- (1) The chairman of the PAC shall, at least 14 days before the meeting during which the unelected members of the PAC are to be appointed, give notice to the Greffier of the persons he or she intends to nominate for such membership.
- (2) Any other elected member may, at least 2 clear working days before that meeting, give notice to the Greffier of the person or persons he or she intends to nominate for such membership.
- (3) The Greffier shall distribute to members of the States information he or she receives about intended nominations.
- (4) At the meeting, the chairman of the PAC shall make his or her nominations in accordance with the notice given to the Greffier.
- (5) An elected member who has given notice to the Greffier may make his or her nominations in accordance with it.
- (6) If no other candidates are nominated, the persons nominated by the chairman of the PAC are appointed as members of the PAC.
- (7) If other candidates are nominated there shall be a secret ballot and the number of candidates required to complete the membership of the PAC who receive the highest number of votes are appointed as members of the PAC.
- (8) In a ballot an elected member shall have the same number of votes as there are members to appoint, although a member need not use all of his or her votes.
- (9) In the event that 2 or more candidates receive the same number of votes in a ballot, being a number which, if received by one candidate, would be the lowest number of votes required for that candidate to be appointed as a member, there shall be a further secret ballot between those candidates and the candidate receiving the greater number of votes shall be appointed as a member of the PPC.
- (10) This process shall also apply, with the necessary modifications, whenever the chairman of the PAC wishes to appoint one or more unelected members of the PAC.

124 Members of scrutiny panel: appointment process

- (1) The chairman of the scrutiny panel shall indicate the number of members (not exceeding 4) that he or she wishes the panel to have and shall nominate elected members who are neither Ministers or Assistant Ministers as candidates for appointment as those members.
- (2) The presiding officer shall invite elected members to nominate other candidates.
- (3) If no other candidates are nominated the persons nominated by the chairman of the scrutiny panel are appointed as members of the scrutiny panel.
- (4) If other candidates are nominated there shall be a secret ballot and the number of candidates equal to the number of members the panel is to have who receive the highest number of votes are appointed as members of the scrutiny panel.
- (5) In a ballot an elected member shall have the same number of votes as there are members to appoint, although a member need not use all of his or her votes.
- (6) In the event that 2 or more candidates receive the same number of votes in a ballot, being a number which, if received by one candidate, would be the lowest number of votes required for that candidate to be appointed as a member of the scrutiny panel, there shall be a further secret ballot between those candidates and the candidate receiving the greater number of votes shall be appointed as a member of the scrutiny panel.
- (7) This process shall also apply, with the necessary modifications, whenever the chairman of a scrutiny

panel wishes to appoint one or more members of the panel (provided that the membership does not exceed 4).

125 Appointed members of chairmen's committee: appointment process

- (1) The president of the chairmen's committee shall nominate 2 elected members, neither of whom is a Minister or Assistant Minister, for membership of the chairmen's committee.
- (2) The presiding officer shall invite elected members to nominate other candidates.
- (3) If no other candidates are nominated, the persons nominated by the president of the chairmen's committee are appointed as members of that committee.
- (4) If other candidates are nominated there shall be a secret ballot and the 2 candidates who receive the highest number of votes are appointed as members of the chairmen's committee.
- (5) In the ballot, an elected member shall have 2 votes, although he or she need not use them both.
- (6) In the event that 2 or more candidates receive the same number of votes in the ballot, being a number which, if received by one candidate, would be the lowest number of votes required for that candidate to be appointed as a member, there shall be a further secret ballot between those candidates and the candidate receiving the greater number of votes shall be appointed as a member of the chairmen's committee.
- (7) This process shall also apply, with the necessary modifications, in the event of a vacancy in the membership of the chairmen's committee appointed by the States.

PART 7

COMMITTEES AND PANELS

126 Privileges and Procedures Committee: establishment and constitution

- (1) There shall be a Privileges and Procedures Committee which shall consist of –
 - (a) a chairman, who must be an elected member who is not a Minister or Assistant Minister; and
 - (b) 6 other members, who must be elected members, of whom –
 - (i) 4 are not Ministers or Assistant Ministers, and
 - (ii) 2 are Ministers or Assistant Ministers.
- (2) The States shall appoint the chairman and members of the PPC.
- (3) The PPC shall appoint one of its members as vice chairman.
- (4) The vice chairman shall discharge the functions of the chairman during –
 - (a) the temporary absence or incapacity of the chairman; or
 - (b) a vacancy in the office of chairman.

127 Privileges and Procedures Committee: terms of reference

The terms of reference of the PPC are –

- (a) to keep under review the composition, the practices and the procedures of the States as Jersey's legislature and bring forward for approval by the States amendments to the Law and standing orders as considered appropriate;
- (b) to keep under review the rules for enfranchisement and for the conduct of elections and to bring forward for approval by the States amendments to the Public Elections (Jersey) Law 2002^[6] as

considered appropriate;

- (c) to be responsible, in accordance with Article 10 of the Public Finances (Jersey) Law 2005, for the preparation of the estimates of income and expenditure for the States and their services, and to ensure that the budget of the States is utilised in the most effective and cost-effective manner possible;
- (d) to be responsible for the provision of accommodation, services and facilities for members of the States and to bring forward for approval, as appropriate, recommendations for improvements and changes to these facilities;
- (e) to liaise as necessary with any person or body directed by the States to review the remuneration and expenses of elected members on all matters relating to such remuneration and expenses, and to bring forward for approval, as necessary, proposals relating to the terms of reference of any such person or body or to the arrangements relating to the remuneration of elected members;
- (f) to take the necessary steps for the enforcement of the code of conduct for members of the States and in this context to promote high standards amongst members of the States and to champion and defend the privileges of members of the States;
- (g) to be responsible for the provision of information to the public about the work of the States and the work of the Council of Ministers, the scrutiny panels, and the PAC, and to keep these public information services under review;
- (h) to keep under review the procedures and enactments relating to public access to official information and the procedures relating to access to information for elected members;
- (i) to produce, in consultation with the Bailiff, the chairmen's committee and the Greffier, an annual report on the work of the States and of committees and panels established by standing orders and present the report to the States.

128 Privileges and Procedures Committee: term of office and resignation of chairman or member

- (1) Every member of the PPC shall hold office until the beginning of the 1st meeting following the next ordinary election unless he or she resigns or otherwise ceases to hold office earlier.
- (2) A member of the PPC may resign –
 - (a) during a meeting of the States, by personally informing the States; or
 - (b) by giving written notice to the Bailiff.
- (3) Where a member of the PPC gives written notice of his or her resignation to the Bailiff, the presiding officer shall inform the States of the resignation at the next meeting of the States.
- (4) The member vacates office when the States are informed of his or her resignation.
- (5) The chairman of the PPC shall cease to hold office upon any of the following events –
 - (a) ceasing to be a member of the States;
 - (b) his or her appointment as a Minister or Assistant Minister; or
 - (c) the States deciding that they have no confidence in the chairman or in the PPC.
- (6) Any other member of the PPC shall cease to hold office upon any of the following events –
 - (a) ceasing to be a member of the States;
 - (b) his or her appointment as a Minister or Assistant Minister if, at the time of his or her appointment as a member of the PPC, he or she was not a Minister or Assistant Minister;
 - (c) his or her ceasing to be a Minister or Assistant Minister if, at the time of his or her appointment as a member of the PPC, he or she was a Minister or Assistant Minister;
 - (d) the States deciding that they have no confidence in the PPC; or
 - (e) the filling of a casual vacancy in the office of chairman of the PPC.

129 Privileges and Procedures Committee: proceedings

- (1) The quorum of the PPC is 4.
- (2) Each member of the PPC has one vote.
- (3) If a vote is tied, it shall be taken to have been lost.
- (4) The chairman shall decide when the PPC is to meet, but the PPC shall not meet at any time when the States are meeting except with the leave of the States.
- (5) If the chairman and vice chairman are absent from a meeting of the PPC, the members present shall select one of their number to chair the meeting.
- (6) A member of the PPC who has, or whose spouse or cohabitee has, an interest in any subject matter discussed by the PPC during a meeting must –
 - (a) if it is a direct financial interest –
 - (i) declare the interest, and
 - (ii) withdraw from the meeting for the duration of the discussion and whilst any decision is taken on the subject matter;
 - (b) if it is not a direct financial interest, but a financial interest which is general, indirect or shared with a large class of persons, declare the interest;
 - (c) if it is an interest which is not financial, declare the interest.
- (7) All declarations must be made as soon as possible.
- (8) A financial interest in any subject matter is direct if it is immediate or personal to the person concerned.
- (9) The public may observe a meeting of the PPC, unless the PPC decides otherwise.
- (10) A member of the States who is not a member of the PPC may observe any of its meetings, but must withdraw at any time when the PPC is discussing any matter or information which, by virtue of any enactment or code, the PPC is entitled to discuss in private.

130 Public Accounts Committee: establishment and constitution

- (1) There shall be a Public Accounts Committee which shall consist of –
 - (a) a chairman, who must be an elected member who is not a Minister or Assistant Minister; and
 - (b) an even number of members, determined by the chairman (but not less than 4) of whom –
 - (i) 50% must be elected members who are not Ministers or Assistant Ministers, and
 - (ii) 50% must be persons who are not members of the States.
- (2) The States shall appoint the chairman and members of the PAC.
- (3) The PAC shall appoint one of its members as vice chairman.
- (4) The vice chairman shall discharge the functions of the chairman during –
 - (a) the temporary absence or incapacity of the chairman; or
 - (b) a vacancy in the office of chairman.

131 Public Accounts Committee: terms of reference

- (1) The terms of reference of the PAC are –
 - (a) to receive reports from the Comptroller and Auditor General on –

- (i) the results of the audit of the annual financial statement of the States,
 - (ii) the results of any other audits by the Comptroller and Auditor General,
 - (iii) the annual accounts of the Social Security Fund, the Social Security (Reserve) Fund and the Health Insurance Fund,
- and to report to the States upon any significant issues arising from those reports;
- (b) to receive reports from the Comptroller and Auditor General on the results of investigations into the economy, efficiency and effectiveness achieved in the use of resources by –
 - (i) States funded bodies,
 - (ii) independently audited States bodies (apart from those that are companies owned and controlled by the States), and
 - (iii) States aided independent bodies;
 - (c) to assess –
 - (i) whether public funds have been applied for the purpose intended by the States, and
 - (ii) whether extravagance and waste are being eradicated and sound financial practices applied throughout the administrations of the States;
 - (d) to receive reports from the Comptroller and Auditor General on the adequacy of the corporate governance arrangements within –
 - (i) the States,
 - (ii) States funded bodies,
 - (iii) independently audited States bodies, and
 - (iv) States aided independent bodies.
- (2) In this standing order –

“Health Insurance Fund” has the same meaning as in the Health Insurance (Jersey) Law 1967,^[7]

“Social Security Fund” and “Social Security (Reserve) Fund” have the same meaning as in the Social Security (Jersey) Law 1974;^[8]

“States funded bodies”, “independently audited States bodies” and “States aided independent bodies” have the same meaning as in the Public Finances (Jersey) Law 2005.

132 Public Accounts Committee: term of office and resignation of chairman or member

- (1) Every member of the PAC shall hold office until the beginning of the 1st meeting following the next ordinary election unless he or she resigns or otherwise ceases to hold office earlier.
- (2) A member of the PAC who is an elected member may resign –
 - (a) during a meeting of the States, by personally informing the States; or
 - (b) by giving written notice to the Bailiff.
- (3) A member of the PAC who is not a member of the States may resign by giving written notice to the Bailiff.
- (4) Where a member of the PAC gives written notice of his or her resignation to the Bailiff, the presiding officer shall inform the States of the resignation at the next meeting of the States.
- (5) The member vacates office when the States are informed of his or her resignation.
- (6) The chairman of the PAC shall cease to hold office upon any of the following events –
 - (a) ceasing to be a member of the States;
 - (b) his or her appointment as a Minister or Assistant Minister; or

- (c) the States deciding that they have no confidence in the chairman or in the PAC.
- (7) Any other member of the PAC who is an elected member shall cease to hold office upon any of the following events –
 - (a) ceasing to be a member of the States;
 - (b) his or her appointment as a Minister or Assistant Minister;
 - (c) the States deciding that they have no confidence in the PAC; or
 - (d) the filling of a casual vacancy in the office of chairman of the PAC.
- (8) A member of the PAC who is not a member of the States shall cease to hold office upon any of the following events –
 - (a) his or her becoming a member of the States;
 - (b) the States deciding that they have no confidence in the PAC; or
 - (c) the filling of a casual vacancy in the office of chairman of the PAC.

133 Public Accounts Committee: proceedings

- (1) The quorum of the PAC shall be one half of its membership, rounded up to the next whole number, of whom at least 2 must be members who are elected members.
- (2) Each member of the PAC has one vote.
- (3) If a vote is tied, it shall be taken to have been lost.
- (4) The chairman shall decide when the PAC is to meet, but the PAC shall not meet at any time when the States are meeting except with the leave of the States.
- (5) If the chairman and vice chairman are absent from a meeting, the members present shall select one of the members who is an elected member to chair the meeting.
- (6) The PAC shall comply with any code of practice prepared by the chairmen's committee and approved by the States.
- (7) The public may observe a meeting of or hearing conducted by the PAC, unless the PAC decides otherwise.
- (8) A member of the States who is not a member of the PAC may observe any of its meetings or hearings, but must withdraw at any time when the PAC is discussing or hearing any matter or information which, by virtue of any enactment or code, the PAC is entitled to discuss or hear in private.

134 Scrutiny panels: establishment and constitution

- (1) There shall be –
 - (a) a scrutiny panel which is assigned the topics of corporate services, corporate policies and external relations (“corporate services”);
 - (b) a scrutiny panel which is assigned the topics of economic affairs and economic development (“economic affairs”);
 - (c) a scrutiny panel which is assigned the topics of social, education and home affairs (“social affairs”);
 - (d) a scrutiny panel which is assigned the topics of environment and technical services (“environment”).
- (2) Each scrutiny panel shall consist of –
 - (a) a chairman, who must be an elected member who is not a Minister or Assistant Minister; and
 - (b) a number of members determined by the chairman of the panel (but not more than 4) who must

be elected members who are not Ministers or Assistant Ministers.

- (3) An elected member cannot be a member of more than one scrutiny panel.
- (4) The States shall appoint the chairman and members of a scrutiny panel.
- (5) A scrutiny panel shall appoint one of its members as vice chairman.
- (6) The vice chairman shall discharge the functions of the chairman during –
 - (a) the temporary absence or incapacity of the chairman; or
 - (b) a vacancy in the office of chairman.

135 Scrutiny panels: terms of reference

The terms of reference of a scrutiny panel are, in relation to the topics assigned to it –

- (a) to hold reviews into such issues and matters of public importance as it, after consultation with the chairmen's committee, may decide;
- (b) to consider the existing and proposed policy of the Council of Ministers;
- (c) to scrutinize draft Laws and draft subordinate enactments which are to be made by the States and consider possible amendments to them, if appropriate;
- (d) to scrutinize subordinate enactments which have been made by a Minister;
- (e) to scrutinize international conventions and agreements before they are extended to Jersey;
- (f) to scrutinize the draft Annual Business Plan, the Budget and other financial proposals of the Council of Ministers;
- (g) if appropriate, to the report to the States upon any matter reviewed, considered or scrutinized by the panel and make recommendations in respect of the matter; and
- (h) to liaise, through the chairmen's committee, with the PAC so as to ensure appropriate co-ordination of the scrutiny function.

136 Scrutiny panel: term of office and resignation of chairman or member

- (1) Every member of a scrutiny panel shall hold office until the beginning of the 1st meeting following the next ordinary election unless he or she resigns or otherwise ceases to hold office earlier.
- (2) A member of a scrutiny panel may resign –
 - (a) during a meeting of the States, by personally informing the States; or
 - (b) by giving written notice to the Bailiff.
- (3) Where a member of a scrutiny panel gives written notice of his or her resignation to the Bailiff, the presiding officer shall inform the States of the resignation at the next meeting of the States.
- (4) The member vacates office when the States are informed of his or her resignation.
- (5) The chairman of a scrutiny panel shall cease to hold office upon any of the following events –
 - (a) ceasing to be a member of the States;
 - (b) his or her appointment as a Minister or Assistant Minister; or
 - (c) the States deciding that they have no confidence in the chairman or in the scrutiny panel.
- (6) Any other member of a scrutiny panel shall cease to hold office upon any of the following events –
 - (a) ceasing to be a member of the States;
 - (b) his or her appointment as a Minister or Assistant Minister;
 - (c) the States deciding that they have no confidence in the scrutiny panel; or

- (d) the filling of a casual vacancy in the office of chairman of the scrutiny panel.

137 Scrutiny panel: proceedings

- (1) The quorum of a scrutiny panel shall be one half of its members, rounded up to the next whole number.
- (2) Each member of a scrutiny panel has one vote.
- (3) If a vote is tied, it shall be taken to have been lost.
- (4) The chairman shall decide when a scrutiny panel is to meet, but a scrutiny panel shall not meet at any time when the States are meeting except with the leave of the States.
- (5) If the chairman and vice chairman are absent from a meeting, the members present shall select one of their number to chair the meeting.
- (6) The public may observe a meeting of or hearing by a scrutiny panel, unless the scrutiny panel decides otherwise.
- (7) A member of the States who is not a member of a scrutiny panel may observe any of its meetings or hearings, but must withdraw at any time when it is discussing or hearing any matter or information which, by virtue of any enactment or code, it is entitled to discuss or hear in private.

138 Scrutiny panels : establishment of sub-panels

- (1) A scrutiny panel may establish a sub-panel to review, consider, scrutinize or report or liaise upon any particular matter.
- (2) A scrutiny panel may appoint an elected member who is not a member of the scrutiny panel or a Minister or Assistant Minister to be a member of a sub-panel.
- (3) A scrutiny panel may not allocate any of its resources to a sub-panel without the agreement of the chairmen's committee.

139 Scrutiny panels: appointment of member to undertake review etc.

A scrutiny panel –

- (a) may appoint one of its members to review, consider, scrutinize or report or liaise upon any particular matter; but
- (b) may not allocate any of its resources to the member for the purpose without the agreement of the chairmen's committee.

140 Code of practice for scrutiny panels

A scrutiny panel, a sub-panel of a scrutiny panel and any member of a scrutiny panel appointed to undertake any review shall comply with any code of practice prepared by the chairmen's committee and approved by the States.

141 Chairmen's committee: establishment and constitution

- (1) There shall be a chairmen's committee which shall consist of –
 - (a) the chairman of the PAC, by virtue of his or her office;
 - (b) each chairman of a scrutiny panel, by virtue of his or her office; and
 - (c) 2 elected members, neither of whom is a Minister or Assistant Minister, who the States shall

appoint.

- (2) The chairmen's committee shall appoint one of their number to be president and one of their number to be vice president.

142 Chairmen's committee: terms of reference

The terms of reference of the chairmen's committee are –

- (a) to act as a co-ordinating body for the work of the PAC and scrutiny panels, to ensure that there is no unintended overlap in the work undertaken by them and to ensure that all aspects of the work of the Council of Ministers are, over time, reviewed;
- (b) to oversee the prioritization and allocation of resources to the PAC and scrutiny panels;
- (c) to keep under review the operation of the scrutiny function and, as appropriate, to make recommendations for change;
- (d) to co-ordinate the preparation of an annual report on the work of the PAC and scrutiny panels for inclusion in the annual report produced by the PPC upon the work of the States and of committees and panels established by standing orders;
- (e) to maintain close contact with the Council of Ministers and to ensure that –
 - (i) the PAC and scrutiny panels are kept aware of the future work programme of the Council, and
 - (ii) the Council of Ministers is kept aware of the future work programme of the PAC and scrutiny panels;
- (f) to prepare, keep under review and lodge for approval by the States, codes of practice for the proceedings of the PAC and scrutiny panels which shall include –
 - (i) the manner in which the PAC or a scrutiny panel shall prepare and make public the terms of reference and timetable for any review it proposes to conduct,
 - (ii) the manner in which the PAC or a scrutiny panel should select and, if appropriate, remunerate, expert witnesses and advisers,
 - (iii) the manner in which a hearing by the PAC or a scrutiny panel must be organized and conducted,
 - (iv) the manner in which a person called to give evidence before the PAC or a scrutiny panel is dealt with before, during and after the hearing,
 - (v) the time when any assessment or scrutiny of a policy of the Council of Ministers should be undertaken,
 - (vi) the manner in which personal or confidential information given in evidence before or contained in documents produced to the PAC or a scrutiny panel is to be treated,
 - (vii) how the PAC or a scrutiny panel should obtain legal advice and treat the advice obtained,
 - (viii) rules for the declaration of interests by members of the PAC or a scrutiny panel during one its meetings or hearings;
- (g) to prepare, keep under review and lodge for approval by the States, codes of practice as to the manner in which and the time within which the Council of Ministers must present a report or comment in response to a report by the PAC or a scrutiny panel which is referred to it.

143 Chairmen's committee: term of office and resignation of member appointed by the States

- (1) A member of the chairmen's committee appointed by the States shall hold office until the beginning of the 1st meeting following the next ordinary election unless he or she resigns or otherwise ceases to hold office earlier.
- (2) A member of the chairmen's committee appointed by the States may resign –

- (a) during a meeting of the States, by personally informing the States; or
 - (b) by giving written notice to the Bailiff.
- (3) Where the member gives written notice of his or her resignation to the Bailiff, the presiding officer shall inform the States of the resignation at their next meeting.
 - (4) The member vacates office when the States are informed of his or her resignation.
 - (5) A member of the chairmen's committee appointed by the States shall cease to hold office upon his or her appointment as a Minister or Assistant Minister.

144 Chairmen's committee: proceedings

- (1) The quorum of the chairmen's committee shall be one half of its members, rounded up to the next whole number.
- (2) Each member of the committee has one vote.
- (3) If a vote is tied, it shall be taken to have been lost.
- (4) The president shall decide when the committee is to meet, but the committee shall not meet at any time when the States are meeting except with the leave of the States.
- (5) The committee shall decide whether to allow the public to observe any or any part of its meetings.
- (6) A member of the States who is not a member of the committee may observe any of its meetings, but must withdraw at any time when it is discussing any matter or information which, by virtue of any enactment or code, it is entitled to discuss in private.
- (7) If the president and vice president are absent from a meeting, the members present shall select one of their number to preside at the meeting.

145 Committee of inquiry: appointment

- (1) The States may appoint a committee of inquiry to inquire into a definite matter of public importance and report on it to the States.
- (2) The States may appoint persons who are not members of the States to be members of a committee of inquiry.
- (3) A committee of inquiry shall consist of at least one but not more than 5 persons.
- (4) If a committee of inquiry consists of one person, that person shall be the chairman and the quorum.
- (5) Otherwise, the States may direct –
 - (a) which of the persons appointed to the committee shall be its chairman;
 - (b) which of the persons appointed to the committee shall preside in the absence of the chairman; and
 - (c) the number of persons who shall form a quorum of the committee.
- (6) A person appointed to a committee of inquiry shall, before the inquiry commences, take the following oath before the Bailiff –

“You swear and promise before God that you will well and faithfully discharge your duties as a member of the committee of inquiry to inquire into [.....]”.
- (7) A member of a committee of inquiry may resign, with immediate effect, by giving written notice to the Bailiff.
- (8) The presiding officer shall inform the States of the resignation at their next meeting.
- (9) A committee of inquiry shall disband upon submitting to the States its final report upon its inquiry.

146 Committee of inquiry: proceedings

- (1) A committee of inquiry may regulate its own procedure for the conduct and management of its proceedings including, but not limited to, venue and adjournments.
- (2) Proceedings before a committee of inquiry shall be held in public unless the committee, in the interests of justice or the public interest, decides that all or any part of the proceedings shall be in private.
- (3) Where proceedings are held in private only persons who, in the opinion of the committee of inquiry, are necessary to the conduct of those proceedings may remain.
- (4) Where proceedings are held in public the committee of inquiry may exclude any person or class of persons from those proceedings if it is satisfied that it is desirable to do so for the preservation of order, for the proper conduct of the proceedings or for the protection of the person, property or reputation of any witness in, or any person referred to in, the proceedings.

147 Committee of inquiry: right of Attorney General to appear

The Attorney General or any person acting on the Attorney General's behalf may at any time appear before a committee of inquiry on any matter which, to the Attorney General, appears to be relevant to the inquiry.

148 Committee of inquiry: legal representation

A committee of inquiry may, if it considers it desirable, give leave to any person appearing before it to be represented by an advocate or solicitor.

149 Committee of inquiry: remuneration and expenses

The Minister for Treasury and Resources may give directions as to –

- (a) the remuneration (if any) of a member of a committee of inquiry;
- (b) the expenses that a committee of inquiry may incur; and
- (c) how such remuneration and expenses are to be funded.

150 Duties of Greffier in relation to committees and panels

- (1) The Greffier shall make an officer available to assist the PPC and keep minutes of its proceedings.
- (2) The Greffier shall make an officer available to assist the PAC and keep minutes of its proceedings.
- (3) The Greffier shall make officers available to assist scrutiny panels as required.
- (4) The Greffier shall make an officer available to assist the chairmen's committee and keep minutes of its proceedings.
- (5) The Greffier may make an officer available to a committee of inquiry to perform such duties connected with the inquiry as the chairman of that committee may direct.
- (6) The Greffier may appoint a person, who may be an advocate or solicitor, to assist a committee of inquiry.

PART 8

REGISTER OF INTERESTS

151 Elected members' interests that must be registered

- (1) Schedule 2 has effect to specify interests that must be registered by an elected member.
- (2) If the requirement to register depends upon an interest having a monetary value in excess of a specified amount, and the elected member does not know the exact value of the interest but believes it to be in the region of the specified amount, he or she must register the interest.
- (3) An elected member is not required to provide information regarding the monetary value of any interest that must be registered, but may do so if he or she wishes.
- (4) An elected member is not required to register any interest of his or her spouse or cohabitee of which the elected member is not aware.

152 Process for registering member's interests

- (1) An elected member must, not less than 30 days after the day on which he or she takes the oath of office as a Senator, Connétable or Deputy (whether following his or her election or re-election), complete a return of his or her interests that must be registered and submit it to the Greffier.
- (2) An elected member must notify the Greffier, in writing, of any change in or addition to his or her interests that must be registered (apart from a shareholding), not less than 30 days after the change or addition occurs.
- (3) An elected member must notify the Greffier, in writing, of the acquisition of a shareholding that must be registered, not less than 30 days after the acquisition.
- (4) An elected member must –
 - (a) notify the Greffier, in writing, not less than 30 days after becoming aware that a shareholding must be registered; and
 - (b) in any event, review the value of his or her shareholdings, and those of his or her spouse or cohabitee of which the member is aware, not less than once in every 12 months, in order to determine whether or not they must be registered.
- (5) An elected member may include in his or her return of interests, or notify the Greffier at any time of, any interest which, although not required to be registered, is in the opinion of the member an interest which should be disclosed to the public.

153 Greffier to maintain register

- (1) The Greffier shall keep a register in which he or she enters all returns submitted and information notified by elected members regarding their interests.
- (2) Any person may inspect the register at the offices of the States Greffe during normal working hours.
- (3) The Greffier –
 - (a) shall publish the register on the internet website maintained by the States; and
 - (b) may make further arrangements for its publication.

PART 9

RECORDS OF MEETINGS

154 Greffier to keep minutes of meetings

- (1) The Greffier shall keep minutes of meetings.
- (2) The minutes shall record all decisions taken and every other matter required by standing orders to be recorded.

155 Greffier to prepare transcript of meeting

- (1) The Greffier shall prepare a written transcript of a meeting.
- (2) The transcript shall include –
 - (a) all questions and answers, whether written or oral;
 - (b) all matters of privilege raised; and
 - (c) all public business.
- (3) The transcript may also include –
 - (a) such other business as the Greffier, after consultation with the PPC, if necessary, considers appropriate; and
 - (b) any supporting or illustrative material that a speaker has distributed to members of the States during a debate.
- (4) A transcript of any part of a meeting conducted in camera shall not be made public, unless the States decide otherwise.

156 Greffier to keep documents and make them available.

- (1) The Greffier shall –
 - (a) keep all propositions lodged and all reports, comments and other documents presented; and
 - (b) unless the States decide otherwise make any such document available for inspection by members of the States and other persons.
- (2) The Greffier may provide any person with a copy of a document made available for inspection, and charge a fee for doing so.

PART 10

MISCELLANEOUS PROVISIONS

157 Form and content of declaration by candidate for election

The declaration that a person seeking election as a Senator or Deputy is required to make at the time of his or her nomination shall be in the form set out in Schedule 3.

158 Petitions by members of the public

The procedures for presentation of a petition are set out in Schedule 1.

159 Effect of suspension of standing order

The suspension of a standing order shall cease to have effect as soon the purpose of the suspension has been fulfilled or the matter to which the suspension relates has been concluded, as the case may be.

160 Decisions on matters not provided for

- (1) The Bailiff shall decide any question of order or procedure which is not provided for in standing orders.
- (2) However, if any such question arises during a meeting and requires an immediate decision the presiding officer shall make it.
- (3) In either case the decision –
 - (a) shall not be open to appeal; and
 - (b) can only be reviewed upon a proposition lodged for the purpose.
- (4) The Greffier shall record a decision made by the Bailiff or presiding officer on a question of order or procedure not provided for in standing orders.

161 Land transactions

- (1) This standing order applies to the following actions –
 - (a) the disposal, acquisition, letting or rental of land on behalf of the public of Jersey;
 - (b) the grant or acquisition of rights or servitudes over land on behalf of the public of Jersey;
 - (c) the renewal, extension or variation of any lease of land on behalf of the public of Jersey;
 - (d) the approval of plans for the construction or alterations of buildings where the work is to be funded wholly or partly by money voted by the States.
- (2) The prior agreement of the States shall not be needed for any of the actions if –
 - (a) the action is recommended by a body established by the States to manage land and buildings owned by the public of Jersey; and
 - (b) the recommendation is accepted by the Minister for Treasury and Resources.
- (3) The Minister for Treasury and Resources shall, after accepting a recommendation to take such action, present to the States information regarding the action.
- (4) The Attorney General and the Greffier may, under the authority of the Minister for Treasury and Resources, pass any contract which is required to be passed on behalf of the public of Jersey.

162 Duty of Greffier regarding Law adopted in 3rd reading

When a draft Law has been adopted by the States in 3rd reading the Greffier shall ensure that the draft Law is sent to the Clerk to Her Majesty in Council.

163 Duty of Greffier in relation to internet publishing

- (1) The Greffier shall maintain an internet website for the States.
- (2) The Greffier shall publish on the website information about members of the States and the work of the States.
- (3) The Greffier shall publish the following documents on the website at the following times –
 - (a) a document presented to or laid before the States (apart from a subordinate enactment), as soon as possible after it is presented;
 - (b) no later than Tuesday in each week –
 - (i) a list of documents presented to the States, and
 - (ii) a list of propositions lodged,

- during the 7 days ending with the preceding Friday;
- (c) a proposition, as soon as possible after it is lodged.
- (4) The Greffier shall publish transcripts of meetings on the website (apart from any part of a transcript which may not be made public).

164 Duty of Greffier regarding seating plan

The Greffier shall keep a plan of the seats in the Chamber designated to members.

165 Further duties of Greffier

The Greffier shall perform any other duties, in the service of the States, that the States order or the Bailiff directs.

166 Strangers entering precincts of the States

- (1) A stranger shall enter and leave the precincts of the States with decorum.
- (2) A stranger may be denied entry to the precincts of the States if he or she is accompanied by any animal (apart from an assistance animal).
- (3) A stranger may be denied entry to the precincts of the States or required to leave the precincts of the States if, when asked by a security agent appointed on behalf of the States, he or she refuses to allow or does not co-operate with, a search of his or her person and belongings.
- (4) A stranger, whilst in the precincts of the States, must not –
 - (a) cause any damage to the building, furniture or fittings;
 - (b) deposit, throw down or leave (other than in a receptacle provided for the purpose) any paper or other refuse;
 - (c) behave or be clothed in an unsuitable manner;
 - (d) create or join in any disturbance which interrupts or is likely to interrupt a meeting;
 - (e) throw or discharge any object or substance;
 - (f) use any musical instrument or any apparatus for the transmission, reception, reproduction or amplification of sound, apart from a hearing aid;
 - (g) without the leave of the States, take a photograph or record a moving image;
 - (h) switch on or use a mobile telephone, pager or any other electronic communication device;
 - (i) eat or drink;
 - (j) smoke any pipe, cigar or cigarette;
 - (k) express audible approval or disapproval of the proceedings of the States; or
 - (l) disobey any lawful order given to him by or on behalf of the Viscount or by a person instructed by the Bailiff or presiding officer to give the order.
- (5) The presiding officer may require a stranger who contravenes this standing order to leave the precincts of the States immediately.

167 Duty of Viscount regarding strangers

- (1) The Viscount shall act upon such orders that he or she receives –
 - (a) from the Bailiff, if the Bailiff orders a stranger to withdraw pursuant to Article 32(2) of the Law;

- (b) from the presiding officer, for the purpose of ensuring that the requirements of standing orders regarding strangers are complied with.
- (2) If the Viscount is absent, a person instructed to assist by the Bailiff or, as the case may be, the presiding officer, shall act in his or her place.

168 Commencement

- (1) Standing order 1, Parts 6 and 7 and this standing order shall come into force on 24th November 2005.
- (2) The remainder of these standing orders shall come into force on the same day as Article 42(3) of the Law.

SCHEDULE 1

(Standing Orders 62 and 158)

PETITIONS BY MEMBERS OF THE PUBLIC

1 Contents of petition

- (1) A petition must state the action or remedy which the petitioners seek from the States.
- (2) The action or remedy sought must be one for which the States are responsible.
- (3) A petition must contain a statement of the reasons for, or the background to, the petition.
- (4) A petition must be respectful and temperate in its language.
- (5) A petition must be legible.
- (6) A petition may be in any language.
- (7) A petition cannot have any other document attached to it.

2 The petitioners

- (1) There must be at least one petitioner.
- (2) Each petitioner must sign the petition.
- (3) A petitioner who is a body corporate must affix the body's common seal to the petition, instead of signing it.
- (4) The full name and address of a petitioner must be set out in the petition opposite the petitioner's signature or seal.
- (5) If a petitioner cannot write, another person may sign on his or her behalf, certifying, in the petition, that he or she is authorized by the petitioner to do so.
- (6) A signature or seal must not be pasted or transferred in any other way to a petition.
- (7) If there is more than one page of signatures, the action or remedy sought must be repeated at the top of each page.
- (8) A petition may name a person or body who is responsible for the petition.

3 Example of form of petition

The following form is an example of a petition –

PETITION TO THE PRESIDENT AND MEMBERS OF THE STATES OF JERSEY
Name of person(s) or body responsible for this petition –
These are the reasons for this petition – (<i>or</i> The background to this petition is as follows –)
We, the undersigned, petition the States of Jersey as follows –

(Set out the action or remedy that the petitioners are seeking from the States)

Full name (please print)	Full postal address	Signature

4 Depositing petition with Greffier

- (1) An elected member cannot deposit and submit a petition on his or her own behalf or on behalf of another member of the States.
- (2) The elected member who will submit the petition to the States must deposit it with the Greffier at least 4 clear days before the meeting day on which he or she is to submit it.
- (3) A petition which is not in English or French must be accompanied, when deposited, by a translation into English which the elected member has certified as accurate.
- (4) The Greffier must count the number of petitioners.
- (5) In doing so, he or she will disregard any signatures or seals which do not conform to the requirements of standing orders.
- (6) The Greffier must then enter the number of petitioners on the face of the petition.
- (7) The elected member who will submit the petition must countersign the number.

5 Submitting petition to the States

- (1) A petition must be submitted to the States by the elected member who deposited it.
- (2) An elected member, when submitting a petition, may make a brief statement about the petitioners, the number of petitioners and the action or remedy sought.
- (3) The presiding officer shall not allow any discussion or debate on the statement.
- (4) Before or when submitting the petition, the elected member submitting it must lodge a proposition relating to the action or remedy sought in the petition, unless such a proposition has already been lodged.
- (5) The States shall refer the petition and the proposition relating to the action or remedy sought in it to the Minister or Ministers assigned responsibility for the matter to which the petition relates.
- (6) A Minister to whom a petition and proposition are referred must present a report on them within 8 weeks of the referral.
- (7) If a petition relates to a personal grievance for which there may be an urgent need to take immediate action or provide an immediate remedy the States may decide not to refer the petition and proposition to any Minister for a report.

SCHEDULE 2

(Standing Order 151)

REGISTER OF INTERESTS OF ELECTED MEMBERS

1 Employment, offices, directorships and partnerships

- (1) An elected member must register the name and address of any person from whom he or she receives any remuneration or benefit by virtue of being –
 - (a) employed;
 - (b) the holder of any office;
 - (c) a director of any company; or
 - (d) a partner in a partnership or firm.
- (2) If the elected member is a director of a company by which he or she is not remunerated, but receives remuneration through another company in the same group, the directorship must be registered.
- (3) When registering the name and address of a person, the elected member must also provide a brief description of the person's business or work.
- (4) An elected member is not required to register –
 - (a) remuneration he or she receives out of the consolidated fund, by virtue of being an elected member; or
 - (b) remuneration he or she receives out of the funds of a parish, by virtue of being its Connétable.

2 Self-employment, etc.

- (1) An elected member must register any consultancy, trade, profession, vocation or other work for which he or she receives any payment or benefit and which does not fall within paragraph 1.
- (2) An elected member must register the name and address of a person from whom he or she receives any payment or benefit in return for the work if the payment or benefit received from that person forms a significant portion of the member's total income or a significant portion of the member's total income from that work.
- (3) When registering the name and address of a person the elected member must also provide a description of the person's business or work.

3 Shareholdings

- (1) An elected member must register the name and address of company in which he or she, or his or her spouse or cohabitee, or both of them, whether jointly or separately, own shares exceeding –
 - (a) 1% or more of the issued share capital of the company; or
 - (b) £25,000 in value.
- (2) When registering the name and address of the company, the elected member must also provide a brief description of the business or purpose of the company.

4 Sponsorship

- (1) An elected member must register the name and address of any person who provides him or her with sponsorship for the purpose of enabling the member to carry out his or her duties as an elected member.

- (2) Sponsorship may take the form of the donation of money or of any benefit.
- (3) When registering the name and address of the sponsor, the elected member must provide a brief description of the sponsorship.

5 Gifts, hospitality and other benefits

- (1) An elected member must register the name and address of any person who gives the elected member, or his or her spouse or cohabitee, any gift, hospitality or other benefit which has a monetary value greater than 1% of the current remuneration figure for elected members (disregarding any expense allowances) if the giving of the gift, hospitality or benefit is, in any way, related to membership of the States.
- (2) When registering the name and address the elected member must also provide a brief description of the gift, hospitality or other benefit given.
- (3) An elected member is not required to register any gift, hospitality or other benefit which is given or made available to all elected members or to all spouses or cohabitees of elected members.

6 Overseas visits

An elected member must register the name and address of any person (apart from the States or any administration of the States) who pays all or part of the costs of a visit made outside Jersey by the elected member or his or her spouse or cohabitee if the visit is, in any way, related to his or her membership of the States.

7 Land

- (1) An elected member must register a brief description of any land owned by or on behalf of the elected member or his or her spouse or cohabitee, or by or on behalf of them jointly, apart from the principal place of residence of the elected member or of his spouse or cohabitee.
- (2) An elected member must register a brief description of any land from which the elected member or his or her cohabitee derives an income.

8 Miscellaneous

- (1) An elected member must register details of any other interest or benefit which the elected member or his spouse or cohabitee receives which, although not required to be registered under the foregoing paragraphs of this Schedule, the elected member believes might reasonably be thought by other persons to influence his or her actions as an elected member.
- (2) An elected member must register details of any interest which the elected member or his or her spouse or cohabitee has which, although it does not confer any pecuniary advantage or benefit on the elected member or his or her spouse or cohabitee, the elected member believes might reasonably be thought by other persons to influence his or her actions as an elected member.

SCHEDULE 3

(Standing Order 157)

DECLARATION BY CANDIDATE FOR ELECTION

STATES OF JERSEY LAW 2005

DECLARATION TO BE MADE BY CANDIDATE FOR THE OFFICE OF SENATOR OR DEPUTY

I, the undersigned (*insert name*) hereby declare that I have read and understood the provisions of Article 9 of the States of Jersey Law 2005 and that

- i) I am not disqualified for election; and
- ii) I have no relevant convictions for the purposes of Article 9(1)(b) and (c).

OR

The convictions I must declare for the purposes of Article 9(1)(b) and (c) are as follows –

Signed Date

Note: Article 9(3) of the States of Jersey Law 2005 provides that a person who knowingly makes a false declaration shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.

In accordance with the provisions of Article 9(2) of the States of Jersey Law 2005 this declaration will be read out at the nomination meeting.

[1] L.8/2005.

[2] L.14/2005.

[3] Chapter 15.560.

[4] L.19/2000.

[5] Chapter 15.720.

[6] Chapter 16.600.

[7] Chapter 26.500.

[8] Chapter 26.900.