

STATES OF JERSEY



STATES BECOMING INQUORATE DURING A MEETING: REVISED PROCEDURES (P.82/2010) – AMENDMENT

Lodged au Greffe on 30th June 2010
by the Privileges and Procedures Committee

STATES GREFFE

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Delete paragraph (a)(ii) and in paragraph (a)(iii) for the word “second” substitute the word “electronic”.

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT

PPC welcomes the proposition brought by Deputy Le Claire in relation to the procedures that should be followed if the States become inquorate during a meeting, but believes that the revisions to Standing Orders that he is proposing could be slightly simplified as set out in this amendment.

At present, if it appears to the Presiding Officer that the States have become inquorate, he or she directs that members be summoned and, after allowing whatever time he or she considers reasonable, he or she asks the Greffier to call the roll orally. If the States remain inquorate at the end of this oral roll call the meeting must, in accordance with Standing Order 56(3), be closed immediately.

Although there have been several roll calls in these circumstances in recent years there has never, to date, been an occasion when the States have remained inquorate at the conclusion of the roll call and the meeting has therefore always been able to continue. The fact that a meeting could nevertheless be closed immediately, possibly during an important debate, is nevertheless of concern as referred to by the Greffier of the States when he was presiding on 5th June 2008 –

“The Greffier of the States (in the Chair):

The time is 2.15 p.m. as agreed by the Assembly. The Assembly is not yet quorate. Therefore, as required by Standing Orders I will ask the usher to summon Members to the Assembly please. Standing Order 56(2) enables the Presiding Officer if he has allowed such time as he considers reasonable for elected Members to return believes the States remain inquorate – and I do believe the States remain inquorate – enables me to ask the Greffier to call the roll. I shall ask the Greffier to call the roll.

[ROLL CALL]

The Assembly, having counted, is now quorate but this is the second time this has happened to me in the Chair. I hope it is nothing personal **[Laughter]** but on a more serious point I would remind Members of the provisions of Standing Order 56(3) which is the next stage in the process that if the States had been inquorate at the conclusion of roll call, the Presiding Officer has no discretion but to close the meeting. That would have meant that the meeting would have been closed, the business would have fallen away and the States would have reconvened in 2 weeks’ time. Perhaps Members will bear that in mind when thinking of – I do not speak to those present – I speak to those who are not present who hopefully are hearing this, that Members should return hopefully on time.”

Concerns have been expressed that the nature of the oral roll call is such that those lower down the order of seniority are often able to return quickly to the Chamber during the roll call and are therefore shown as present whereas those at the beginning of the roll call do not have the same opportunity to return if they are not already in the Chamber. PPC therefore supports Deputy Le Claire’s proposal that the electronic voting system (which has a setting to be used for roll call) should be used to provide an instant opportunity to obtain a list of who is in the Chamber at a particular time. PPC therefore agrees that Deputy Le Claire’s proposal is a sensible one in the interest of fairness.

Deputy Le Claire has proposed in paragraph (a)(ii) of his proposition that a traditional 'oral' roll call should be taken if the States remain inquorate after the initial electronic roll call. PPC considers that this is unnecessary and cannot see what purpose would be served by a second roll call in these circumstances. The only advantage in taking a second oral roll call as suggested in the proposition would appear to be to 'kill some time' in the hope that members might return and enable the States to continue. This amendment from PPC therefore seeks to amend the proposition so that only one roll call would be taken, namely the electronic roll call.

PPC recognises that if an electronic roll call alone is used there may be occasions when the States would remain inquorate at the end of that roll call and therefore supports the proposed revised procedures suggested by Deputy Le Claire in paragraph (a)(iii) of his proposition. This procedure, namely that the meeting could either be suspended or closed, mirrors the current provision in Standing Order 55 which sets out the procedure to be followed if the States are inquorate at the start of the sitting after the first roll call of the day. Deputy Le Claire's proposition has, in fact, drawn attention to what may be perceived as a discrepancy between the procedure to be followed at the start of the day and the procedure to be followed in the course of a meeting. PPC therefore supports the notion of allowing a short suspension of the meeting if the States become inquorate and it was felt that members may return imminently and allow the Assembly to continue with its business. Although PPC hopes that meetings of the States would not ever have to be suspended in these circumstances it is clear that any such suspension would undoubtedly draw criticism from the public and media and it is therefore hoped that the new procedures, if introduced, would encourage all members to ensure that the Assembly did not become inquorate at any time.

PPC trusts that all members will support the proposition with these amendments and the Committee is, of course, content to bring forward the necessary formal amendments to Standing Orders to give effect to the new system. When doing that the Committee will also give consideration to the appropriate manner in which the electronic roll call should be recorded in the States Minutes to ensure that it is clear that missing members who are absent with a legitimate excuse (for example ill, excused, or having declared an interest in the debate) were not present for that reason.

Financial and manpower implications

There are no additional financial and manpower implications for the States arising from this amendment.