

STATES OF JERSEY



DRAFT AMENDMENT (No. 14) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Lodged au Greffe on 10th November 2010
by the Privileges and Procedures Committee

STATES GREFFE



Jersey

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REPORT

These amendments make four separate but unrelated amendments to Standing Orders.

Amendments 2, 3 and 4

These three amendments all relate to the States Employment Board. At present the States Employment Board is not referred to in Standing Orders as a body that can lodge propositions or present reports and comments in its own name. This has meant that, to date, the Chief Minister has had to make a separate Ministerial Decision and bring matters in his own name on behalf of the States Employment Board. Recently the States approved amendments to legislation to expand the membership of the States Employment Board to include 2 States members who are not Ministers or Assistant Ministers and it therefore seems appropriate that the Board should be able to lodge propositions and present comments and reports in its own name. These amendments therefore add the States Employment Board to the list of officeholders and bodies that can do this.

Amendment 5

This amendment makes a small change to Standing Order 39 to improve efficiency and reflect current practice. When the 2005 Standing Orders were first introduced it was common practice for the Greffier of the States to produce only a principal Order Paper and one or more Supplementary Order Papers for each States meeting. Subsequently, following a suggestion from the then Senator M.E. Vibert, the Greffier introduced the Consolidated Order Paper which is now produced systemically on coloured paper for every meeting of the Assembly. In practice, members refer almost exclusively to the Consolidated Order Paper which includes all relevant matters for the meeting and brings together the contents of the principal Order Paper and any Supplementary Order Papers. As a result, the Supplementary Order Paper, which is still required by Standing Orders is, in many ways, simply superfluous and a waste of paper. This amendment permits the Greffier to produce only a Consolidated Order Paper when that is convenient. The ability to produce a Supplementary Order Paper will remain and this option may occasionally be used when, for example, there is a need to notify members of additional items before the weekend. The Greffier of the States has indicated that, once the amendment is in force, he will take the necessary steps on the Consolidated Order Paper to draw attention, perhaps through the use of bold or italicised text, to new matters that were not included on the principal Order paper.

Amendment 6

The amendments to Standing Orders 55 and 56 arise following the adoption of the proposition brought by Deputy P.V.F. Le Claire relating to the procedure to be followed when the States become inquorate during a meeting. That proposition (P.82/2010) was adopted on 7th July 2010. Under the procedure agreed in Deputy Le Claire's proposition, the roll call that can be taken when the States become inquorate during a meeting will be taken using the electronic voting system and not called orally by the Greffier. This will enable an instant 'snap-shot' of attendance to be taken and will avoid the current situation when members can return to the Chamber during the roll call if their names are towards the end of the list. The electronic voting system has a roll call setting that allows members to push any one of the three buttons and record their attendance on the electronic system.

If the States remain inquorate after the electronic roll call, the Presiding Officer can either suspend the meeting to a time later on the same day, suspend the meeting to a continuation day or close the meeting. In practice, if it is likely that members are simply out of the Chamber and in the precincts, the Presiding Officer may decide to suspend the meeting for only a brief period. The principal amendments made by Deputy Le Claire's propositions are reflected in Standing Order 56, but the opportunity has been taken to amend Standing Order 55 as well to ensure consistency between Standing Orders 55 and 56. PPC hopes that the new provisions will have a deterrent effect and prevent the Assembly from becoming inquorate as it would, in practice, be more likely that the States would remain inquorate after an electronic roll call because of the instant nature of that procedure and it would reflect very badly on the standing of the Assembly if frequent suspensions were needed.

Amendment 7

This amendment was initiated following a request from the Chief Minister in relation to propositions brought by him under Article 31 of the States of Jersey Law 2005. Article 31 of the Law requires the Chief Minister to bring a proposition to the States whenever it is proposed that an Act of the UK Parliament should apply to Jersey or that an Order in Council should be made extending an Act of Parliament or Church Measure to Jersey. The Law refers to the Chief Minister bringing such a proposition because of his responsibility for international relations. In practice it is nevertheless the case that some of the matters covered by a proposition brought under Article 31 are more relevant to another Minister. In a recent case the proposition related to an immigration and asylum matter that fell largely within the remit of the Minister for Home Affairs. The Chief Minister therefore requested PPC to consider bringing an amendment to Standing Orders to allow a proposition lodged by the Chief Minister under Article 31 of the Law to be proposed by any other Minister. PPC supported this request and new Standing Order 68A(2) reflects the decision. PPC has also taken the opportunity to set out in new Standing Order 68A details of who may act as Rapporteur for propositions. The Standing Order reflects entirely the current practice and conventions that have been followed to date but which have never formally been set out in Standing Orders. PPC believes it would be helpful to codify the conventions in Standing Orders in this way.

Financial and manpower implications

There are no financial or manpower implications arising from this adoption of these amendments to Standing Orders.

Explanatory Note

Amendment 1 is the interpretation provision.

Amendment 2 adds a definition “States Employment Board” to Standing Orders.

Amendment 3 enables the States Employment Board to lodge a proposition in its own name.

Amendment 4 enables the States Employment Board to present a report or comment in its own name.

Amendment 5 amends standing order 39. The Greffier of the States already has a discretion to distribute a supplementary order paper before a meeting commences. That discretion is widened to permit the Greffier of the States to distribute a consolidated order paper before a meeting commences.

Amendment 6 substitutes standing orders 55 and 56. Those standing orders set out the procedure to be followed if the States appear to be inquorate either at the beginning of or during a meeting.

The procedure to be followed if the States appear to be inquorate at the beginning of a meeting is very slightly revised so that, if the meeting is suspended to a continuation day, the roll is taken in exactly the same way as for any other continuation day.

The current procedure when the States appear to be inquorate during a meeting is for the roll to be called and, if the States are in fact inquorate, the meeting to be closed. The revised procedure is –

- for the roll to be taken using the electronic voting system
- if the States are inquorate, for the presiding officer to either suspend the meeting until later in the day, suspend the meeting to a continuation day or close the meeting
- if the meeting is suspended until later in the day, for the roll to be called on its resumption and, if the States remain inquorate, for the presiding officer to close the meeting
- if the meeting is suspended to a continuation day, for the roll to be called at the beginning of the day, in the usual way.

Amendment 7 inserts standing order 68A. The inserted standing order clarifies who may act as rapporteur in specified cases –

- the Chief Minister or any other Minister may act as rapporteur for a proposition lodged by the Council of Ministers
- any Minister may act as rapporteur for a proposition lodged by the Chief Minister under Article 31 of the States of Jersey Law 2005 (Article 31 requires the Chief Minister to lodge any proposal that an Act of Parliament should apply to Jersey or that an Order in Council should be made extending an Act of Parliament or Church Measure to Jersey)

- an Assistant Minister to the Chief Minister or to any other Minister may act as rapporteur for a proposition lodged by that Minister
- any member of the Privileges and Procedures Committee, the Public Accounts Committee, a scrutiny panel, the chairman's committee or another committee or panel established by standing orders and that has a right to lodge propositions in its own name may act as rapporteur for a proposition lodged by that committee or panel
- any Connétable may act as rapporteur for a proposition lodged by the Comité des Connétables
- any member of the States Employment Board may act as rapporteur for a proposition lodged by the States Employment Board.

Amendment 8 provides for the citation of these amendments and that they shall come into force on the day after the day they are made.



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Arrangement

Regulation

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Jersey

DRAFT AMENDMENT (No. 14) OF THE 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 48 of the States of Jersey Law 2005¹,
have made the following amendments to Standing Orders –

1 Interpretation

In these amendments, a reference to a standing order is to the standing order of that number in the Standing Orders of the States of Jersey².

2 Standing order 1 amended

In standing order 1(1) after the definition “States” there shall be inserted the following definition –

“‘States Employment Board’ means the board established by Article 4 of the Employment of States of Jersey Employees (Jersey) Law 2005³;”.

3 Standing order 19 amended

At the end of standing order 19 there shall be added the following paragraph –

“(j) the States Employment Board.”.

4 Standing order 35 amended

At the end of standing order 35(1) there shall be added the following sub-paragraph –

“(j) the States Employment Board.”.

5 Standing order 39 amended

For paragraphs (3) and (4) of standing order 39 there shall be substituted the following paragraph –

- “(3) The Greffier may, at any time before the meeting commences, distribute to members of the States –
 - (a) a supplementary order paper, containing business for the meeting which was not available for inclusion in the original order paper (“additional business”); or
 - (b) a revised order paper, which consolidates, wholly or partially, the original order paper and additional business.”.

6 Standing orders 55 and 56 substituted

For standing orders 55 and 56 there shall be substituted the following standing orders –

“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 later on the same day;
 - (b) suspend the meeting to a continuation day specified by the presiding officer; or
 - (c) close the meeting.
- (2) If the meeting is suspended to a specified time later on the same day, the Greffier shall, at that time, call the roll.
- (3) If, when the roll is called under paragraph (2), 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 during a meeting 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 take the roll, using the electronic voting system unless it is unavailable.
- (3) If, the roll having been taken, the States are inquorate, the presiding officer shall –

- (a) suspend the meeting to a specified time later on the same day;
 - (b) suspend the meeting to a continuation day specified by the presiding officer; or
 - (c) close the meeting.
- (4) If the meeting is suspended to a specified time later on the same day, the Greffier shall, at that time, call the roll.
 - (5) If, when the roll is called under paragraph (4), it appears to the presiding officer that the States remain inquorate, the presiding officer shall close the meeting.”.

7 Standing order 68A inserted

After standing order 68 and the cross heading “*Public business*” there shall be inserted the following standing order –

“68A Who may propose proposition

- (1) A proposition lodged by the Council of Ministers may be proposed by the Chief Minister or any other Minister.
- (2) A proposition lodged by the Chief Minister under Article 31 of the Law may be proposed by any other Minister.
- (3) A proposition lodged by the Chief Minister or any other Minister may be proposed by any of that Minister’s Assistant Ministers.
- (4) A proposition lodged by a body that is a committee or panel established by standing orders, the Comité des Connétables or the States Employment Board, may be proposed by any member of that body.”.

8 Citation and commencement

These amendments may be cited as Amendment (No. 14) of the Standing Orders of the States of Jersey and shall come into force on the day after they are made.

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- ¹ *chapter 16.800*
² *chapter 16.800.15*
³ *chapter 16.325*