

# STATES OF JERSEY



## DRAFT AMENDMENT (No. 24) OF THE STANDING ORDERS OF THE STATES OF JERSEY

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Lodged au Greffe on 22nd July 2014  
by the Chief Minister

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STATES GREFFE





Jersey

## **DRAFT AMENDMENT (No. 24) OF THE STANDING ORDERS OF THE STATES OF JERSEY**

### **REPORT**

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#### **Introduction**

1. These amendments arise from some outstanding recommendations of the Machinery of Government Review Sub-Committee: Final Report (R.105/2013), presented to the States on 9th September 2013 by the Privileges and Procedures Committee. This includes applying the limit that results from the retention of the 'Troy rule' decided by the States Assembly as part of the earlier consideration of changes to the States of Jersey Law 2005 (P.33/2014 refers). The Machinery of Government Review recommendations relevant to these amendments are as follows –

*Recommendation 1.* The period between election day and the election of a Chief Minister Designate should be shortened by one week.

*Recommendation 3.* Standing Order 115 should be amended to require that written statements setting out a vision for a strategic policy and the manner in which a candidate proposes to discharge their duties as Chief Minister should be published not less than 5 working days before the meeting at which the Chief Minister Designate is to be elected.

*Recommendation 4.* Standing Order 116(5) should be amended to allow up to one hour of questioning of each candidate for the office of Chief Minister.

*Recommendation 5.* The size of the executive should continue to be constrained in accordance with the Troy rule.

The relevant extracts from the Machinery of Government Review Sub-Committee: Final Report are included as an Annex to this report. Further details regarding the background to the Machinery of Government Review Sub-Committee can be found in the earlier proposition regarding changes to the States of Jersey Law 2005 (P.33/2014).

2. These amendments relate to the executive, and the President of the Chairmen's Committee will be lodging separately the proposed amendments to Standing Orders which relate to scrutiny (*see* P.133/2014).

#### **Substantive Amendments**

3. Under the procedures set out in Amendment 2, the States Assembly will meet to appoint a Chief Minister designate 21 days after an ordinary election. This period is, therefore, reduced by one week from the current 28 days, as recommended. Candidates for the post of Chief Minister will be required to submit their nomination 5 working days before the meeting. This period is,

therefore, lengthened from the current 2 working days, as recommended. Candidates for the post will be questioned for up to one hour by the States Assembly during the selection process. This period is, therefore, increased from the current questioning period of up to 40 minutes, as recommended. The successful candidate will be elected by majority vote, as is presently the case.

4. There will continue to be a limit on the number of States members who can serve in the executive. Amendment 3 sets the limit of the aggregate of the Chief Minister, Ministers and Assistant Ministers to no more than 21 individuals, in accordance with the 'Troy rule'.

**Financial and manpower implications**

There are no financial or manpower implications for the States arising from the adoption of these Amendments to Standing Orders.

**Extracts from the Machinery of Government Review Sub-Committee: Final Report, presented to the States on 9th September 2013 by the Privileges and Procedures Committee (R.105/2013)**

**THE PERIOD IMMEDIATELY FOLLOWING AN ELECTION**

We start with the assumption that our electoral system will continue to leave the task of selecting a Chief Minister to the States Assembly. As long as that remains the case, we believe that it will be difficult to cut short the period between election day and the appointment of a Chief Minister. However, it seems reasonable to argue that Members voted out of office in a public election should not be in a position to take any significant decisions affecting the public once the votes have been counted.

There is another angle to consider. Several newly elected or re-elected candidates may have declared their intention to stand or may be considering standing for the office of Chief Minister. Those candidates will have well-formed policy proposals that they might wish to test the viability of before they make their case for appointment to a position that will, if our other recommendations are implemented, become fundamentally more significant than it is now. Given the absence of political parties and independent 'think-tanks' in Jersey, an obvious place for candidates to go to for such advice is the policy and research division within the Chief Minister's Department. This advisory process may take a little time, especially if there are more than one or 2 candidates for the position. It may also be resource-intensive, to the extent that the Chief Minister's Department might need to call upon additional specialist resources from other States departments for a finite period.

Advice from one of our 3 Chief Ministers indicates that prospective candidates might not need 4 weeks to conclude their preparations (the period of time available to candidates in 2011). Of course every Chief Minister to date has been a member of the executive for the previous 3 year term. If Jersey were to have a newly elected candidate for Chief Minister, as was the case in Guernsey during 2012, it is possible that such a candidate might benefit from having a little longer to prepare. We therefore propose a compromise solution.

**Recommendation 1.** The period between election day and the election of a Chief Minister Designate should be shortened by one week.

**ELECTION OF A CHIEF MINISTER**

The existing 2 day period within which States Members can assess the policy statements of the candidates for Chief Minister is simply insufficient. Newly elected Members are likely to need rather longer to consider matters arising from the published statements and to research potential implications before they arrive at the States Assembly to ask questions and cast their vote. This notice period is likely to become more important if our subsequent recommendations regarding the process for devising a Strategic Plan are adopted. Our proposals would cause candidates' statements to become even more politically significant than they are now.

**Recommendation 3.** Standing Order 115 should be amended to require that written statements setting out a vision for a strategic policy and the manner in which a candidate proposes to discharge their duties as Chief Minister should be published not

less than 5 working days before the meeting at which the Chief Minister Designate is to be elected.

Notice of policy statements aside, our feedback indicates that Members find the substantive process for electing a Chief Minister broadly satisfactory as it now is. We therefore have only one further recommendation to make in this regard. On the basis that we are elevating the importance of the election of a Chief Minister, we consider that the period of questioning for each candidate needs to be a little longer than it currently is.

**Recommendation 4.** Standing Order 116(5) should be amended to allow up to one hour of questioning of each candidate for the office of Chief Minister.

## **THE SIZE OF THE EXECUTIVE**

Following the election of a Chief Minister, perhaps the next question to consider is the relative sizes of the teams to carry out the executive and non-executive functions.

The concept of a minority executive can be traced back to Clothier's recommendation 13. This recommendation was then repeated in the principal machinery of government reform proposition of 2001 (P.122/2001 refers), which was in turn amended successfully by the then Deputy P.N. Troy of St. Brelade. Deputy Troy's amendment called for the margin by which the non-executive would be in the majority to be at least 10% of the total membership of the States, with any resulting fraction of one being regarded as one. The 10% margin survived through to the commencement of ministerial government in December 2005 and quickly became known as the 'Troy rule.'

There are Members in both the executive and the non-executive that believe the voting patterns within the States demonstrate the absence of a need for the Troy rule. We are nevertheless clear that these Members remain in the minority. Our view, which aligns with the majority, is that the Troy rule strikes a considered balance between the Clothier Panel's preference for minority government and the respective resourcing requirements of the executive and scrutiny, given the diverse range of political issues facing a modern government.

**Recommendation 5.** The size of the executive should continue to be constrained in accordance with the Troy rule.

## Explanatory Note

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These amendments make miscellaneous changes to the Standing Orders of the States of Jersey.

*Amendment 1* provides for the construction of references to standing orders by number only.

*Amendment 2* alters the procedure for the selection of a Chief Minister designate. Paragraph (1) provides for the meeting at which the Chief Minister designate is selected to commence within 21 days after the ordinary election. Currently, the meeting must be held within 28 days after the ordinary election. Paragraph (2) provides that, if the office of Chief Minister becomes vacant, otherwise than following an ordinary election, the States must select a new Chief Minister within 7 clear working days. Currently, the selection must be made within 4 clear working days. Paragraph (3) provides that a nomination of an elected member as a candidate for the office of Chief Minister must be submitted to the Greffier of the States by 5 p.m. on the working day that is 5 clear working days before the day on which the meeting to select a Chief Minister designate commences. Currently, the nomination has to be submitted not less than 2 clear working days before the day on which the meeting to select a Chief Minister designate commences. Paragraph (4) increases from 40 minutes to one hour the time allowed for questioning of a candidate for the office of Chief Minister.

*Amendment 3* prescribes the limit on the aggregate of the Chief Minister, Ministers and Assistant Ministers for the purposes of Article 25A of the 2005 Law. Article 25A, inserted in the 2005 Law by Article 6 of the States of Jersey (Amendment No. 7) Law 2014 (originally lodged as the States of Jersey (Amendment No. 8) Law 201-, P.33/2014, adopted on 20th May 2014) prohibits the aggregate of Chief Minister, Ministers and Assistant Ministers exceeding the limit set in standing orders. The limit is set at 21, being the limit that would have been applied by Article 5 of the States of Jersey (Miscellaneous Provisions) Law 2011 following the ordinary elections in October. Article 5 is repealed by the States of Jersey (Amendment No. 7) Law 2014.

*Amendment 4* provides for the citation and commencement of these Amendments.







Jersey

## **DRAFT AMENDMENT (No. 24) OF THE STANDING ORDERS OF THE STATES OF JERSEY**

### **Arrangement**

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#### **Regulation**

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Jersey

## DRAFT AMENDMENT (No. 24) 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 2005<sup>1</sup>, have made the following Amendments to the Standing Orders of the States of Jersey<sup>2</sup> –

### 1 Interpretation

In these Amendments, a reference to a standing order is a reference to the standing order of that number in the Standing Orders of the States of Jersey<sup>3</sup>.

### 2 Arrangements for selection of Chief Minister designate

- (1) In the table in standing order 112(1), in the second column, opposite the item “1. selection of Chief Minister designate”, for the words “28 days” there shall be substituted the words “21 days”.
- (2) In standing order 113(1) for the words “4 clear working days” there shall be substituted the words “7 clear working days”.
- (3) For standing order 115(1)(d) there shall be substituted the following subparagraph –
  - “(d) submitted to the Greffier no later than 5 p.m. on the working day that is 5 clear working days before the day the meeting during which the selection is to be made commences.”.
- (4) In standing order 116(5) for the words “40 minutes” there shall be substituted the words “one hour”.

### 3 Limit on number of Ministers and Assistant Ministers

After standing order 112 there shall be inserted the following standing order –

#### “112A Limit on number of Ministers and Assistant Ministers

The number of individuals prescribed for the purposes of Article 25A(1) of the Law is 21.”.

**4 Citation and commencement**

These amendments may be cited as Amendment (No. 24) of the Standing Orders of the States of Jersey and shall come into force on the same day as the States of Jersey (Amendment No. 7) Law 2014.

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- <sup>1</sup> *chapter 16.800*  
<sup>2</sup> *chapter 16.800.15*  
<sup>3</sup> *chapter 16.800.15*