

STATES OF JERSEY



DRAFT AMENDMENT (No. 37) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Lodged au Greffe on 18th September 2018
by the Privileges and Procedures Committee

STATES GREFFE



Jersey

DRAFT AMENDMENT (No. 37) OF THE STANDING ORDERS OF THE STATES OF JERSEY

REPORT

Introduction

Legislating is the core function of a legislature, the task which differentiates parliamentary assemblies from local authorities or purely deliberative assemblies. Legislation defines the relationship between individuals and the state, setting out rights and entitlements, regulating the activities of companies and public officials, and specifying criminal acts and the penalties associated with them. Legislation is central to the establishment of the ‘rule of law’, which is one of the lynchpins of democracy.

The States Assembly is undoubtedly an efficient legislature, adopting 31 draft Laws (for sanction by the Privy Council) and 27 sets of draft Regulations during 2017. However, concerns have been expressed that the Assembly does not always adequately scrutinise the legislation it is invited to pass. For example, writing in the States Assembly’s Annual Report for 2014, the Bailiff, William Bailhache, said –

“One observation may be worth mentioning in that it has been a consistent feature over the 15 years I have been involved in the States and it is this. There are arguably two main purposes which the States should strive to achieve. The first is the election of an executive which is subsequently held to account for what it does. The second is the passage of legislation which achieves the objectives which members have demonstrated by their adoption of the principles of the individual *projets*. One sometimes gains the impression that the detailed legislative provisions are not receiving the scrutiny which in an ideal world might be desirable. I would not say for one moment that this has necessarily caused a problem to date, but it should not be forgotten that the passage of good legislation is one of the primary functions of a legislature, and it may be that some thought could usefully be given to a review of how extensive the current scrutiny of such provisions is and whether there are any improvements which might be made.”.

In 2013, the Electoral Commission (which comprised 3 States Members and 3 external members) found that “most primary legislation is enacted by the States with minimal parliamentary scrutiny” and that this constituted a “serious democratic deficit”. Its recommendations to address this matter are discussed later in this report.

There have been several recent instances of scrutiny of legislation and other propositions which have led to significant questions being raised and changes being made, demonstrating the value of such scrutiny and the risks being run if scrutiny is insufficient.

The statistics bear out the view that the Assembly does not spend enough time considering legislation. In 2017, the Assembly spent just 12% of its time on legislation. This covers debate on both the overall principles and the detailed Articles. Although no breakdown of the division of time between debate on the principles and the Articles exists, it is likely that most of that time is spent on the principles rather than the detailed provisions. The average length of debate on a draft Law in 2017 was just 38 minutes: the equivalent figure for draft Regulations was a meagre 17 minutes. The averages hide considerable discrepancies. A small number of pieces of legislation were debated for several hours in total, but a larger number were despatched in 5 minutes or less.

These figures relate to debate on the floor of the Assembly. Detailed consideration of draft legislation by scrutiny panels is rare. Since 2010, only 8 pieces of legislation have been referred to scrutiny panels under Standing Order 72 (which gives scrutiny panels the automatic right to ‘call in’ legislation for scrutiny) and, since 2005, only 2 pieces of legislation have been referred to scrutiny panels under Standing Order 79 (which enables a scrutiny panel to review a proposition before the adoption of the principles).

Legislative scrutiny elsewhere

Jersey’s system of legislative scrutiny is broadly based on the Westminster model, but with some important differences –

- Detailed legislative scrutiny in the House of Commons usually takes place in a committee, which begins by hearing oral evidence in public from interested parties before undertaking formal consideration of each clause (Article). The number of committee meetings depends on the size and importance of the bill and can vary from one to 20 or more. When detailed consideration of a bill takes place in the Chamber, this can stretch over several days (longer in the House of Lords, which does not use committees for legislative scrutiny).
- It is unusual in the UK for committee consideration to take place immediately after second reading (i.e. debate on the principles): normally there is a gap of around 2 weeks between stages.
- Any member can introduce a bill at any time, but the time for debating backbench bills is strictly rationed and many bills are never debated.
- In Jersey, there are more opportunities for detailed scrutiny of Regulations than in the UK (where Regulations are typically made without parliamentary input).
- There is no automatic right to call in legislation for select committee scrutiny, and such scrutiny is rare, as it is difficult to undertake an inquiry into legislation during its passage through Parliament because of the pace at which a bill moves through the system.

There has been pressure in recent years for draft legislation to be subject to ‘pre-legislative’ scrutiny, before it is formally introduced to Parliament. This tends to be popular with backbenchers, enabling scrutiny committees to undertake detailed work on a proposal and secure changes before the formal legislative changes begin. However, successive governments have been reluctant to embrace this form of scrutiny.

In other parliaments, greater onus tends to be placed on the consideration of legislation in committee than is the case under the traditional Westminster model. For example, in the European Parliament, a legislative proposal made by the European Commission is referred to a committee, which appoints a rapporteur to prepare a report on the

proposal and amendments to it. The committee plays a key role throughout subsequent discussions in shaping consideration of the proposal in plenary.

In Scotland, bills are referred to a committee when first introduced, which must report on the principles before they are debated in plenary. Detailed scrutiny is then undertaken by a committee (usually the same one as reported on the principles) before the bill returns (perhaps with amendments) to the plenary.

Comparing Jersey with other jurisdictions, the main points to note are –

- The short minimum period between lodging and consideration of all stages of the legislation is a challenge to effective scrutiny.
- The rarity of detailed scrutiny by a committee is striking.
- The absence of input from civil society also stands out.

Proposals for change in Jersey

In July 2017, PPC presented to the Assembly proposals for changing the scrutiny of legislation.

In summary, the proposals were as follows –

- The minimum period between the lodging of a draft Law or draft Regulations, and debate on the principles, reduced to 2 weeks.
- The minimum period between agreement to the principles of a draft Law or Regulations and debate on the Articles set at 4 weeks. This would ensure that the minimum period between lodging and debate on the Articles remained at 6 weeks.
- Once the principles of a draft Law or Regulations are adopted, the scrutiny panel covering the relevant policy area has the option of scrutinising the Articles (for a minimum period of at least 4 weeks). If the relevant panel decides not to scrutinise the projet, it will automatically be referred to a new Legislative Scrutiny Panel, which will conduct the necessary scrutiny and report to the Assembly in time to inform debate on the Articles.
- Explicit recognition in Standing Orders that the Assembly may agree to consider the principles and the Articles at the same meeting, if they are of opinion that it is in the public interest to do so.

In discussing these ideas, the Chairmen's Committee proposed more far-reaching changes, which would –

- include propositions as well as legislation
- provide for detailed legislative scrutiny to take place before debate on the principles
- retain the provision for legislative *projets* to be called in for scrutiny after consideration of the principles.

PPC presented a further report in November 2017 summarising the outcome of the consultation and putting forward revised proposals for change, which took account of the consultation and the views of the Chairmen's Committee. PPC published the following proposals as the basis for reform, and these form the basis of the Standing Order changes lodged with this report.

- With some exceptions (see below) when a proposition is lodged it is referred automatically to the relevant Scrutiny Panel.

- The Panel would have a minimum of 6 weeks to scrutinise and report back on the proposition (in the case of legislation, scrutiny could cover both the principles and the Articles/Regulations).
- The Panel and Minister/Member could agree for extra time to be provided for scrutiny (without limit), or the Panel could request the Assembly to allow up to an additional 4 weeks for scrutiny (i.e. on the basis of an application to the Presiding Officer, which would be debated and decided by the Assembly).
- In the case of legislation, the Panel would have the option of automatically triggering a further period of scrutiny of the Articles/Regulations after the Assembly has agreed to the principles: otherwise, it would remain possible for the legislation to go through all its stages in one Sitting.
- This new process of automatic referral to a Panel would not apply to propositions lodged under Standing Order 26(3) [i.e. dismissal of a Minister, votes of no confidence, censure, suspension, annulment of an Order, opposing a land transaction], appointment propositions, amendments, a draft budget or a draft medium term financial plan. It would apply to backbench propositions.

Proposed changes to the scrutiny of legislation and propositions

The key change is amendment 4, which amends Standing Order 27. This sets out the new procedure by which most propositions, when lodged, are referred to the relevant scrutiny or review panel, which then has 6 weeks to report. The choice of panel will normally be straightforward, but in the event of ambiguity or dispute, the President of the Chairmen's Committee would be consulted. This amendment also sets out the procedure by which the panel can request an additional 4 weeks' scrutiny time, with the decision on this resting with the Assembly. There is nothing to stop the Member in charge of a proposition and a panel agreeing informally for there to be a longer period for scrutiny. The absence of a report or comments from a panel after the scrutiny period has expired would not stop debate in the Assembly going ahead.

Standing Order 26(4), as amended by amendment 3, sets out the types of proposition to which these new arrangements apply. These are –

- A draft Law
- Draft Regulations
- A draft Appointed Day Act or other legislative Act
- Draft Standing Orders
- Propositions (whether lodged by the Council of Ministers, a Minister, a committee or panel, or a member in their own right).

Specifically excluded from the new system are the following types of proposition –

- Appointments propositions
- A proposition lodged by the Chief Minister for dismissal of a Minister
- No confidence, censure and suspension propositions
- A proposition for the annulment of an Order
- A proposition opposing a land transaction
- Propositions lodged alongside petitions
- Budget and MTFP propositions
- Amendment propositions.

Amendment 10 narrows the scope of Standing Order 79, which permits Members to propose during a debate that a proposition be referred to scrutiny. It will no longer be possible to use this procedure for most types of proposition. This reflects the enhanced role for scrutiny in the consideration of propositions prior to them being debated. However, Standing Order 79 could still be used in relation to propositions arising from petitions.

Amendment 11 replaces the duty on scrutiny panels to scrutinise draft Laws and Regulations with a broader duty to scrutinise propositions referred to them and, if appropriate, amendments to those propositions. Although it would not be practical to require amendment propositions to be automatically referred to scrutiny panels, because of time considerations, the Assembly would expect that a panel which had commented on a substantive proposition would also advise the Assembly on the implications of amendments to that proposition.

Amendment 6 is mostly a redraft of existing Standing Order 72, which in its present form is confusing and hard to follow. However, there is a substantive change in terms of the time period for additional scrutiny of a draft Law or Regulations once the principles have been adopted. At present, the time periods in the standing order are expressed in terms of the number of meetings of the Assembly before the matter must be returned for debate. The period for scrutiny can therefore be unclear, and varies depending on the timing of recesses and the election. The proposed change is to express the time period in terms of a number of weeks, or the next meeting, whichever is the later.

Finally, Amendment 9 deals with a rarely-used power, in Standing Order 77A, for a States Member to propose that a proposition be referred to a committee or Minister, by deleting the reference to a committee. This reference is largely obsolete. The power to refer a proposition to a Minister is retained.

With its November 2017 consultation paper, PPC published the following examples of how it envisaged the new system working in practice.

Example 1: The Draft Health and Safety (Minor Change) (Jersey) Regulations – 3 Regulations which make minor changes to health and safety law to reflect new practice in the UK. The Panel publicises that the Regulations are under scrutiny and 2 letters are received, raising relatively minor points. These are the subject of a letter to the Minister, along with routine questions asking for an impact assessment, more details about the rationale for the Regulations, and a cost estimate for implementation. The Minister’s comprehensive reply satisfies the Panel, which publishes the letters and makes no further comments. The Regulations are debated 6 weeks after lodging and pass all stages in one Sitting.

Example 2: The Draft Health and Safety (Amendment No. 17) (Jersey) Law – a reasonably significant piece of work, which the Department has worked on for some time, comprising 17 Articles. The Panel was aware of the work, but did not know that lodging was imminent. Eight submissions are received from the Public, including some raising concerns about how new rules on ladders will be implemented and what they might mean for small businesses. The Minister’s reply (which also covers the standard questions asked about any legislation, mentioned above) raises concerns, and a Public Hearing takes place. More questions are raised about whether the Law is correctly framed, and the Panel asks the Minister for extra time for scrutiny. The Minister does not agree, so the Panel publishes comments explaining the situation and

indicating that it will be requesting the Assembly to agree to a further 4 weeks' scrutiny. The matter is debated and the Assembly votes for a further 2 weeks' scrutiny. The Panel rushes to get its report out, in which it gives agreement to the principles but recommends more work on the Articles. After the principles are agreed, the Panel calls the legislation in for a further 2 weeks' scrutiny. This time is used to lodge amendments, which are debated when the principles are discussed.

Example 3: The Draft Artificial Intelligence (Regulation of Robots) (Jersey) Law – a major piece of work, legislating on the issue of robot ethics for the first time, comprising 100 Articles. The Panel is involved in the drafting work from the outset, seeing 3 drafts prior to lodging, and discussing the issues at length with the Minister and officials. The Panel has also had time to appoint a world-leading specialist adviser on robot ethics, and to talk to Swedish robot ethics experts via Skype. Lodging starts the clock on formal scrutiny, but this is simply a continuation of a pre-existing process. The Minister makes clear from the start that he will delay debate on the principles until the Panel is ready with its report, and the meeting in 8 weeks is identified as suitable for both parties. The Panel's report identified improvements which could be made to the Articles, and the Minister lodges the necessary amendments, which are taken as read when the Articles are debated.

Example 4: Senator Le Feuvre decided over the Christmas break to lodge a proposition calling for Jersey to introduce a bitcoin regulator. She is the most knowledgeable person in the Assembly on the subject, and her report gives a compelling case for regulation. The Panel receives several submissions on the proposition, including from a number of financial firms, raising concerns. A U.S. academic, contacted online, also provides a critique of the proposition which suggests that if Jersey adopted the form of regulation proposed, international competitiveness could be affected. The Senator agrees that the scrutiny process has thrown up some questions which she had not previously considered, and lodges an amendment to ask the Minister to work with her to undertake more research. Her report summarises the outcome of the scrutiny process, and the Panel chairman e-mails Members before the debate to say she supports the proposition as amended, for the reasons set out in the report. The proposition, as amended, is adopted.

There will be a tailored approach to scrutiny, depending on the scale and significance of the proposition, its political salience, and the extent to which the panel has engaged with the relevant department or backbencher on the issue prior to lodging. Looking at ministerial propositions, the new arrangements will work best where the department engages the scrutiny panel with the new policy or legislation at an early stage, where there is clarity about the department's timetable, and where questions are raised and answered quickly. It will also be important for panels to provide clear opportunities for stakeholders and the public to engage with the scrutiny process, so that concerns and questions about propositions and legislation are identified and discussed.

This form of scrutiny, particularly where legislation is concerned, is not about double-checking the drafting or analysing the precise legal effect of each and every provision. Where scrutiny panels can add value is by asking political questions about the propositions and legislation brought to the Assembly – what problems is the proposition seeking to address? Why is this approach the right one? What other options were considered and why were they not taken forward? What happens in other jurisdictions and how have we learnt lessons from elsewhere in developing policy

options in Jersey? How will the new policy or legislation work in practice? Are the resources for implementation in place? What do the stakeholders think about it? How has their feedback been taken on board?

When this work takes place, the Assembly can make better informed decisions. That does not necessarily mean that every proposition will require lengthy debate. A good example of better legislative scrutiny was the work undertaken recently by the Economic Affairs Scrutiny Panel on the Draft Companies (Demerger) (Jersey) Regulations 201- ([P.59/2018](#)). The Panel contacted stakeholders to discuss the provisions of the legislation, and was able to provide the Assembly with assurance that stakeholders had been consulted and were broadly supportive of the proposals. Effective scrutiny did not prolong debate on what was essentially technical legislation.

These changes have the potential to create a more inclusive process for policy-making and legislation by establishing a co-partnership between Ministers and scrutiny panels. Ministers retain the right of initiative, but must work with panels to steer their proposals through the Assembly. By requiring backbench propositions to be scrutinised in the same way as ministerial propositions, the equal status of backbenchers and Ministers in the States Assembly is acknowledged. Backbenchers will require more research assistance from the Greffe in order to assist them to navigate their propositions through the scrutiny process, and the Greffier is leading work to create a new team within the Greffe in order to achieve this.

Review Panels

This opportunity is also being taken to make it easier for review panels, set up by the Chairmen's Committee under Standing Order 145A, to operate. At present, review panels can only lodge amendments or present reports or comments through the 'parent' scrutiny panel, which is cumbersome and unhelpful to the Assembly. In addition, a review panel cannot call in legislation for scrutiny, even if the legislation is directly relevant to the review panel's remit. These amendments to Standing Orders permit review panels to lodge propositions and present reports or comments in their own right and to call in legislation for scrutiny under Standing Order 72. The Chairmen's Committee has written to PPC to request these changes.

Financial and manpower implications

These changes will require new ways of working, both amongst policy staff in the States and in the Greffe. However, these can be implemented by redesigning processes rather than by creating new teams to administer or respond to enhanced scrutiny. The Greffier will closely monitor the effect of change on the resources available to the scrutiny function. A proposal for a new Members' research service is being separately developed, and this could provide scrutiny with additional resources, depending on peaks and troughs in workload.

Explanatory Note

These Amendments to Standing Orders make provision for propositions to be referred to a scrutiny panel or to a review panel automatically upon lodging, subject to some exceptions.

Amendment 1 is an interpretation provision.

Amendment 2 adds review panels to the list of persons and bodies who may lodge propositions.

Amendment 3 increases the minimum lodging period from 4 weeks to 6 weeks for a draft legislative Act or draft standing orders and for a proposition lodged by a member of the States in his or her own right.

Amendment 4 requires the Greffier of the States to refer any proposition to which standing order 26(4) applies to a scrutiny panel or review panel upon its lodging. Standing order 26(4) applies to all propositions which have a 6 week lodging period, including the propositions to which *Amendment 3* applies. After referral, a scrutiny or review panel has a number of options: it may – (a) report on the proposition no later than 6 weeks after referral; (b) agree with the proposer an additional period for scrutiny; (c) request the States for an additional 4 weeks for scrutiny; (d) report on the proposal within the additional time allowed; or (e) not report at all.

Amendment 5 adds review panels to the list of persons and bodies who may present reports or comments to the States.

Amendment 6 amends standing order 72 which provides for draft Laws and Regulations to be referred to a scrutiny panel after debate on the principles. The substance of the current standing order remains largely unchanged except that it has been redrafted to include review panels and to make it easier to follow. In particular, the date by which the debate on the 2nd reading must be continued is revised so that, if the debate is deferred, it is whichever is the later of – (a) 6 weeks following debate on the principles; or (b) the next meeting of the States.

Amendment 7 makes a consequential amendment to standing order 73 which deals with the situation where a draft of a Law or of Regulations has not been referred for scrutiny. Amendment 7 also inserts references to review panels and also revise the date by which the debate on the 2nd reading must be continued if it is not continued immediately so that the date is whichever is the later of – (a) 4 weeks following the meeting at which the States could have continued the 2nd reading; or (b) the next meeting of the States.

Amendment 8 similarly makes a consequential amendment to standing order 74 so as to refer to review panels following the amendments made to standing order 72.

Amendment 9 amends standing order 77A which currently allows a States member to propose that a proposition be referred to the relevant committee or Minister at any time, so as to delete the reference to a committee.

Amendment 10 amends standing order 79 so that a member of the States may propose without notice that a proposition is referred to a relevant review panel or relevant scrutiny panel. Currently that provision provides for reference to scrutiny panels only. This standing order is also amended so that such a proposal cannot be made in relation to a proposition that has been referred to a relevant scrutiny panel or review panel automatically under the revised standing order 27. It is further amended so that a similar prohibition applies to propositions of no confidence in a person or body or for the censure of any person or body.

Amendment 11 revises the terms of reference of scrutiny panels by deleting the specific provision relating to scrutiny of drafts Laws and subordinate legislation and inserting a more general provision concerning the scrutiny of propositions referred to them including the consideration of possible amendments to such propositions.

Amendment 12 amends the provisions relating to proceedings of review panels so that they are no longer required to make a report on proposals, issues or projects assigned to them but may, if appropriate, report to the States and make recommendations. The requirement for a review panel to report to the Chairmen's committee and the requirement for that committee to present the report to the Sates are each deleted.

Amendment 13 sets out the title by which these Standing Orders may be cited and provides that they will come into force 7 days after the day they are made.



Jersey

DRAFT AMENDMENT (No. 37) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Arrangement

Amendment

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Jersey

DRAFT AMENDMENT (No. 37) 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 the Standing Orders of the States of
Jersey² –

1 Interpretation

In these Amendments, a reference to a standing order by number is a reference to the standing order of that number in the Standing Orders of the States of Jersey³.

2 Standing order 19 (who can lodge a proposition) amended

In standing order 19 after paragraph (f) there is inserted –

“(fa) a review panel;”.

3 Standing order 26 (minimum lodging period) amended

In standing order 26 –

(a) for paragraph (3A) there is substituted –

“(3A) A minimum lodging period of 4 weeks applies to a proposition for the appointment of any person to any tribunal or to any public body or office.”;

(b) in paragraph (4) –

(i) after sub-paragraph (a) there is inserted –

“(aa) a draft legislative Act or draft standing orders;”;

(ii) in sub-paragraph (b) after clause (ii) there is inserted –

“(iia) a member of the States in his or her own right;”;

(iii) in sub-paragraph (b) after clause (vi) there is inserted –

“(via) a review panel;”.

4 Standing order 27 (referral of proposition to Minister or committee upon lodging) substituted

For standing order 27 there is substituted –

“27 Referral of proposition to scrutiny panel or review panel upon lodging

- (1) The Greffier shall refer a proposition to which standing order 26(4) applies to the relevant scrutiny panel or review panel upon the lodging of that proposition.
- (2) The relevant scrutiny panel is the scrutiny panel or panels assigned scrutiny of the topic to which the draft relates.
- (3) The relevant review panel (if any) is the review panel established for the purpose of reviewing a particular proposal, issue or project to which the proposition relates.
- (4) If there is any doubt as to which is the relevant scrutiny panel or review panel, the Greffier shall take the advice of the president of the chairmen’s committee.
- (5) Subject to paragraph (6), the relevant scrutiny panel or review panel must, if it reports on the proposition, do so no later 6 weeks after the date the proposition was lodged.
- (6) Before the expiry of the 6 week period referred to in paragraph (5) –
 - (a) the chairman of the relevant scrutiny panel or review panel and the proposer may agree any additional period of scrutiny subject to standing order 34(2);
 - (b) the chairman of the relevant scrutiny panel or review panel may request that the States allow an additional 4 weeks for consideration of the proposition.
- (7) If the States agrees to the request under paragraph (6)(b), the relevant scrutiny panel or review panel must, if it reports on the proposition, do so no later than 10 weeks after the date the proposition was lodged.”

5 Standing order 35 (who may present report or comment) amended

In standing order 35(1) after paragraph (f) there is inserted –

“(fa) a review panel;”.

6 Standing order 72 (referral of draft Law or Regulations for scrutiny) amended

For standing order 72 there is substituted –

“72 Referral of draft Law or Regulations for scrutiny

- (1) Notwithstanding standing order 27, if the States agree to the principles of a draft Law or draft Regulations, the draft shall be referred to the relevant scrutiny panel or relevant review panel if the chairman of that panel informs the States that he or she wishes to have the draft referred to the panel.
- (2) In this standing order “relevant scrutiny panel” and “relevant review panel” have the same meaning as in standing order 27.
- (3) If the draft is referred to the relevant scrutiny panel or relevant review panel under paragraph (1), the States must decide at which meeting the 2nd reading of the draft shall be listed to continue, subject to paragraph (4).
- (4) The meeting must not be later than whichever is the later of –
 - (a) 6 weeks following the debate on the principles; or
 - (b) the next meeting of the States.
- (5) If the chairman of the relevant scrutiny panel or relevant review panel, as the case may be, does not inform the States under paragraph (1) that he or she wishes to have the draft referred to the panel, any member of the States may propose, without notice, that the States request the panel to reconsider its decision not to refer the draft referred to the panel.
- (6) If the States agree to the member’s proposal referred to in paragraph (5) –
 - (a) the 2nd reading of the draft shall not continue at the meeting; and
 - (b) the presiding officer shall, at the next meeting, ask the chairman of the relevant scrutiny panel or relevant review panel, as the case may be, whether he or she wishes to have the draft referred to the panel, and following such request –
 - (i) if the chairman does so wish, the draft shall be so referred and paragraph (7) shall apply, or
 - (ii) if the chairman does not so wish, paragraph (9) shall apply.
- (7) If the chairman of the relevant scrutiny panel or relevant review panel does wish to have the draft so referred, the States must decide at which meeting the 2nd reading of the draft shall be listed to continue, subject to paragraph (8).
- (8) The meeting must not be later than whichever is the later of –
 - (a) 6 weeks following the debate on the principles; or
 - (b) the next meeting of the States.
- (9) If the chairman of the relevant scrutiny panel or relevant review panel, as the case may be, does not wish to have the draft so referred, the States must decide when to continue the 2nd reading in accordance with standing order 73.

- (10) If both the chairman and vice chairman of the relevant scrutiny panel or relevant review panel, as the case may be, are absent at a meeting when, under this standing order, information if given to the States is to be given by the chairman, the information may be given by any member of the panel.
- (11) This standing order shall not apply to a taxation draft including any provision that would implement all or any part of a budget.”.

7 Standing order 73 (draft Law or Regulations not referred to scrutiny panel) amended

In standing order 73 –

- (a) in the heading for the words “to scrutiny panel” there is substituted “for scrutiny”;
- (b) in paragraph (1)(a) after the words “relevant scrutiny panel” there is inserted “or relevant review panel”;
- (c) for paragraph (3) there is substituted –
 - “(3) The debate must be listed to resume at a meeting which is not later than whichever is the later of –
 - (a) 4 weeks following the meeting at which the States could have continued the 2nd reading pursuant to paragraph (1); or
 - (b) the next meeting of the States.”.

8 Standing order 74 (continuation of 2nd reading of draft Law or Regulations: debate on provisions) amended

In standing order 74(1) after the words “scrutiny panel” there is inserted “or review panel”.

9 Standing order 77A (proposal to refer proposition to Minister or committee) amended

In standing order 77A the words “or committee” in the heading and in each place they appear in the text are deleted.

10 Standing order 79 (suspension of debate for the purposes of scrutiny) amended

In standing order 79 –

- (a) in paragraph (1)(b) after the words “relevant scrutiny panel” there is inserted “or relevant review panel, if any,”;
- (b) in paragraph (2)(a) after the words “in question” there is inserted “, including a proposition referred under standing order 27”;
- (c) after paragraph (2)(d) the word “or” is deleted;
- (d) at the end of paragraph (2)(e) for the full-stop there is substituted a semi-colon and after that there is added –

13 Citation and commencement

These Amendments may be cited as Amendment (No. 37) of the Standing Orders of the States of Jersey and come into force 7 days after the day they are made.

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