

STATES OF JERSEY



ELECTED SPEAKER AND DEPUTY SPEAKER OF THE STATES ASSEMBLY: SELECTION AND APPOINTMENT (P.31/2019) – AMENDMENT (P.31/2019 Amd.) – COMMENTS

**Presented to the States on 29th April 2019
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

The amendment from the Connétable of Grouville ([P.31/2019 Amd.](#)), if adopted, would have implications for the timetabling of implementing Senator S.Y. Mézec's proposition ([P.31/2019](#)) (provided that too were adopted). PPC has no comment to make on the substance of the Connétable's amendment and whether or not a referendum should be held; that is ultimately a matter for Members. But PPC would like to draw Members' attention to those timetabling implications.

If Senator Mézec's proposition were adopted unamended, the election of a Speaker and Deputy Speaker would take place at the Assembly's meeting on 22nd October 2019. It would therefore be necessary for the relevant legislative changes to be drafted, debated and enacted so that they were in force by that time. That timescale is already challenging, albeit that the Committee would be able to pick up on the work done by its predecessor (following the adoption of the previous version of the proposition ([P.84/2017](#))).

If the proposition were adopted as amended by the Connétable, the Committee would be required to lodge a draft Referendum Act in order that the referendum could take place. It is likely that the earliest this could be achieved would be for the Assembly's meeting on 18th June 2019 (although, again, that timetable would be challenging to meet). The [Referendum \(Jersey\) Law 2017](#) states that there must be a 3-month gap between the adoption of a Referendum Act and the holding of the referendum to which it relates. The referendum could therefore not take place prior to 18th September 2019.

It will be apparent to Members that the Assembly could not therefore wait for the result of the referendum to deal with the legislative changes required to enact Senator Mézec's proposals. Even if the legislation had been drafted and lodged by then, if the referendum saw a vote for change, there would likely be insufficient time for the legislation to receive Royal Assent and to come into force ahead of the Assembly's meeting on 22nd October 2019.

Awaiting the result of the referendum in order to adopt the necessary legislation could therefore make it possible that Senator Mézec's proposition would not be implemented on the date agreed by the Assembly. This could be addressed if the Assembly were to debate and approve the necessary legislation before the referendum were held. If such an approach were taken, it would then simply be necessary for the Assembly to adopt an Appointed Day Act subsequent to the referendum; so that the legislation could come into force ahead of the meeting on 22nd October 2019. PPC acknowledges that such a course of action would be unusual and, indeed, that it might be unacceptable to some Members as an approach to take. However, either the Assembly would need to be prepared to take such action; or it would need to be prepared for the possibility that implementation of Senator Mézec's proposition would need to be deferred from 22nd October 2019 (subject to confirmation in any referendum that the changes should be implemented).