

STATES OF JERSEY



Jersey

DRAFT AMENDMENT (NO. 40) OF THE STANDING ORDERS OF THE STATES OF JERSEY

**Lodged au Greffe on 22nd July 2019
by the Chairmen's Committee**

STATES GREFFE

REPORT

The Chairmen's Committee is in full agreement about the value of Review Panels, and has approved the establishment of a growing number this term as an extremely effective way of scrutinising significant cross-cutting matters, benefitting from their inherent flexibility and making efficient use of limited Member and staff/budget resources.

Examples of Review Panels are Brexit, Care of Children, Future Hospital, Gender Pay Gap and Access to Justice, illustrating the significance and scope of the work they undertake.

With the benefit of experience as they have evolved, the Committee has identified some procedural constraints that we consider unduly limit effectiveness of Review Panels and cause some inefficiency in the scrutiny process. We have therefore explored the most appropriate means to address those issues, the results of which are contained in these proposed changes to Standing Orders.

The framework for the establishment and constitution of Review Panels works well and enables Review Panels, in the right circumstances, to offer a genuine and effective alternative to the well-founded standing Panels and other approaches to scrutiny work (Sub-Panels, co-option, rapporteurs, etc.). This would remain unchanged with the Chairmen's Committee maintaining clear responsibility for their establishment, budget allocation and ongoing oversight. Operationally, however, the changes would enable Review Panels to be more akin to permanent Panels than Sub-Panels, better reflecting their status and improving their effectiveness. Key improvements are that Review Panels could –

- lodge propositions in their own name
- present reports and comments in their own name
- have relevant draft propositions and legislation referred directly to them during their development and/or passage through the Assembly (in practice subject to consultation with and approval of the Chairmen's Committee).

Importantly, the changes would also reduce some of the confusion experienced in public and stakeholder engagement, a result of the current obligation for so much of the work of Review Panels to be routed through the Chairmen's Committee – for example, reports published in the Committee's name rather than that of the Review Panel.

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from the adoption of this draft Amendment to Standing Orders.

EXPLANATORY NOTE

These Amendments to Standing Orders make amendments so as to apply to review panels, as far as possible, the provisions that apply to scrutiny panels in relation to draft Laws, Regulations or propositions lodged.

Amendment 1 is an interpretation provision.

Amendment 2 amends standing order 19 (who can lodge a proposition) to enable a review panel to lodge a proposition.

Amendment 3 amends standing order 26 (minimum lodging period) so that a minimum lodging period of 6 weeks applies to a proposition lodged by a review panel.

Amendment 4 amends standing order 35 (who may present report or comment) so that a report or comments may be presented to the States by a review panel.

Amendment 5 amends standing order 72 (referral of draft Law or Regulations for scrutiny) so that a draft Law or draft Regulations may be referred to a relevant review panel upon lodging if the chairman of the review panel has previously informed the States or confirms, when asked by the presiding officer, that he or she wishes to have the Law or Regulations referred to the panel. (“Relevant review panel” is defined as the review panel established for the purpose of reviewing a particular proposal, issue or project to which the draft relates.)

Amendment 6 amends standing order 73 (draft Law or Regulations not referred to scrutiny panel) to enable the States to decide to continue the 2nd reading of a draft Law or draft Regulations in the circumstances described in that standing order.

Amendment 7 amends standing order 74 (continuation of 2nd reading of draft Law or Regulations: debate on provisions) to enable the 2nd reading of a draft Law or draft Regulations referred to a review panel to continue notwithstanding that the panel has not reported on the draft.

Amendment 8 amends standing order 79 (suspension of debate for the purposes of scrutiny) so that a proposition may be suspended for the purpose of requesting a relevant review panel to review it.

Amendment 9 amends standing order 86 (proposer may move proposition again following suspension of debate, reference back or move to next item) so that when a debate on a proposition resumes following a suspension for the purposes of referral to a review panel the proposer may move the proposition afresh.

Amendment 10 amends standing order 89 (proposals by other members relating to arrangement of public business for future meetings) so that a member of the States may propose without notice that the States sit in committee at a future meeting to discuss a report from a review panel.

Amendment 11 amends standing order 145B (review panels: terms of reference and proceedings) so that a review panel may, if appropriate, report to the States upon the proposal, issue or project assigned to it and, if appropriate, make recommendations in the report. The review panel is no longer required to present the report to the chairmen’s committee for that committee to present it to the States.

Amendment 12 provides the title of these Amendments and provides for them to come into force 7 days after the day they are made.



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DRAFT AMENDMENT (No. 40) 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, have made the following Amendments to the Standing Orders of the States of Jersey.

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 Jersey.

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(4)(b)(vi) after “scrutiny panel” there is inserted “or review panel”.

4 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;”.

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

In standing order 72 –

- (a) in paragraphs (1), (2), (3)(b), (4), (5) and (9) after “relevant scrutiny panel” there is inserted “or relevant review panel”;
- (b) after paragraph (7) there is inserted –

“(7A) The relevant review panel is the review panel established for the purpose of reviewing a particular proposal, issue or project to which the draft relates.”;

- (c) in paragraph (8) after “relevant scrutiny panel” there is inserted “or relevant review panel, as the case may be”.

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

In standing order 73 –

- (a) in the heading after “to scrutiny panel” there is inserted “or review panel”;
- (b) in paragraph (1)(a) after “relevant scrutiny panel” there is inserted “or relevant review panel”.

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

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

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

In standing order 79 –

- (a) in paragraph (1)(b) after “relevant scrutiny panel” there is inserted “or relevant review panel”;
- (b) in paragraph (2)(a) after “scrutiny panel” there is inserted “or review panel”;
- (c) in paragraph (4) after “relevant scrutiny panel” there is inserted “or relevant review panel, as the case may be,”;
- (d) in paragraph (6) after “scrutiny panel” there is inserted “or review panel, as the case may be,”;
- (e) after paragraph (7) there is inserted –

“(7A) The relevant review panel is the review panel established for the purpose of reviewing a particular proposal, issue or project to which the proposition relates.”;

- (f) in paragraph (8) after “relevant scrutiny panel” there is inserted “or relevant review panel”;
- (g) for paragraph (9) there is substituted –

“(9) 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.”.

9 Standing order 86 (proposer may move proposition again following suspension of debate, reference back or move to next item) amended

In standing order 86(a) after “scrutiny panel” there is inserted “or review panel”.

10 Standing order 89 (proposals by other members relating to arrangement of public business for future meetings) amended

In standing order 89(2)(c) for “or a scrutiny panel,” there is substituted “, a scrutiny panel or a review panel,”.

11 Standing order 145B (review panels: terms of reference and proceedings) amended

In standing order 145B –

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

“(3) A review panel may, if appropriate, report to the States upon the proposal, issue or project assigned to it and, if appropriate, make recommendations in the report.”;

(b) paragraphs (4) and (5) are deleted.

12 Citation and commencement

These Amendments may be cited as Amendment (No. 40) of the Standing Orders of the States of Jersey and come into force 7 days after the day they are made.