

STATES OF JERSEY



Jersey

DRAFT AMENDMENT (NO. 44) OF THE STANDING ORDERS OF THE STATES OF JERSEY

**Lodged au Greffe on 7th August 2019
by the Privileges and Procedures Committee**

STATES GREFFE

REPORT

The Draft Amendment (No. 44) of the Standing Orders of the States of Jersey (“the draft Amendment”) would change the deadlines that apply to the submission of urgent oral questions and is proposed in order to introduce greater flexibility.

At present, Standing Order 15 provides that a member wishing to ask an urgent oral question must seek approval at least 30 minutes before the start of the Assembly’s meeting. However, ‘the meeting’ in this context includes any continuation day. For instance, if the Assembly sits on a Tuesday and Wednesday, that does not constitute 2 separate meetings but one meeting spread over 2 days. It is therefore not possible at present for an urgent oral question to be submitted during a meeting, say, on a Tuesday afternoon for it to be asked on the Wednesday continuation day.

The problem with the current provisions became apparent on 1st May 2019. Prior to that day (a Wednesday), the Connétable of St. Helier had submitted an urgent oral question. However, the question could not be considered for approval because it had not been submitted at least 30 minutes before the meeting had started on 30th April 2019 (the Tuesday). The Committee considers that Standing Orders should be more flexible to allow for questions to be submitted, approved and asked in such circumstances.

The draft Amendment would therefore make 2 changes to Standing Order 15 –

- (a) Standing Order 15(1) would be amended to confirm that an urgent oral question should be submitted for approval at least 30 minutes before the start of the meeting day or continuation day, whichever applied. This would allow a member to submit an urgent oral question overnight from Tuesday to Wednesday, for example, and for the question (provided it was approved) to be asked on the Wednesday; and
- (b) Standing Order 15(2A) would be introduced to allow for an urgent oral question to be approved even if it had not been submitted at least 30 minutes before the meeting day or continuation day. This would essentially allow even greater flexibility in extreme circumstances. The Committee considers that a scenario could arise where an urgent situation comes to light during a meeting on the Tuesday, about which a member would justifiably want to submit an urgent oral question. However, if the Assembly were not due to continue meeting on the Wednesday, that urgent oral question could not be asked unless the proposed Standing Order 15(2A) were introduced. This new provision would allow urgent oral questions to be considered (even if they had not been submitted by the standard deadline) if the Bailiff considered that the question was of such urgency that it needed to be asked before the end of the meeting (i.e. that same day). This would reflect provisions that already exist in relation to statements: where there are set deadlines for notification of a statement to be given but those deadlines can be waived if the statement is urgent in nature.

Neither of these changes to Standing Order 15 would change the underlying test applied to urgent oral questions in order for them to be approved – that they must relate to a matter of public importance, be urgent in nature and meet the requirements of Standing Orders in relation to questions. The amendment would simply affect the deadlines that apply to the submission of urgent oral questions and would introduce the flexibility which the Committee anticipates the Assembly would like to exist.

Financial and manpower implications

There are no financial and manpower implications arising from adoption of this Amendment to Standing Orders.

EXPLANATORY NOTE

The Draft Amendment (No. 44) of the Standing Orders of the States of Jersey will –

- enable members to seek the leave of the Bailiff to ask an urgent oral question not less than 30 minutes before the start of not just the first day of a meeting but also the start of any continuation day;
- give the Bailiff power to grant leave to ask an urgent question without the requisite notice, provided that it is a matter of such urgency that the question must be asked before the end of the meeting.



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DRAFT AMENDMENT (No. 44) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES make the following Amendment to the Standing Orders of the States of Jersey¹ under Article 48 of the States of Jersey Law 2005² –

1 Standing order 15 of the Standing Orders of the States of Jersey (Urgent oral question) amended

In standing order 15 the Standing Orders of the States of Jersey³ –

- (a) in paragraph (1), for “a meeting commences” there is substituted “the start of the meeting day or any continuation day”;
- (b) after paragraph (2), there is inserted –

“(2A) However, the Bailiff may grant a member of the States leave to ask a question under this standing order even though the member has not given the notice required under paragraph (1), if satisfied that the question is of such urgency that it must be asked before the end of the meeting.”.

2 Citation and commencement

This Amendment may be cited as Amendment (No. 44) of the Standing Orders of the States of Jersey and comes into force on the day after it is made.

ENDNOTES**Table of Endnote References**

<i>1</i>	<i>chapter 16.800.15</i>
<i>2</i>	<i>chapter 16.800</i>
<i>3</i>	<i>chapter 16.800.15</i>