

STATES OF JERSEY



Jersey

DRAFT CONSTITUTION OF THE STATES AND PUBLIC ELECTIONS (JERSEY) LAW 202- (P.17/2021): THIRD AMENDMENT

**Lodged au Greffe on 6th April 2021
by the Privileges and Procedures Committee
Earliest date for debate: 20th April 2021**

STATES GREFFE

DRAFT CONSTITUTION OF THE STATES AND PUBLIC ELECTIONS
(JERSEY) LAW 202- (P.17/2021): THIRD AMENDMENT

PAGE 17, ARTICLE 7 –

At the beginning of Part 4 insert –

“8 Article 18 (Council of Ministers) of the States of Jersey Law 2005 amended

- (1) In Article 18(2)(e) of the States of Jersey Law 2005, “, within 4 months of their appointment under Article 19(7),” is deleted.
- (2) After Article 18(2) of the States of Jersey Law 2005, there is inserted –
 - “(2A) The Council of Ministers must lodge the statement of their common strategic policy under paragraph (2)(e) –
 - (a) no later than the day on which the first government plan is lodged; and
 - (b) within 4 months of their appointment under Article 19(7).
 - (2B) In paragraph (2A), “first government plan” means the first government plan (as defined in the Public Finances (Jersey) Law 2019) prepared by the Council of Ministers after their appointment under Article 19(7).”.

and renumber the subsequent Articles accordingly.

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT

Introduction

The Council of Ministers has brought to our attention that, if adopted, [P.17/2021](#) would reduce the period of time available in 2022 for the next Council of Ministers to develop, agree and lodge the Common Strategic Policy 2022-26 and Government Plan 2023-26 from 15 weeks to 10 weeks. It is accepted that this would present a significant challenge for an incoming Council of Ministers.

While there is no perfect solution, this amendment together with an amendment to the [Standing Orders of the States of Jersey](#) (to be lodged separately) seeks to mitigate, so far as is possible, the time lost to the incoming Council of Ministers as a result of the proposed change in Election date.

This amendment has been lodged following liaison between Privileges and Procedures Committee and the Council of Ministers.

Alignment of Common Strategic Policy and Government Plan

This amendment would align the lodging of the Common Strategic Policy and Government Plan by requiring that the Common Strategic Policy must be lodged no later than the day on which the first Government Plan is lodged by an incoming Council of Ministers.

This alignment would ensure that the incoming Council of Minister's vision and priorities, as set out in the Common Strategic Policy, have been expressed before or at the same time as their plan for implementing it, as set out in the Government Plan.

The existing requirement that the Common Strategic Policy must be lodged, in any case, within 4 months of the appointment of the Council of Ministers, is retained in order to 'future-proof' the [States of Jersey Law 2005](#), giving flexibility to the States Assembly when setting future election dates by ensuring that the Common Strategic Policy is lodged early in its term of office.

The effect of the amendment would be that the next Council of Ministers must lodge its Common Strategic Policy at the same time or before its first Government Plan or within 4 months of being appointed to office, whichever is earliest.

Amendment to Standing Orders - Reduced Lodging Period for the Government Plan

If adopted, P.17/2021 would reduce the period of time available in 2022 for the next Council of Ministers to develop, agree and lodge the Common Strategic Policy 2022-26 and Government Plan 2023-26 from 15 weeks to 10 weeks.

An amendment to the Standing Orders of the States of Jersey will be lodged separately, which would reduce the lodging period for the Government Plan to 10 weeks. This would give the incoming Council of Ministers 12 weeks to develop, agree and lodge the Government Plan 2023-26 and, by way of the alignment described above, the Common Strategic Policy 2023-2026.

In considering the proposed amendment to Standing Orders, it should be noted that:

- The current Council of Ministers had approximately 17 weeks to develop and agree its Common Strategic Policy alone (there was no requirement for a Government Plan at that time).
- If approved unamended, Standing Orders would maintain the period of time available to the States Assembly to scrutinise the Government Plan at 12 weeks (6

weeks for the Common Strategic Policy). The period available for scrutiny would therefore be significantly longer than the period available to the Council of Ministers.

- The Common Strategic Policy and the first Government Plan are among the most significant decisions that an incoming Council of Ministers will make; they set out its vision and priorities for its term of office and the rolling 4 year income and expenditure plan for the implementation of that vision and priorities.
- 2022 will be the first time that a Council of Ministers will be required to produce both a Common Strategic Policy and Government Plan at the same time, and the first time that the States Assembly will be asked to scrutinise and approve both a Common Strategic Policy and a Government Plan at the same time.
- Currently, every incoming Council of Ministers must agree, and lodge for referral to one or more Scrutiny Panels, a statement of their common strategic policy within 4 months of their appointment¹. As a proposition lodged by the Council of Ministers, the minimum lodging period for the Common Strategic Policy is 6 weeks², with amendments lodged for 2 weeks and amendments to amendments lodged for one week³.
- Each financial year, the Council of Ministers must prepare a government plan and lodge it in sufficient time for the States Assembly to debate and approve it before the start of the next financial year. Currently, the Government Plan must be lodged for a minimum of 12 weeks with amendments lodged for 2 weeks and amendments to amendments lodged for one week.
- The development of the Government Plan is a significant political, technical and operational undertaking.
- This period also includes the summer recess. If Ministers were to take leave during that period, then the time for development and agreement will be shorter still.
- This is also a very busy period for new Ministers who will, for example, also be engaged in coming together as a Council of Ministers, taking on their Ministerial portfolios and building working relationships with the Officers that support them and with the new Scrutiny Panels.

Financial and manpower implications

There are no direct financial or manpower implications associated with this amendment.

¹ Article 18(2)(e) States of Jersey Law 2005: “(2) *The functions of the Council of Ministers shall be - ... (e) agreeing and, within 4 months of their appointment under Article 19(7), lodging for referral to one or more Scrutiny Panels established under standing orders and approval by the States, a statement of their common strategic policy;*”

² SO 26(4)(b)(i) Standing Orders of the States of Jersey

³ SO 26(5)(b) Standing Orders of the States of Jersey