

STATES OF JERSEY



AMENDMENT TO STANDING ORDERS – MISCELLANEOUS AMENDMENTS

Lodged au Greffe on 11th January 2022
by the Privileges and Procedures Committee
Earliest date for debate: 8th February 2022

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion to make the following amendments to the Standing Orders of the States of Jersey, with immediate effect –

1. Standing Order 19A [Prohibition on lodging before ordinary election] –

After paragraph (2), insert –

“(3) In paragraph (1) “proposition” does not include any proposal to amend any proposition.”

2. Standing Order 22 [Additional requirement for proposition of no confidence] –

Designate the existing text as paragraph (1) and insert –

“(2) This standing order also applies to any proposition the adoption of which would have the effect that the States have no confidence in any person or body of persons.”

3. Standing Order 37 [How document is presented to or laid before the States] –

For paragraph (6) substitute –

“(6) This standing order does not apply to subordinate enactments required to be laid before the States under Article 11 of the Legislation (Jersey) Law 2021.”

4. Standing Order 53 [2nd roll call] –

In paragraph (4), after “through illness” insert “or parental responsibilities”.

5. Standing Order 70 [General procedure for debate on amendment to proposition] –

Delete paragraph (1A).

6. Standing Order 89AA [Interpretation of standing orders 90 to 96: principal offices] –

At the end of paragraph (f) substitute a semi-colon for the full stop and, after the paragraph, insert –

“(g) Chair of the Planning Committee.”

7. Standing Order 103 [Member cannot speak twice in debate] –

In paragraph (f), after “no confidence in” insert “or to censure” and after “the Council of Ministers or” delete “in”.

8. New Standing Order 112AA [Nomination of candidates for selection and appointment] –

After Standing Order 112, insert –

“112AA Nomination of candidates for selection and appointment

Where a nomination is made of a candidate for selection and appointment to a position specified in standing order 112, neither the nomination nor the act of seconding the nomination may be made the pretext for any substantive speech.”

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT

The Privileges and Procedures Committee is proposing a number of amendments to the Standing Orders of the States of Jersey in order to address inconsistencies or gaps that have been identified following a review by the States Greffe. These amendments are as follows.

1. Lodging amendments during the Election Period

In adopting [‘States of Jersey elections: pre-election procedures for States meetings and the lodging of propositions’ \(P.88/2018\)](#), the Assembly agreed that propositions should not be lodged during the Election Period (as defined in Standing Orders). Effectively, this will mean propositions cannot be lodged from early March 2022, unless it is the Bailiff’s opinion that the proposition relates to a matter of such urgency and public importance that its lodging should not be delayed

P.88/2018 explicitly stated that amendments should be excluded from this general prohibition on lodging. However, this was inadvertently missed when the resulting amendment to Standing Order 19A was debated and approved. Without the proposed amendment, it would therefore not be possible for amendments to be lodged to propositions listed for debate during the meetings of March and April 2022 after that deadline in early March – unless it could be shown that they related to matters of public importance. This would not reflect the Assembly’s will in adopting P.88/2018 and an amendment is therefore proposed.

2. Propositions that effectively seek a vote of no confidence

Standing Order 22 sets out additional requirements for a proposition seeking a vote of no confidence in a person or body of persons (in order that the proposition may be lodged): the proposition needs to be signed by 3 other elected members, besides the proposer, and the report must set out why the proposer believes the proposition should be adopted.

In December 2020, the Assembly debated [‘Draft Amendment \(No.49\) of the Standing Orders of The States of Jersey’ \(P.143/2020\)](#), which sought to ensure that the Chair of a Scrutiny Panel could not belong to the same political party as any Minister scrutinised by the Chair’s Scrutiny Panel. As the proposition, if adopted, would have taken immediate effect, it would have seen an existing Chair of the time removed from that position. In its comments on the proposition, the Committee highlighted that, nonetheless, there had been no need for the proposition to meet the requirements of Standing Order 22. At the time, the Committee advised that it would consider whether an amendment to Standing Orders should be lodged to deal with this “procedural loophole”.

An amendment to Standing Order 22 is therefore proposed to ensure that it would apply not only to propositions explicitly seeking a vote of no confidence, but also to propositions where the effect of their adoption would be tantamount to a vote of no confidence.

3. Outdated reference to subordinate legislation

Standing Order 37 sets out the process for the presentation of documents to the States. Paragraph (6) of this Standing Order specifies that the Standing Order as a whole does not apply to Ministerial Orders; as the process whereby Ministerial Orders are tabled before the Assembly is different (from that used for the presentation of reports or comments). At present, reference is made in Paragraph (6) to the Subordinate Legislation (Jersey) Law 1960. However, that Law was annulled with the adoption of the Legislation (Jersey) Law 2021; and the reference in Standing Order 37 therefore needs to be updated.

4. Parental Responsibilities

The Assembly has previously agreed that parental responsibilities should be included as a reason for a member's absence at roll call. When the amendment to Standing Orders was agreed to incorporate this principle, there was no consequential amendment to Paragraph (4) of Standing Order 53 to ensure clarity that a member absent for that reason would not be marked en défaut. An amendment is therefore needed to ensure consistency within the Standing Order.

5. Propositions may be taken in the proposer's absence

The provisions of Standing Order 70(1A) allow for an amendment to be proposed in the absence of the proposer (e.g. through illness). But Standing Order 68(5) makes similar allowance for a substantive proposition to be moved by another member if the proposer is to be absent (and has given sufficient notice) and is not marked en défaut. Given the interpretative provisions of Standing Orders, Standing Order 68(5) in fact applies automatically to amendments as well as substantive propositions. Standing Order 70(1A) is therefore superfluous and can be deleted.

6. Chair of the Planning Committee

Standing Orders 90 to 96 govern the arrangements for voting in the Assembly, including for appointments to the 'principal offices' that are defined in Standing Order 89AA. They allow for the electronic voting system to be used during the appointment of members to those 'principal offices' (where the number of candidates makes this practical). As the Chair of the Planning Committee is currently excluded from the list of 'principal offices', however, an appointment to that position is not covered by the provisions of Standing Orders 90 to 96 in the same way. An amendment is proposed to ensure consistency.

7. Votes of Censure against bodies

It became apparent recently that there is no explicit provision in Standing Orders for the Chair of a body subject to a vote of censure to speak a second time before the debate concludes. When Senator Mézec lodged a vote of censure against the Council of Ministers ([P.72/2021](#)), the Bailiff ruled that the Chief Minister had that right to speak a second time – to ensure consistency with the provisions of censure of an individual, and with the provisions for votes of no confidence. The proposed amendment to Standing Order 103 would ensure that explicit provision was included.

8. Substantive speeches during nominations for appointment

It has recently become more common for members, when nominating (or seconding) others for appointment to a position, to make a speech in support of their proposed candidate. This was not the previous convention, where no speeches were made; but there is no explicit provision within Standing Orders covering this matter. This could make it problematic for the Presiding Officer to manage the situation, in extremis, where a lengthy speech were made during the nomination process. An amendment is therefore proposed to clarify that nominating (or seconding) a member as a candidate for appointment should not be made the pretext for a speech.

Financial and manpower implications

There are no financial and manpower implications for the States arising from adoption of these amendments to Standing Orders.