

STATES OF JERSEY



AMENDMENT TO STANDING ORDERS – VARIOUS AMENDMENTS

Lodged au Greffe on 17th May 2023
by the Privileges and Procedures Committee
Earliest date for debate: 4th July 2023

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 21 [How a proposition is lodged]

In paragraph (2), for the word “manpower” substitute the word “staff”.

2. Standing Order 84 [Proposal to close debate]

(1) In paragraph (5), after the word “adopted” insert the words “and paragraph (5A) does not apply”; and

(2) After paragraph (5) insert the following paragraph –

“(5A) If the proposal is adopted and the proposition to which it relates is to censure a person or body or that the States have no confidence in a person or body, the presiding officer shall –

- (a) invite the person or the representative of the body to whom the proposition relates to speak (even if they have already spoken in the debate);
- (b) invite the proposer of the proposition to reply; and
- (c) put the proposition to the vote.”

3. Standing Order 104 [Contents of Speech]

(1) In paragraph (e), for the words “Her Majesty the Queen” substitute the words “His Majesty the King”; and

(2) In paragraph (f), for the words “Her Majesty the Queen” substitute the words “His Majesty the King”.

4. Standing Order 117 [Ministers: selection process]

In paragraph (1), delete the words “and Financial Services”.

5. Standing Order 120 [Chair of a scrutiny panel: appointment process]

In paragraph (1B), delete the words “and Financial Services” each time they - appear.

6. Standing Order 125 [Members of scrutiny panel: appointment process]

After paragraph (1) insert the following paragraph –

“(1A) Where paragraphs (1A) to (1E) of standing order 120 prevent a Minister from nominating members for the office of chair of a scrutiny panel –

- (a) the Minister cannot nominate members as candidates to the scrutiny panel; and
- (b) the Minister cannot take part in a ballot that is required to appoint members to the scrutiny panel.”

7. Standing Order 169 [Duty of Greffier regarding Law adopted in 3rd reading]

For the words “Her Majesty in Council” substitute the words “His Majesty in Council”.

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT

The Privileges and Procedures Committee (PPC) has lodged this proposition with a number of amendments designed to update Standing Orders.

De-gendering Standing Orders

In 2019, the Assembly agreed an amendment to Standing Orders that replaced every reference to “a chairman” or “chairmen” of a Panel or Committee with “a chair” or “chairs” as part of a process of de-gendering Standing Orders. The Chairmen’s Committee was re-named the Scrutiny Liaison Committee at the same time.

PPC has identified a further amendment to continue this process by replacing references to “manpower” with “staff”. This only impacts Standing Order 21 and the requirement that each proposition is accompanied by the proposer’s estimate of the resource implications of the proposition. If this amendment is adopted, this would in future be known as a statement of the “financial and staff implications”.

Closure motion in respect of censure or vote-of-no-confidence propositions

A successful proposition under Standing Order 84 (for the closure motion) was made in respect of the recent debate on the proposition that the States had no confidence in the Chair of the Health and Social Security Scrutiny Panel. It became apparent at the time that there was a gap in Standing Orders; as there was no explicit provision for the Chair, as the subject of the proposition, to speak a second time once the closure motion had been adopted (and before the proposer of the vote of no confidence replied in the debate). The Bailiff ruled at the time that the Chair would be afforded that opportunity. PPC has proposed an amendment to Standing Order 84 that would make this procedurally explicit in the future, so that the subjects of censure or vote-of-no-confidence propositions would have the chance to speak a second time in the event of a successful closure motion.

Minister for External Relations

Following the Chief Minister’s recent decision to rename the “Minister for External Relations and Financial Services” as the “Minister for External Relations”, there is need to update Standing Orders accordingly. PPC has therefore proposed amendments to Standing Orders 117 and 120 to ensure the correct terminology is used.

Involvement of Ministers in Scrutiny appointments

Ministers are already prevented from taking part in the selection of the Chair of ‘their’ Scrutiny Panel. During the appointment of a Chair, the relevant Minister(s) can therefore neither nominate candidates for the position, nor take part in any vote required to select a candidate. There is currently no corresponding provision in respect of the appointment process of members of Scrutiny Panels. PPC is not aware of any contested appointments to Scrutiny Panels; but is nevertheless proposing an amendment to Standing Order 125 to ensure clarity that, were the Chair’s nominations to be contested, the relevant Minister(s) could neither nominate alternative candidates or take part in any ballot that was required.

Reference to His Majesty the King

Following the recent change of monarch, there is a need to update Standing Orders 104 and 169 to ensure reference is made to His Majesty the King.

Financial and manpower implications

There are no financial and manpower implications arising from the adoption of this proposition.

Re-issue Note

This Proposition has been re-issued to fix a typographical error. The current Standing Order 169 reads as 'Her Majesty in Council', rather than 'Her Majesty the Queen'.
