

STATES OF JERSEY

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DRAFT AMENDMENT (No. 8) OF THE STANDING ORDERS OF THE STATES OF JERSEY

**Lodged au Greffe on 23rd July 2008
by the Chairmen's Committee**

STATES GREFFE



Jersey

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REPORT

This amendment seeks to change the current provisions in Standing Orders to enable the power of co-option onto Scrutiny Panels of one further non-Executive Member for the purpose of assisting with a specific review.

The Chairmen's Committee has been made aware of a number of occasions when a main Panel has considered undertaking a specific review into a topic as a full Panel but has also wished to include another non-Executive States Member with knowledge and/or experience in that topic area onto the Panel.

Currently, if a Panel wishes to invite another non-Executive Member to take part in a specific review topic, it necessitates the formation of a Sub-Panel, which in turn requires one or more Members of the main Panel to withdraw from that review as the Chairmen's Committee has been advised that 'Sub-Panel', by definition, means less than the whole Panel. There have been occasions when no main Panel Members have wished to withdraw for a review yet have recognised the benefit that an additional Member would have brought.

The Chairmen's Committee has investigated alternative ways of using the specialist knowledge that a non-Executive Member might have. This includes taking evidence from him/her at a public hearing or inviting the Member to participate in accordance with point 6.9 of the Code of Practice for Scrutiny Panels and the Public Accounts Committee which states –

“States members and members of the public who are admitted to a Panel meeting or hearing will be expected to comply with the conditions of behaviour determined by the Chairman. Their attendance will be on the basis of an observer. No intervention into the meeting or hearing will be permitted, except with the express permission of the Chairman.”

However, the Chairmen's Committee believes that neither of the above would permit Panels to derive the maximum benefit of that Member's knowledge. This would be best achieved by permitting him/her to ask questions of witnesses at a formal hearing. The only means by which this could be achieved is by permitting that Member to be co-opted onto the Panel. There is currently no provision for this. The Chairmen's Committee reiterates and stresses that the co-option would be for the sole purpose of participating in one particular review topic and not in any other Panel business. Any co-opted member would therefore be expected to withdraw from Panel meetings when other reviews or general Panel business was being discussed.

There are no financial or manpower implications for the States arising from this amendment.

Explanatory Note

This amendment to standing orders would enable a scrutiny panel to co-opt one elected member of the States (apart from a Minister or Assistant Minister) for the purposes of the panel's consideration of a topic in which the member has relevant experience or knowledge. The co-opted member would be able to participate fully in the proceedings of the panel, when it is considering the topic in question.



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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^[1], have made the following amendments to standing orders –

1 Standing order 138 amended

In standing order 138 of the standing orders of the States of Jersey^[2], after paragraph (5) there shall be inserted the following paragraphs –

- “(5A) A scrutiny panel may, from time to time, co-opt onto the panel one elected member who, is not a Minister or Assistant Minister, for the purpose of the panel’s review, consideration or scrutiny of a particular matter of which the elected member has, in the view of the panel, experience or knowledge.
- (5B) A co-option shall be for the duration of the panel’s review, consideration or scrutiny of the particular matter for which the co-option is made, unless the panel decides to end it earlier.
- (5C) An elected member co-opted onto a scrutiny panel shall, for the duration of the co-option, be a member of the panel, but shall only participate in proceedings of the panel which are for the review, consideration or scrutiny of the particular matter for which the co-option is made.”.

2 Citation and commencement

This Amendment may be cited as Amendment (No. 8) of the Standing Orders of the States of Jersey and shall come into force 7 days after it is made.

[1]

chapter 16.800

[2]

chapter 16.800.15