

STATES OF JERSEY



Jersey

DRAFT AMENDMENT (No. 51) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Lodged au Greffe on 3rd November 2020
by the Privileges and Procedures Committee

STATES GREFFE

REPORT

1. These amendments to the [Standing Orders of the States of Jersey](#) would, if approved by the Assembly, alter provisions in respect of written and oral questions. The need for the amendments arises from the Assembly's adoption of [P.106/2020 – States meetings in 2021: move to a three-week cycle](#).

Written Questions

2. The adoption of P.106/2020, as amended, required the Committee to bring forward amendments to establish a procedure whereby Written Questions could be submitted and answered outside of States meetings, albeit that the procedure should allow States Members either the same or a greater opportunity to submit Written Questions than exist at present.
3. As things stand, members may submit a maximum of 5 Written Questions for each States meeting. On the basis of a 2-weekly meeting cycle, a single States Member can at present submit a maximum of 90 Written Questions in a calendar year. If no amendments were made to Standing Orders, the 3-weekly meeting cycle would allow members to submit a maximum of 70 Written Questions in 2021.
4. At present, the process for Written Questions is as follows –
 - (a) Members must submit their questions by 9.30 a.m. at least 5 clear working days before the start of the meeting. In practice, this generally means 9.30 a.m. on the Monday in the week before the States meeting (on a Tuesday); but the deadline can change as a result of Public Holidays or if the Assembly starts on a day other than Tuesday. Questions are normally distributed by the States Greffe on the same day as the deadline.
 - (b) There is currently no procedural deadline for responses to be provided, except that they should be provided to the Greffier "before the commencement of the meeting". Administratively, however, the States Greffe asks for responses to be provided by 12.00 p.m. on the day before the meeting starts. Respondents therefore normally have at least 4 complete working days to prepare their response.

Because of the link between Written Questions and States meetings, Written Questions effectively operate on a fortnightly basis when the States are meeting (i.e. the cycle does not operate at all when the Assembly is in recess).

5. Amendments to Standing Orders 11, 12, 39 and 40 have been proposed that would establish a weekly basis on which Written Questions could be submitted (and subsequently answered). If pursued, this process would be as follows –
 - (a) Each week, members would be able to submit Written Questions for the week by 9.30 a.m. on the first working day of the week. As now, the aim of the States Greffe would be to distribute all questions on the same day as the deadline. A maximum of 1 Written Question could be submitted by each member during any week in which the Assembly was scheduled to meet (disregarding requisitioned or convened meetings, or the Liberation Day meeting). A maximum of 3 Written Questions could be submitted during any other week when the States was in session under Standing Order 3.
 - (b) Respondents would have a procedural requirement to provide their responses to the States Greffe by 12.00 p.m. 4 clear working days after the

day of the deadline for submitting questions. In practice, this would generally give respondents the same length of time to answer questions as they have now.

6. For the most part, a cycle of Monday to Monday would be established; but it would be altered by any Public Holidays that occurred during any given week. This could be calculated at the beginning of each year and the States Greffe would be able to provide for members a calendar of question and answer deadlines.
7. The sessions of the States are defined by Standing Order 3. In 2021, the Assembly will be in session from 19th January until 23rd July 2020 and from 14th September until 17th December 2020. The Assembly is therefore, strictly speaking, in session under Standing Orders when it is otherwise often described as being 'in recess'; this particularly applies to the Easter holidays.
8. As drafted, the amendments would allow each member a maximum of 95 Written Questions during the course of the year, thereby respecting the provisions of P.106/2020, as amended (arising from the fact that there are 14 weeks in which States meetings have been scheduled and 27 further weeks when the States will otherwise be in session).

Oral Questions with notice

9. In adopting P.106/2020, as amended, the Assembly agreed that provision should be made for an additional 20 minutes of Oral Questions with notice at each meeting. This would bring the total time allowed for Oral Questions with notice at each meeting to 2 hours and 20 minutes. Amendments have been proposed to Standing Orders 13, 1 and 63 have been proposed to enact this change.
10. The amendments include a provision for answers to Oral Questions that cannot be asked during the period of 2 hours and 20 minutes to be provided in writing. Such an amendment does not arise from the adoption of P.106/2020 although the Committee considers that it would be in keeping with the principles of the amendments to P.106/2020 that were adopted. The States Greffe has encouraged the circulation of written responses to unasked questions as a convention, but there is currently no procedural requirement.

Oral Questions without notice

11. The provisions of P.106/2020, as amended, stated that, in addition to a period of 30-minutes of Oral Questions without notice to Ministers at each meeting, there should also be a 15-minute period of Oral Questions without notice to the Chief Minister. Amendments to Standing Orders 64 and 66 to this effect have been proposed.
12. With the amendments, the current structure of Oral Questions without notice would change from 2 slots of 15 minutes to 3 slots of 15 minutes; the Chief Minister would always take the third slot and the other Ministers would occupy the first 2 slots at each meeting on a rotational basis.
13. For the first 2 slots each Minister would face a maximum of 15 minutes of questions. Any time not used during either slot would then be added to the maximum amount of time available for Oral Questions without notice to the Chief Minister. In theory, the Chief Minister could therefore face a maximum of 45 minutes of Oral Questions without notice (if no questions were put to either of the Ministers occupying the first 2 slots).

Lodging periods

14. Although not directly arising from the adoption of P.106/2020, as amended, the Committee considers that altering the lodging deadlines for propositions lodged

by members in their own name would be beneficial. Amendments to this effect have been proposed to Standing Order 26.

15. A minimum lodging period of 3 weeks would be introduced for a proposition lodged by a member in their own name (provided that the proposition was not of a type to be subject to another minimum lodging period, such as a Draft Law or a proposition for a vote of no confidence). All other minimum lodging periods currently prescribed by Standing Orders would remain unchanged, including the lodging period for an amendment to a proposition lodged by a member in their own name (which would be 1 week).

Financial and manpower implications

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

EXPLANATORY NOTE

This Amendment amends the Standing Orders of the States of Jersey consequential on the decision to move States meetings to a 3-week cycle (P.106/2020). The changes are to the procedure for giving written answers to questions and the timing and frequency of questions without notice to the Chief Minister. The Amendment also changes the minimum lodging period for propositions lodged by members in their own right that are not subject to another minimum lodging period.

Amendment 1 establishes that it is the Standing Orders of the States of Jersey that are being amended.

Amendment 2 replaces standing order 11 on the submission of written questions. The changes are to establish a procedure for written questions to be submitted and answered outside of States meetings on the basis of one a week during the weeks when the States are sitting plus up to 3 in other weeks when the States are in session, instead of a maximum of 5 for each meeting. Further consequential changes to procedure are covered by the amendments to standing order 12 made by *Amendment 3*.

Amendment 4 and *Amendment 5* change standing orders 13 and 14 as a consequence of the lengthening of the time allowed for questions with notice.

Amendment 6 amends standing order 26 to provide for a minimum lodging period of 3 weeks for a proposition lodged by a member in his or her own right that is not subject to another minimum lodging period.

Amendment 7 and *Amendment 8* makes changes to standing orders 39 and 40 to reflect the new way of handling written questions.

Amendment 9 amends standing order 63 to extend the period for oral questions with notice from a maximum of 2 hours to a maximum of 2 hours and 20 minutes and to provide for any question not asked by the end of that period to be given a written response.

Amendment 10 amends standing order 64 to extend the period for questions without notice from 30 to 45 minutes. The time is divided into 3 periods of up to 15 minutes (instead of 2) with the Chief Minister being questioned each meeting for the third period (instead of the second period at every other meeting). The amendment also amends standing order 66 as a consequence of extending the duration of the question period in standing order 64.

Amendment 11 provides for the citation of the Amendment and for it to come into force on the day after it is made.



Jersey

DRAFT AMENDMENT (NO. 51) OF THE STANDING ORDERS OF THE STATES OF JERSEY

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Jersey

DRAFT AMENDMENT (NO. 51) 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 Amendment of Standing Orders

This Amendment amends the Standing Orders of the States of Jersey³.

2 Standing order 11 substituted

For standing order 11 there is substituted –

“11 Submission of question to be answered in writing

- (1) This standing order applies to a question that the questioner wishes to have answered by the tabling of a written reply.
- (2) A question must not exceed 200 words in length.
- (3) A questioner may submit –
 - (a) a maximum of 1 question during any week when a meeting of the States is scheduled to occur in accordance with standing order 4; and
 - (b) a maximum of 3 questions during any other week when the States are in session (as specified in standing order 3).
- (4) For the purposes of paragraph (3)(a), a meeting of the States does not include any meeting –
 - (a) requisitioned in accordance with standing order 5;
 - (b) convened in accordance with standing order 6; or
 - (c) held by the States for the sole purpose of marking Liberation Day.
- (5) A question given to the Greffier after 9.30 a.m. on the first working day of a week is taken to be given to the Greffier during the following week.

- (6) If a questioner wishes to have a question answered personally by the member of the States to whom it is addressed the questioner must indicate that when giving notice of the question to the Greffier.
- (7) The Greffier must refer the question to the Bailiff.
- (8) The Bailiff must approve the question if of the opinion that it does not contravene standing orders.
- (9) If the Bailiff is of the opinion that the question contravenes standing orders the Bailiff must –
 - (a) alter the question, with the agreement of the questioner, so that it does not contravene standing orders, then approve it; or
 - (b) direct that the questioner be informed that the question is out of order.
- (10) When a question has been approved, the Greffier must, as soon as practicable –
 - (a) forward a copy of the question to the member of the States to whom it is addressed; and
 - (b) inform the member if the questioner has indicated that the questioner wishes the member to answer the question personally.”.

3 Standing order 12 (written reply to question) amended

In standing order 12, for paragraphs (3) and (4) there is substituted –

- “(3) Where a question is to be answered by the tabling of a written reply, the member of the States replying must give the reply to the Greffier by 12.00 p.m. 4 clear working days after the first working day of the week in which the question is taken to have been given to the Greffier in accordance with standing order 11(5).
- (4) If the questioner believes that the reply contravenes paragraph (2A) and wishes to take the opinion of the Bailiff on the matter –
 - (a) the questioner must refer the matter to the Bailiff before 12.45 p.m. on the working day after the day by which the reply must be given to the Greffier under paragraph (3);
 - (b) the Bailiff must give his or her opinion no later than 9.30 a.m. on the working day after the day on which the matter was so referred; and
 - (c) if the Bailiff is of the opinion that the answer contravenes paragraph (2A), the Bailiff must inform the member of the States who gave the reply and direct that member to submit an answer to the question that does not contravene paragraph (2A) no later than 9.30 a.m. on the working day after the day in sub-paragraph (b).”.

4 Standing order 13 (submission of question to be answered orally) amended

In standing order 13(1) for “2 hours” there is substituted “time”.

5 Standing order 14 (determination of order in which questions with notice are to be answered orally) amended

In standing order 14(1), in both places where it occurs, for “2 hours” there is substituted “time”.

6 Standing order 26 (minimum lodging period) amended

In standing order 26 –

(a) after paragraph 3 there is inserted –

“(3AA) A minimum lodging period of 3 weeks applies to a proposition lodged by a member of the States in his or her own right and to which none of paragraphs (3), (3A) and (4) apply.”;

(b) paragraph (3A)(c) is deleted;

(c) in paragraph (5)(a) for “2 or 4 weeks” there is substituted “2, 3 or 4 weeks”.

7 Standing order 39 (Greffier to prepare order paper) amended

For standing order 39(2)(a) there is substituted –

“(a) include a list of the questions to which a written reply has been tabled since the previous meeting;”.

8 Standing order 40 (Greffier to distribute written answers to questions) amended

In standing order 40 for “is to be tabled at the meeting” there is substituted “has been tabled since the previous meeting”.

9 Standing order 63 (questions with notice to be answered orally) amended

In standing order 63 –

(a) in paragraph (1) for “Up to 2 hours” there is substituted “Up to 2 hours and 20 minutes”;

(b) for paragraph (9) there is substituted –

“(9) If any question has not been asked before the end of the 2 hours and 20 minutes allowed, the member of the States who was due to answer it must provide a written response to the Greffier for distribution as soon as practicable.”.

10 Standing orders 64 (questions without notice to be answered by Ministers) and 66 (duration of periods for questions without notice) amended

(1) In standing order 64 for paragraphs (1) to (3) there is substituted –

- “(1) Up to 45 minutes must be allowed during a meeting for members of the States to ask Ministers questions without giving prior notice of the question.
 - (2) The time allowed is divided into 3 question periods.
 - (3) The Chief Minister must answer questions during the 3rd question period at every meeting.”.
- (2) In standing order 66 for paragraph (2) there is substituted –
- “(2) The 2nd question period is 15 minutes or, if shorter, the time needed for all members of the States wishing to ask a question to have spoken and for those questions to have been answered.
 - (3) The 3rd question period is the balance of the 45 minutes remaining after the conclusion of the 1st and 2nd question periods, or, if shorter, the time needed for all members of the States wishing to ask a question to have spoken and for those questions to have been answered.”.

11 Citation and commencement

This Amendment may be cited as Amendment (No. 51) 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

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