

2.12 Deputy G.P. Southern of the Chairman of the Privileges and Procedures Committee regarding the relevance of the Nolan Test to Article 39A of the Public Elections (Jersey) Law 2002:

Does the Chairman consider that the Nolan Test wherein if in any doubt about the probity or propriety of your actions, you should ask yourself the question: “What would a reasonable observer think?” is relevant to Article 39A of the Public Elections (Jersey) Law 2002?

Connétable J. Gallichan of St. Mary (Chairman, Privileges and Procedures Committee):

Article 39A of the Public Elections (Jersey) Law 2002 will be considered in depth by this Assembly during the debate of Deputy Southern’s proposition P.18/2009 - Public Elections (Jersey) Law 2002 Rescindment of Article 39A. While criminal proceedings are being pursued against Members of this Assembly under Article 39A of the Law and until P.P.C. (Privileges and Procedures Committee) as a whole has considered this issue, I do not feel it would be appropriate for me to express an opinion in relation to this matter. As I informed Members in my answer to a written question put by Deputy Southern on 10th March 2009, the Privileges and Procedures Committee will examine all voting procedures under the Public Elections (Jersey) Law 2002 as part of its work programme for 2009. That will include a review of Article 39, alongside other postal voting procedures. I would simply conclude by reminding Members that Article 39A was approved by a large majority when it was debated last year.

2.12.1 Deputy G.P. Southern:

I do not have a great deal of hope for the next question, nonetheless, I will ask it just to hear the silence that perhaps ensues. Does the chairman consider that breach of Article 39A constitutes undue influence on postal ballot?

The Connétable of St. Mary:

[**Interruption**] I do not believe, Sir, that that is a question that can appropriately be put to me.

2.12.2 Deputy G.P. Southern:

A supplementary if I may. I believe it is entirely appropriate since the current chairman was the rapporteur that introduced Article 39A and certainly was very persuasive in persuading the House to vote with such a majority, including using I believe the words in *Hansard* of “undue influence” around 39A.

The Connétable of St Mary:

It is quite correct that I was the rapporteur for that but we are now facing a situation where a law has been passed by this Assembly and adopted. Breaches of the law are not my concern.