

**WRITTEN QUESTION TO THE CHAIRMAN OF PRIVILEGES AND PROCEDURES  
BY DEPUTY T. PITMAN OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 23rd FEBRUARY 2010**

**Question**

“Given the fact that the requirement for a Member to attend meetings of the States is set out within the Oath found in Schedule 2 to the States of Jersey Law 2005 and paragraph 2 of the Code of Conduct in Schedule 3 of Standing Orders, will the Chairman advise what disciplinary measures, if any, exist to ensure Members carry out their duties as required?”

Would the Chairman advise whether Members leaving the Chamber and indeed the States Building entirely after roll call to pursue non-States matters and to conduct private business is in breach of the above legislation; further still, if none exist will the Committee consider developing disciplinary sanctions to put a stop to this practice?”

**Answer**

First of all, I would like to say that I agree with the sentiments conveyed by this question that not only do all States members have a duty to attend the States meetings at roll call (that is Senators, Deputies and Connétables), but that they are expected to be present throughout the meeting.

The Oath of Office of the Senators and Deputies in the States of Jersey Law 2005 states “that you will attend the meetings of the States whenever you are called upon to do so”. Unlike the States of Jersey Law 1966, which did include the power to impose a small fine at Article 19(1) “Where, by reason of an insufficiency in the number of elected members present at a meeting of the States, the States are unable to conduct their business, the elected members failing to attend the meeting shall each be liable to a fine of one pound ...” the current Law does not do so. In fact, the 1966 fine was never levied because the quorum never fell below the required level.

There is no penalty within the States of Jersey Law 2005 for absence, but Standing Order 155 states that “An elected member shall at all times comply with the code of conduct set out in Schedule 3.” The Code of Conduct then says “Elected members must give due priority to attendance at meetings of the States in accordance with the terms of their oath of office and should be present in the Chamber when the States are meeting unless they have very compelling reasons not to do so.” Not to attend a meeting when called upon to do so is therefore in breach of the Code.

The Oath for Senators and Deputies concludes with the statement “All of which you promise to do on your conscience.” It therefore makes it clear that it is a matter for the member to fulfil his or her duties as a matter of conscience.

The Oath of Office of the Connétables, which the Deputy does not mention in his question, is set out in the Code of 1771, and is somewhat different as they have more extensive rôles. Any breach of the Oath of Office of honorary police officers, including the Connétables, is a matter for the Royal Court and not the States. Nevertheless, the commitment to attend the Assembly is reiterated in the Code of Conduct and absence without compelling reason would also be a breach of the Code. Once again, the Oath of the Connétables calls upon them to “attend the Assembly of the States when it shall be required of you; and all this and your bounden duty you promise upon your conscience to perform.” [translation]

Members’ absence from the States during meetings is a continuing concern of the Committee, and indeed the previous Chairman wrote to all members in 2008 in the following terms –

*“PPC is concerned that despite the requirement in the Code of Conduct that members should be present in the Chamber when the Assembly is meeting unless they have very compelling reasons to do otherwise, attendance during sittings can, on many occasions, be so low that the States become inquorate. .... PPC*

*accepts that members do have legitimate reasons to leave the Assembly during debates to attend to official business and to have normal comfort breaks but PPC must urge all members to be aware of their responsibilities to attend when the States are meeting if at all possible.”*

From a practical perspective, it is simply impossible for the Committee to monitor absence from the Chamber, and the reasons for those absences, such to establish that a member is not performing his or her duties in a responsible manner. This could involve questioning of members as they leave the Chamber which is both inappropriate and could be insensitive. It must be remembered that the Oath says “that you will attend the meetings of the States whenever you are called upon to do so; *and generally that you will fulfil all the duties imposed upon you by virtue of the said office.* All of which you promise to do on your conscience.” [my italics] It is a judgement call for members how they fulfil *all* those duties.

The Committee has no plans at present to introduce disciplinary sanctions for absences from the Chamber. The Code has been drafted on the basis that States members are honourable people, and will attend to their duties to the best of their ability on their conscience. The Code does not drill down to the detail of Members’ conduct but sets guiding principles. It was never envisaged that the PPC would have the rôle of policeman in this matter, but it is within its rôle to encourage members to attend. I would like to take the opportunity to follow up the advice of my predecessor to request members to attend States meetings as they are required to do, to remain present as much as it is possible for them to do so as to be able to consider carefully the matters before this Assembly, and to be present for votes.