

3.17 Deputy T.M. Pitman of the Attorney General regarding attendance by Members at States meetings.

Given that all States Members swear an oath requiring them to attend States sittings, and that members can only be excused if ill, absent on States business or excused attendance, would the Attorney General explain to Members what steps, if any, can be taken to enforce the oath if a Member persistently leaves sittings to attend to private business and whether remuneration could be withheld in these circumstances?

Mr. T.J. Le Cocq Q.C., H.M. Attorney General:

Standing Order 155 provides that elected Members shall at all times comply with the code of conduct contained in schedule 3 of Standing Orders. Paragraph 2 of that code provides: "Elected Members must give due priority to attendance of meetings of the States in accordance with 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. An elected Member who, without compelling reasons to do so, is absent from the States sittings would therefore be in breach of the code." Enforcement of the code of conduct falls within the terms of reference of the Privileges and Procedures Committee as set out in Standing Order 128F: "Where the P.P.C. (Privileges and Procedures Committee) has information that suggests that an elected Member may have acted in breach of the code of conduct, it will inform the Member and investigate the act. At the end of an investigation P.P.C. will form a view as to whether or not there has been a breach of the code and may report its conclusions to the States. The appropriate disciplinary sanction for a breach of the code is a matter for the States. Neither the States of Jersey Law 2005 nor Standing Orders provide for the loss of remuneration, except under Standing Order 164 where a Member has been suspended on a second or subsequent occasion. In my view the States ability to withhold remuneration is limited to those circumstances.

3.17.1 Deputy T.M. Pitman:

Thank you. Like the vast majority of Members I take the oath and my commitment to taxpayers seriously and as a consequence I am a full-time politician, however if individuals are able to treat that oath with what I would say is contempt, is there any legal or constitutional barrier that would prevent what must be seen as a worthless oath, being scrapped?

The Attorney General:

It is not, I think, for me to indicate whether or not an oath should be scrapped. That I think is a matter ultimately for the States Assembly. I would merely observe that many people who take up offices swear oaths before the Royal Court and this oath is specifically referred to in the code of conduct relating to States Members. I do not think I can assist any further on that particular point.

3.17.2 Deputy A.E. Jeune:

Would the Attorney General confirm that what he has already said in relation to this question applies to Members who come in, say they are present and then do not see them for the rest of the session?

The Attorney General:

As I indicated in my answer the code provides that they should be present in the Chamber when the States are meeting. It does not seem to me that the code

anticipates that people would be there at the very beginning but then absent for the rest.

The Deputy Bailiff:

I will say to Members I think we have taken this as far as we can. The Attorney General's responsibility is limited to answering questions of law in this area. He has answered those questions and if there is anything that otherwise Members want to take up about changes to the law that is something to deal with the chairman of the Privileges and Procedures Committee. We come to question 18. For formal sake, Deputy Trevor Pitman, is there nothing else that you wish to ask the Attorney General to clarify in relation to his response?

3.17.3 Deputy T.M. Pitman:

One point, Sir, yes. We have ample computer facilities, et cetera, where people can work, I just wondered if there is any difference between someone being downstairs, I do not do it much, working or someone being off running a private business?

The Deputy Bailiff:

That is not a matter for the Attorney General, it is a matter for the Privileges and Procedures Committee.