
STATES OF JERSEY



TIME LIMITS ON SPEECHES IN DEBATES: GUIDANCE ON THE EXERCISE OF DISCRETION

Presented to the States on 8th January 2021
by the Privileges and Procedures Committee

STATES GREFFE

REPORT

The Privileges and Procedures Committee has agreed that, for ease of future reference, the policy guidance in respect of how and when discretion may be exercised in the application of time limits during debates should be presented to the States. Guidance was previously provided to States members as an appendix to [Draft Amendment \(No. 47\) of the Standing Orders of the States of Jersey \(P.109/2020\)](#), which was adopted by the States Assembly on 7th October 2020. The current guidance presented below incorporates updates made subsequent to the adoption of P.109/2020 to reflect the response provided to [Written Question 383/2020](#).

Time limits on speeches in debates

Guidance on the Exercise of Discretion

Introduction

Standing Order 104A governs the time limits that apply to the speeches given by members of the States during debates. A time limit of 15 minutes applies, unless the Presiding Officer has exercised discretion, either to allow a member to speak for longer than 15 minutes or to implement a shorter time limit than this for the entirety (or parts) of a debate.

In accordance with Standing Order 104A, this guidance has been issued by the Bailiff, having consulted with the Privileges and Procedures Committee, to explain how the Presiding Officer will exercise discretion for longer speeches or implement a shorter time limit than 15 minutes.

A copy of Standing Order 104A has been appended.

Speeches of longer than 15 minutes

Discretion may be exercised by the Presiding Officer in the following circumstances to allow for speeches of longer than 15 minutes –

1. Where the member speaking is designated as the ‘main respondent’ to the debate. The identity of this main respondent will depend on the subject of the proposition and the identity of the proposer. The following table provides examples of main respondents who would potentially be identified for certain types of debate –

Type of Debate	Potential Main Respondent
Ministerial Policy / Legislation	Chair of the relevant Scrutiny / Review Panel
‘Backbench’ Policy / Legislation	Relevant Minister or Chair of the relevant body (e.g. PPC or SEB)
Scrutiny Policy / Legislation	Relevant Minister or Chair of the relevant body (e.g. PPC or SEB)

On occasion, there may be more than one Minister, or more than one Chair, who is identified as the ‘main respondent’. If there is doubt as to which is the relevant Minister(s), the Presiding Officer shall take the advice of the Chief Minister. If there is doubt as to which is the relevant Scrutiny Panel or Review Panel, the Presiding Officer shall take the advice of the President of the Scrutiny Liaison Committee.

The main respondent in each debate will be announced by the Presiding Officer prior to the start of the debate. The main respondent’s ability to make a longer speech than the time limit during the debate may be delegated, in the same way that the making of a proposition may be delegated under Standing Order 68A.

2. Where a number of technically complex points need to be made during the speech.
3. Where the subject of the debate is especially emotive and further time is required by an individual member to complete his or her speech.
4. In instances when the Assembly is meeting remotely, or when some members are attending remotely, where a member has experienced technical difficulties when participating remotely.

Requests to the Bailiff to make a speech longer than 15 minutes should be made before the debate begins. Members should e-mail the Bailiff to request permission to extend the length of their speech beyond the standard time limit, setting out their reasons for doing so with reference to this guidance. In making such a request, members are not required to provide a copy of the speech they intend to make.

Members should not make a request by speaking or raising a point of order in the Assembly, as this would not provide the Presiding Officer with an appropriate amount of time to consider the matter.

Speeches with a shorter time limit than 15 minutes

A shorter time limit than 15 minutes may be implemented in the following circumstances –

1. Once the Assembly has been informed by a member of the States, under Standing Order 84, of his or her intention to propose that the proposition being debated is put to the vote.
2. Where it appears to the Presiding Officer that the debate on a proposition can be concluded by 5.15 p.m. (i.e. not including the reply of the proposer).

In order to determine whether to implement a shorter time limit in such circumstances, the Presiding Officer will ask members to indicate whether they intend to speak during the debate.

Conclusion

The decision of the Presiding Officer to enforce the 15-minute time limit on speeches cannot be challenged, although members may raise points of order where there is a need for a ruling from the Presiding Officer on a related matter. Any member wishing to amend this guidance should write to the Bailiff and to the Privileges and Procedures Committee, although any member also has the option, if necessary, of bringing a proposition to the Assembly for debate.

Appendix – Standing Order 104A Time limits on speeches in debates

- (1) A speech by a member of the States in a debate must not exceed 15 minutes in length unless the presiding officer has exercised discretion to allow the member to speak for longer.
- (2) However, the presiding officer may exercise discretion to implement a shorter time limit than 15 minutes for speeches made during the entirety of, or parts of, a debate.
- (3) The Bailiff, after consultation with the Privileges and Procedures Committee, must issue guidance explaining how the presiding officer may exercise discretion under paragraphs (1) and (2).
- (4) The length of a member's speech shall not be taken to include –
 - (a) any time required to address a point of order or a matter of privilege or immunity raised under standing order 101(1)(a);
 - (b) any time during which the member speaking has agreed to give way in accordance with standing order 101(1)(c);
 - (c) any time required for the member to explain any material part of his or her speech in accordance with standing order 103(2)(d); or
 - (d) any time required during the member's speech for questions to be put to the Attorney General or the Solicitor General.
- (5) No time limit under this standing order applies, in a debate upon a proposition of no confidence in or to censure, suspend or expel a member of the States, to a speech made by the member who is the subject of the proposition or by the chair or president of the committee or panel which is the subject of the proposition.