

KS

PRIVILEGES AND PROCEDURES COMMITTEE

(59th Meeting)

(Business conducted by electronic mail)16th March 2020**PART A (Non-Exempt)**

All members were present, with the exception of Connétable C. H. Taylor of St. John.

Deputy R. Labey of St. Helier, Chairman
 Connétable A.S. Crowcroft of St. Helier
 Deputy J.M. Maçon of St. Saviour
 Deputy M.R. Le Hegarat of St. Helier
 Deputy C.S. Alves of St. Helier
 Deputy J.H. Perchard of St. Saviour

In attendance -

Dr. M. Egan, Greffier of the States
 K.L. Slack, Principal Committee and Panel Officer

Note: The Minutes of this meeting comprise Part A only.

Members to be able to be present and vote via the means of electronic communication in exceptional circumstances – draft Standing Order change.

A1. The Committee received a draft Amendment to the Standing Orders of the States of Jersey and accompanying Explanatory Note and Report, which addressed the possibility of the States Assembly being unable to function because a quorum, *viz* 25 Members, could not physically gather together.

The Committee was mindful that the COVID-19 pandemic could result in the States Assembly being unable to meet, because Members were ill, required to self-isolate, or restrictions had been placed on gatherings of more than a certain number of individuals. The quorum for the States Assembly was set out in Article 15 of the States of Jersey Law 2005, which provided that:

‘The States shall be lawfully constituted and may conduct any business which it is in their power to conduct if there are present no less than one half of the elected members.’

The Committee recalled that Members’ presence at meetings of the States was recorded via 2 roll calls and, in accordance with the provisions of Standing Order 55, if the States was inquorate at the end of the 2nd roll call, the Presiding Officer could suspend the meeting, or close the meeting altogether. This was not a frequent occurrence, because the oaths of office of Members required them to attend meetings of the States when they were called upon to do so and the Code of Conduct required them to be present when the States were meeting unless they had ‘very compelling reasons’ not to do so.

The Committee further recalled that it occasionally held its own meetings by the medium of electronic mail when it was not possible for all members to gather together and this was also the case for other Committees and Panels. The proposed Amendment to Standing Orders would extend this way of operating to the whole Assembly if a state of emergency had been declared under the Emergency Powers and Planning (Jersey) Law 1990, or the Bailiff considered that it might not be possible to convene a quorate meeting of the States in view of substantial risk to the health of Members, or any other person. It was noted that it was intended to address the issues posed by the COVID-19 pandemic and to enable the Assembly to continue to function, without compromising Members' health, but could be adaptable to any future challenges facing the Island.

The Committee noted that a Member would still be required to attend a meeting of the States, unless unable to do so because they were required to self-isolate, or restrictions had been placed on gatherings. They would be able to declare that they wished to follow the proceedings remotely and when their name was called out during the second roll call, the Presiding Officer would declare that they were '*présent(e)*'. Such Members would be able to ask a question, participate in the debate, vote and contribute to the proceedings of the States in the same way as those of the Members who were physically present at the meeting. This could potentially be done by making arrangements for Members to submit written contributions that would be displayed on screens and included in the formal Hansard of the meeting. It was envisaged that those Members who were not physically present would need to follow the proceedings remotely for the whole duration of the meeting, although it was accepted that it would be impossible to verify if this was, in fact, the case.

The Committee approved the draft Amendment to Standing Orders and requested officers to arrange for it to be lodged '*au Greffe*' for debate by the States Assembly at the earliest possible juncture.