

STATES OF JERSEY



DRAFT STATES OF JERSEY (MISCELLANEOUS PROVISIONS) LAW 201- (P.176/2010): SECOND AMENDMENT (P.176/2010 Amd.(2)) – COMMENTS

**Presented to the States on 12th January 2011
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

Senator Le Gresley is proposing a minor change to the transitional arrangements for the election of Senators by suggesting that the 4 Senators elected in October 2014 should only be elected to May 2015 and not to May 2019 as proposed by PPC in the draft Law.

When considering the appropriate transitional arrangements, PPC considered this alternative to its own proposal, but concluded that it was inappropriate to hold a full Island-wide Senatorial election where the 4 successful candidates would only be elected for a matter of months. Standing in a Senatorial election can involve a significant cost for candidates, and it would be unfair on candidates and difficult to justify holding such an election where the term of office would only be some 6 months. In addition, a 6 month term of office may be unattractive for many candidates and this could restrict the field of candidates and therefore affect the result. PPC nevertheless recognises the argument brought forward by Senator Le Gresley that there would be merit in attempting to move to a full spring general election by May 2015 rather than having to wait until 2019. PPC considers that it is therefore a matter for individual members to consider whether they believe that the benefits of an early spring general election outweigh the disadvantage of electing Senators for a very short period on this one occasion. PPC's own view is that its own transitional arrangements would be preferable to Senator Le Gresley's amendment and does not therefore support his proposal.

PPC accepts that it is unfortunate that any transitional Senatorial election has to be held in October 2014, but would remind members that the Committee has received very clear legal advice in the past that it is simply not possible to extend the term of office of an elected member after his or her election. As the term of office of Senators elected in October 2008 will expire in October 2014, there is no alternative but to hold some form of election at that time. Members who are concerned about the disruptive impact of the 'one-off' transitional senatorial election have the option of supporting Senator Ozouf's alternative proposal as set out in his amendment (P.176/2010 Amd.(4)).