

AG/SC/080

PRIVILEGES AND PROCEDURES COMMITTEE

(25th Meeting)

19th March 2014**PART A**

All members were present, with the exception of Deputy J.A. Martin, Deputy M. Tadier and Deputy J.H. Young, from whom apologies had been received.

Deputy J.M. Maçon, Chairman
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Connétable L. Norman of St. Clement

In attendance -

M.N. de la Haye, Greffier of the States
 A.C. Goodyear, Clerk to the Privileges and Procedures Committee

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

Draft Public
 Elections
 (Expenditure
 and Donations)
 (Jersey) Law
 201-
 459(1)

A1. The Committee received the draft Public Elections (Expenditure and Donations) (Jersey) Law 201-.

The Committee noted that the Law would replace, on a permanent basis, the Public Elections (Expenditure and Donations) (Jersey) Regulations 2011 which were due to expire in July 2014. The Committee recalled that it had always been intended that permanent legislation would be introduced if the regime instituted by the Triennial Regulations worked effectively. The regulation of expenses was considered to have worked well in the two 'general' elections and the three by-elections that had taken place since the bringing into force of regulations in 2008 and the legislation had accordingly been drafted. The draft Law contained little modification to the existing Regulations and covered five main areas, namely the imposition of a limit on expenditure, the requirement for a declaration of the amounts spent and the source of the funding, rules on the receipt of gifts and donations, the regulation of third party expenditure during election campaigns and the consequences of failing to comply with the Law.

The Committee had particular regard for Article 18, which provided that, if a person who had been successful in an election was convicted under the Law, that person would, once all appeal routes had been exhausted, lose their seat and a by election would be called. The provision was intended to provide a significant deterrent in respect of any deliberate attempt to break the regulation. It was noted that the disqualified person would not be prevented from standing again. With regard to the disqualification provisions, the Committee discussed whether the Royal Court should have discretion to decide whether a person should be disqualified, however, it was agreed that this would not be appropriate.

The Committee, having considered the draft legislation, as well as legal advice regarding the compatibility of the Law with the European Convention on Human Rights, agreed that it should be lodged '*au Greffe*' for debate by the States in early course. The Committee Clerk was requested to take the necessary action.

Review of the
role of the
Bailiff.
499/3(22)

A2. The Committee, with reference to its Minute Nos. A8 of 6th March 2014 and A1 of 12th December 2013, recalled that it had received electronic correspondence from Deputy M. Tadier which had requested that members consider undertaking a visit to Westminster to meet with the Speaker of the House of Commons to discuss the role of Speaker.

Deputy Tadier had proposed that the visit be undertaken in the light of the proposition of the Connétable of St. Helier entitled 'Elected Speaker of the States' (P.160.2013 refers), which was scheduled to be debated by the States on 29th April 2014. In this regard, it was noted that the Chairman of the former review panel on the role of the Crown Officers, Lord R. Carswell, would visit Jersey on 27th March 2014 to give a presentation in respect of the review panel's December 2010 report 'The Review of the Role of the Crown Officers', which report included the recommendation that the Bailiff should cease to act as President of the States and the States should elect their own President, either from within or from without the ranks of their members.

The Committee was of the view that information should be obtained in respect of the role of the Speaker in a range of parliaments in various jurisdictions so as to inform the forthcoming debate. It was considered that a meeting with one or more Speakers might be of greater assistance following the decision of the States in respect of the proposition. It was accordingly agreed that the Committee would not seek to arrange a meeting with the Speaker of the House of Commons at this time. The Committee Clerk was requested to take the necessary action.