

# STATES OF JERSEY



## SENATORS AND DEPUTIES: REMOVAL OF CITIZENSHIP REQUIREMENT (P.75/2020) – AMENDMENT

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Lodged au Greffe on 7th July 2020  
by Deputy M. Tadier of St. Brelade

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STATES GREFFE

SENATORS AND DEPUTIES: REMOVAL OF CITIZENSHIP REQUIREMENT  
(P.75/2020) – AMENDMENT

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**1 PAGE 2, PARAGRAPH (a) –**

For the words “Senators and Deputies” substitute the words “Senators, Connétables and Deputies”.

**2 PAGE 2, PARAGRAPH (b) –**

After the words “States of Jersey Law 2005” insert the words –

“and the Connétables (Jersey) Law 2008; and”.

**3 PAGE 2, NEW PARAGRAPH (b) –**

After paragraph (a) insert the following new paragraph and re-designate the subsequent paragraph accordingly –

“(b) that a person should have a continuous period of residence of 5 years, and be “entitled for work” under Regulation 4(2)(a) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013, to be eligible to stand for election as a Senator, Connétable or Deputy;”.

DEPUTY M. TADIER OF ST. BRELADE

**Note:** After this amendment, the proposition would read as follows –

**THE STATES are asked to decide whether they are of opinion –**

- (a) that the requirement that **Senators, Connétables and Deputies** must be British citizens should be removed;
- (b) **that a person should have a continuous period of residence of 5 years, and be “entitled for work” under Regulation 4(2)(a) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013, to be eligible to stand for election as a Senator, Connétable or Deputy; and**
- (c) to request the Privileges and Procedures Committee to bring forward the necessary legislative changes to the States of Jersey Law 2005 **and the Connétables (Jersey) Law 2008.**

## REPORT

There are two amendments.

The **first**, I trust will be uncontroversial. It would make sense that, if we are going to change the nationality requirement for candidates, it should apply to those standing for *all* categories of States Member, including Constables.

The **second** amendment is slightly more philosophical in nature, but I hope, still, fairly straightforward.

### **Jersey Citizenship vs British Citizenship**

In essence, I am asking that if we do remove the British Nationality requirement, that a longer qualifying period should be introduced: that candidates should have lived here 5 years rather than only 2 years.

Personally, I am relaxed about the need for *any* length of residence for candidates as it is ultimately the voting public who should and do decide which candidates are successful. However, I have been convinced to take two points into account which seem germane to the wider argument.

The first is a technical argument to do with employment law. Jersey has a long-standing policy that most jobs require people to have been in Jersey for 5 years to be employed. This is also the case in the public sector, although exceptions are made where there is no 'qualified' person on Island to do the job. Some have pointed out that it is inconsistent that no such rule exists for standing for the job of States Member.

The second argument relates to the idea of the States Assembly as the Parliament for the Bailiwick of Jersey. We are not the British Parliament. We do not make laws and policy for the whole of Great Britain, but for our Island and our people. So, whilst it is quite common for a citizenship requirement to be a pre-condition to seeking election in many countries, it is usually citizenship that is relevant to that jurisdiction. It can be argued, intelligently, that to be a Jersey politician, you should (simply) have to be a *Jersey citizen*.

In the absence of a formal or legal status of Jersey citizen, I would seek to look at what the current 'norms' are. After 2 years, a person can vote. Nationality is not an issue. After 5 years, one can work, and claim income support assistance. After 10 years, a person can freely rent and own property. All this without the need for being a British Citizen.

Similarly, a person can work as a police officer, even if they are not British. They do need to be a Jersey citizen, however, with 5 years residency (under normal circumstances). They will still take an oath to the Queen/Monarch and the fact that they may not have British nationality is not an impediment to enforcing Jersey laws, because they are Jersey Citizens and Jersey Police officers.

The same would be the case for any successful candidate who did not have British nationality. After 5 years, they would be *Jersey qualified*. They would take the oath of office and they would, amongst other things, make Jersey laws for Jersey residents. They would represent Jersey people of all nationalities, in their respective constituencies. They would be Jersey people representing the Jersey public. That is, at least, how I would see it.

Arguably, someone who has been in the island for more than 5 years, from Madeira, Poland, Portugal, Ireland, Romania, France, Italy, the Philippines, India, Australia, Canada (to name but a few places), might be better placed to be a States Member than someone who has been here for only 2 years from one of the 'home nations'.

### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from the adoption of this proposition.