

# **STATES OF JERSEY**

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## **COMPOSITION OF THE STATES: REVISED STRUCTURE AND REFERENDUM (P.75/2007) – SECOND AMENDMENT**

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Lodged au Greffe on 3rd July 2007  
by Deputy J.A.N. Le Fondré of St. Lawrence

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**STATES GREFFE**

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*In paragraph (c), for the word “voting” substitute the words “eligible to vote”.*

DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE

## REPORT

The changes that we are debating today, will, if adopted, be some of the most far-reaching reforms upon the body that governs this Island since (possibly) the 1948 introduction of Senators. To an extent, they are as radical, as they entail the loss of that position, and may (depending upon the results of the debate and any amendments) entail the loss of the connection between Deputies and their Parishes.

To me this is a fundamental reform, and one of great importance. Accordingly I am concerned that there is a possibility that a low turnout in any referendum does not give a clear mandate to these reforms. The Assembly could then be left in the invidious position of having to interpret the results of such a poll. As an example, what will be the position if the turnout is 48%, and 60% of those voting support the proposals? That would actually only result in just under 29% of the electorate being in favour of the proposals. This would not, in my view, be a clear demonstration of the demand for adoption of any proposed reforms, and could, in my view, severely damage them were they to be enacted after such a result.

In the corporate world there are different ways of dealing with matters pertaining to the activities or structure of a company. A 'special resolution' is required where it is intended (for example) to change the name of the company, or to alter the rules which govern the activities or powers of that company. In order for such a resolution to be adopted, not less than 75% of the members (shareholders) of the company must vote for that resolution, i.e. 75% of those entitled to vote. It has always been my understanding that the purpose of this rule is to ensure that where a fundamental change to the company is being proposed, it is recognised in Law that it requires more than just a simple majority of members for it to be successful, i.e. because it is a fundamental change it requires a clear majority in order for it to be adopted.

Realistically I do not believe that such a proposal would be acceptable to the majority of the Assembly. However it seems very clear to me, both from a transparency perspective, and from a democratic perspective, that if we are going to perform a referendum over any proposals, then the outcome must be determined by a majority of those entitled to vote, in order to give a positive signal to any proposed reforms.

There are no financial or manpower implications for the States arising from this amendment.