

PRIVILEGES AND PROCEDURES COMMITTEE

(2nd Meeting)

11th January 2006**PART A**

All members were present.

Connétable D.F. Gray of St. Clement - Chairman  
 Senator S. Syvret  
 Senator M.E. Vibert  
 Connétable K.A. Le Brun of St. Mary  
 Deputy G.C.L. Baudains  
 Deputy C.H. Egre  
 Deputy J. Gallichan

In attendance -

M.N. de la Haye, Greffier of the States  
 Mrs. A.H. Harris, Deputy Greffier of the States  
 P. Monamy, Senior Committee Clerk

Note: The Minutes of this meeting comprise Part A and Part B.

- Minutes. A1. The Minutes of the meeting held on 19th December 2005 (Part A only), having been previously circulated, were taken as read and were confirmed.
- Matters arising - future work programme. 465/1(69) A2. The Committee, with reference to its Minute No. A4 of 19th December 2005, recalled that, whereas it had agreed that Senator S. Syvret be appointed to deal with the Freedom of Information legislation, it had also been agreed that the Senator should be responsible for investigating Election Expenses.
- This was confirmed.
- Draft Public Elections (Jersey) Law 2002 (Appointed Day) (No. 2) Act 200 and draft Public Elections (Amendment) (Jersey) Regulations 200-. 424(1) 424/1(1) A3. The Committee considered the draft Public Elections (Jersey) Law 2002 (Appointed Day) (No. 2) Act 200 and draft Public Elections (Amendment) (Jersey) Regulations 200-, together with Explanatory Notes and explanatory reports.
- The Committee noted that the Appointed Day Act would bring certain provisions of Articles 6 and 7 of the Public Elections (Jersey) Law 2002 into force on 21st March 2006, relating to the setting out in electoral registers and the annual statements to be sent out to each dwelling as part of the process of updating the registers. The Act would also bring into force Article 7(1)(b) of the Law on 1st January 2007 (in time for the sending out of the annual statements for the year 2007), which Article required the annual statements to recite the names that already appeared in respect of each dwelling on the register currently in force.
- The Committee further noted that the object of the Regulations was to prescribe the form of annual statement to be sent out to households by Connetables under Article 7 (1) of the Law when they gathered the information to be included or updated in the electoral registers for their parishes.

The Committee was informed that the Comité des Connetables had, on 9th January 2006, agreed the draft legislation; and that in terms of workload, the parishes wished to send the forms out towards the end of March 2006, which was why the legislation was to be brought into force on 21st March, following what was hoped would be their adoption by the States on 14th March 2006.

**The Committee, having noted that neither projet would have financial or manpower implications for the States, accordingly approved the draft legislation, Explanatory Notes and explanatory reports, decided to lodge them ‘au Greffe’ on 12th January 2006 and requested that they be taken into consideration by the States on 14th March 2006.**

**Deputy J. Gallichan of St. Mary was appointed as rapporteur.**

“Senators and  
Deputies: Terms  
of  
Office” (P.227/2004) -  
Deputy A,  
Breckon.  
422/2(23)

A4. The Committee considered a report and proposition entitled “Senators and Deputies: Terms of Office” (P.227/2004 - lodged ‘au Greffe’ by Deputy A. Breckon on 14th December 2004).

The Committee was advised by the Chairman that Deputy Breckon had indicated that he was giving consideration either to withdrawing the projet or else seeking a date for debate some 6 months hence.

In any event, the Committee agreed that it would wish to consider the timing of public elections and the length of office of States members; and that this should initially be on the basis of a paper which took account of the views of all members of the Committee, with the matter being referred to a Sub-Committee thereafter.

**Members were asked to submit their contributions to the Greffier of the States by no later than 25th January 2006, on the basis that the issues involved would be considered at its March meeting.**

Appointment  
process for  
Ministers, etc:  
review -  
questionnaire.  
465/1(69)

A5. The Committee, with reference to its Minute No. A4 of 19th December 2005, considered a report prepared by the Greffier of the States concerning the proposed review of the appointment process for Ministers, and Chairmen of Committees, etc.

The Committee gave consideration to the draft of a questionnaire which would be sent to all States members to ask for their feedback before the Committee undertook its review to see if changes should be proposed for the future and, having amended it in a number of respects, **agreed that it should be distributed electronically forthwith.**

**The Committee decided that responses would be requested to be provided by 25th January 2006, on the basis that it would wish to consider the matter at its March meeting.**

Electoral  
expenses:  
questionnaire.  
424/2(22)

A6. The Committee, with reference to its Minute No. A4 of 19th December 2005, recalled that it had agreed that it would like to investigate postal voting and the limitation of electoral expenses.

The Committee agreed that it would be minded to send a questionnaire to all States members to ask for their feedback as to the total amount each member had spent on their respective election campaigns, as well as a breakdown by category of expenditure - together with an indication of any ‘assistance in kind’ (as opposed to any financial support) which might have been received. It was to be emphasised that the information to be provided would not be reported to the States, but rather would

inform the Committee's consideration of the matter to enable it to ensure a 'level playing field' for all future candidates and to provide transparency for voters.

**The Deputy Greffier of the States undertook to circulate a draft questionnaire to members of the Committee.**

**Deputy C.H. Egre undertook to discuss with the Data Protection Registrar potential data protection considerations, and it was agreed that it would be desirable for the Data Protection Registrar to attend upon the Committee at its March meeting.**

Draft  
Administrative  
Decisions  
(Review)  
(Amendment  
No. 2) (Jersey)  
Law 200-  
(P.195/2005) and  
Amendment of  
Deputy F.J. Hill  
of St. Martin.  
1386/4(16)

A7. The Committee considered the draft Administrative Decision (Review) (Amendment No. 2) (Jersey) Law 200 (P.195/2005 - lodged 'au Greffe' by the Committee on 13th September 2005), together with an Amendment which was being proposed by Deputy F.J. Hill of St. Martin.

The Committee welcome the Deputy of St. Martin to the meeting and discussed with him the Committee's projet and his Amendment thereto. The Deputy outlined his amendments, as follows -

1. To allow for the complainant to request either of the Deputy Chairmen of the Administrative Appeals Panel to review the Chairman's decision that the circumstances did not justify review by a Board;
2. To provide for the Administrative Appeals Board to issue procedural rules on the manner and timescale in which the parties should submit documentation to the Board and the manner in which hearings would be conducted, and to place an onus on the Greffier of the States to ensure that all parties to the complaint were made aware of the rules;
3. To allow for the Board to reconvene and address issues surrounding new evidence or information which came to light after the Board has released its findings, on the basis that the complainant would be required to request such reconvening within one month of the information being provided

**The Committee, having decided that the abovementioned amendments appeared to be reasonable, agreed that it was prepared to accept them, subject to final scrutiny by the Greffier of the States in conjunction with the Law Draftsman. The Committee noted that the Deputy proposed to lodge his Amendments 'au Greffe' in due course.**

**The Committee further agreed that it would be desirable for the reconstituted Committee to meet the Chairman and members of the Administrative Appeals Panel in the near future.**

"Freedom of  
Information:  
proposed  
legislation" (P.72/2005)  
and "Code of  
Practice on  
Public Access to  
Official  
Information:  
measures to

A8. The Committee recalled that a copy of "Freedom of Information: proposed legislation" (P.72/2005) and "Code of Practice on Public Access to Official Information: measures to improve implementation" (P.80/2005) had been circulated to members.

The Committee further recalled that it had agreed that Senator S. Syvret be appointed to deal with the Freedom of Information legislation, and the Senator undertook to provide Committee members with a copy of such relevant correspondence as he had received to date. It was noted that the draft Freedom of Information (Jersey) Law 200- had not yet been sent out for consultation and that

improve  
implementation” (P.80/2005).  
955(37)  
955(32)

submissions on the Law would be invited in due course.

**The Committee decided that its February meeting would be primarily devoted to the subject of Freedom of Information and that a transcript of the States debate on P.72/2005 (held on 6th July 2005) should be included on the agenda for that meeting. In addition, the Assistant Law Draftsman responsible for the draft Freedom of Information Law would also be invited to attend upon the Committee.**

**The Committee agreed that it would wish to aim to lodge ‘au Greffe’ (and, if possible, debate) the draft Law prior to the Summer recess (18th July 2006).**

Freedom of  
Information:  
proposed  
legislation -  
Jersey Financial  
Services  
Commission.  
670/1(1)

A9. The Committee, with reference to its Minute No. A8 of this meeting, noted correspondence between the Director General, Jersey Financial Services Commission and the former Deputy J-A. Bridge and Senator P.F.C. Ozouf concerning aspects of the future Freedom of Information Law.

The Committee recognised that the Commission had expressed the hope that -

- (a) it would be provided with sufficient time to prepare for the Freedom of Information Law (it was noted that the Commission was not presently subject to the Code of Practice on Public Access to Official Information);
- (b) exemptions from the Freedom of Information Law would balance the need for public access to information and proper regard for the legitimate expectation that information collected under regulatory legislation would be kept confidential and outside the public domain; and
- (c) full regard would be had by the States for the additional resourcing that was likely to be required at the Commission based on the experience of the Financial Services Authority under the Freedom of Information Act.

States roll call:  
Deputy P.N.  
Troy.  
1240/9/1(132)

A10. The Committee noted correspondence from Deputy P.N. Troy concerning the States roll call, wherein he expressed concern at the present position whereby a member could be marked as ‘absent de l’Ile’ on States business whilst others might be marked as being ‘en défaut’ if they were out of the Island for other reasons (such as medical appointments or in other private or personal circumstances).

The Committee recognised that Standing Order 52(2) provided that if an elected member was absent from Jersey on States’ business or unable, through illness, to attend the States meeting -

- (a) any other elected member might, when the absent member’s name was called, declare the reason for his or her absence; and
- (b) the Greffier should record the absence and the reason for it in the minutes.

Standing Order 52(3) provided that if an elected member was absent for any other reason -

- (a) any other elected member might, when the absent member’s name is called, declare the reason for his or her absence and ask the States to agree that the reason for the absence is such that the absent member

might be excused; and

- (b) if the States agree, the Greffier should record the absence and that the member if excused.

Standing Order 53(4) provided that if an elected member was not present when his or her name was called and he or she had not been declared absent on States' business or unable, through illness, to attend, or excused, the Greffier should record in the minutes that the member is 'en défaut.'

**The Committee agreed that the present arrangements appeared to be satisfactory and that members' attention should be drawn to the relevant Standing Orders, including Standing Order 54(1), which provided that if an elected member recorded in the minutes as absent or excused subsequently entered the Chamber, the Greffier should record in the minutes the time at which he or she becomes aware of, or his or her attention was drawn to, the member's arrival; and Standing Order 54(2) and (3), which provided for the 'default' on an elected member to be raised following a proposal by another member.**

**The Greffier of the States was requested to respond to Deputy Troy accordingly.**

Code of Conduct  
for Elected  
Members of the  
States:  
explanatory  
leaflet.  
1240/9/1(110)

A11. The Committee considered a draft leaflet setting out the procedure that should be followed if it were to be considered that a States member might have breached the Code of Conduct for Elected Members of the States.

**Having considered whether Item No. 6 in the Code ("Public comments etc. regarding a States' employee or officer") might need to be revisited in the event that it were to be determined that it was non-compliant with the Human Rights (Jersey) Law 2000, the Committee approved the leaflet and asked that it be produced and a copy sent to all States members.**

List of  
documents:  
background  
information.

A12. The Committee noted a list of documents which had been provided to members of the Committee to provide background material for their information.

"The Role of the  
Electoral Register  
in Decision  
Processing": Data  
Protection  
Commissioner.  
424/2(34)

A13. The Committee noted a report, dated January 2006, which had been prepared by the Data Protection Commissioner entitled "The Role of the Electoral Register in Decision Processing."

**The Committee agreed that the document should be discussed with the Data Protection Commissioner at its March meeting.**

States Building  
(Royal Court and  
States Chamber):  
proposal for  
guided tours.  
1060/5(239)

A14. The Committee considered a proposal from a Blue Badge guide for the organisation of guided tours of the States Building on a regular basis.

The Committee recognised that an approach had been received by the Bailiff's Chief Officer and the Greffier of the States and, although the matter was not one solely for the Committee to determine, it was considered that it would be helpful to have the Committee's views on the proposal.

Having noted that the main historical interest lay in the Royal Court and States Chamber, including the Bailiff's mace, the Committee recognised that access to the mace would be entirely at the discretion of the Bailiff. It was considered that it might

not be appropriate to grant access to certain working areas of the building, although this was a matter for discussion with the Bailiff's Chief Officer and the Greffier.

It was considered that the possibility that the Committee might itself wish to open the States Building to the public on 3 or 4 occasions a year and that visitors might be conducted by States members should be further investigated.

**The Committee accordingly agreed in principle that the States Chamber and the other historical elements of the States Building should be opened up to regular tours under the auspices of the Blue Badge Scheme, subject to further discussion between the Bailiff's Chief Officer and the Greffier of the States.**

Matters for information.

A15. The Committee noted the following matters for information -

- (a) the Chairman, having recalled that Article 3 of the States of Jersey Law 2005 provided that if both the Bailiff and Deputy Bailiff were "unable to preside at a meeting of the States, the Bailiff shall choose an elected member, the Greffier of the States or the Deputy Greffier of the States to preside at the meeting", suggested that it might be appropriate for a States member, rather than the Greffier or Deputy Greffier, to preside; and that such members might benefit from relevant training. The Committee suggested that it would be most appropriate for the Chairman or the Deputy Chairman of the Privileges and Procedures Committee to preside in the absence of the Bailiff or Deputy Bailiff;
- (b) the Chairman raised a number of matters in connection with the Bailiff's mace, including the difficulty which sometimes arose when members were obscured from the Bailiff's vision and were unable to attract his attention during the proceedings. It was considered that this problem might relatively easily be overcome if the mace were to be laid horizontally, rather than vertically as at present;
- (c) the Chairman reported that an "All Party Group on the Channel Islands" was to be established at Westminster. It was agreed that it would be appropriate for this matter to be handled by the Privileges and Procedures Committee rather than the Council of Ministers, in view of the former's parliamentary role. The Committee agreed that this matter should be included on the agenda for its February meeting;
- (d) the Chairman reported that it had been agreed with the Chief Minister's Department that political responsibility for the British-Irish Inter-Parliamentary Body (BIIPB) should rest with the Privileges and Procedures Committee. The Committee agreed that this matter should be included on the agenda for its February meeting;
- (e) the Committee confirmed that its next meeting would be held on Wednesday, 8th February 2006, commencing at 9.30 a.m. in the Le Capelain Room, States Building, Royal Square, St. Helier.