

STATES OF JERSEY



SELECTION OF ELECTED MEMBER TO PRESIDE AT STATES MEETINGS

Lodged au Greffe on 5th October 2024
by Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter
Earliest date for debate: 21st January 2025

STATES GREFFE

PROPOSITION

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

to agree that –

- (a) in accordance with Article 3(2) of the States of Jersey Law 2005, the Bailiff should choose an elected member to preside at meetings of the States if both the Bailiff and Deputy Bailiff are unable to preside;
- (b) prior to the Bailiff choosing an elected member to preside at meetings of the States, the Privileges and Procedures Committee should seek nominations from elected members who would be willing to undertake the role and, if more than one nomination is received, arrange for a ballot of elected members to take place no later than 31st March 2025 in order that the Bailiff can be advised of the opinion of elected members on this matter;
- (c) the Privileges and Procedures Committee should determine the procedure for the submission of nominations and the conduct of the ballot, and make the results publicly available;
- (d) the Chief Minister, a Minister, an Assistant Minister, or the Chair of a Committee or Panel may not be nominated;
- (e) the Greffier of the States or the Deputy Greffier of the States should only preside at meetings of the States if the Bailiff, Deputy Bailiff, and the elected member chosen by the Bailiff are all unavailable; and
- (f) the Privileges and Procedures Committee should bring forward the necessary legislative amendments, and amendments to Standing Orders, to formalise this process during 2025, including making provision for the resignation or removal by the States of the elected member who is chosen to preside if the Bailiff and Deputy Bailiff are unavailable.

DEPUTY I.J. GORST OF ST. MARY, ST. OUEN AND ST. PETER

REPORT

This proposition seeks to enact a provision in the [States of Jersey Law 2005](#) which allows the Bailiff to choose an elected member to preside at meetings of the States if both the Bailiff and Deputy Bailiff are unavailable, and to require that the elected member chosen should preside ahead of the Greffier or Deputy Greffier. This would amend the existing practice of reverting immediately to the Greffier or Deputy Greffier when the Bailiff and Deputy Bailiff are unavailable.

So far as I am aware, the Bailiff has not chosen (certainly in the current Assembly) an elected member to preside at States meetings on any occasion when both he and the Deputy Bailiff are unavailable. This is despite that power being available in Article 3(2) of the States of Jersey Law. Whilst I am unsure of the reasons why an elected member has not been chosen, it would be understandable if the Bailiff felt that to do so would cause him to enter the political sphere, and thus it has been simpler to revert instead to the Greffier or Deputy Greffier.

The proposition therefore gives the Bailiff renewed and specific authority from the current Assembly to choose an elected member to preside. Prior to this decision being made, the proposition provides for a nomination process and a ballot of elected members to take place no later than 31st March 2025 (overseen by the Privileges and Procedures Committee (“PPC”)) in order that the Bailiff can be advised of members who would be willing to undertake the role, and the opinion of States Members on any such nominations. In the interests of transparency, the results of the ballot would be public.

It is intended that this will assist the Bailiff in choosing an elected member under Article 3(2) of the 2005 Law, allowing him to take a decision which he knows has the consent of elected members.

It is clear that certain elected members who are holders of other offices should not preside at meetings of the States. This certainly applies to members of the executive. The proposition therefore specifies that Ministers and Assistant Ministers may not be nominated for this purpose. Similarly, Chairs of Panels or Committees already hold a role appointed by the Assembly, including for the purposes of Scrutiny, the Public Accounts Committee, and PPC. It would not be preferable for members holding such positions to also preside at States meetings.

Whilst this proposition would allow for an elected member to be chosen in relatively short order (no later than 31st March 2025), amendments to the States of Jersey Law and Standing Orders are needed to embed this practice as a regular feature of the Assembly’s operation in future. This is demonstrated by the fact that the existing provisions have not been utilised. PPC are therefore asked to bring forward the necessary changes to legislation and Standing Orders to formalise the arrangements set out in the proposition, in order that an elected member can routinely be chosen to preside at States meetings when the Bailiff and Deputy Bailiff are unavailable. How this is delivered in future should be an open conversation with members which, in my view, it is PPC’s role to lead. Importantly, this should include provision for the resignation or removal by the States of the elected member who is chosen, to mirror arrangements for other office holders.

I hope members will agree to utilise and build upon existing legislative provisions in the manner proposed.

Financial and staffing implications

There are no additional resource implications that would arise as a consequence of this proposition being adopted.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.