

# STATES OF JERSEY



## REMOTE PARTICIPATION WITHIN THE STATES ASSEMBLY FOR THE PURPOSE OF ELECTION OF A CHIEF MINISTER OR MINISTER

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Lodged au Greffe on 12th January 2024  
by Deputy M.R. Scott of St. Brelade  
Earliest date for debate: 6th February 2024

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STATES GREFFE

## **PROPOSITION**

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

to agree, in accordance with Standing Order 167, that the ruling of the Bailiff dated 28th September 2020 should be reviewed and that, further to the adoption of ‘Vote of No Confidence: Chief Minister’ (P.1/2024), any elected Member absent from Jersey, as a result of any travel arrangement made by that elected Member prior to the date P.1/2024 was lodged, will be permitted to participate remotely in the subsequent meetings to select a Chief Minister designate and other Ministers in the resultant new Council of Ministers.

DEPUTY M.R. SCOTT OF ST. BRELADE

## REPORT

It is important for representative democracy that States Members attend States sittings to debate important issues.

Normally, States Members are able to foresee when States sittings will be and arrange their work and family vacations to ensure they will be present in the States Chamber for States sittings. This is because the dates reserved for sittings are determined and provided to States Members by the States Assembly's Privileges and Procedures Committee well in advance.

An 'unforeseen circumstance' has been created by Proposition P.1/2024, which has brought a vote of no confidence (VONC) against the Chief Minister.

This is because, for most States Members, the bringing of Proposition P.1/2024 and its timing for debate was 'unforeseen'. So was the timing of the subsequent States sittings that would be required to be held under [Part 6 of the States Assembly's Standing Orders](#) to elect a new Chief Minister and other Ministers should the VONC be successful. The [process](#) triggered by a successful VONC requires the elections to be held during the ten days or so following the VONC.

This means that some States Members, prior to the lodging of P.1/2024, made travel arrangements to be out of the Island, despite having made reasonable efforts to be present at States sittings.

Despite the former States Assembly having approved [P.63/2022](#), which provides that Members may participate in States meetings using the remote system from outside the Island, these Members either will be:

- a) excluded from participating in the subsequent election of the Chief Minister and Ministers even if they make themselves available to attend the relevant sittings remotely; or
- b) required to cancel travel and family vacation arrangements for a reason that is not covered by insurance arrangements and without recompense.

This is because of guidance issued by the Bailiff on 28<sup>th</sup> September 2020 (a copy of which is provided in the Appendix to this Report) in accordance with P.63/2022 which stated that 'the remote participation provisions do not provide a general permission to participate from anywhere other than the island and the usual provisions for absence, such as being away on States business or otherwise, should apply'

[Standing Order 167\(3\)\(b\)](#) enables the States Assembly to review this decision 'upon a proposition lodged for the purpose'. This Proposition therefore seeks such a review in the context of the unforeseen circumstance described in this Report to enable remote participation in the exceptional States meetings Standing Orders would require to be held should the States Assembly support the VONC.

**Financial and staffing implications**

There are no financial and staffing implications of which I am aware given that the facility for remote participation in meetings by States Members already exists.

## APPENDIX



## FILE NOTE

### **Ruling by Presiding Officer concerning presence on island of Members of the Assembly participating in meetings remotely**

At the close of the sitting of the Assembly on Friday last 25 September I was asked to rule on whether or not it was permissible for Members of the Assembly to participate in and vote in meetings remotely even if they were not present in the island at the time. My ruling at that time was that it was not permissible.

Until the beginning of the Covid 19 pandemic Members would, of course, have always been in the island in order to participate in meetings. The advent of the pandemic, however, caused the Assembly to introduce new procedures which permitted Members to participate remotely.

In my judgment the reason for the change of procedure, was entirely to allow Members who were isolating or who were otherwise for health reasons or requirements of social distancing unable to attend in the Assembly, to participate remotely online. The variation in the procedures of the Assembly were for that purpose only and did not in my view extend to a general permission to participate from anywhere in the world.

The matter was not formerly raised before me and therefore, until Friday last, I had not considered the possibility nor expressed a view about Members participating remotely whilst out of the island. Having now been asked to do so, I repeat my ruling made on Friday. It appears to me that the remote participation provisions do not provide a general permission to participate from anywhere other than the island and the usual provisions for absence, such as being away on States business or otherwise, should apply.

That being said, I accept that the position prior to this ruling could have been misinterpreted. Accordingly I do not think that, if a Member has participated from outside of the island remotely using the system set up for remote participation, then that Member's participation, by vote or speaking in the Assembly would have been obviously irregular.

However, in the future, the ruling does apply with full vigour and Members may only participate in States meeting using the remote system if they are otherwise in the island.

Should a more permissive regime be required then that is a matter for PPC.

**TJLeC**