

STATES OF JERSEY



PUBLIC ELECTIONS: EXTENSION OF ELIGIBILITY CRITERIA

Lodged au Greffe on 26th September 2024
by Deputy M. Tadier of St. Brelade
Earliest date for debate: 22nd October 2024

STATES GREFFE

PROPOSITION

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

- (a) that the requirement that Constables and Deputies must be British citizens should be removed; and
- (b) to request the Privileges and Procedures Committee to bring forward the necessary legislative changes in time for the 2026 elections.

DEPUTY M. TADIER OF ST. BRELADE

REPORT

‘If at first you don’t succeed, try, try and try again.’ – *Robert the Bruce*

Jersey prides itself on being a welcoming and outward-looking community that has made the most of a mixture of talent and ingenuity from those born locally and those coming in from elsewhere, who have also made Jersey their home.

Great steps have also taken place over recent years and decades for Jersey and its institutions to become more inclusive, diverse and representative of the wider Jersey community.

One example of this was when changes were made to eligibility for Jury Service. In 2000, the Legislation Committee lodged ([P.89/2000](#)) the result of which was to give the ability for non-British nationals to serve on a Jersey jury. Jury service was not so much seen as a ‘right’ that ought to be extended to non-Brits but, if anything, a civic responsibility for which all residents (generally speaking) may be called upon to perform.

In their accompanying report to the amendment, the Committee said: *“There is no reason to think that a determination of fact can be reached more objectively or intelligently by a person who holds a British passport than it can by a person who does not.”*

Other barriers which once existed for foreign nationals taking up certain roles or responsibilities in Jersey were also gradually removed.

Extension of Voting Rights - 1994.

Before 1994, non-British Jersey residents were disenfranchised. Many residents who had lived here for decades, who were qualified to work, buy and rent property, were not previously allowed to have a say in how the Island was run. This was seen to be unfair, and the nationality requirement was removed when the Legislation Committee of the day lodged the Draft Franchise (Amendment No. 5) (Jersey) Law 199- (P.104/1994) (to extend voting rights to non-British nationals.

States of Jersey Police - Changes to eligibility.

Prior to 2004, there was ambiguity in the law as to whether non-British nationals could serve in the States of Jersey Police. In reality, recruitment only took place from amongst British Nationals. On 27th January 2004, the Home Affairs Committee lodged the [Draft Police Force \(Amendment No. 10\) \(Jersey\) Law 200- \(P.9/2004\)](#). The attached report read *“... the principal purpose of the draft Law is to remove any ambiguity concerning the ability of a person who is not a British national to take the oath of office as a member of the States of Jersey Police Force”*; and *“... it places it beyond doubt that the oath may be taken by persons who are not British nationals, whilst preserving the association with the Crown.”*

Meritocracy, Inclusion and Diversity.

Most right-thinking people will probably tell you that they don’t place so much importance on characteristics such as race, nationality, sexual orientation, age or gender:

when it comes to someone's potential to do a job, it is what skills, experience and knowledge they have to offer that counts. This should also be the case for political office.

When it comes to entering the political arena, the primary concern of a candidate should be if they have enough of these skills to offer in public service, not whether they have been able to pass a nationality test asking who Robert the Bruce is, what colour a Beefeater's uniform is or in which of the home nations the Giant's Causeway can be found (for example). The only test that should be necessary is the electoral test – and that is one that will ultimately be answered by the electorate in their constituency.

Financial and staffing implications

Financial and staffing implications would be limited to Legislative Drafting time – in this instance relatively simple drafting as it would relate to the removal, rather than the inclusion of clauses.

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.

Appendix

I have included a short reflection of the history relating to the wider struggle for equality. As it was 100 years ago exactly that Jersey women were first permitted to stand for election to the Assembly, it felt appropriate that a reflection the parallels with the women's equality movement has with the subject of this proposition.

The wider struggle for equality

Our [States of Jersey Assembly website](#) tells us that women over 30 were first given the right to vote in 1919, and later that year the voting age was lower to 21. However, women still did not have the right to stand for election.

The same webpage tells us that, *'when Caroline Trachy attempted to stand for election in St. Helier in 1922 she was prevented from doing so, it remained **illegal** for women to sit in the States. Mrs Trachy established the Women's Jersey Political Union to campaign to end this injustice.'*

However, things were soon to change for the better: Following a petition, started by Mrs Trachy , which had 671, 'on 21st March 1924 the Assembly agreed that women who were British subjects and aged over 30 could stand for election as Deputies' – subject to certain other conditions (of course!)

We are now 100 years on, and it is Jersey's women in our community who are legally prevented from standing vote, but our **non-British residents**.