

STATES OF JERSEY



DRAFT AMENDMENT (No. 15) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Lodged au Greffe on 9th March 2011
by the Privileges and Procedures Committee

STATES GREFFE



Jersey

DRAFT AMENDMENT (No. 15) OF THE STANDING ORDERS OF THE STATES OF JERSEY

REPORT

These amendments to Standing Orders give effect to the decision of the States taken on 2nd February 2011 to adopt the proposition of Senator P.F. Routier “Standing Orders: Minimum Lodging periods – revision” (P.194/2010) as amended by the amendment of the Deputy of St. Martin.

Standing Order 2 in this set of amendments amends the minimum lodging periods set out in Standing Order 26 in line with the decision taken by the States on 2nd February 2011. The current 2 week and 6 week lodging periods remain, with the addition of a new category of a 4 week lodging period which will apply to any propositions in relation to appointments, any draft legislative Acts (normally Appointed Day Acts), any draft Standing Orders and any proposition lodged by a private member unless it is one to which a 2 week or 6 week lodging period applies. The 2 week lodging period will be reserved for what may be described as “disciplinary” matters, such as the dismissal of a Minister or votes of no confidence, censure, etc. The 6 week lodging period will apply to all draft legislation to be debated by the States and any proposition lodged by the Council of Ministers, Ministers or a Committee or Panel, unless the proposition is one covered by specific matters set out for the 2 or 4 week lodging period. During the drafting of these amendments, the opportunity has been taken to simplify the list of matters set out in the 6 week lodging period which previously, for example, specified the need for a 6 week lodging period for the Strategic Plan, even though the States of Jersey Law 2005 requires this to be lodged by the Council of Ministers and there is therefore no doubt that it is already covered by the provisions relating to the 6 week lodging period.

PPC gave consideration to the timescale for amendments to the new category of propositions covered by the 4 week lodging period. PPC noted that during the debate Senator Routier, who proposed the new category, commented that he did not see any need to extend the one week lodging period for amendments which currently applies to propositions with a 2 week lodging period and PPC shares this view. As a result, the minimum lodging periods for amendments to propositions with a 4 week lodging period will be one week, with a period of 4 days for amendments to those amendments.

Standing Order 3 inserts a new Standing Order 37A in Standing Orders to give effect to the decision of the States taken on 2nd February 2011 when adopting the amendments of the Deputy of St. Martin to Senator Routier’s proposition. The

Deputy's amendment specified that any comments on a proposition should be submitted to the Greffier for printing and distribution no later than noon on the Friday in the week proceeding the week in which the debate was to take place. The Deputy expressed understandable concern when proposing his amendment about the late submission of comments on many occasions which meant that members did not have time to consider the comments in detail.

During the debate on the Deputy of St. Martin's amendment, concern was expressed that the rules in Standing Orders should not be so restrictive that late comments would not be officially be presented to the States. PPC initially suggested in its comments that the noon Friday deadline should be a guideline and not a formal requirement of Standing Orders, but this view was not shared by the Assembly, which adopted the amendment. PPC has therefore taken careful account of views expressed during the debate and tried to find a pragmatic solution in this amendment to Standing Orders.

New Standing Order 37A will apply when a draft comment is submitted to the Greffier after noon on Friday in the week preceding the debate (on the assumption that the next States meeting will begin on Tuesday and that there are no public holidays intervening). If a late comment is received, the Greffier will still be able to print and circulate it in the normal way provided that it includes a statement explaining why it has been given to the Greffier later than the normal noon deadline. In this way, any comments that are late for a legitimate reason will still be able to be presented and become part of the official record, but the requirement for the explanation of the reasons for late submission will hopefully encourage Ministers and others to treat late comments very much as an exceptional matter. To ensure that the requirement to give an explanation becomes mandatory, new Standing Order 37A(3) provides that the Greffier cannot circulate any comment that is submitted to him later than noon on Friday unless it includes the statement.

Financial and manpower implications

There are no additional financial or manpower implications arising from these amendments to Standing Orders.

Explanatory Note

These amendments make 2 substantive amendments to the Standing Orders of the States of Jersey.

Amendment 1 provides for the interpretation of references to standing orders in these Amendments.

Amendment 2 amends standing order 26. The amendment increases from 2 to 4 weeks the minimum lodging period required for 3 descriptions of proposition –

- a proposition for appointment to a tribunal or public office;
- a draft legislative Act or draft standing orders; and
- a proposition lodged by a States member in his or her own right and which is not already subject to a minimum lodging period of 6 weeks.

The minimum lodging periods for amendments to propositions that are themselves subject to a 4 week minimum lodging period are the same as for amendments to propositions that are subject to a 2 week minimum lodging period.

Amendment 3 inserts standing order 37A. Standing order 37A applies to the presentation of comments relating to a proposition. If a comment is only given to the Greffier of the States after noon on the penultimate working day before the start of the States meeting at which the proposition is to be debated, the Greffier shall only distribute the comment, and the comment is only treated as having been presented, if the comment includes an explanation why it was given to the Greffier after that noon deadline, and not before.

Amendment 4 provides for the citation and commencement of these Amendments.



Jersey

DRAFT AMENDMENT (No. 15) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Arrangement

Regulation

1	Interpretation	9
2	Standing order 26 amended.....	9
3	Standing order 37A inserted.....	10
4	Citation and commencement.....	10



Jersey

DRAFT AMENDMENT (No. 15) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Article 48 of the States of Jersey Law 2005¹,
have made the following amendments to Standing Orders –

1 Interpretation

In these amendments, a reference to a standing order is to the standing order of that number in the Standing Orders of the States of Jersey².

2 Standing order 26 amended

In standing order 26 –

(a) for paragraphs (3) and (4) there shall be substituted the following paragraphs –

“(3) A minimum lodging period of 2 weeks applies to the following propositions –

- (a) a proposition lodged by the Chief Minister under Article 21(5) of the Law for dismissal of a Minister;
- (b) a proposition that the States have no confidence in any person or body;
- (c) a proposition for the censure of any person or body;
- (d) a proposition that a member of the States be suspended from the service of the States or expelled from the States.

(3A) A minimum lodging period of 4 weeks applies to the following propositions –

- (a) a proposition for the appointment of any person to any tribunal or to any public body or office;
- (b) a draft legislative Act or draft standing orders;
- (c) a proposition lodged by a member of the States in his or her own right and to which neither paragraph (3) or (4) applies.

-
- (4) A minimum lodging period of 6 weeks applies to the following propositions –
- (a) a draft Law or draft Regulations;
 - (b) a proposition lodged by –
 - (i) the Council of Ministers,
 - (ii) a Minister,
 - (iii) the PPC,
 - (iv) the PAC,
 - (v) the chairmen’s committee,
 - (vi) a scrutiny panel,
 - (vii) any other committee or panel established by standing orders,
 - (viii) the Comité des Connétables, or
 - (ix) the States Employment Board,and to which neither paragraph (3) or (3A) applies.”.
- (b) in paragraph (5)(a) for the words “2 weeks” there shall be substituted the words “2 or 4 weeks”.

3 Standing order 37A inserted

After standing order 37 there shall be inserted the following standing order –

“37A Presentation of comment relating to a proposition

- (1) This standing order applies where a comment relating to a proposition is given to the Greffier after noon on the penultimate working day before the day the meeting at which the proposition is to be debated commences.

EXAMPLE: If the meeting commences on a Tuesday, this standing order applies where a comment is given to the Greffier after noon on the preceding Friday (assuming that there are no public or bank holidays intervening).
- (2) The comment must include a statement as to why it has been given to the Greffier after noon on that day and not before.
- (3) If it does not, the Greffier shall not take the action described in standing order 37(2) and the comment shall not be taken to have been presented.”.

4 Citation and commencement

These amendments may be cited as Amendment (No. 15) of the Standing Orders of the States of Jersey and shall come in to force on the day after they are made.

-
- ¹ *chapter 16.800*
² *chapter 16.800.15*