

STATES OF JERSEY



COMPOSITION OF THE STATES: REDUCTION IN NUMBER OF SENATORS – REFERENDUM

Lodged au Greffe on 31st December 2010
by Senator F.E. Cohen

STATES GREFFE

PROPOSITION

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

- (a) to agree that a referendum in accordance with the Referendum (Jersey) Law 2002 should be held, prior to any reduction in the overall number of Senators in the States;
- (b) to agree that the text of the question should be –
“1. Do you agree that the number of Senators should be reduced from 12 to 8?
YES NO ”;
- (c) to request the Chief Minister to take the necessary steps to implement the referendum.

SENATOR F.E. COHEN

REPORT

The fundamental principle of any reform of the system of representation in a democracy is that the proposed reform must improve the democratic representation of the jurisdiction. Reform of the mechanism of representation must be endorsed by the electorate as the potential negative consequences of a parliament enacting reform without reference to the electorate is repeatedly evidenced in the annals of history.

The proposal to reduce the number of Senators to 8 reduces the island-wide representative franchise and in my view is a principle that should only be sanctioned in a democracy by the electorate itself.

The role of Senator is sometimes thought of as a modern introduction; however that is not the case. The 12 Senators were introduced by the States of Jersey in 1948 as a direct replacement for the 12 Jurats who, until that time, had sat in the States in addition to carrying out their judicial functions. Most importantly the 12 Jurats were elected by an island-wide franchise.

The principle of the island-wide mandate dates back many centuries. In the earliest times the Jurats were elected only by the King's officials and landowners but it was nonetheless an island-wide franchise. By the time of the Code of 1771 the Jurats had come to be elected by island-wide popular franchise.

As the States Assembly emerged in later centuries it comprised 12 Jurats with an island-wide mandate, the Connétables with a parish mandate and the Rectors representing the Church.

In the 1850s the first 14 Deputies were elected with a parish mandate similar to that of the Connétables and 3 more Deputy seats were created in 1907.

After the Occupation, the reform movement responded to Islanders' thirst for electoral reform and in 1946 a States committee was established to review the options. Importantly this States' committee, whilst proposing that Jurats be elected for 6 years rather than for life, did not propose any change in the island-wide mandate as represented by the 12 Jurats.

Subsequently the King established a Privy Council committee to review the reforms. This committee chaired by Viscount Samuel recommended the replacement of the island-wide elected Jurats with 12 similarly elected Senators, elected for a term of 6 or 9 years. Jurats henceforth would sit only in the Royal Court and be elected by an electoral college, and they would no longer have any political function.

The States Assembly implemented the Privy Council committee's recommendations and replaced the Jurats with 12 Senators elected for 9 years. The terms were staggered to ensure smoother change by establishing that 4 Senators would henceforth be elected every 3 years. Of the newly elected Senators, 5 were former Jurats.

In 1966 the term of Senator was reduced to 6 years with 6 Senators being elected every 3 years, thus again maintaining a staggered approach.

The purpose of outlining this brief history is to demonstrate unequivocally that the principle of 12 representatives being elected to the States on the basis of an island-

wide franchise is many centuries old. Its roots in fact lie in the customs established 800 years ago.

The States evolved as a democratic assembly balancing the parochial franchise with 12 members holding an island-wide franchise. For many centuries the island-wide franchise was represented by the 12 Jurats and latterly by the 12 Senators.

It is my contention that any reduction in the number of representatives elected by island-wide franchise is a decision of the upmost importance and should not be made by the Assembly alone. It strikes at the root of our balanced democracy and the electorate deserves a say in whether or not such a change in our ancient system is in the best interests of our community.

I therefore propose that if the number of Senators is to be reduced by a decision of the States that such a decision should only be implemented subject to a positive endorsement of the proposal by a general referendum

Financial and manpower implications

As our system of elections and managing referenda is based on our longstanding tradition of honorary service the cost of implementing this referendum should be limited to the cost of additional officer time, printing and associated costs.