

STATES OF JERSEY



AMENDMENTS TO STANDING ORDERS – WRITTEN QUESTIONS

**Lodged au Greffe on 10th March 2022
by the Privileges and Procedures Committee
Earliest date for debate: 25th April 2022**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion to make the following amendments to the Standing Orders of the States of Jersey, with immediate effect –

1. Standing Order 11 [Submission of question to be answered in writing]

After paragraph (4), insert –

“(4A) Despite paragraph (3), in a year in which an ordinary election is held, no written questions may be submitted during the period starting with the first week during which, in accordance with Standing Order 7, the States shall not meet and ending with the week during which the selection of Ministers takes place.”

2. Standing Order 12 [Written reply to question]

For paragraph (4), substitute –

“(4) If the questioner believes that the reply contravenes paragraph (2A) and wishes to take the opinion of the Bailiff on the matter –

- (a) the questioner must refer the matter to the Bailiff before 12.45 p.m. on the meeting day of the meeting for which the order paper lists the question in accordance with standing order 39(2)(a);
- (b) the Bailiff must give his or her opinion no later than 9.30 a.m. on the working day after the day on which the matter was so referred; and
- (c) if the Bailiff is of the opinion that the answer contravenes paragraph (2A), the Bailiff must inform the member of the States who gave the reply and direct that member to submit an answer to the question that does not contravene paragraph (2A) no later than 9.30 a.m. on the working day after the day in sub-paragraph (b).”

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT

The Privileges and Procedures Committee is proposing two amendments to the Standing Orders of the States of Jersey; first, regarding the prohibition of Written Questions during the Election Period and, secondly, an extension to the deadline for challenging the relevance of the response to a Written Question.

The Election Period

Written Questions are currently submitted on a weekly basis whilst the States are in session. The two sessions are defined in Standing Order 3 and effectively run from January to July and from September to December. When the current system of Written Questions was introduced (with the move to a 3-weekly meeting cycle), it was on a trial basis and consideration was not given at the time to how the system would work during an election year.

Standing Orders do not currently prevent the submission of Written Questions during the Election Period; whereas there are restrictions during that period on meetings of the Assembly (Standing Order 7) and on members' ability to lodge propositions (Standing Order 19A). Meetings cannot be held from the week before the week in which candidates are announced; and propositions cannot be lodged from 2 months before the nomination period for candidates. In 2022, this means the last week in which a standard meeting of the Assembly could be held is the week of 2nd May 2022 and that (unless determined as urgent and of public importance) propositions may not be lodged after 10th March 2022.

The Committee has proposed an amendment to Standing Order 11 (Submission of question to be answered in writing) that would prevent Written Questions from being submitted during the Election Period. Within this amendment, the prohibition on Written Questions would align with the prohibition on Assembly meetings, so that no written responses were received after the time when the Assembly is able to meet under Standing Order 7. In practice, this would mean the last week for Written Questions for this Assembly would be the week of 25th April 2022 – with responses to be published on Tuesday 3rd May 2022 (accounting for the Bank Holiday Monday).

In terms of the lifting of the prohibition on Written Questions, this would be when the new Council and Scrutiny Chairs were in place. This would make the first deadline Monday 18th July 2022 (albeit that Committee membership would not yet have been determined) and would allow for one week of Written Questions before recess began and the Assembly was no longer in session.

Challenging the relevance of a response to a Written Question

From the survey of members undertaken in 2021 about Written Questions, there was a clear majority who wished an extension to the deadline for challenging the response to a Written Question. At present, a challenge must be made by 12.45 p.m. on the day after the response is received. But with the weekly cycle of questions, members have commented that it can be difficult to keep track of when the deadline for a particular Written Question falls.

The Committee has proposed an amendment (also to Standing Order 12) to allow for challenges to be made until 12.45 p.m. on the first meeting day after the response has been received and published.

In accordance with Standing Order 39, the Order Paper must include a list of the questions to which a written reply has been tabled since the previous meeting. With the Consolidated Order Paper circulated on Monday afternoon before the start of a Tuesday meeting, this would provide a practical prompt for members that a challenge could be made to any Written Question listed on the Order Paper – by 12.45 p.m. on the first meeting day. With the 3-weekly meeting cycle and the fact Written Questions may be submitted on a weekly basis, this would mean, however, that there was more time to challenge the answers of some questions than there would be for others (depending on when during the 3-week period between meetings that the Written Question had been submitted).

Financial and manpower implications

There are no financial and manpower implications for the States arising from adoption of these amendments to Standing Orders.