

STATES OF JERSEY



DRAFT AMENDMENT (No. 12) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Lodged au Greffe on 19th August 2009
by the Privileges and Procedures Committee

STATES GREFFE



Jersey

DRAFT AMENDMENT (No. 12) OF THE STANDING ORDERS OF THE STATES OF JERSEY

REPORT

These amendments give effect to the 'in principle' decision taken by the States on 16th July 2009 to amend the procedure relating to the ballot held for oral questions with notice. On that occasion the States, in unanimously adopting a proposition of Deputy Montfort Tadier of St. Brelade, agreed that Standing Orders should be amended to establish a system of 2 ballots to introduce greater fairness into the listing of oral questions with notice. Amendments 2 and 3 of these amendments give direct effect to the States' decision in relation to this matter. It should be noted that the current discretion of the Bailiff under Standing Order 14(2) and (3) to allow a question to be moved to a different place in the order of questions is not affected by these amendments. In practice that discretion has virtually never been used and the Bailiff would undoubtedly, in practice, require very compelling reasons to agree to vary the order resulting from the ballot.

Amendments 5 and 6 make a small change to Standing Orders to reflect current practice. Standing Order 39 lists the matters that must be included on the principal Order Paper which is issued on the Thursday before a States meeting. When the Standing Orders were first drafted in 2005 it was anticipated that the deadline for the submission of oral questions with notice would be noon on the Friday before the Sitting and it was not therefore anticipated that these questions could be listed in the principal Order Paper which would have been issued the previous day. Following the adoption of an amendment lodged by Senator Syvret during 2005, the deadline for the submission of oral questions was brought forward to noon on the Thursday before a meeting, and it is now current practice to include the full text of the oral questions in the principal Order Paper, in the order in which they are to be answered following the ballot. Amendment 5 therefore requires the Greffier to include the text of the oral questions on the principal Order Paper (as already happens in practice at the moment) and Standing Order 41 (which previously required the Greffier to circulate the text of the oral questions before a meeting without specifying how that should be done) is now superfluous and will be revoked through Amendment 6.

Amendment 4 makes an unrelated change which PPC believes is appropriate. At present any Draft Standing Orders must be lodged for a 6 week period, which is the period that also applies to Draft Laws or Draft Regulations. In practice, changes to Standing Orders often follow an 'in principle' decision of the States, as happened with the decision earlier this year to extend oral question time from 90 minutes to 2 hours and, once again, in the present case with the agreed changes to the ballot procedures.

Once the States have agreed an 'in principle' change to their own internal procedures, it seems inappropriate that a further 6 week period is required before a debate can take place. In Amendment 4, PPC is therefore proposing that the minimum lodging period for Standing Orders be changed to 2 weeks in common with matters such as Draft Appointed Day Acts. It should be stressed that the period is a minimum one, and in the case of any significant amendments to Standing Orders that had not previously been agreed 'in principle', it is likely that PPC or other members would wish to have a slightly longer lodging period. Nevertheless, in the case of minor amendments that have already been agreed 'in principle', this change should hopefully reduce the frustration that members may feel in having to wait a considerable period before any changes they have already agreed can become effective.

Financial and manpower implications

There are no financial or manpower implications for the States arising from this Draft Amendment to Standing Orders.

Explanatory Note

Amendment 1 is the interpretation provision.

Amendment 2 enables a person who gives notice of 2 questions to be answered orally to indicate which of those questions should take priority in the order of questions.

Amendment 3 requires the Greffier to hold 2 ballots to determine the order of questions to be answered orally. One ballot is for any of the following questions – a question which the questioner has indicated should take priority, a question listed or submitted first by the questioner on giving notice where the questioner has given no indication of priority, and a question where the questioner has asked a single question only. The second ballot consists of all other questions. Questions in the first ballot are to be answered before questions in the second ballot.

Amendment 4 changes the minimum lodging period for draft standing orders from 6 weeks to 2 weeks.

Amendment 5 requires the order paper to include the text of questions to be answered orally in the order in which they are to be answered. Consequently, *Amendment 6* revokes the general requirement for the Greffier to circulate the text of questions to be answered orally before the start of a meeting.

Amendment 7 is the citation provision and provides that the amendments will come into force 7 days after they are made.



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Arrangement

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DRAFT AMENDMENT (No. 12) 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 Orders² –

1 Interpretation

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

2 Standing order 13 amended

In standing order 13 –

- (a) after paragraph (5) there shall be inserted the following paragraph –
“(5A) A questioner may, when giving notice of a second question, indicate that one question is to take priority over the other question.”;
- (b) in paragraph (6) for the words “the question” there shall be substituted the words “a question”;
- (c) in paragraph (7) in the opening words for the words “the question” there shall be substituted the words “a question”.

3 Standing order 14 amended

In standing order 14 –

- (a) for paragraph (1) there shall be substituted the following paragraphs –
“(1) If, after the Bailiff has approved the questions of which notice has been given or ruled them out of order –
 - (a) there remain 2 or more of any of the following questions to be answered orally at the meeting –

- (i) a question by a questioner who has given notice of one question only,
 - (ii) a question which the questioner has indicated under standing order 13(5A) is to take priority over the questioner's other question, and
 - (iii) a question listed or submitted first by a questioner who has given notice of 2 questions and has not given an indication of priority under standing order 13(5A),
- the Greffier shall, in the presence of another person, draw lots to determine the order in which such questions are to be answered at the meeting during the 2 hours allowed;
- (b) there remain 2 or more questions to be answered orally at the meeting, such questions not falling within any of the descriptions of question in paragraph (1)(a)(i) to (iii), the Greffier shall, in the presence of another person, draw lots to determine the order in which such questions are to be answered at the meeting during the 2 hours allowed.
- (1A) Subject to the Bailiff's discretion under paragraph (3), any question to be answered orally at the meeting falling within any of the descriptions of question in paragraph (1)(a)(i) to (iii) shall be answered before any question to be answered orally at the meeting not falling within such description.”.

4 Standing order 26 amended

In standing order 26 –

- (a) in paragraph (3)(f) after the words “draft legislative Act” there shall be added the words “or draft standing orders”;
- (b) for paragraph (4)(a) there shall be substituted the following sub-paragraph –
 - “(a) a draft Law or draft Regulations;”.

5 Standing order 39 amended

In standing order 39 after paragraph (2)(g) there shall be added the following sub-paragraph –

- “(h) include the text of questions to be answered orally at the meeting in the order in which they are to be answered.”.

6 Standing order 41 revoked

Standing order 41 shall be revoked.

7 Citation and commencement

These amendments may be cited as Amendment (No. 12) of the Standing Orders of the States of Jersey and shall come into force 7 days after they are made.

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- ¹ *chapter 16.800*
² *chapter 16.800.15*