

KS/SB/128

PRIVILEGES AND PROCEDURES COMMITTEE

(31st Meeting)

(Business conducted by electronic mail)25th April 2019**PART A (Non-Exempt)**

All members were present, with the exception of Deputy S.M. Wickenden of St. Helier, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman
 Connétable A.S. Crowcroft of St. Helier
 Connétable C. H. Taylor of St. John
 Deputy J.M. Maçon of St. Saviour
 Deputy M.R. Le Hegarat of St. Helier
 Deputy C.S. Alves of St. Helier

In attendance -

W. Millow, Assistant Greffier (Chamber)
 K.L. Slack, Clerk to the Privileges and Procedures Committee

Note: The Minutes of this meeting comprise Part A only.

Elected
 Speaker and
 Deputy
 Speaker of the
 States
 Assembly:
 selection and
 appointment
 (P.31/2019) –
 amendment –
 comments.
 465/1(210)

A1. The Committee, with reference to its Minute No. A1 of 5th April 2019, recalled that it had previously presented comments on the Proposition of Senator S.Y. Mézec, entitled ‘Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment (P.31/2019)’, which was due to be debated on 30th April 2019.

The Committee noted that the Connétable of Grouville had since lodged an Amendment to P.31/2019 to the effect that if the Proposition was to be approved by the States Assembly, it should have no effect unless a referendum was held and the majority of people voting were opposed to the Bailiff remaining as the President of the States.

Although the Committee had no comment on the substance of the Amendment, it wished to make Members aware of the timing implications of adopting the same. If Senator Mézec’s Proposition was to be approved by the States Assembly, without amendment, the Committee was tasked with bringing forward all the necessary actions in order for a Speaker and Deputy Speaker to be elected on 22nd October 2019.

If the Connétable’s Amendment was adopted, the Committee would be required to lodge a draft Referendum Act, to enable the referendum to take place. The very earliest that the Committee could achieve this would be for the meeting on 18th June 2019. According to the provisions of Article 6 of the Referendum (Jersey) Law 2017, a minimum of 3 months had to elapse between the making of the Referendum Act and the holding of the referendum. As a consequence, if the relevant Act were to be made on 18th June, the referendum could not take place before 18th September 2019.

The Committee was mindful that if, in the referendum, the electorate voted against the Bailiff remaining as the President of the States and even if the relevant legislation had

been prepared and lodged for debate by the States Assembly on a date after 18th September, it would not receive Royal Assent in time for it to be brought into force before 22nd October 2019.

This could give rise to the scenario where the Assembly had adopted a Proposition and agreed to elect a Speaker and Deputy Speaker on a specific date, but this could not be achieved. This situation could be addressed if the Assembly debated and approved the relevant legislation before the referendum took place. Subject to the outcome of the referendum, the legislation could then be brought into force by way of an Appointed Day Act. However, the Committee accepted that this course of action might be unpalatable for some Members.

The majority of the Members of the Committee approved the Comments for presentation to the States. Connétable C.H. Taylor of St. John and Deputy M.R. Le Hegarat of St. Helier dissented. The Assistant Greffier (Chamber) was instructed to take the necessary action.