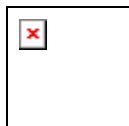


**CONSTITUTION AND MEMBERSHIP OF THE STATES: REFERENDUM (P.147/2001) - COMMENTS**

---

**Presented to the States on 26th February 2002  
by the Policy and Resources Committee**

---



**STATES OF JERSEY**

**STATES GREFFE**

150

2002

P.147 Com.(3)

Price code: A

## Comments

Senator Le Claire has proposed that any constitutional change to the role of the Bailiff, or to the position of senators and connétables as members of the States, should not be implemented until and unless the proposed changes have been made the subject of a referendum. In this connection it should be noted that the legislation to enable the holding of a referendum is not yet in place. The States agreed in March 2001 that the Legislation Committee should bring forward legislation to establish an appropriate legal framework for the holding of referenda, and the drafting of this legislation has been added to the Legislation Programme for 2002. The Legislation Committee will clearly need time in which to prepare this legislation and submit it to the States for approval, and it may well be another year or more before the new Law comes into effect. This means that it will not be possible to hold a referendum for some considerable time, and this could have the effect of significantly delaying reforms to the machinery of government.

The issues to which Senator Le Claire has referred in his proposition are complex, and the Committee does not believe that they can be reduced to a straightforward question requiring a “yes/no” answer. This is not a single issue, such as the question of whether or not Britain should join the Common Market, and it would therefore be necessary to pose a series of questions. Many of the issues relating to the composition and election of the States Assembly are inter-linked, and the questions might therefore result in answers that were incompatible.

The Committee agrees that it is essential that the public should be fully consulted in any debate relating to the composition and election of the States Assembly. Following the recent withdrawal of its proposals relating to the senators and connétables (P.179/2001), the Committee has lodged a report and proposition recommending the establishment of a Special Committee, comprised of five States members, in order to consider the composition and election of the States Assembly (P.26/2002). If approved, the Special Committee will be asked to carry out its work through a process of public hearings and consultation, and this will give the public a proper opportunity in which to make their views known. In the Committee’s opinion, an open and measured consultation process of this nature will enable the Special Committee to obtain a fuller and more rounded picture of the public’s views than would be possible through a referendum.

The Committee opposes the proposition for the reasons given above, and it therefore recommends that it be rejected.