

Privileges and Procedures Committee

(22nd Meeting)

24th February 2025

**Part A (Non-Exempt)**

All members were present, with the exception of Deputy L.M.C. Doublet of St. Saviour and Connétable M.K. Jackson of St. Brelade, from whom apologies had been received.

Connétable K. Shenton-Stone of St. Martin, Chair  
Deputy C.S. Alves of St. Helier Central, Vice Chair  
Deputy T.A. Coles of St. Helier South (for a time)  
Deputy S.M. Ahier of St. Helier North  
Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter

In attendance -

L-M. Hart, Greffier of the States  
W. Millow, Deputy Greffier of the States  
Y. Fillieul, Assistant Greffier of the States, Chamber and Members' Support  
(for a time)  
C. Fearn, Secretariat Officer, Specialist Secretariat  
K.M. LARBALÉSTIER, Principal Secretariat Officer, Specialist Secretariat

Note: The Minutes of this meeting comprise Parts A and B.

Minutes. A1. The Minutes of the meetings of 20th, 24th, 27th and 31st January and 6th February 2025, having previously been circulated, were taken as read and were confirmed.

Action list: A2. The Committee noted the actions and outcomes arising from previous meetings Privileges and as follows – Procedures Committee.

Minute No. A3 of 20th January 2025 – Teleologica: online voting – It was noted that the Greffier and the Deputy Greffier of the States, the Judicial Greffer and the Corporate and Intellectual Property Services Manager, Judicial Greffe, had met Mr. B. Coutanche, Director of Teleologica on 13th February 2025, to discuss in more detail a proposal to develop a system which would facilitate online voting. The Committee recalled that it had recently received a presentation from Mr. Coutanche on the subject and was supportive of the concept, subject to a more detailed analysis of the proposal. The Committee had also been mindful of the requirements of the Public Finances (Jersey) Law 2019, in the context of procurement. With the foregoing in mind, it had been recognised that it was unlikely that sufficient time remained to implement an online voting system ahead of the 2026 election. Mr. Coutanche had subsequently assured officers that the system could be made available within 2 months.

The Greffier advised that a number of questions remained with regard to the security of the system, privacy concerns arising from election fraud, the reconciliation of votes, the impact on trust in terms of the use of third-party voting software, the

potential for coercion, the ability to undertake meaningful live system testing and compatibility with existing systems. It had been agreed that officers would meet again to explore the matter further and it was understood that the Secretary to the Comité des Connétables had updated the Comité at a recent meeting.

Minutes and  
action lists:  
Privileges and  
Procedures  
Sub-  
Committees.

A3. The Committee noted the Minutes of the meetings of the various Sub-Committees of the Privileges and Procedures Committee and the actions and outcomes arising from the same, as follows -

Diversity Forum meeting – 3rd February 2025

Minute No. A3 – Commonwealth Parliamentary Association (CPA): Gender Sensitive Parliament self-assessment – it was noted that the Greffier of the States had now received several requests for a formal response to the recommendations arising from the Gender Sensitive Parliament self-assessment. The Diversity Forum Minutes recorded that the Sub-Committee had decided to ‘take ownership’ of certain recommendations, with others being ‘delegated elsewhere’. It was noted that in the absence of the Chair, Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter, Deputies L.M.C. Doublet of St. Saviour and H.L. Jeune of St. John, St. Lawrence and Trinity had led the Forum, acting as joint Vice-Chairs. Deputy Stephenson undertook to establish the position with regard to the response to the recommendations and report back to the Committee.

On a related matter, the Committee noted that recommendation No. 9 related to the establishment of a designated family room to support breastfeeding and caregiving needs. The Minutes recorded that a room in the States Building had been made available for this purpose but it was not clear which room was to be used and whether this had been communicated to Members.

Machinery of Government Sub-Committee meeting – 14th February 2025

Minute No. A3 – Lobbying Law and Register - the Committee noted that the Sub-Committee had considered the feasibility of introducing a Lobbying Law and Register to enhance transparency between Government and lobbying groups.

It had been suggested that a broad code of principles for members of lobbying groups, as well as guidance for States Members and Civil Servants should be produced.

Referendum  
Commission:  
appointment of  
Commission-  
ers.

A4. The Committee, with reference to Minute No. A8 of 8th July 2024, received a draft report for presentation to the States which had been prepared by the Deputy Greffier of the States in connexion with the appointment of members of the Referendum Commission, which had been established in accordance with the Referendum (Jersey) Law 2017.

The Committee recalled that 3 Commissioners had been appointed in 2024, one of whom had been chosen to Chair the Commission. A recruitment campaign had commenced thereafter to secure the appointment of 2 more Commissioners and 4 candidates had been interviewed by the original Recruitment Panel in December 2024. The Committee was advised that the Panel had recommended the appointment of Ms. J. Bridge and Mr. R. Spencer-Tucker (brief candidate biographies were noted).

The Committee approved the appointment of Ms. Bridge and Mr. Spencer-Tucker and the report advising the Assembly of its intention and requested that the latter be

presented to the States.

On a related matter, the Committee noted the challenges which had been experienced in relation to recruiting Commissioners. It was noted that the same approach to recruitment had been adopted for other independent bodies so it was not entirely clear why there had been fewer applications. It was recognised that the Commission's profile was perhaps lower than, say the States of Jersey Complaints Panel, recruitment to which had attracted considerable interest and a number of applications. It was likely that consideration would have to be given to the sustainability of the Referendum Commission model in the longer term.

2026 public  
election date:  
appointed day  
act.

A5. The Committee considered the draft Elections (Appointed Day) (Jersey) Act 202-, which set the 2026 election date for Deputies and Connétables as Sunday, 7th June 2026, in accordance with Article 6(3) of the States of Jersey Law 2005 and Article 2(3) of the Connétables (Jersey) Law 2008. Reports prepared by the Greffier of the States and the Judicial Greffier in connexion with the election date were also noted.

The Greffier's report focused on research into the correlation between the election day and voter turnout. An analysis of 190 countries revealed that Sunday was the preferred day for elections and that participation was higher. The logistical challenges associated with a Sunday election were recognised but this had to be balanced against attempts to address chronic low voter turnout and the real cost to democracy. The Judicial Greffier's report highlighted the fact that there had been no consultation with the electorate or agencies which provided staff to support the election. Sunday was also a day of worship for many Islanders and this had to be considered in the context of both voter turnout and staffing the election. For example, it might be necessary for staff to work on Saturday in preparation for a Sunday election. A number of other logistical challenges had been highlighted by the Judicial Greffier and these related to the count and the necessary administration prior to the election.

The Committee discussed the content of the above reports and noted that Deputy S.G. Luce of Grouville and St. Martin had contacted the Chair advising that he was opposed to a Sunday election.

The Committee reaffirmed its support for the setting of the election date for Deputies and Connétables on Sunday, 7th June 2026. It requested that the Appointed Day Act be lodged 'au Greffe' and noted that it would come into effect 7 days after it was made. The Greffier of the States undertook to prepare a report to accompany the Act and a Child Rights Impact Assessment, in accordance with the Children (Convention Rights) (Jersey) Law 2022.

On a related matter, and in response to a question from Deputy S.M. Ahier of St. Helier North, the Greffier confirmed that the Jersey Electoral Authority would determine the number and location of polling stations soon after it was constituted. The importance of communicating this information well in advance of the election was highlighted. A discussion ensued regarding the counting of votes after the polls had closed and it was initially suggested that this could be undertaken the day after the election. However, some reservations were expressed with regard to the acceptability of this from the perspective of candidates. It was recalled that the Committee had received a presentation from UK Engage, a leading election services provider based in Manchester (Minute No. A4 of 8th July 2024 refers). The company provided a range of services, which included, but was not limited to, printing ballot papers, assisting with counting processes and postal voting. It was suggested that the Judicial Greffe should be encouraged to secure assistance with counting processes

both from the perspective of increased speed and accuracy. It was also suggested that photographs of candidates should be included on ballot papers and the Committee's attention was drawn to an example of the same. The Greffier understood that the JEA could require this and undertook to confirm this.

States  
Members' IT  
provision.

A6. The Committee welcomed Deputy H.I. Jeune of St. John, St. Lawrence and Trinity in connexion with the current Information Technology (IT) provision for States Members. The Committee also considered a report which had been prepared by the Assistant Greffier, Chamber and Members' Support in this regard.

The Committee noted that the current arrangements in respect of IT provision had been in place since 2020. It was recalled that Members received a grant of £850 to assist with the purchase of equipment (typically a device of their choice) to enable them to carry out their duties. Approximately 50 per cent of Members of the Assembly as presently constituted had used all or part of the grant. Those Members who were appointed to Ministerial/Assistant Ministerial positions were offered Government funded laptops, in a similar arrangement to the provision of devices to staff. However, Members who used devices which had not been provided by the Government did not receive the same support from the Modernisation and Digital Department and this often led to frustrations. Government managed devices were configured and controlled centrally to provide secure and easy access to organisational data and benefitted from protection against security threats, including viruses. Members using their own devices were also unable to access the Connect learning portal and sometimes experienced challenges when attempting to access data via non Microsoft devices.

In order to address the above issues, it was proposed to offer all Members a laptop (which would remain the property of the organisation) in place of the grant. Members who chose to accept this offer would be required to use a gov.je electronic mail address and would also receive support from the IT service desk. Regular hardware and software updates would be applied, devices would be protected from security threats, access to Connect would be enabled and devices would be compatible with existing equipment in buildings. However, access to certain websites and online services was restricted on Government issued devices and some third party software could not be installed. If approved, consideration would have to be given to the budget arrangements for the provision of IT and discussions with the Cabinet Office and the Treasury and Resources Department would be required. Those Members who wished to continue to use their own devices would no longer receive the grant.

It was recommended that the Committee support the above proposals in principle on the basis of implementation with effect from June 2026 (after the next public election) and subject to further investigation.

Deputy Jeune advised the Committee of the particular challenges she had faced in terms of obtaining IT support now that she was no longer an Assistant Minister and was using her own personal device for work. It was noted that the Deputy had been required to return the Government issued device she had been provided with following a Vote of No Confidence in the Government in 2024. She informed the Committee that, as a non-executive Member she did not have direct access to the new Government building in Union Street so was also unable to visit the Digital Services Department as and when she required assistance. Deputy Jeune explained that her personal device had recently failed and she had been unable to obtain any assistance as it was not supported. However, she had been provided with a loan device.

Deputy Jeune also believed that the broader issue of cyber security should be considered in the context of Members using personal devices for work related activities. She supported the proposal to provide all Members with a secure device which was configured to organisational requirements and for which user support could be obtained via the Service Desk. With regard to the grant which was provided to assist Members with the purchase of equipment, Deputy Jeune considered this to be insufficient.

The Committee discussed the above matter and noted that some Members preferred to use personal devices due to the access restrictions associated with devices supplied by the organisation. However, it was understood that consideration was currently being given to reviewing the ability to access organisational data via personal devices. The Committee recognised that any decision in respect of the provision of IT for Members would inform the policy in respect of the provision of devices for Members. The Assistant Greffier undertook to clarify the position. In the interim, it was suggested that Deputy Jeune continue to use the loan device she had been provided with for her scrutiny related work.

The Committee thanked Deputy Jeune for attending and she withdrew from the meeting.

Legislation  
Advisory Panel  
– ability of the  
Chair or Vice-  
Chair to act on  
behalf of the  
Panel.

A7. The Committee, with reference to Minute No. A4 of 24th June 2024, welcomed Connétable R.D. Johnson of St. Mary, Vice Chair of the Legislation Advisory Panel (LAP) and Messrs. P. Bradbury, Head of Ministerial Office and B. Markwell-Sales, Business and Governance Officer in connexion with ongoing discussions regarding a proposed amendment to Standing Order 68A. The amendment would allow the Chair/Vice Chair of the LAP to act in the States Assembly on its behalf. The Committee considered a report which had been prepared by the Deputy Greffier of the States in this regard.

It was recalled that the LAP considered areas of Jersey Law that did not naturally align with one particular Minister and which were often largely technical and apolitical. When proposals for Ministerial Government had been advanced, it had been agreed that responsibility for the former Legislation Committee should be transferred to the Chief Minister and LAP acted as an advisory body, as set out in Ministerial Decision MD-CM-2024-102.

It was recalled that the Committee as previously constituted had supported the above proposal and requested that the necessary amendments to Standing Orders were drafted for approval. However, the Committee as presently constituted, had considered the request in the context of Article 25A(1) of the States of Jersey Law 2005, and Standing Order 112A, which stipulated that the aggregate of the Chief Minister, Ministers and Assistant Ministers should not exceed 21 individuals. In other words, the number of Members in the non-Executive must be greater by a margin of 10 percent (rounded up to the next whole number) than the number in the Executive (this was known colloquially as the 'Troy rule'). If Standing Order 68A was amended as proposed the potential existed for other bodies to adopt the same approach with non-executive Members being held accountable for the work of the Government, leading to a blurring of responsibilities and the gradual erosion of the Troy rule.

The Committee discussed the matter with the delegation and reiterated the concerns previously expressed, as set out above. The Connétable of St. Mary advised that answering technical questions on legislation could present challenges for Members who did not have the relevant expertise. The point was made that whilst the LAP

was in the fortunate position of having 2 very experienced legal professionals on the Panel at present, this might not be the case in future. It was also acknowledged that Ministers were often not subject experts and relied upon support and advice from officers, which somewhat diluted the arguments made in favour of the proposed amendment. Moreover, it was recognised that any Member could speak once in a debate in accordance with Standing Order 23 and this facilitated contributions from LAP Members. Mr. Bradbury stated that the current proposal was for propositions to continue to be lodged in the name of the Chief Minister, with the Chair/Vice Chair of LAP acting as *rapporteur* and answering any questions which arose during the debate. It was pointed out that this would still amount to non-executive Members acting and being held accountable for the work of Government, which could set an undesirable precedent. A suggestion was made to the effect that the Chair/Vice Chair lodge LAP related propositions in their own names with the proposition referencing the support of the LAP. However, it was noted that the Chief Minister would still retain ultimate responsibility for the Panel and this solution did not address concerns regarding the blurring of responsibilities.

In concluding, the Committee confirmed that it was unable to support the proposal for the reasons set out above. Members thanked the delegation for attending and they withdrew from the meeting.

Annual States  
Assembly  
church service.

A8. The Committee considered a report which had been prepared by the Deputy Greffier of the States in connexion with a request from Deputy I. Gardiner of St. Helier North for consideration to be given to other opportunities for Members to come together at the beginning of the year as an alternative to the annual church service.

Deputy Gardener had highlighted the diverse range of faiths and beliefs in the Assembly and had suggested a secular reflection session as an alternative to the church service.

The Committee noted that there was no procedural requirement for the annual church service and that responsibility for the organisation of the same lay with the Bailiff's Chambers in consultation with the Office of the Dean. In 2025, invitations to attend the annual church service had been extended beyond elected Members to encompass the judiciary and the public service.

The Committee considered a number of options, which included maintaining the status quo (to include continuing to invite public servants and the judiciary); replacing the church service with an alternative event, organising a secular event in addition to the church service or discontinuing the event entirely. If the Committee wished the organisation of event(s) at the beginning of the year to continue, Members were also asked to consider whether these should be held on the same day as the first sitting of the States and who should take responsibility for organising the event(s).

The Committee discussed the matter and noted that 28 individuals had attended the church service at the beginning of 2025. The Chair advised that she had contacted the Bailiff's Chambers to ascertain whether it might be possible to organise an interdenominational service but had not received a response.

The Committee concluded that whilst it had no objection to the Bailiff's Chambers continuing to organise the church service, this should not coincide with States sittings. The Greffier of the States was requested to communicate the Committee's decision to the Bailiff's Chambers.

Re-instatement  
of Senators  
(P.2/2025):  
comments.

A9. The Committee considered a report and proposition entitled ‘Re-instatement of Senators’ (P.2/2025), which had been lodged “au Greffe” by Deputy M.E. Millar of St. John, St. Mary and St. Peter.

The Committee discussed the proposition and agreed that it would wish to present comments which highlighted the significant challenges associated with implementing the proposals in time for the 2026 public election. The Committee acknowledged the timescales associated with the preparation and adoption of the necessary legislative changes alone (and the impact on the wider legislative programme). The effect on communication campaigns was also recognised, with particular regard to the focus on the introduction of automatic voter registration, a Sunday election and a revised approach to Hustings. Adoption of the proposition would also conflict with the recommendations arising from the Commonwealth Parliamentary Association Election Observers Mission which stated that ‘substantive amendments to the election law should be adopted well in advance of the next election and never less than a year before’. The Committee agreed that one election cycle was not sufficient for the existing process to ‘bed in’. The Committee also recognised that, in adopting P.139/2020 (Independent Boundaries Commission), the States had accepted that fair representation and equality in voting weight and power across the whole population should be the basis for any reform of the composition and election of the States.

The Committee requested that an amendment to the proposition also be drafted to the effect that, if adopted, the re-instatement of Senators should not come into force until the 2030 public election.

Having noted that Deputy Millar’s proposition was due to be debated ahead of the next scheduled meeting, the Committee agreed that an electronic meeting should be convened to approve the comments/amendment so that these could be presented/lodged in accordance with the timescales set out in Standing Orders.

The Greffier of the States was requested to take the necessary action.

Draft Elections  
(Electoral  
Registers)  
(Jersey)  
Amendment  
Law 202-  
/automatic  
voter  
registration.

A10. The Committee, with reference to its Minute No. A6 of 9th December 2024, considered the draft Elections (Electoral Registers) (Jersey) Amendment Law 202-, which amended the provisions of the Elections (Jersey) Law 2002, in relation to electoral registers to facilitate automatic voter registration. A report prepared by the Greffier of the States in this connexion was also noted.

The Committee recalled the background to the changes which facilitated a move away from self-declaration to automatic voter registration. Public access to the electoral Register would also cease with the Register being made available only to electoral administrators and the Judicial Greffe, with a copy being provided to the Archive on an annual basis. Election candidates would receive a list of properties which fell within their constituency and a supplementary Register would be available up to 7 working days before the election to accommodate Islanders who moved home during that period. Any individual not included on the Register could be added at the polling station, subject to the provision of certain documents.

It was noted that the States Greffe would communicate the proposed changes and that Islanders would be able to check online that their details had been included on the Register.

Having considered the draft legislation the Committee approved the same and requested that it be lodged “au Greffe”. The Greffier of the States undertook to

prepare a Child Rights Impact Assessment, in accordance with the Children (Convention Rights) (Jersey) Law 2022. Finally, it was agreed that the States Greffe should organise a briefing for States Members in advance of consideration of the draft Elections (Electoral Registers) (Jersey) Amendment Law 202-, and the draft Elections (Jersey) Amendment Law 202-, which amended the provisions of the Elections (Jersey) Law 2002 (Minute No. A11 refers).

Draft Elections  
(Jersey)  
Amendment  
Law 202-.

A11. The Committee, with reference to its Minutes No. A9 and A10 of 24th June 2024, considered the draft Elections (Jersey) Amendment Law 202-, which amended the provisions of the Elections (Jersey) Law 2002, in response to the recommendations arising from the Commonwealth Parliamentary Association (CPA) Election Observers Mission report (2022) and the report of the Jersey Electoral Authority (JEA). A report prepared by the Greffier of the States in this connexion was also noted.

The Committee recalled the background to the changes, most of which were administrative in nature and were designed to improve the electoral system.

Attention was drawn to various amendments to existing Articles and the inclusion of new provisions. Having noted the use of the term ‘cancelled vote’ as a ‘catch all’ in the draft legislation, the Committee expressed a preference for the use of the term ‘void vote’.

On a related matter, the Committee noted amendments to Article 4A, which would extend the right to vote in public elections to all prisoners who were eligible to do so. It was recalled that the Committee had previously approved this proposal (Minute No. A9 of 9th September 2024 refers). Deputy S.M. Ahier of St. Helier North, who had not been present at the September 2024 meeting advised that he was opposed to this. The Committee recalled that it had agreed to extend voting rights to all prisoners on the basis of the wider perceived benefits, to include creating social ties and a commitment to the common good. Research suggested that disenfranchisement had no significant deterrent effect. It was agreed that the amendments to this particular Article could be separated out during the debate in order to afford Members the opportunity of voting on this separately.

Having considered the draft legislation the Committee approved the same and requested that it be lodged “au Greffe”, subject to the above.

Remote  
participation in  
States  
Meetings:  
Members’  
survey.

A12. The Committee, with reference to Minute No. A7 of 20th January 2025, received a report which had been prepared by the Deputy Greffier of the States in connexion with a survey which had been devised to garner opinions on remote participation in States Meetings (Standing Order 55A refers).

The Committee recalled that it had previously lodged ‘au Greffe’ 2 propositions, both of which sought to amend Standing Order 55A (with the most recent having been debated on 10th and 11th December 2024). On both occasions the propositions had been subject to a ‘reference back’ to the Committee with calls for further consultation with Members on the subject.

The Committee had recently expressed support for revised proposals based on the comments made by Members during the most recent debate, subject to the removal of a reference to remote participation outside of Jersey being permitted in “unforeseen circumstances that could not be reasonably predicted”. Ahead of lodging the proposed amendments, the Committee had agreed that Members should be surveyed (with both electronic and paper copies of the survey being made

available) with a briefing to follow.

The Committee noted the survey questions which had been formulated and was advised that it was proposed to provide Members with an overview of the current thinking in relation to remote participation prior to completion of the survey.

The Committee discussed the survey questions and approved the same, subject to the inclusion of comments boxes for each question and some amendments to the wording. The Committee agreed to circulate the survey electronically in the first instance for completion within 7 days. Dependent upon the number of responses received paper copies of the survey would be provided in the States Building thereafter.

The Deputy Greffier of the States was requested to take the necessary action.

Pan-Island  
Commissioner  
for Standards:  
annual report –  
2024.

A13. The Committee considered the Pan-Island Commissioner for Standards Annual Report for 2024.

The Committee noted that the report provided information on complaints from 1st January to 31st December 2024, including an analysis of the number of complaints, a summary of completed investigations, resources and any other work carried out during the year.

Having considered the content of the report, the Committee requested that it be presented to the States in accordance with the provisions of the Commissioner for Standards (Jersey) Law 2017, together with a foreword to be prepared by the Greffier of the States.

Forthcoming  
business.

A14. The Committee considered items which had been lodged ‘au Greffe’ for the meetings of the States Assembly, which were scheduled to commence on 25th February, 18th March and 1st April 2025.

The Committee recalled that it had requested that comments and an amendment be prepared for its approval in response to the proposition entitled ‘Re-instatement of Senators’ (P.2/2025), which had been lodged “au Greffe” by Deputy M.E. Millar of St. John, St. Mary and St. Peter.

E-petitions  
system:  
review.

A15. The Committee, with reference to its Minute No. A8 of 9th December 2024, noted that a survey in connexion with the e-petition system review had been uploaded to the Teams channel for approval ahead of distribution.

Date of next  
meeting.

A16. The Committee noted that the next scheduled meeting would be held on 17th March 2025, from 10.00 am – 1.00 pm in the Blampied Room.