

**DRAFT AMENDMENT (No. 23) OF THE STANDING ORDERS OF THE STATES OF JERSEY**

---

**Lodged au Greffe on 8th October 2002  
by the Privileges and Procedures Committee**

---



**STATES OF JERSEY**

**STATES GREFFE**

150

2002

P.177

Price code: B

## Report

1. These amendments to the Standing Orders of the States of Jersey are intended -
  - (a) principally to make changes which are consequential on the decision of the States of 24th July 2002 to implement a transitional Committee structure in December 2002; and
  - (b) to deal with other minor matters (whilst Members are reminded that the Privileges and Procedures Committee is reviewing standing orders).
2. The Privileges and Procedures Committee has decided that the distinction that currently exists between Major and other Committees will no longer be appropriate when the transitional phase of government reforms is put in place in December 2002.
3. The distinction exists principally at the present time so that restrictions on membership can be applied to the Major Committees.
4. With a reduced number of Committees (15, and the prospect of a reduction to only 13 in the relatively near future once the activities of the Committee for Postal Administration and the Telecommunications Board are transferred to incorporated bodies), the Privileges and Procedures Committee believes it would be more appropriate to apply the restrictions on membership to all Committees. If these amendments are adopted, no member of the States will be able to be President of more than one Committee or a member of more than two. (This restriction would only apply to the 'permanent' Committees listed in the revised Standing Order 39 and would not apply to any Special Committees which may be constituted from time to time and where it may be appropriate for the President of an existing Committee to be appointed as President).
5. Although the three Trading Committees need to remain designated as such under the Public Finances (Administration) (Jersey) Law 1967, as amended, the Privileges and Procedures Committee sees no reason to exclude them from the rules on membership which apply to all other Committees. (The Telecommunications Board remains listed in the amendments for the reason set out in the Committee report accompanying the draft States Reform (Reorganization of Committees - Transitional Arrangements) (Jersey) Act 200- (P.152/2002)).
6. The Committee has given careful consideration to the "normal" size of a Committee of the States to be specified under Standing Orders. It is important to point out that the number of members set out in Standing Orders (currently seven) can be varied up or down by the States at the time of appointment of the Committee, or at any time thereafter, in accordance with the provisions of Article 28(2)(b) of the States of Jersey Law 1966, as amended. This has, of course, been done with the present Gambling Control Committee (four members), the present Public Services Committee (five members) and was done in December 1999 at the time of the initial appointment of the present Policy and Resources Committee (eight members).
7. Although a recommended membership is contained in Standing Orders this is, in fact, nothing more than a 'default' that applies in the absence of a specific decision of the States. As the States move towards a ministerial system of government, and having heard concerns about the present workload of many members who are trying to divide their time between several Committees, the Privileges and Procedures Committee believes that it would be appropriate to propose that the standard membership be reduced to five (the President and four other members). The quorum of a Committee of five would be three. Although some members may consider that the workload of large Committees will be such that a membership of five would be insufficient the Privileges and Procedures Committee would urge all members to remember that this transitional phase is intended to be the first step towards a system in which political responsibility for the areas currently covered by each Committee will move to a Minister, assisted by only one or two Assistant Ministers. A reduced Committee membership from December 2002 would therefore assist Committees to plan the transition by, for example, considering increased use of delegated powers and using other mechanisms to streamline the work of the political representatives in the lead up to the introduction of ministerial government.
8. The amendments concerning the method of appointment of Committee Presidents do not introduce any new measures and simply place in Standing Orders the current method which was agreed by the States in 1990.
9. Similarly, the proposed amendment to Standing Order 42, concerning the right of attendance of members at meetings of Committees of which they are not members, formally inserts into Standing Orders the provisions agreed by the States on 12th October 1999 in adopting a proposition of Senator S. Syvret.

10. The final changes proposed concern the declaration of interest required from members of the States. Although the Privileges and Procedures Committee is investigating the entire issue of Members interests, it believes it is appropriate to recommend these minor changes at the present time.
11. Under current provisions members are required to declare their own pecuniary interests and those of a spouse (if known to the member concerned) in a matter before the States or a Committee and, in addition, members are, of course, in accordance with Standing Order 44A, required to enter relevant interests of a spouse, if known, in the Register of Members' Business Interests.
12. The proposed amendments introduce two changes.
  - 12.1 Firstly, it will be a requirement for unmarried members (or married members living separately from their spouse) to declare in any proceedings and in the Register of Members' Business Interests the interest of a co-habitee if they are living in a relationship with any person akin to marriage.
  - 12.2 Secondly, the position relating to members who are living separately from their spouse is clarified by the amendments as it is specified that a member does not need to make any declaration of the interest of a spouse or former spouse if the member is living separately and apart from that person.
13. There are no additional financial or manpower implications arising out of the adoption of this draft Act and the Privileges and Procedures Committee expects that the reduction in the number of Committees will lead to overall savings in the expenditure of the States.

## **Explanatory Note**

These are further amendments of the Standing Orders of the States of Jersey.

*Amendment 1* amends Standing Order 39 so as to remove the distinction between Major and other Committees of the States and list all the permanent Committees.

*Amendment 2* amends Standing Order 40 to reduce the membership of a Committee, apart from the President, from 6 to 4. This does not affect the power of the States, under Article 28(2)(b) of the States of Jersey Law 1966, to determine that a Committee shall have a different number of members.

*Amendment 3* amends Standing Order 41 to specify the order in which Presidents of Committees are so appointed following an ordinary election and to set out the procedure for such appointments.

*Amendment 4* amends Standing Order 41A so as to apply the procedure for appointments in Standing Order 41 when a Committee resigns and a new President must be appointed.

*Amendment 5* amends Standing Order 42 to remove an inconsistency between the Standing Order and the decision of the States of 12th October 1999 that a member of the States shall be entitled to attend, as an observer, a meeting of a Committee of which he or she is not a member, unless the Committee is discussing information that is exempt under the Code of Practice on Public Access to Official Information. Currently, the Standing Order states only that a Committee sits in private, unless it orders otherwise. The amendment qualifies that statement by reference to the entitlement conferred by the States' decision described.

*Amendment 6* amends Standing Order 44 so as to require a member of States to declare any financial interest of the member's cohabitee in a proposition before the States and to withdraw during the consideration of and voting on the proposition.

*Amendment 7* amends Standing Order 44A so as to require a member of the States to register in the Register of Members' Business Interests details of company interests and land co-owned with the member's cohabitee.

If adopted, these amendments would come into force on 12th December 2002.

**States of Jersey Law 1966**

---

AMENDMENT (No. 23) OF THE STANDING ORDERS OF THE STATES OF JERSEY

---

**STATES OF JERSEY**

---

The     day of     200-

---

**THE STATES**, in pursuance of Article 27 of the States of Jersey Law 1966,<sup>[1]</sup> as amended, have made the following amendments of the Standing Orders of the States of Jersey<sup>[2]</sup> -

**1.-(1)** For the heading to Standing Order 39 there shall be substituted the heading“**Eligibility for membership of certain Committees**”.

(2) In Standing Order 39 -

(a) for paragraph (1) there shall be substituted the following sub-paragraph -

“(1) The Committees of the States to which this Standing Order applies are -

- (a) Policy and Resources Committee;
- (b) Privileges and Procedures Committee;
- (c) Finance and Economics Committee;
- (d) Environment and Public Services Committee;
- (e) Economic Development Committee;
- (f) Health and Social Services Committee;
- (g) Education, Sport and Culture Committee;
- (h) Home Affairs Committee;
- (i) Employment and Social Security Committee;
- (j) Housing Committee;
- (k) Harbours and Airport Committee;
- (l) Telecommunications Board;
- (m) Committee for Postal Administration;
- (n) Legislation Committee; and
- (o) Overseas Aid Committee.”;

(b) paragraph (4) shall be revoked.

**2.** In Standing Order 40, for the word “six” there shall be substituted the word “four”.

**3.** In Standing Order 41 -

(a) for paragraph (1A) there shall substituted the following paragraph -

“(1A) The Presidents of the Committees shall be appointed in the following order

- (a) the Committees to which Standing Order 39 applies, in the order in which they appear in paragraph (1) of that Standing Order;
- (b) other Committees and delegations of the States in chronological order of their first appointment.”;

(b) after paragraph (1B) there shall be inserted the following paragraphs -

“(1C) If there is more than one candidate for appointment as President of a Committee

- (a) there shall be a secret ballot of the members of the States present to elect the President; and
- (b) the candidate who receives more than half of the votes cast shall be so appointed.

(1D) If there are more than two candidates for appointment as President of a Committee and, in the ballot held under paragraph (1C), no candidate receives more than one half of the votes cast -

- (a) subject to paragraph (1F), the candidate who receives the fewest votes shall withdraw from the ballot; and
- (b) there shall be a further ballot under paragraph (1C).

(1E) The processes in paragraphs (1C) and (1D) shall be repeated until a President is appointed.

(1F) If, in the circumstances described in paragraph (1D), there are two or more candidates who receive the same number as votes as each other but fewer votes than all the other candidates -

- (a) there shall be a secret ballot of the members of the States present to select which of them shall remain in the ballot; and
- (b) the candidate who receives the fewest votes cast shall withdraw from the ballot.”.

**4.** In Standing Order 41A -

- (a) in paragraph (2A), for the words “paragraph (1B)” there shall be substituted the words “paragraphs (1B) to (1F)”;
- (b) in paragraph (3), for the words “for a period not exceeding seven days” there shall be substituted the words “until the next meeting thereafter”.

**5.** In Standing Order 42 -

- (a) in paragraph (1), all the words following the words “Committees of the States” shall be deleted;
- (b) for paragraph (2) there shall be substituted the following paragraphs -

“(2) Subject to paragraph (2A), a Committee shall sit at the times determined by its President.

(2A) No Committee shall sit while the States are meeting, except by leave of the States.

(2B) Subject to paragraph (2C), the sittings of a Committee or of a sub-committee of a Committee shall be held in private, unless the committee in question orders otherwise.

(2C) A member of the States shall be entitled to attend, as an observer, a meeting of a Committee of the States of which that person is not a member, or of any sub-committee of such a Committee.

(2D) Paragraph (2C) shall not apply when the Committee or sub-committee is discussing information that is qualified as exempt under the Code of Practice on Public Access to Official Information approved by

the States on the 20th July 1999.”.

**6.** In Standing Order 44, for paragraph (4) there shall be substituted the following paragraphs -

“(4) For the purposes of this Standing Order, an interest of a member of the States’ spouse or cohabitee shall, if known to that member, be deemed to be also an interest of that member of the States.

(5) In this Standing Order and Standing Order 44A -

‘cohabitee’ means, in relation to a member of the States, a person, whether or not of the opposite sex, living with the member of the States in a relationship similar to that of husband and wife; and

‘spouse’, in relation to a member of the States, does not include the member’s former spouse or a spouse who is living separately and apart from that member.”.

**7.** In Standing Order 44A -

(a) in paragraph (1), the words “, within sixty days of the coming into force of this Standing Order, and thereafter” shall be deleted; and

(b) in paragraph (2), in sub-paragraphs (b) and (c), after the words “the member’s spouse” there shall be inserted the words “or cohabitee”.

**8.** This Amendment may be cited as Amendment (No. 23) of the Standing Orders of the States of Jersey and shall come into force on the 12th December 2002.

---

<sup>[1]</sup> Recueil des Lois, Volume 1966-1967, page 15.

<sup>[2]</sup> Nos. 4858, 6530, 6531, 8129, 8218, 8727, 9470 and 9483.