

Privileges and Procedures Committee

(5th Meeting)

13th June 2024

**Part A (Non-Exempt)**

All members were present, with the exception of Deputies L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter, C.S. Alves of St. Helier Central, L.M.C. Doublet of St. Saviour and Connétable M.K. Jackson of St. Brelade.

Connétable K. Shenton-Stone of St. Martin, Chair  
Deputy T.A. Coles of St. Helier South  
Deputy S.M. Ahier of St. Helier North

In attendance -

L-M. Hart, Greffier of the States  
W. Millow, Deputy Greffier of the States  
J. Lepp, Research and Project Officer  
K.M. LARBALÉSTIER, Principal Secretariat Officer, Specialist Secretariat

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

Draft Statistics  
and Census  
(Jersey)  
Amendment  
Law 202-.

A1. The Committee considered a report which had been prepared by the Deputy Greffier of the States in connexion with the Draft Statistics and Census (Jersey) Amendment Law 202-, which had been lodged “au Greffe” by the Chief Minister on 14th May 2024, for debate on 25th June 2024.

The Committee noted that the aforementioned draft legislation sought, among other things, to align Jersey’s statistical system with international best practice, introducing significant changes to the governance of Statistics Jersey.

The Committee was advised that the draft legislation contained certain provisions which it was considered could potentially impact upon the role of the Assembly and the parliamentary privilege enjoyed by Members in the course of their duties in the context of legal immunity. Attention was drawn to the specific wording contained within Article 4(2) and (5) of the draft Law, which stated that the States must respect, uphold and defend the independence of the Chief Statistician. The draft legislation also stipulated that the States must hold the Chief Minister accountable for ensuring the provision of adequate resourcing for the production of tier one statistics.

The Committee was mindful of the status of the Assembly as the Island’s legislature and parliament and its freedom to set its own internal rules. In this context, consideration had been given as to whether these particular provisions of the draft Law impacted upon the exclusive jurisdiction of the Assembly. It was recognised that where provision was made in statute or Regulations which impacted upon the role, operation or functions of the Assembly, this could potentially open the Assembly up to judicial review. However, adoption of the legislation as drafted would ultimately be a matter for the Assembly. It was also noted that provisions already existed within other legislation which obliged the States to act in a particular manner, to include the Commissioner for Children and Young People (Jersey) Law

2019, in which the wording was similar but not identical to that contained within Article 4(5) of the draft Statistics and Census (Jersey) Amendment Law 202-. However, concerns existed in relation to the use of such wording as standard in legislation and the wider implications of this for the Assembly.

In the light of the foregoing, the Committee endorsed the recommendation of the Deputy Greffier of the States to seek legal advice in relation to the potential impact on Assembly privilege of the inclusion of the wording within the aforementioned legislation. It was agreed that the Chair should write to the Chief Minister to seek clarification as to what consideration, if any, had been given to the impact of the wording contained within Article 4(2) and (5) of the draft legislation on the role, functions and privileges of the Assembly. It was further agreed that the Chair of the Corporate Services Scrutiny Panel should be asked whether the Panel had considered the implications of the draft legislation on Assembly privilege. The Committee endorsed a further recommendation from the Greffier of the States that a draft amendment to the legislation should be prepared for consideration by the Committee.

Whilst the Committee was inquorate during the meeting, the report of the Deputy Greffier had been circulated to Members ahead of the meeting and Deputy C. S. Alves of St. Helier Central subsequently ratified the above decisions of the Committee.

Commissioner  
for Standards:  
guidance note  
on service and  
performance  
standards.

A2. The Committee noted that a guidance note on service and performance standards, which had been prepared by the Pan Island Commissioner for Standards, had been circulated electronically and approved for presentation to the States by the following Members –

Connétable K. Shenton-Stone of St. Martin, Chair  
Deputy T.A. Coles of St. Helier South  
Deputy S.M. Ahier of St. Helier North  
Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter  
Connétable M.K. Jackson of St. Brelade

It was envisaged that the production of guidance notes would facilitate communication with Members on issues and themes arising from either admissible or inadmissible complaints and more general issues as they arose.

The Greffier of the States was requested to make the necessary arrangements for the guidance note to be presented to the States.