

STATES OF JERSEY



Jersey

DRAFT AMENDMENT (No. 53) OF THE STANDING ORDERS OF THE STATES OF JERSEY

**Lodged au Greffe on 10th June 2021
by the Privileges and Procedures Committee
Earliest date for debate: 20th July 2021**

STATES GREFFE

REPORT

The Privileges and Procedures Committee (PPC) was tasked with responding to the recommendations contained within the CPA Election Observers Mission (EOM) Report published after the elections in 2018. A PPC Sub-Committee was established in June 2018 to consider all 18 recommendations and bring forward suggested improvements to the current electoral system. The Sub-Committee's first tranche of legislative amendments addressed the first and third recommendations relating to voter inequality and inequity across the existing Island districts and culminated in the Assembly's approval of [P.17/2021](#) 'Draft Constitution of the States and Public Elections Law 202-'.

The second tranche of legislation which has been lodged responds to the remaining EOM recommendations and seeks to enhance the existing election process where possible. It also takes into consideration feedback from stakeholders after the last elections and implements changes resulting from a number of States decisions since 2018, to adopt propositions relating to election procedures.

In addition to the legislative changes proposed, a Code of Conduct for candidates will be created (EOM Recommendation 11); a project is in train in relation to the way in which the legal status of Political Parties is defined in law (EOM Recommendation 9); another workstream is dealing with voter registration (EOM Recommendation 5) and a wealth of public engagement work is in the pipeline to encourage greater voter turnout (EOM recommendations 6 and 18), thereby ensuring all 18 recommendations will have been addressed before election day 2022.

Along with the aforementioned legislative amendments, the following changes are required to Standing Orders to address the EOM's second recommendation –

RECOMMENDATION 2.

As the election for all members now occurs at the same time, the States Assembly should consider formally proroguing in advance of the election to ensure greater equality and time for all candidates to campaign as private individuals, and to provide clarity to the public, media and candidates as to the long and short campaign period.

The changes proposed to the Standing Orders will enable a new Council of Ministers to be appointed as soon as practicable after the election, whilst still giving members, especially those brand new to the Assembly, sufficient time to determine which candidates are best placed for the roles available. The main changes are listed below and result following the Assembly's adoption of [P.88/2018](#) (States of Jersey elections: pre-election procedures for States meetings and the lodging of propositions).

The States adopted P.88/2018 as amended on 26th June 2018 and agreed that the Assembly should not ordinarily meet in the week before the week in which election candidates were nominated. It was also agreed that the lodging of propositions (other than amendments) should be prohibited during the period from 2 months before the date on which election candidates were first nominated until the date of the election but that this prohibition would not extend to the lodging of propositions that concerned rescinding Ministerial Decisions or Orders, propositions relating to land transactions under Standing Order 168, and propositions lodged alongside petitions.

The Committee recommends removing the word 'working' from the timing for the appointment of Ministers and Scrutiny Panel Chairs as well as the Chairs of PPC, PAC, Planning and Jersey Overseas Aid Commission. Following the Assembly's decision to move the election date to late June from 2022, this change will enable the Assembly to

meet sooner after the appointment of the Chief Minister designate to ensure that key appointments will have been made by the Assembly before the summer recess.

The implementation of P.88/2018 will impact not just on Ministers, but also on Scrutiny Panels and the Committee recommends that some changes will be required to the Codes of Conduct for both Ministers and Scrutiny in relation to holding meetings and the publication of reports and press releases during the period when the Assembly is prorogued.

- **SO 3 Sessions of the States** – ensures the Assembly completes all of its appointments after the election before the summer recess (addresses paragraph (a) of P.88/2018).
- **SO 7 Times when States shall not meet** – defines the proroguing period as commencing one week before the week in which nominations are announced until the election day.
- **SO 19A prohibits lodging 2 months during pre-election period and defines that period** (addresses paragraphs (b) and (c) of P.88/2018).
- **SO34 Withdrawing a proposition before debate** – all propositions which remain lodged after the Assembly prorogues should be considered to have been withdrawn. This allows new Ministers the ability to consider policy matters afresh.
- **SO 112 Order of and time for selection and appointment following ordinary election** – reduces the time between the appointment of the Chief Minister and the Council of Ministers to 5 days (removes the word ‘working’).
- **SO 164 Suspension of member of the States** – updated to remove reference to a 3 year term (paragraphs (6) and (9)).

Financial and manpower implications

There are no financial and manpower implications arising from adoption of this proposition.



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DRAFT AMENDMENT (No. 53) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make the following Amendment to the Standing Orders of the States of Jersey¹ under Article 48 of the States of Jersey Law 2005² –

1 Amendment of Standing Orders

This Amendment amends the Standing Orders of the States of Jersey³.

2 Standing Order 3 (sessions of the States) amended

In standing order 3 –

- (a) in paragraph (2), after “in January and” there is inserted “, except during any year in which there is to be an ordinary election,”;
- (b) after paragraph (2) there is inserted –

“(2A) In a year in which an ordinary election is held, the Bailiff must determine the date on which the 1st session will end to ensure that the appointments stipulated in standing order 112 may take place before the end of the session.”.

3 Standing Order 7 (times when States shall not meet) amended

In standing order 7 –

- (a) for “of 21 days” there is substituted “commencing with the week before the week in which the candidates nominated for an ordinary election are announced and”;
- (b) “for Senators or an ordinary election for Deputies” is deleted.

4 Standing Order 19A (prohibition on lodging before ordinary election) amended

In standing order 19A –

- (a) the existing paragraph is renumbered as paragraph (1);

- (b) in the renumbered paragraph (1), for “any period of 21 days ending with an ordinary election” there is substituted “the pre-election period”;
- (c) after the renumbered paragraph (1) there is inserted –
 - “(2) The pre-election period is the period commencing 2 months before the first day of the nomination period for an ordinary election and ending with an ordinary election.”

5 Standing Order 34 (withdrawing a proposition before debate) amended

In standing order 34, after paragraph (3) there is inserted –

- “(4) A proposition in respect of which the debate has not been completed by the end of the last meeting before an ordinary election shall be taken to have been withdrawn at the end of that meeting.”

6 Standing Order 112 (order of and time for selection and appointment following ordinary election) amended

In the table in standing order 112(1), in the entry relating to the selection of Ministers, appointment of Chairs of PPC, PAC and Scrutiny Panels, and Chairs of the Planning and Jersey Overseas Aid Committees, in the second column “working” is deleted.

7 Standing Order 164 (suspension of member of the States) amended

In standing order 164, in paragraphs (4), (5) (6) and (9) for “3 year”, in each place it occurs, there is substituted “single”.

8 Citation and commencement

These Amendment may be cited as the Amendment (No. 53) of the Standing Orders of the States of Jersey and come into force on the day after they are made.

ENDNOTES

Table of Endnote References

<u>1</u>	<i>chapter 16.800.15</i>
<u>2</u>	<i>chapter 16.800</i>
<u>3</u>	<i>chapter 16.800.15</i>