

# **STATES OF JERSEY**

**r**

## **DRAFT AMENDMENT (No. 27) OF THE STANDING ORDERS OF THE STATES OF JERSEY**

---

**Lodged au Greffe on 12th October 2004  
by the Privileges and Procedures Committee**

---

**STATES GREFFE**





Jersey

## **DRAFT AMENDMENT (No. 27) OF THE STANDING ORDERS OF THE STATES OF JERSEY**

### **REPORT**

---

On 26th May 2004 the States agreed to trial 2 new procedures in the Assembly for the period ending 31st October 2004. The first trial related to the introduction of a new system of questions and answers and the second to the introduction of a closure motion.

The Privileges and Procedures Committee (PPC) has reviewed the operation of the trials and has concluded that the new procedures should be made permanent. The purpose of these amendments to Standing Orders is to incorporate the changes on a permanent basis.

#### **Oral and written questions**

When the PPC reviewed the trial procedures there had been 6 meetings at which the new procedures had been used.

The number of oral questions for each meeting was as follows –

8th June 2004	5
22nd June 2004	6
6th July 2004	9
20th July 2004	8
14th September 2004	4
28th September 2004	11

At each of the above meetings all the oral questions listed were answered within the one hour period allowed under the trial and, as a result, no oral questions submitted were unanswered.

The Committee is satisfied that the new system of oral questions has achieved many of the desired objectives. The system of oral questions has provided members with a wider opportunity to ask supplementary questions and, in consequence, Presidents have had to be well briefed. As stated in its original proposition, PPC believes that question time is an important part of the proceedings but should not be allowed to dominate business in the way that was happening prior to the start of the trial period when, on one occasion, question time continued until after the lunch adjournment. The Committee believes that the trial has proved successful in allowing an interesting and valuable hour period for questions whilst still allowing the States to move on to other business for at least one hour before the lunch adjournment.

In reviewing the trial on oral questions the Committee is conscious that there have been one or 2 oral questions that would have been better suited to a written answer. These included large amounts of statistical information that members were unable to follow in the purely oral response. The Committee hopes that Presidents answering questions will liaise if appropriate with the member asking the question if it is felt in advance that an oral answer will be difficult. Alternatively Presidents could consider circulating certain written information to accompany their concise oral answer if that would be of assistance to members.

The number of written questions submitted during the trial period has been as follows –

8th June 2004	0
22nd June 2004	4

6th July 2004	6
20th July 2004	0
14th September 2004	1
28th September 2004	5

Although, as shown above, the number of written questions has been relatively small, the Committee is pleased to note that the written questions and answers have been given wide coverage in the local media. Almost all written questions have been reported in the Jersey Evening Post and some have also led to extensive coverage in the other news media, for example 2 written questions submitted by the Deputy of Trinity on the termination of pregnancy and sex education. The Committee believes that the written question procedure provides the ability for members to seek detailed and complex information in a timely way as they can be assured of the actual date on which they will receive information they are seeking.

### **Closure motion**

At the time of the review of the trial procedures by the PPC the closure motion had been proposed on 17 separate occasions in the Assembly. Full details of the closure motions proposed and the voting is included in the Appendix to this report.

The Committee is aware of concerns expressed by some members about the operation of the closure motion but, on balance, has concluded that it is a useful device when used appropriately. In addition the Committee would remind members that the decision on whether or not to vote for a closure is always in the hands of members.

In reviewing the trial the Committee has concluded that it would wish to urge members to adopt certain conventions in relation to the closure motion. Firstly the Committee believes it is somewhat discourteous for a member to propose the closure motion at the end of a speech on the proposition itself, when a member has been given his or her opportunity to speak on the proposition it appears somewhat inappropriate to immediately propose that the debate should be concluded. Secondly the Committee believes there is merit in the system which it understands is used informally in the States of Guernsey when members give notification in advance that within a period of, say, 30 minutes, they will be proposing the closure if the debate is not yet concluded. The Committee believes there would be merit in adopting this system informally in the States so that members are aware that a proposition to propose the closure is imminent.

### **Conclusion**

The Committee believes that the 2 procedures have contributed to the efficient management of States business and therefore has concluded that these amendments should be brought forward to make the trials permanent. There are no additional financial or manpower implications arising from these amendments.

**CLOSURE MOTION – TRIAL PROCEDURE**

Between 26th May and 28th September 2004 the closure has been proposed on the following occasions –

	<b>DATE</b>	<b>MATTER BEING DEBATED</b>	<b>CLOSURE PROPOSED BY</b>	<b>VOTE</b>
1	26th May	Committee of Inquiry – Jambart Lane (proposition of Deputy Le Hérisssier)	Senator L. Norman	Adopted 27 – 10
2	1st June	Income Tax allowances for children over 17 (proposition of Deputy of St. Martin)	Senator E.P. Vibert	Rejected 17 – 18
3	23rd June	Strategic Plan (amendment of Deputy Southern on working population)	Deputy P.J.D. Ryan	Rejected 18 – 28
4	29th June	Strategic Plan (amendment of Deputy Southern on working population) – closure proposed a second time	Senator J.A. Le Maistre	Adopted 36 – 13 with 1 abstention
5	29th June	Strategic Plan (proposition of Policy and Resources Committee as amended)	Deputy P.N. Troy	Adopted 32 – 13
6	30th June	Bus tendering process Committee of Inquiry (amendment of Deputy Le Hérisssier)	Deputy of St. John	Adopted 24 – 15
7	6th July	Taxation policies – a transparent enquiry (proposition of Senator Syvret)	Deputy of St. John	Disallowed by Chair
8	7th July	Fiscal Strategy (proposition of Finance and Economics Committee)	Senator J.A. Le Maistre	Adopted 30 – 9
9	21st July	Sale of Properties (amendment of Deputy Troy)	Senator P.F.C. Ozouf	Adopted 36 – 9
10	21st July	Sale of Properties (proposition of Housing Committee)	Deputy M.F. Dubras	Disallowed by Chair
11	21st July	Sale of Properties (proposition of Housing Committee) – closure proposed a 2nd time	Senator J.A. Le Maistre	Adopted 31 – 13
12	21st July	Fields 181, 182, 183, St. Peter	Deputy of St. John	Adopted

		(proposition of Deputy of St. Peter)		24 – 19
13	22nd July	Minimum wage (proposition of Employment and Social Security Committee)	Deputy of St. John	Adopted 24 – 13
14	22nd July	U.N. Convention on Wetlands of International Importance (proposition of E&PSC)	Connétable of Grouville	Disallowed by Chair
15	22nd July	U.N. Convention on Wetlands of International Importance (proposition of E&PSC) – closure proposed a 2nd time	Senator J.A. Le Maistre	Adopted 27 – 7
16	15th September	Act annulling Island Planning (SSI) Order – proposition of Deputy Farnham	Senator P.V.F. Le Claire	Rejected 18 – 23 with 1 abstention
17	28th September	Postal Services (Jersey) Law (Appointed Day) Act (proposition of EDC)	Deputy L.J. Farnham	Disallowed by Chair

The results of the votes on the closure motions that have been allowed by the Chair are shown in the following pages. The number at the head of each column of the results corresponds to the number in the left-hand column in the above table.

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>8</b>	<b>9</b>	<b>11</b>
--	----------	----------	----------	----------	----------	----------	----------	----------	-----------





Dep. S.C. Ferguson (B)	P	C	P	P	P	P	P	P	C
Dep. of St. Mary							P	P	P
Dep. of St. Ouen	P	P	C	C	P		P	P	C
Dep. P.J.D. Ryan (H)	P		P	P	P	C	P	P	P
Dep. M.A. Taylor (C)		P	P	P	P		P	P	P
Dep. of Grouville		C	C	C	C	P	C	C	C
Dep. of St. Peter	P	P	C	P	P	P	P	P	P
Dep. J.A. Hilton (H)	P	C	C	P	P	P	P	P	P
Dep. G.W.J. de Faye (H)	C	P	C	C	C	C	C	C	C

<b>VOTE RESULTS</b>	<b>12</b>	<b>13</b>	<b>15</b>	<b>16</b>
Sen. J.A. Le Maistre	P	P	P	
Sen. S. Syvret	C	C	C	C
Sen. L. Norman	P		P	P
Sen. F.H. Walker	P	C	P	P
Sen. W. Kinnard	C	P	P	
Sen. T.A. Le Sueur	P	P		P
Sen. P.V.F. Le Claire				A
Sen. P.F. Routier	C	C	P	C
Sen. M.E. Vibert	C	C	C	C
Sen. P.F.C. Ozouf	C	C	C	C
Sen. E.P. Vibert				C
Sen. R.J. Shenton	P	P		P
Conn. of St. Martin				C
Conn. of St. Ouen		P	P	
Conn. of St. Saviour	P		P	P
Conn. of St. Brelade		P	P	P
Conn. of St. Mary	P	P	P	P
Conn. of St. Peter	C	P	P	
Conn. of St. Clement	P	C	P	P
Conn. of St. Helier	P	C	P	
Conn. of Trinity	P	P	P	
Conn. of St. Lawrence	P			P
Conn. of Grouville	P	P	P	P
Conn. of St. John	P	P	P	P
Dep. of Trinity	P	P	P	P
Dep. R.C. Duhamel (S)	P	C	P	P
Dep. A. Breckon (S)	C	C	C	C
Dep. J.J. Huet (H)		C	C	C
Dep. of St. Martin	C	P	P	C
Dep. of St. John	P	P	C	P
Dep. T.J. Le Main (H)				P
Dep. M.F. Dubras (L)	C	P	P	P
Dep. G.C.L. Baudains (C)	C	P		P
Dep. J.L. Dorey (H)	P	P	P	C
Dep. P.N. Troy (B)	C	C	P	C
Dep. F.G. Voisin (L)				C
Dep. C.J. Scott-Warren (S)				
Dep. L.J. Farnham (S)	P		P	C
Dep. R.G. Le Hérisier (S)	C		P	C

Dep. J.B. Fox (H)	C	P	P	C
Dep. J-A. Bridge (H)	P	P		
Dep. J.A. Martin (H)	C			C
Dep. G.P. Southern (H)	C	C		C
Dep. J.A. Bernstein (B)	P			C
Dep. S.C. Ferguson (B)	P	P		C
Dep. of St. Mary		P	P	
Dep. of St. Ouen	P			P
Dep. P.J.D. Ryan (H)	P			
Dep. M.A. Taylor (C)	C	P	P	C
Dep. of Grouville	C			C
Dep. of St. Peter	P	P	P	
Dep. J.A. Hilton (H)	C	P		C
Dep. G.W.J. de Faye (H)	C	C	C	C

## Explanatory Note

---

*Amendment 1* replaces Standing Order 12 and adds Standing Order 12A.

The substituted Standing Order 12 sets out the procedure for giving notice of a question to be answered in writing, and the time by which the notice must be given. Ordinarily, notice must be given no later than 5 p.m. on the Friday preceding the Friday before the Tuesday on which the States sit. However, if the Friday by which notice must be given, or any other weekday between that day and the day of the States sitting, is a public holiday, the deadline is brought forward so that there are, at all times, 6 clear working days between notice being given and the day of the States sitting.

The new Standing Order 12A sets out the procedure for giving notice of a question to be answered orally and the time by which notice must be given. In this case, notice must be given by noon on the Friday preceding the Tuesday on which the States sit. As before, if the Friday or the following Monday are a public holiday, the deadline is brought forward so that there is, at all times, one clear working day between notice being given and the day of the States sitting.

*Amendment 2* repeals Standing Order 13(2) as the procedure for approval of a question by the Bailiff is restated in the new Standing Orders 12, 12A and 14C.

*Amendment 3* replaces Standing Order 14 and adds Standing Orders 14A, 14B and 14C.

The substituted Standing Order 14 sets out the arrangements for tabling of written answers.

The new Standing Order 14A sets out the procedure for drawing lots to determine the order in which oral questions are put. A member may, no later than 5 p.m. on the day before the States Sitting, ask the Bailiff to move his or her question to another place in the order.

The new Standing Order 14B sets out the procedure for oral questions, imposing the one hour limit and providing for any questions that have not been put within that time to be treated as withdrawn.

The new Standing Order 14C preserves the arrangements for asking urgent questions, previously found in Standing Order 12. The one hour limit does not apply to urgent questions.

*Amendment 4* inserts Standing Order 26A, which sets out the procedure regarding propositions for closure motions.

*Amendment 5* cites the short title of these Amendments which, if adopted, would come into force immediately.





Jersey

## DRAFT AMENDMENT (No. 27) OF THE STANDING ORDERS OF THE STATES OF JERSEY

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

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

---

### 1 Standing Order 12 substituted

For Standing Order 12 there shall be substituted the following Standing Orders –

#### “12 Notice of questions to be answered in writing

- (1) Where notice of a question is given under this Standing Order, the question shall be answered by means of a written reply.
- (2) Notice of the question must be given, in writing, to the Greffier not less than 6 clear days (disregarding any Saturday, Sunday or public or bank holiday) before the day on which the written answer is to be tabled.
- (3) For the purposes of paragraph (2) any notice given after 5 p.m. on any day shall be deemed to have been given on the following day.
- (4) The Greffier shall refer the question to the Bailiff.
- (5) The Bailiff shall –
  - (a) approve the question; or
  - (b) if he is of the opinion that the question infringes the requirements of paragraph (2) or Standing Order 13(1) –
    - (i) with the prior agreement of the member concerned, approve the question with such alterations as the Bailiff may require, or
    - (ii) direct that the member concerned be informed that the question is out of order.
- (6) When a question has been approved, the Greffier shall –
  - (a) as soon as is practicable, forward a copy of the question to the member to whom it is addressed;
  - (b) print the text of the question on the order paper for the meeting at which the written answer is to be tabled; and
  - (c) distribute the text of the written answer to all members before the start of the meeting at which the answer is tabled.

## **12A Notice of questions to be answered orally**

- (1) Where notice of a question is given under this Standing Order, the question shall be answered orally.
- (2) The question must not exceed 60 words in length.
- (3) A member cannot give notice of more than two questions to be answered at a meeting of the Assembly.
- (4) Notice of the question must be given, in writing, to the Greffier not less than one clear day (disregarding any Saturday, Sunday or public or bank holiday) before the day on which the question is to be answered.
- (5) For the purposes of paragraph (4) any notice given after noon on any day shall be deemed to have been given on the following day.
- (6) The Greffier shall refer the question to the Bailiff.
- (7) The Bailiff shall –
  - (a) approve the question; or
  - (b) if he is of the opinion that the question infringes the requirements of paragraph (2) or (4) or Standing Order 13(1)–
    - (i) with the prior agreement of the member concerned, approve the question with such alterations as the Bailiff may require, or
    - (ii) direct that the member concerned be informed that the question is out of order.
- (8) When a question has been approved the Greffier shall, as soon as is practicable, forward a copy of the question to the member to whom it is addressed.”.

## **2 Standing Order 13(2) repealed.**

Standing Order 13(2) shall be repealed.

## **3 Standing Order 14 substituted**

For Standing Order 14 there shall be substituted the following Standing Orders –

### **“14 Tabling of written answers**

- (1) No discussion or supplementary question will be permitted in the Assembly on the content of a written answer.
- (2) The Greffier shall –
  - (a) include the text of a question and the written answer in the minutes of the proceedings of the States; and
  - (b) publish the text of the question and the written answer on the website of the States Assembly on the day the answer is tabled.

### **14A Determination of order in which questions to be answered orally**

- (1) Where notice of two or more questions to be answered orally at a meeting of the States is given under Standing Order 12A the Greffier shall, after the expiry of the time by which such notices must be given pursuant to Standing Order 12A(4) but before the

time mentioned in paragraph (2) –

- (a) in the presence of another person, draw lots to determine the order in which the questions are to be asked at the meeting;
  - (b) prepare and circulate to members a notice setting out the text of the questions, in the order in which they are to be asked.
- (2) Any member who is to ask a question at the meeting may, no later than 5 p.m. on the day preceding the meeting, apply to the Bailiff to request that the question be moved to another place in the order.
  - (3) The Bailiff, if he is of the opinion that the request is justified, shall indicate where the question should be moved in the order.

#### **14B Procedure for giving oral answers**

- (1) No more than one hour shall be permitted at any meeting of the Assembly for the asking of questions and the giving of oral answers.
- (2) The Bailiff shall –
  - (a) inform the Assembly of any change in the order of questions made pursuant to Standing Order 14A(3); and
  - (b) call on members asking a question in that order.
- (3) The member to whom a question is addressed shall answer concisely.
- (4) Subject to paragraph (6) –
  - (a) any member may then ask one or more supplementary questions relating to the subject matter of the question; and
  - (b) the member to whom the original question was addressed shall answer concisely.
- (5) Neither a question nor the answer shall be made a pretext for debate.
- (6) When the Bailiff considers that sufficient time has been allowed for questions supplementary to the original question, the Bailiff shall call on the next member who is to ask a question.
- (7) At the end of the period described in paragraph (1), any question which has not been asked shall be deemed to have been withdrawn.
- (8) The Greffier shall record the questions asked (apart from any supplementary questions) in the minutes of the proceedings of the States.

#### **14C Urgent oral questions**

- (1) A member may, not less than 30 minutes before the beginning of a meeting of the Assembly, seek the leave of the Bailiff to ask a question at that meeting.
- (2) The Bailiff may only permit the member to ask the question if the Bailiff has approved it pursuant to paragraph (3) and, in his opinion, the question is of an urgent character and relates to a matter of public importance or to the arrangement of business.
- (3) The Bailiff shall –
  - (a) approve the question; or
  - (b) if he is of the opinion that the question infringes the requirements of Standing Order 13(1) –
    - (i) with the prior agreement of the member concerned, approve the question with such alterations as he may require, or

- (ii) inform the member that the question is out of order.”.

#### **4 Standing Order 26A inserted**

After Standing Order 26 there shall be inserted the following Standing Order –

##### **“26A Propositions for closure of debate**

- (1) After a question put by the Bailiff, or an amendment to such a question, has been debated for an hour or more, any member may move without notice “That the question be now put” whereupon the Bailiff, unless it appears to him that the proposition is an abuse of the procedure of the States or an infringement of the rights of a minority, shall put the proposition forthwith without debate.
- (2) If the proposition is carried, the Bailiff shall invite the member who proposed the question or amendment under debate to sum up.
- (3) If the proposition is not carried –
  - (a) any similar proposition shall not be moved before the debate has continued for an hour; and
  - (b) the member who moved the proposition shall not be entitled to move any similar proposition during the debate.”.

#### **5 Citation**

This Amendment may be cited as Amendment (No. 27) of the Standing Orders of the States of Jersey.



---

[1] *Recueil des Lois, Volume 1966-1967, page 15.*

[2] *Nos. 4858, 5217, 5531, 5934, 6099, 6213, 6530, 6531, 6800, 7587, 7678, 8030, 8129, 8218, 8630, 8727, 8837, 8958, 9470, 9483, 54/2000, 115/2000, 116/2000, 112/2002, 121/2002, 35/2003, 155/2003 and 51/2004.*