



Vote of No Confidence

Overview

This Briefing Paper looks at the evolution of Votes of No Confidence in Jersey and identifies key procedures required to bring such a vote.

What is a Vote of No Confidence (VONC)

A VONC is a parliamentary tool which allows politicians the ability to decide whether the person/panel/committee (body) is fit to continue to hold office. If successful, it indicates a lack of support for the body and triggers their resignation. Whilst the procedure varies in different Parliaments throughout the world, this Briefing Paper addresses the procedure in Jersey.

How the States Assembly conducts its business is governed by a comprehensive set of rules known as [Standing Orders \(SO\)](#), which include the VONC. The current Standing Orders date from 2005 with the establishment of the Ministerial system of Government and Standing Order 22 (SO 22) relates to the VONC.

History of the VONC in Jersey

In 1993 *Amendment (No. 14) of the Standing Orders of the States of Jersey* was lodged by the then House Committee giving effect to a decision of the States regarding the procedure for propositions of no confidence in a Committee. A new Standing Order (SO 18A) was adopted and has since been replaced by Standing Order 22 (SO 22) (see above).

Under SO 22, a VONC proposition is brought to the States and must be supported by the proposer and at least three other States Members. The proposition must be listed for debate at the first meeting after the proposition is lodged and the proposer is not able to defer the proposition from this meeting.

SO 18A was invoked by Senator L. Norman who lodged [P.158/1999 Housing Committee: Vote of No Confidence](#). The proposition was supported by more than the required number of States Members and stated that the reasons for bringing the proposition were that the Housing Committee had shown itself to be incompetent and was failing to comply with the strategic policies of the States and its own policies. It was adopted Pour:32 Contre:19 resulting in the resignation of the President and Members of the Committee and notice being given of the vacancy for President of the Housing Committee.

Following the [Report of the Review Panel on the Machinery of Government in Jersey December 2000](#), the States took a decision to bring to an end the Committee-style government and move to Ministerial-type government, combined with a system of Scrutiny.

As indicated by the title of the proposition [P.122/2001 Machinery of Government: Proposed Reforms](#), the Policy and Resources Committee brought forward proposals for the changes to be



debated by the Assembly which were adopted. Point 6.15 of the report proposed that a proposition could be brought to allow a vote of no confidence in the Chief Minister or any other Minister.

However this position was reversed by the adoption of [P.191/2002 Machinery of Government: Structure of the Executive](#). Point 5.2 of the Appendix to that report stated –

“The States Assembly should not be able to debate a vote of confidence in an individual minister. The minister is a member of a team (the Council of Ministers) and it would be inappropriate to challenge one member of that team for matters that relate to the team as a whole. On that basis, therefore, the new States of Jersey Law should facilitate a proposition of no confidence in the Council of Ministers, but not individual ministers. There should be a requirement in Standing Orders that any such proposition should have the signatures of a given number of States members.”

The matter, however, did not rest there and [P.6/2004 Machinery of Government: Votes of no confidence in individual Ministers](#) was unanimously adopted, bringing back the ability to bring VONCs against the Chief Minister and individual Ministers. This was reflected in [P.162/2005 Draft Standing Orders of the States of Jersey](#) in which SO 22 Additional requirement for proposition of no confidence stated –

“The Committee has however decided, after consultation with the Policy and Resources Committee, not to include any provision in the Law which would prevent a vote of no confidence being brought in the States in relation to individual Ministers. This runs contrary to existing States’ decisions on this matter but the Committee accepts that it would be preferable to allow such votes and therefore invites the States to overturn their previous decision by accepting that no restriction is included in the draft Law”. [taken from the report to proposition]

Article 19 of the [States of Jersey Law 2005](#) addresses the selection and appointment of the Council of Ministers and at Art 19 (2) details the events that trigger the selection of a Chief Minister, one of which (19(2)(f)) being a decision that the States have no confidence in the Chief Minister or in the Council of Ministers.

Deputy Ferguson lodged [P.40/2007 President of Chairman’s Committee: Vote of No Confidence](#) citing, in her report, that the President was seriously out of step with the majority of the members of the Committee both in his style and in respect of management issues. Although discussions had been held with the President to see whether he would consider his position and tender his resignation, he chose not to pursue that option. The resultant proposition was successful, Pour:27 Contre:18 Abstentions:3

VONC Procedure in Jersey

The minimum lodging period for this type of proposition is 2 weeks (SO 26).

Standing Order 22 provides additional conditions when lodging a proposition of no confidence which require three signatories, in addition to the proposer, together with a report giving the reasons behind the proposition.

Although a member cannot speak twice in debate (SO 104) there is an exception to allow the member who is the subject of the proposition of no confidence to speak again before the proposer



replies at the conclusion of the debate. Similarly in a debate upon a proposition of no confidence in the Council of Ministers or in any committee or panel established by standing orders the Chief Minister or the chairman or president of the committee or panel, as the case requires, may speak again before the proposer replies at the conclusion of the debate.

In a recent debate on a vote of no confidence in the Chair of the Health and Social Services Scrutiny Panel [[Hansard 16.01.24](#)] a gap was identified in Standing Orders as there was no explicit provision for the Chair, as the subject of the proposition, to speak a second time once the closure motion had been adopted, a closure motion having been brought during this debate under SO 84. The Bailiff ruled, at the time, that the Chair would be given the opportunity to speak and, as part of various amendments to Standing Orders brought by the Privileges and Procedures Committee in [P.30/2023](#), this gap was closed.

Changing the Government

A successful VONC against the Chief Minister will prompt their resignation and, consequently, the fall of the Council of Ministers. A new Chief Minister is then selected within 7 clear working days of the VONC, during which period the resigning Chief Minister and Council remain in post. The procedure to select a new Chief Minister and Council of Ministers follows the same format as undertaken after an election¹.

There have been several attempts to oust a sitting Chief Minister by bringing a VONC but only one that has been successful to date. This was the first proposition in 2024 ([P.1/2024](#)) and resulted in a change in Government less than halfway through Members term of office.

Had the VONC been unsuccessful, the Chief Minister would have stayed in post nominating new Ministers to replace those involved with bringing the VONC either as proposer or signatories to the proposition.

Vote of No Confidence: The Bailiff of Jersey

SO 22 allows a proposition to be brought that the States have no confidence in **any person or body of persons** if the criteria as stipulated in the section on Procedure above are met. This is clearly illustrated by [P.107/2008](#) when a VONC was brought against the Bailiff of Jersey as President of the States with a request that Her Majesty dismiss him from office if the VONC should be successful, which it was not [[Hansard \(gov.je\)](#)].

Propositions that effectively seek a vote of no confidence

An amendment to SO 22 was brought with other amendments by [P.3/2022](#) Amendments to Standing Orders – Miscellaneous Amendments to address a “procedural loophole” identified during a debate in December 2020 on the [Draft Amendment \(No. 49\) of the Standing Orders of the States of Jersey \(P.143/2020\)](#). The proposition sought to ensure that the Chair of a Scrutiny Panel could not belong to the same political party as any Minister scrutinised by the Chair’s Scrutiny Panel and, if adopted, would have taken immediate effect. As a result it would have seen an existing Chair of the time removed from that position. The effect of the adoption of the proposition

¹ <https://statesassembly.gov.je/BriefingPapers/Pages/Post-General-Election-appointments.aspx>



would be tantamount to a vote of no confidence, albeit the requirements of SO 22 had not been met. Ultimately P.143/2020 was withdrawn but not before one States Member sought to invoke the “guillotine” over concern that the debate was “turning into a very nasty and unpleasant situation”.

Examples of VONCs in Jersey

[1998 to date]

Proposition Reference	Proposer	Brought against	Result C – Contre P – Pour
P.1/2024	Deputy T. Binet	Chief Minister	[vote P.27:C22]
P.7/2023	Deputy Bailhache	Chair of the Health and Social Security Scrutiny Panel	[vote P.17:C15:Abstained14:Dec Interest2]
P.149/2020	Senator Moore	Chief Minister	[vote C.29: P19: Abstained 1]
P.55/2019	Deputy Southern	States Employment Board	[WITHDRAWN]
P.55/2017	Connétable of St John	Chief Minister	[vote C.34: P.13]
P.137/2016	Deputy Higgins	States Employment Board	[vote C30:P13:Abstained2]
P.148/2014	Deputy Southern	Minister for Treasury and Resources	[vote C37:P7:Abstained5]
P.148/2013	Deputy Luce	Minister for Planning and Environment	[WITHDRAWN]
P.76/2010	Deputy Southern	Chief Minister	[vote C.38: P.9]
P.69/2010	Deputy Southern	Minister for Housing	[WITHDRAWN]
P.142/2009	Deputy Southern	States Employment Board	[vote C35:P11]
P.53/2009	Deputy Le Herissier	Minister for Health and Social Services	[WITHDRAWN]
P.107/2008	Deputy S Pitman	Bailiff of Jersey	[vote C47:P3]
P.99/2008	Senator Syvret	Council of Ministers	[vote C.41 P.8: Abstained 2]
P.85/2007	Deputy Baudains	Environment Scrutiny Panel	[vote C27:P20:Abstained2]
P.40/2007	Deputy Ferguson	President of the Chairman’s Committee	[vote P.27:C18:Abstained3]
P.198/2004	Senator Le Claire	Special Committee on the composition and election of the States	Assembly [vote C26:P24:Abstained1]
P.160/2004	Deputy Egré	Environment and Public Services Committee	[NOT DEBATED]
P.21/2004	Deputy Southern	Housing Committee	[vote C40:P3]
P.14/2004	Senator Vibert	Environment and Public Services Committee	[WITHDRAWN]
P.143/2003	Senator Vibert	Harbours and Airport Committee	[vote C25:P24]
P.158/1999	Senator Norman	Housing Committee	[vote P32:C19]



P.45/1999	Senator Shenton	Planning and Environment Committee	[vote C36:P13]
P.74/1998	Deputy Nicholls	Public Services Committee	[vote C31:P14]