

STATES OF JERSEY

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DRAFT AMENDMENT (No. 1) OF THE STANDING ORDERS OF THE STATES OF JERSEY

**Lodged au Greffe on 11th October 2005
by the Privileges and Procedures Committee**

STATES GREFFE



Jersey

DRAFT AMENDMENT (No. 1) OF THE STANDING ORDERS OF THE STATES OF JERSEY

REPORT

Introduction

Members will be aware that following the receipt of legal advice about the implications of Article 51 of the States of Jersey Law 2005 the Privileges and Procedures Committee took the decision to remove from the first draft Standing Orders all provisions relating to 'disciplinary' matters relating to States members as it would have been virtually impossible to design meaningful provisions that were compatible with Article 51. Following the decision of the States on 14th September 2005 to repeal Article 51, PPC is now able to bring forward this additional part of Standing Orders without which the procedures of the States would be seriously deficient when the new system of government begins. The Committee is grateful for comments it received on the early draft of Standing Orders, which was circulated in July 2005 and included the parts that were subsequently omitted from the Standing Orders as lodged (P.162/2005) and the Committee has also, as indicated below, taken account of matters raised during the debate on the repeal of Article 51 when many useful comments about the extent of provisions on members' conduct were made.

The attached amendments to Standing Orders also relate, in Part 2, to an entirely different topic, namely the appointment of the President of the Chairmen's Committee. These amendments are being brought forward as a result of comments made by the present Chairman of the Shadow Chairman's Committee.

In addition to the amendments being brought forward in this set of amendments, PPC would like to reassure members that it has taken careful note of comments made during the 2 day debate on P.162/2005 and will be considering whether or not to bring forward any further amendments to refine the Standing Orders that the States have now agreed. It has clearly not been possible to complete this work in the short time available before the lodging deadline for these amendments but further changes can hopefully be worked on during the remainder of this session so that any amendments that are considered appropriate can be brought forward early in the new year by the future PPC.

Amendments 1 and 2

These Amendments are related to the suspension and expulsion of members and their effect is described below.

Amendment 3

This Amendment, which inserts new Standing Orders 108A to 108C indicates how inappropriate conduct in the Chamber can be dealt with.

New Standing Order 108A refers to how the presiding officer may deal with a member who uses inappropriate language in the Chamber. The reference to 'offensive, objectionable, unparliamentary or disorderly words' mirrors provisions in other legislatures to ensure that language used by members in debates is appropriate. It is clearly always a matter of judgment for the presiding officer, and ultimately for all members, to decide what language is acceptable and appropriate whilst not constraining members' ability to speak freely and openly in the Chamber. It is nevertheless clear that language used must be appropriate in the context of a parliamentary debating chamber such as the States Assembly.

The member who has allegedly used inappropriate language may initially be requested to explain the sense in which the words were used and the presiding officer then makes a determination. In these circumstances the presiding officer's role is partly to judge whether or not the member has justified the use of the words. If the presiding officer concludes that the language used was inappropriate he or she may require the member to

withdraw the words and apologise.

Standing Order 108B explains how the presiding officer may require a member to withdraw for all or part of the remainder of a meeting if the member has obstructed the meeting, been grossly disorderly, refused to withdraw inappropriate language, or generally persistently and wilfully refused to comply with standing orders or disregarded the authority of the presiding officer. It is clearly necessary to ensure that the presiding officer has this ultimate sanction in order to exert his or her authority in cases where a member is deliberately refusing to accept a ruling from the Chair. The provision is intended to be used as a 'cooling off' period when the member concerned can be required to leave the Chamber and then reflect on his or her actions. The power is, of course, found in most, if not all, parliaments around the world.

Although a requirement to leave as described above may normally be an adequate sanction to deal with this sort of behaviour there may be occasions when members feel that the conduct has been so inappropriate that the requirement to withdraw is not a sufficient sanction. Under the 1966 Standing Orders the Bailiff, if he considers that his powers are inadequate in these circumstances, is able to 'name' the member concerned and invite the States to vote immediately, and without debate, on whether the member should be suspended. As indicated in its recent report on disciplinary matters (RC.68/2005), PPC does not believe that this procedure is appropriate or fair to the member concerned who has no right to address the States before the suspension is voted on without debate. The new procedure set out in Standing Order 108C provides that any member, instead of just the presiding officer as at present, is able to take action if the sanction of sending a member out is considered inadequate. To ensure that this is not done when emotions may still be running high after the exclusion, the matter can only be raised on the next meeting day (which could, of course, be a day later or even weeks later if the exclusion happened on the day before the summer recess). The member raising the matter is able to propose, without notice, that the member be suspended from the States and the debate can take place immediately unless the States agree to defer the matter to another meeting. The debate on the suspension, and the effect of suspension, is described below.

Amendments 4, 5 and 7

These Amendments refer to the Code of Conduct for Elected Members and the provisions relating to the Code are included with little amendment from the provisions approved by the States in 2003.

Members of the States will be required to comply with the Code and the present 'voluntary' nature of the Code will cease. In addition it will be noted from the Code itself (paragraph 8(d)) that failure to co-operate as required with any investigation into a breach of the Code will, in itself, constitute a breach.

The Committee has found it extremely difficult to operate the Code on a voluntary basis and it will be possible to put in place a more rigorous and systematic process when these new provisions are in place. As set out in RC.68/2005 the Committee has recently considered the procedures for an investigation which must clearly be undertaken in a fair and objective way, respecting the rules of natural justice at all times, even though it is not to be conducted on the lines of a criminal investigation by the police.

The Committee has given flexibility in these Standing Orders for PPC to undertake any investigation itself or to appoint a panel (which could involve up to 2 persons who are not members of the States) to deal with the investigation stage. This latter option is likely to be appropriate in serious cases where a breach may be contested by the member concerned. The Committee would, nevertheless, stress that the rules require States members themselves to adjudicate on complaints and make recommendations for any sanction. As made very clear during the debate on the repeal of Article 51 it is simply not possible to give this role to any outside, independent, body if the sovereignty and autonomy of the States to regulate their own proceedings is to be preserved. If an outside body was allowed to adjudicate on the outcome of an investigation its findings would almost certainly be subject to review by the courts and this would be a serious threat to the independence of the legislature.

Under the rules set out the future PPC will make the final adjudication on what action, if any, is appropriate. As set out in the accompanying report when the draft Code was debated this action could, for example, be a requirement to withdraw comments and/or apologise, a statement could be made in the States, or, in very serious cases, a proposition to censure or suspend a member could be lodged.

The Code itself is reproduced in new Schedule 2A (Amendment 7) largely without amendment from the draft Code approved in 2003. The Committee would stress that the Code is not intended to restrict the ability of members to act but, in common with best practice across the world, sets out clearly and openly the standards of behaviour that the public should be able to expect from their elected representatives. As has been stated in many discussions and debates about the Code there is nothing in the Code that is anything other than the proper standards of conduct that members should be following at all times anyway. There is a slight change in paragraph

2 (Public Duty) where it is now made clear that a member must act in what he or she believes to be the best interests of Jersey as a whole. The Committee accepts that the original requirement, simply to act in the best interest of Jersey, implied that there was only one 'correct' way of interpreting what Jersey's best interests were. There is also an additional paragraph 8 which places a requirement on elected members to co-operate fully with scrutiny panels, the PAC and other bodies. PPC, once it has received appropriate legal advice, will be bringing forward Regulations relating to the powers of scrutiny panels to require attendance and require the production of documents but, as these will contain criminal sanctions for non-compliance, it is considered more appropriate for the Regulations to apply to non-States members only, with the requirement on States members to co-operate to be contained in the Code and any failure to do so dealt with by members themselves.

There is an important new provision in new Standing Order 150B(2)(c) (Amendment 5) which will prevent PPC from accepting a complaint from a person who is not a member of the States in relation to a member's behaviour in the Chamber. PPC accepted comments made during the debate on the repeal of Article 51 that members are given an important privilege in being able to speak freely and openly in the States Chamber without the fear of any legal action and it would not, as a result, seem appropriate that a member of the public could use the Code to complain about words or actions in the Chamber. If a member acts in an inappropriate way in the Chamber it is a matter for the presiding officer and all members to deal with.

Amendment 6

This Amendment, read with Amendments 1 and 2, refers to the effect of the suspension of a member. Amendment 1 sets out that any proposition to suspend a member, other than one brought in accordance with the procedure set out in new Standing Order 108C described above, must be lodged for 2 weeks. A full debate will take place and the member concerned will be given the right to speak for a second time before the summing up as happens with a vote of no confidence (this is the effect of the addition to Standing Order 103 described in Amendment 2). This right is permissive and not mandatory and the fact that a member chose not to exercise it, or was decided to be so disruptive that he or she had to be removed, would not invalidate the debate.

New Standing Order 155A sets out the effect of suspension of a member. These provisions would apply whether a member was suspended in accordance with Standing Order 108C or for any other reason. The Committee has made an important change from present procedures by specifying in this Standing Order the periods of suspension. As can be seen the day on which the suspension occurs is counted as the first day of suspension, and a member will be suspended for one further day on the first occasion, for 3 further days for a 2nd suspension and 5 further days for a 3rd suspension. The Committee considered whether to introduce a more flexible system where the periods, albeit still always being fixed in advance, would be varied on each occasion to make 'the punishment fit the crime'. The Committee decided against this on the grounds that it would require the States to make a judgement on each occasion without any clear criteria of what period might be appropriate. The Committee was concerned that emotion could influence members' judgement and the choice of a period could be made in a way that was oppressive to the member concerned. The advantage of standard periods is that they are always fixed in advance with no judgement by members on the individual case needed. A suspension is a very serious, and hopefully very rare, matter and its principal impact on public perception etc is unlikely to be affected by the length of the 'punishment'. Ultimately the judgement on whether a member's conduct was acceptable is one for the electorate in the ballot box. During the period of suspension a member will not be able to be present in the Chamber or in the precincts of the Chamber (which include members' facilities) on a States day but will be able to use the facilities on other days. A member will still receive remuneration if suspended as he or she will still be acting on behalf of constituents etc.

The Committee has taken the opportunity to make reference in Amendments 1 and 2 to the required lodging period for a proposition to expel a member from the States and to the fact that any member faced with such a proposition could speak twice during the debate. The Committee has received legal advice that the States have a prerogative power to expel a member in common with powers found in parliaments around the world. The power has never been used in Jersey to the Committee's knowledge and has not been used, for example, in the UK House of Commons for many decades. Many of the situations that might lead to expulsion are now dealt with in other ways such as the voluntary resignation of the member concerned or statutory disqualification from office as found in the States of Jersey Law 2005 for matters such as serious criminal conduct. Although PPC hopes and expects that the powers will never be used in Jersey it seems important to include in these Standing Orders the safeguards for the member who might be affected.

The powers of the Viscount in new Standing Order 155B are self-explanatory and follow existing procedures.

Part 2 - Amendments 8, 9, 10 and 11

These Amendments revise the way in which the president of the chairmen's committee is chosen. Under the new Standing Orders, which were agreed on 6th October 2005, the president is simply selected by the 7 members of the committee themselves without reference to the States.

The Committee has received representations on this matter and accepts that, as the position is one of great significance in the new system, the selection of the president should be made by the States as a whole. In this way the president will be more accountable and answerable to all members. The effect of these changes is therefore that at the 3rd meeting after an election, just before the members of PPC, the scrutiny panels and the PAC are chosen, the States will appoint the president of the chairmen's committee from among the 5 ex-officio members of the committee who will have been appointed at the previous meeting (the 4 scrutiny panel chairmen and the chairmen of the PAC). The appointments procedure will follow that used for other similar positions. The amendments will also correct an anomaly which has been identified in the Standing Orders as already agreed which require, in Standing Order 122, the 2 additional members of the chairmen's committee to be nominated by the president at the 4th meeting after the elections. This requirement could not have been complied with under the existing provisions that the committee as a whole, once constituted, chose its own president.

Financial and manpower implications

There are no additional financial and manpower implications arising from these changes.



Jersey

DRAFT AMENDMENT (No. 1) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Arrangement

Article

PART 1

MATTERS OF CONDUCT

- | | |
|----------|---|
| <u>1</u> | <u>Standing order 26 amended</u> |
| <u>2</u> | <u>Standing order 103 amended</u> |
| <u>3</u> | <u>Standing orders 108A to 108C inserted</u> |
| <u>4</u> | <u>Heading to Part 8 amended</u> |
| <u>5</u> | <u>Standing orders 150A to 150D inserted</u> |
| <u>6</u> | <u>Standing orders 155A and 155B inserted</u> |
| <u>7</u> | <u>Schedule 2A inserted</u> |

PART 2

APPOINTMENT OF PRESIDENT OF CHAIRMEN'S COMMITTEE

- | | |
|-----------|--------------------------------------|
| <u>8</u> | <u>Standing order 109 amended</u> |
| <u>9</u> | <u>Standing order 111 amended</u> |
| <u>10</u> | <u>Standing order 1117A inserted</u> |
| <u>11</u> | <u>Standing order 138 amended</u> |

PART 3

CLOSING

- | | |
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| <u>12</u> | <u>Citation and commencement</u> |
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Jersey

AMENDMENT (No. 1) 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 47 of the States of Jersey Law 2005,^[1] have made the following Standing Orders –

PART 1

MATTERS OF CONDUCT

1 Standing order 26 amended^[2]

In paragraph (3) after sub-paragraph (d) insert the following sub-paragraph –

“(da) a proposition that a member of the States be suspended from the service of the States or expelled from the States;”.

2 Standing order 103 amended

In paragraph (2)(e) of standing order 103, after the word “censure” there shall be inserted the words “, suspend or expel”.

3 Standing orders 108A to 108C inserted

In Part 5, after standing order 108 there shall be inserted the following standing orders –

“108A Presiding officer's power to direct withdrawal of offensive etc words

- (1) If the presiding officer believes that the member of the States speaking has used offensive, objectionable, unparliamentary or disorderly words, the presiding officer shall direct the member speaking to sit down.
- (2) If a member of the States, believing that the member speaking has used offensive, objectionable, unparliamentary or disorderly words, has, on a point of order, drawn the attention of the presiding officer to them, the presiding officer shall direct the member speaking to sit down.
- (3) The presiding officer may ask the member who was speaking to explain the sense in which he or she used the words.
- (4) The presiding officer shall then determine whether or not the words are offensive,

objectionable, unparliamentary or disorderly.

- (5) If the presiding officer determines that the words are offensive, objectionable, unparliamentary or disorderly, he or she –
 - (a) shall direct the member to withdraw the words; and
 - (b) may direct the member to apologise.
- (6) The member must withdraw the words and, if so directed, apologise.

108B Presiding officer’s power to require withdrawal from Chamber

The presiding officer may require a member of the States to withdraw from the Chamber, either for the remainder of the day or for a lesser period, if the member has –

- (a) obstructed the meeting;
- (b) conducted himself or herself in a grossly disorderly manner;
- (c) used offensive, objectionable, unparliamentary or disorderly words and refused, when directed by the presiding officer, to withdraw the words or apologise;
- (d) persistently or wilfully refused to conform to any standing order; or
- (e) persistently or wilfully disregarded the authority of the presiding officer.

108C Proposal to suspend member following withdrawal from Chamber

- (1) Where the presiding officer has required a member of the States to withdraw from the Chamber, another member of the States may propose without notice that, the requirement to withdraw being insufficient sanction for the actions of the member, the member be suspended from the service of the States.
- (2) The proposal may only be made on the meeting day or continuation day following the day on which the member is required to withdraw.
- (3) The States may decide to debate the proposal immediately or later in the same meeting, or to list the proposal for debate at another meeting.”.

4 Heading to Part 8 amended

At the end of the heading to Part 8 of Standing Orders add the words “and code of conduct”.

5 Standing orders 150A to 150D inserted

In Part 8, after standing order 150 there shall be inserted the following standing orders –

“150A Code of conduct for elected members

An elected member shall at all times comply with the code of conduct set out in Schedule 2A.

150B Complaint about conduct of an elected member

- (1) Any person may complain to the PPC that an elected member has breached the code of conduct.
- (2) The PPC shall not accept any complaint –
 - (a) which is made anonymously;

- (b) which, in the opinion of the PPC, is frivolous, vexatious or unsubstantiated; or
- (c) from a person who is not a member of the States, regarding words spoken by or actions of an elected member during a meeting.

150C Investigation of breach of code of conduct

- (1) Where the PPC has information, whether or not received from a complainant, that suggests that an elected member may have acted in breach of the code of conduct it shall, without undue delay, inform the member and investigate the act.
- (2) The PPC may appoint a panel of 3 persons to investigate the act and report upon it to the PPC.
- (3) One of the persons appointed must be a member of the States, although he or she need not be a member of the PPC.
- (4) The other persons appointed may or may not be members of the PPC or of the States.
- (5) The PPC shall appoint a member of the panel who is also a member of the States to be chairman of the panel.
- (6) If the elected member whose act is to be investigated is a member of the PPC, he or she shall take no part in the investigation or the appointment of any person to undertake the investigation.
- (7) If a member of the PPC is the complainant, or is otherwise connected with or was involved in the act to be investigated, he or she shall take no part in the investigation or the appointment of any panel to undertake the investigation.
- (8) The fact that the PPC has appointed a panel to investigate the act shall not prevent the PPC conducting any part of the investigation itself.
- (9) The elected member whose act is being investigated shall have the right to address the persons conducting the investigation, whether they are the PPC or a panel, and, when doing so, to be accompanied by a person of his or her choice.

150D Outcome of investigation

- (1) When an investigation is complete and the panel (if any) appointed to conduct it has reported to the PPC –
 - (a) the elected member whose act has been investigated shall have the right to address the PPC and, when doing so, may be accompanied by a person of his or her choice; and
 - (b) the PPC shall review the matter and form an opinion as to whether or not he or she has breached of the code of conduct.
- (2) The PPC –
 - (a) shall inform the elected member of its opinion and of the reasons for it; and
 - (b) may report the opinion and reasons, and any action taken by the PPC, to the States.
- (3) A report may be presented to the States in writing or made orally by the chairman of the PPC in a statement.”.

6 Standing orders 155A and 155B inserted

After standing order 155 insert the following standing orders –

“155A Suspension of member of the States

- (1) A member of the States who is suspended must leave the precincts of the States immediately and not return, during the period of suspension, at any time when the States are meeting.
- (2) A member of the States who is suspended must not, during the period of suspension, take part in any meeting of a panel or committee established by standing orders.
- (3) A member of the States who is suspended cannot, during the period of suspension –
 - (a) lodge a proposition; or
 - (b) ask any question that is to be answered by the tabling of a written reply in a meeting or orally during a meeting.
- (4) The period of suspension expires at the end of –
 - (a) in the case of a 1st suspension during the member’s term of office, 2 meeting days or continuation days;
 - (b) in the case of a 2nd suspension during the member’s term of office, 4 meeting days or continuation days;
 - (c) in the case of a 3rd or subsequent suspension during the member’s term of office, 6 meeting days or continuation days.
- (5) For the purposes of paragraph (4), the meeting day or continuation day on which the suspension occurs shall count as the 1st day of suspension.
- (6) A period of suspension lapses upon the expiry of the member concerned’s term of office.

155B Duty of Viscount relating to removal or exclusion of member of the States

The Viscount or, in his or her absence, any person instructed by the presiding officer to assist, shall act upon such orders as he or she receives from the presiding officer during a meeting and from the Bailiff at any other time to ensure –

- (a) that a member of the States, when required to do so, leaves the Chamber or the precincts of the States immediately; and
- (b) that a member of the States who is suspended does not enter the precincts of the States.”.

7 Schedule 2A inserted

After Schedule 2 to Standing Orders there shall be inserted the following Schedule –

“SCHEDULE 2A

(Standing Order 150A)

CODE OF CONDUCT FOR ELECTED MEMBERS

1 Purpose of the code

The purpose of the code of conduct is to assist elected members in the discharge of their obligations to the States, their constituents and the public of Jersey. All elected members are required, in accordance with standing orders, to comply with this code.

2 Public duty

The primary duty of elected members is to act in the interests of the people of Jersey and of the States. In doing so, members have a duty to uphold the law in accordance with their oath of office and to act on all occasions in accordance with the public trust placed in them.

Elected members have a general duty to act in what they believe to be the best interests of Jersey as a whole, and a special duty to be accessible to the people of the constituency for which they have been elected to serve and to represent their interests conscientiously.

Elected members must give due priority to attendance at meetings of the States in accordance with the terms of their oath of office and should be present in the Chamber when the States are meeting unless they have very compelling reasons not to do so.

3 Personal conduct

Elected members should observe the following general principles of conduct for holders of public office –

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family and friends, their business colleagues or any voluntary or charitable organization they are involved with.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest, or rules on freedom of information, data protection or confidentiality clearly demand.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example to maintain and strengthen the public's trust and confidence in the integrity of the States and its members in conducting public business.

The principles in practice

4 Conflict between public and private interest

Elected members should base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the 2, at once, and in favour of the public interest.

5 Maintaining the integrity of the States

Elected members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Jersey and shall endeavour, in the course of their public and private conduct, not to act in a manner which would bring the States, or its Members generally, into disrepute.

Elected members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process.

6 Gifts and hospitality

Elected members should not accept gifts, hospitality or services that might appear to place the recipient under any form of obligation to the giver. In receiving any gift or hospitality, members should consider whether they would be prepared to justify acceptance to the public.

7 Access to confidential information

Elected members must bear in mind that confidential information which they receive in the course of their duties should only be used in connection with those duties, and that such information must never be used for the purpose of financial gain nor should it be used in their own personal interest or that of their families or friends. In addition, members should not disclose publicly, or to any third party, personal information about named individuals which they receive in the course of their duties unless it is clearly in the wider public interest to do so. Elected members must at all times have regard to all relevant data protection, human rights and privacy legislation when dealing with confidential information and be aware of the consequences of breaching confidentiality.

8 Co-operation with committees and panels

Elected members shall co-operate when requested to appear and give evidence before or produce documents to –

- (a) a scrutiny panel, for the purpose of the review, consideration or scrutiny of a matter by the panel pursuant to its terms of reference and the topics assigned to it, or to a sub-panel or any person appointed by the scrutiny panel to review, consider, scrutinize or liaise upon any particular matter;
- (b) the PAC, for the purpose of the preparation of a report upon or assessment of any matter pursuant to the PAC's terms of reference;
- (c) a committee of inquiry, for the purpose of the inquiry which the committee is appointed to conduct; and
- (d) the PPC, for the purpose of an investigation of a suspected breach of this code, or to any

person appointed by the PPC to investigate a suspected breach.”.

PART 2

APPOINTMENT OF PRESIDENT OF CHAIRMEN’S COMMITTEE

8 Standing order 109 amended

In the table in standing order 109(1), in the ‘Order of selection or appointment’ for the 3rd meeting, before item 6 insert the following item -

“5a. appointment of president of the chairmen’s committee”.

9 Standing order 111 amended

In standing order 111(1), after sub-paragraph (c) insert the following sub-paragraph –

“(ca) president of the chairmen’s committee;”.

10 Standing order 1117A inserted

After standing order 117 insert the following standing order –

“117A President of the chairmen’s committee: appointment process

- (1) The presiding officer shall invite elected members to make nominations for the office of president of the chairmen’s committee from amongst the persons who are members of that committee by virtue of their office.
- (2) If only one person is nominated, that person is appointed as president of the chairmen’s committee.
- (3) If more than one person is nominated, the presiding officer shall then, according to the order in which the candidates were nominated, invite each candidate to speak for up to 10 minutes.
- (4) After a candidate has spoken, the presiding officer shall allow up to 20 minutes for elected members to question the candidate.
- (5) While a candidate is speaking or being questioned, other candidates must withdraw from the Chamber to a place where they cannot hear the proceedings in it.
- (6) When the speeches and questions are concluded, a secret ballot shall be held.
- (7) The candidate who receives more than half of the votes cast is appointed as the president of the chairmen’s committee.
- (8) If no candidate is appointed by a ballot, the candidate with the lowest number of votes shall withdraw from the contest and a further secret ballot shall be held.
- (9) If, in the circumstances described in paragraph (8), there are 2 or more candidates who receive the same number of votes as each other, but fewer votes than all the other candidates, there shall be a secret ballot to select which of them shall remain in the contest and the candidate who receives the fewest votes shall withdraw from it.
- (10) A candidate may withdraw his or her candidacy at any time.
- (11) In the event that, by reason of the withdrawal of a candidate, only one candidate remains, the remaining candidate is appointed as president of the chairmen’s committee.”.

11 Standing order 138 amended

In standing order 138 –

(a) after paragraph (1) insert the following paragraph –

“(1A) The States shall appoint the president of the chairmen’s committee from amongst the persons who are members of the committee by virtue of their office.”;

(b) in paragraph (2), delete the words “president and one of their number to be”.

PART 3

CLOSING

12 Citation and commencement

- (1) These Amendments may be cited as Amendments (No. 1) to the Standing Orders of the States of Jersey.
- (2) If these Amendments are made before the day on which Article 42(3) of the States of Jersey Law 2005 comes into force, they shall come into force on that day.
- (3) If these Amendments are made on or after the day on which Article 42(3) of the States of Jersey Law 2005 comes into force, they shall come into force on the day they are made.

[1] L.8/2005.

[2] R&O.109/2005.