

STATES OF JERSEY



ELECTED SPEAKER AND DEPUTY SPEAKER OF THE STATES ASSEMBLY: SELECTION AND APPOINTMENT (P.84/2017) – FOURTH AMENDMENT (P.84/2017 Amd.(4)) – COMMENTS

**Presented to the States on 13th November 2017
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

Senator P.F.C. Ozouf's fourth amendment ([P.84/2017 Amd.\(4\)](#)) to [P.84/2017](#), lodged on 9th November, requests PPC to "bring forward the standing order changes necessary to enable the specially-constituted review panel set up for the purpose of scrutinising the recommendations of the Independent Jersey Care Inquiry to be mandated to scrutinise draft legislation arising from this proposition, and for that specially-constituted panel to be the relevant scrutiny panel for the purposes of calling in such legislation for scrutiny under Standing Order 72".

This amendment would appear to be an alternative to the second amendment ([P.84/2017 Amd.\(2\)](#)), also lodged by Senator Ozouf, which envisages the Assembly setting up a special review panel solely to scrutinise legislation arising from the Chief Minister's proposition on an elected Speaker and Deputy Speaker for the Assembly.

There are some procedural complexities in this new amendment which we would like to draw to the attention of the Assembly. The Panel on the Independent Jersey Care Inquiry is a review panel, not a Scrutiny Panel, set up under Standing Order 145A. This is significant because, under Standing Order 72, legislation may only be referred to a Scrutiny Panel. Therefore, we would need to propose changes to Standing Order 72, either generally, or in this instance, to enable legislation to be referred to a review panel. However, review panels are not created and given tasks by the Assembly. Standing Order 145A provides for the Chairmen's Committee to establish review panels; the purpose of a review panel is set by the Chairmen's Committee; and the work of a review panel must cut across the boundaries of more than one Scrutiny Panel or, if this is not the case, the Chairman of the relevant Scrutiny Panel must assent to the establishment of the review panel. The current proposal disrupts these arrangements, as the Assembly would be adding to the work of an existing review panel without reference to the Chairmen's Committee; and it is not clear that the Chairman of the Corporate Services Panel, which is the relevant Scrutiny Panel for the purposes of scrutinising amendments to the [States of Jersey Law 2005](#), has assented to this proposition. There are further complications, in that the Chairmen's Committee can disband a review panel at any point; and the current review panel will fall at the time of the election, and it will be up to the new Chairmen's Committee if and how it is reconstituted.

Therefore, there are considerable procedural complexities in Senator Ozouf's proposal. As an alternative, it might be possible to establish the Care Inquiry review panel as a Scrutiny Panel and to transfer the work undertaken by the review panel to date to the Scrutiny Panel, although this would be a cumbersome process. Another option would be to provide a power for a Scrutiny Panel to delegate scrutiny of legislation it has called in to a review panel, and for the Assembly to instruct the Corporate Services Scrutiny Panel to delegate scrutiny in this instance; but this would be a novel approach which would be likely to meet with objections.

In summary, Senator Ozouf's amendment is far from straightforward, and is likely to prove difficult to implement in practice.