

STATES OF JERSEY



AMENDMENT TO STANDING ORDERS – MISCELLANEOUS AMENDMENTS

Lodged au Greffe on 25th October 2024
by the Privileges and Procedures Committee
Earliest date for debate: 26th November 2024

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion to make the following amendments to the Standing Orders of the States of Jersey, with immediate effect –

Lodging Periods

1. Standing Order 26 [Minimum lodging period]

In paragraph (3), delete sub-paragraph (a) and re-designate the subsequent sub-paragraphs accordingly.

Ministerial Titles

2. Standing Order 117 [Ministers: selection process]

For paragraph (1), substitute the following –

“(1) In paragraph (2), “Ministerial Offices” means the Ministerial Offices listed in Article 1 of the [States of Jersey \(Ministerial Offices\) Order 2022](#).”.

3. Standing Order 120 [Chair of a scrutiny panel: appointment process]

(a) In paragraph (1B), for the words “Economic Development, Tourism, Sport and Culture” substitute “Sustainable Economic Development”.

(b) In paragraph (1C) –

(i) for the words “Children and Education” substitute “Children and Families”;

(ii) before the words “or the” insert “, Minister for Education and Lifelong Learning”; and

(iii) for the words “Home Affairs” substitute “Justice and Home Affairs”;

(c) In paragraph (1D) delete the words “and Communities”.

Appointment Process

4. Standing Order 118 [Chair of the PPC: appointment process]

For paragraph (3), substitute the following –

“(3) If more than one person is nominated, the presiding officer shall then draw lots to determine the order in which they shall be invited to speak.”.

5. Standing Order 119 [Chair of the PAC: appointment process]

For paragraph (3), substitute the following –

“(3) If more than one person is nominated, the presiding officer shall then draw lots to determine the order in which they shall be invited to speak.”.

6. Standing Order 120 [Chair of a scrutiny panel: appointment process]

For paragraph (3), substitute the following –

“(3) If more than one person is nominated, the presiding officer shall then draw lots to determine the order in which they shall be invited to speak.”.

7. Standing Order 120AA [Chair of Planning Committee: appointment process]

For paragraph (3), substitute the following –

“(3) If more than one person is nominated, the presiding officer shall then draw lots to determine the order in which they shall be invited to speak.”.

8. Standing Order 120A [Chair of Jersey Overseas Aid Commission: appointment process]

For paragraph (3), substitute the following –

“(3) If more than one person is nominated, the presiding officer shall then draw lots to determine the order in which they shall be invited to speak.”.

9. Standing Order 121 [President of the scrutiny liaison committee: appointment process]

For paragraph (3), substitute the following –

“(3) If more than one person is nominated, the presiding officer shall then draw lots to determine the order in which they shall be invited to speak.”.

Terms of Reference of the PPC

10. Standing Order 128 [Privileges and Procedures Committee: terms of reference]

- (1) In paragraph (g), delete the words “and the work of the Council of Ministers”.
- (2) In paragraph (h), delete the words “the procedures and enactments relating to public access to official information and”.

Weekly Publications

11. Standing Order 170 [Duty of Greffier in relation to internet publishing]

In paragraph (3), delete sub-paragraph (b) and re-designate the subsequent sub-paragraph accordingly.

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT

Introduction

The Privileges and Procedures Committee (PPC) is proposing a number of amendments to the [Standing Orders of the States of Jersey](#), none of which are considered controversial, in order to address inaccuracies, inconsistencies and out-of-date provisions that have been identified.

PPC has agreed that, in future, it should aim to bring such amendments to the Assembly in a coordinated way by lodging propositions for debate at the meetings falling before the Summer and Christmas recesses. That is not to say separate, specific and significant amendments to Standing Orders cannot (and will not) be lodged for debate at other times (whether or not by the Committee) but the Committee has concluded this will be an efficient way of dealing with ‘tidy-up’ amendments.

Lodging Periods

Until 2014, Ministers could only be dismissed by the States Assembly on a proposition lodged by the Chief Minister. In that year, the [States of Jersey Law 2005](#) was amended so that now only the Chief Minister can dismiss a Minister (albeit with obligations to inform States Members and States employees working within the relevant departments).

Nevertheless, Standing Order 26 continues to refer to the minimum lodging period of a proposition lodged by the Chief Minister for the dismissal of a Minister. Such provision is now redundant as no such proposition needs to be lodged for a Minister to be dismissed. This provision from Standing Order 26 (which governs minimum lodging periods) would be deleted with the adoption of these amendments.

Ministerial Titles

There is a need to update Standing Orders to reflect the current titles of Ministers following recent changes to Ministerial portfolios and the establishment of a new Ministerial position.

Standing Order 117 currently lists the titles of all Ministerial offices. Whilst an amendment could simply change the individual titles for each office, it is instead proposed that an amendment simply state that, globally, the Ministerial offices for Standing Order 117 are as determined by the [States of Jersey \(Ministerial Offices\) Order 2022](#); an Order made by the Chief Minister that determines the titles to be used.

This Order was first made in 2022 and has been updated ever since on each occasion that a Chief Minister has created a Ministerial office or changed the title of a Ministerial office. If reference is made in Standing Order 117 to this Order, there would consequently be no need in future to amend that Standing Order each time that the Order was amended by the Chief Minister.

This would not negate the need to amend Standing Order 120 on each occasion, however; Standing Order 120 determining the specific Ministers who are not able to nominate, or vote upon, candidates for Chair of each Scrutiny Panel.

Appointment Process

At its meeting on 18th March 2024, PPC considered a suggestion from a States Member that Standing Orders be changed to ensure that the speaking order for candidates in States Assembly appointment processes would be decided by lots. It had been suggested that there was some advantage in speaking first and that this should therefore be left to chance, rather than to which Member was able to attract the Presiding Officer's attention first with their nomination.

The Committee agreed to bring forward amendments, except in relation to the selection of Ministers – where it was agreed the provision should remain that the Chief Minister designate's nominee would always speak first, followed by any other nominees in the order they were nominated.

Amendments are therefore proposed to Standing Orders 118 to 121. If adopted, the amendments would see the same change made to each Standing Order: that the speaking order of candidates for the positions covered would be determined through the drawing of lots by the Presiding Officer. The amendments each use the same wording as currently used in Standing Order 116; this Standing Order relates to the selection process for a Chief Minister, in which lots must already be drawn to determine the order in which candidates for Chief Minister speak.

The amendments would affect the appointment process for the following positions –

- (a) Chair of the Privileges and Procedures Committee;
- (b) Chair of the Public Accounts Committee;
- (c) Chairs of the 5 Scrutiny Panels;
- (d) Chair of the Planning Committee;
- (e) Chair of the Jersey Overseas Aid Commission; and
- (f) President of the Scrutiny Liaison Committee.

Terms of Reference for the PPC

On 27th June 2024, following Committee consideration, the Chair wrote to the Chief Minister to highlight that the Committee's Terms of Reference continued to include responsibility for Freedom of Information, notwithstanding that amendments to the Law had become a Government responsibility and administration of the Law sat within the Government.

In the Chief Minister's response, dated 19th July 2024, he advised that he would have no objection to this element of PPC's Terms of Reference being removed. An amendment to this effect is therefore proposed. PPC would remain responsible for matters relating to Members' ability to access information.

In the same correspondence, the Chief Minister suggested that the Terms of Reference should also be amended to remove responsibility from PPC for providing public information about the Council of Ministers. This is deemed appropriate and is reflected in current practice, whereby the Digital and Public Engagement Section within the States Greffe is operationally responsible for delivery of that element of the Terms of Reference but is not involved in disseminating information about, and on behalf of, the Council of Ministers or Government of Jersey. That part of the PPC's Terms of Reference would also be deleted by the amendment.

Weekly Publications

There currently exists a requirement in Standing Order 170 for the Greffier to publish each Tuesday a list of all the propositions, reports and comments from the previous week. This is no longer reflected in existing practice and it is no longer considered operationally necessary; and an amendment to delete that provision within Standing Order 170 is therefore proposed.

Financial and staffing implications

There would be a marginal administrative impact of the proposed amendments, which could be easily accommodated within existing resources. If the appointment processes were amended as proposed, some small amounts of time would be required during the relevant States Meetings for the lots to be drafted by the Greffier and for the Presiding Officer to draw those lots in order to determine the speaking order.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has not been prepared in relation to this proposition as a CRIA is not required, in accordance with Schedule 2 to the [Children \(Convention Rights\) \(Jersey\) Law 2022](#).