



Briefing Paper 2 | March 2024

## Standing Order 84 – Proposal to close debate (The Guillotine)

### Overview

This paper sets out the history and terms of Standing Order 84, Proposal to close debate, its use in the Chamber and its procedural peculiarities.



### Introduction

Any Elected Member can lodge a proposition for debate in the States Assembly (“the States”) and the Order Paper (circulated prior to every States meeting) lists the debates scheduled for that meeting under the section “Public Business”. There is no fixed length of time for any debate and, therefore, a debate will normally only end when all Members who want to speak have spoken.

Given that the Proposer and Main Responder have no time limit on their speeches and there are 47 other Members who can each speak for up to a maximum of 15 minutes, there is potential for a single debate to exceed 12 hours without including any Interruptions pursuant to Standing Order (“SO”) 101. Furthermore, Members have the option under SO 47 to continue beyond 5.30pm if the business of the States is not concluded by then.

Jersey has procedural mechanisms under its SOs to end debates and this briefing paper reviews SO 84.

### Proposal to close a debate (SO84) - Background

The Privileges and Procedures Committee (“PPC”) lodged [P.79/2004](#) entitled “States Assembly: Improving Efficiency” which was debated and adopted on 26th May 2004. Part of the proposition related to the introduction, trialling (until 31st October 2004) and monitoring of a closure motion and the presentation to the Assembly of a report with recommendations as to whether the trial be extended.

The report accompanying [P.79/2004](#) stated that the option to introduce time limits on debates or on individual members’ speeches was rejected, albeit (as mentioned above) the latter is now in place. A solution, however, was required for occasions “*when a debate is unduly prolonged with all the main arguments having been extensively researched and further debate is unlikely to alter the outcome*”.



In October 2004 PPC lodged the Draft Amendment (No.27) of the Standing Orders of the States of Jersey ([P.171/2004](#)) having concluded that the new procedure introducing a Closure Motion be made permanent as it was felt that it had added to the efficient management of States business. The Annex to the report to [P.171/2004](#) details the 17 separate occasions between May and September when the closure motion was instigated. In the report, PPC urged members to adopt certain conventions in relation to the closure motion. One of these was for Members to give notification in advance that they intended to bring the closure motion. While initially this was adopted informally, it has subsequently been incorporated into Standing Orders at 84(2).

PPC lodged [P.162/2005](#) to introduce new Standing Orders of the States of Jersey. The closure motion became Standing Order 84 and certain changes to the operation of the closure motion were introduced at this time.

One of these being that the proposer of the motion must be a member that has not yet spoken to ensure that members are not able to speak and then stop others from doing so. An example of this can be found in [Hansard 18.06.2019](#) when a Member attempted to invoke SO 84 but had already spoken.

Originally the period of notice required to be given before the proposition can be brought was 15 minutes but that has since been amended to 30 minutes.

The closure motion can be used in Jersey for any proposition.

## **An Amendment to SO84 (5A) (Proposal to Close Debate in relation to a vote of censure or no confidence)**

- (5A) If the proposal is adopted and the proposition to which it relates is to censure a person or body or that the States have no confidence in a person or body, the presiding officer shall –
- (a) invite the person or the representative of the body to whom the proposition relates to speak (even if they have already spoken in the debate);
  - (b) invite the proposer of the proposition to reply; and
  - (c) put the proposition to the vote.<sup>137</sup>

An amendment to SO84 resulted from a procedural gap highlighted during a debate of a vote of no confidence ([P.7/2023](#)). It was noted that the individual (the subject of the proposition) does not have the opportunity to speak for a second time once the closure motion had been adopted and before the proposer of the proposition replies.

In the excerpt from [Hansard 28.02.2023](#) below the Bailiff addresses the problem and how he intends to deal with it –

*“The Bailiff:*

*The guillotine has been proposed. Standing Order 84 requires that I am satisfied myself more than an hour has passed, which clearly it has. Notice had been given 30 minutes before, which clearly it has. And it would not be an infringement of the rights of the minority because obviously a substantial number of Members have spoken. Accordingly that proposition will be in order and I must put it, if it is seconded, to the debate without*



*further ado. There is however a tension between Standing Order 84 and Standing Order 103(e), which provides ... the former provides that it goes straight to a closing vote by the proposer, the latter provides that Deputy Southern would have a chance of a speech beforehand. Adopting the provisions of Standing Order 167, which gives me a discretion to resolve any difficulties. If the proposal to close the debate is passed I would then call immediately upon Deputy Southern, who would have his opportunity to speak before calling upon Deputy Bailhache. Obviously we are approaching 5.25 and if we action matters at the moment there is a very good possibility that we will go very substantially passed 5.30 but that is a matter for Members to vote upon in due course”.*

Various amendments to SOs were lodged by PPC ([P.30/2023](#)) including the amendment to SO84 to introduce 84(5A) specifically relating to debates on votes of censure or no confidence.

## **Procedural aspects of SO84 (Proposal to close debate)**

A Closure Motion is not debatable as a proposition in its own right. It can be invoked by any Member if they consider that a matter has been sufficiently discussed and will go straight to a vote without debate.

*The Procedure (not including in the case of the amendment detailed above)*

- The debate must have been going for at least an hour;
- Proposition must be brought by a Member who has not yet spoken in the debate; and
- 30 minutes notice is given –

### **EXAMPLE –**

#### [Hansard 25.02.2009](#)

*“I think there is some confusion among the newer Members. The closure motion, if I may just explain, means that there will be a vote in half an hour’s time as to whether the debate gets the guillotine and there will be no debate on that vote.” (Senator S Syvret)*

*“...the Senator has given notice that in half an hour’s time he will propose a closure motion that will say to bring the debate to an end and therefore there are another 30 minutes for Members to address the Assembly before the closure motion is heard and there is a vote.” (The Bailiff)*

- Proposal not allowed if it considered to be an abuse of the procedure of the States or an infringement of the rights of a minority –

### **EXAMPLE –**

#### [Hansard 27.06.2006](#)

*“...I have no reason to disallow the proposition - I perhaps should tell Members I do have other Members waiting to speak, but clearly it is a matter for Members if they wish to close a debate at this stage.” (The Greffier in the Chair)*

- Immediate vote with no debate
- If the proposition is adopted, the proposer of the debate (to which SO84 has been applied) can sum up for the debate then the vote is taken on the debate
- If the proposition is rejected, the debate continues



## Procedural Conventions

The following excerpts from Hansard illustrate the convention that has arisen regarding the number of people that have to have spoken before a closure motion can be entertained and which needs to be at least 10.

[Hansard 09.04.2018](#) - Notice had been given to bring the guillotine motion and the Deputy Bailiff responded -

*“So you wish to give notice, Senator, under Standing Order 84, proposal to close debate? Very well. Yes, more than 10 Members, including the proposer, have spoken and we have been going for well more than an hour, so you are entitled to do that. So that is 30-minutes’ notice to close the debate”.*

[Hansard 25.03.2022](#) - Notice had been given and the requisite 30 minutes had elapsed with the Member wanted to continue with Standing Order 84 –

*“The Deputy Greffier of the States (in the Chair):*

*Standing Order 84(3) says: “The Presiding Officer shall not allow the proposal if it appears to him or her that it is an abuse of the procedure of the States or an infringement of the rights of a minority.” By convention it has been normal that at least 10 Members of the Assembly have spoken and we have had 19, so I would say that by convention it would be acceptable for you to make that proposal and we should immediately go to the vote without debate”.*

[Hansard 18.01.2023](#) - Standing Order 84 proposed –

*“Yes, you may. If you just bear with me because my Standing Orders are in the desk in front. We have had 16 people having spoken, which is a sizeable amount of the Assembly, and by convention the Chair can determine whether or not the matter can go to a vote straight away if I think ... I am just trying to find in my book. Yes, if at least 10 Members have spoken, so you are well within that amount. In which case if you are working on Standing Order 84 which is that we have had an hour that has elapsed and you are making that proposal, so within 30 minutes’ time that we would move to the vote. At the moment I have listed just to speak Deputy Alex Curtis and yourself, but that was to make this. It might be useful perhaps from the Chair to have an indication if there are any other Members who are wishing to speak who have yet to speak.”*

*Yes, it is exactly that. So, basically we allow the proposal, and then immediately put the proposal to the vote without debate on whether to close ... we have a vote on the closure and if that goes through we would move to the summing up of the debate”.*

## Terminology for SO84 (Proposal to close debate)

In the reports accompanying [P.79/2004](#) and [P.171/2004](#) reference is made to the proposition to close a debate as a “closure motion”.

The request **“that the question now be put”** was the wording used to seek closure of a debate and this wording is found in [Hansard 27.06.2006](#). On this occasion the then Connétable of Grouville was reminded of the need for 30 minutes notice period prior to the proposal being put.

The use of the specific wording above in bold has lessened over time. Reference is more commonly made to –



- “proposing the closure of a debate” ([Hansard 23.09.2009](#))
- seeking to propose “a guillotine motion” ([Hansard 30.06.2020](#)), [Hansard 16.11.2023](#) and [Hansard 18.06.2019.](#))
- “to propose Standing Order 84” ([Hansard 18.01.2023](#))

The guillotine (named after Joseph-Ignace Guillotine) is defined in the [Cambridge Dictionary](#) with regard to politics as -

*“a limit on the amount of discussion allowed about a particular law in Parliament, made by setting a fixed time before a final vote must be taken”.*

However, in the States the term “guillotine” is used colloquially to cut short a debate **on any topic** and bring it to an end.

## Suspension of Standing Order 84

Before and during important debates Standing Orders can be suspended. It is open to any elected member to bring a proposition without notice to suspend a Standing Order for a specified purpose (SO80). A request was made at the start of the debate on Jersey Post Incorporation: Cost/Benefit Analysis, Investigation and Responsibilities of J.C.R.A. (P.61/2006) as below ([Hansard 06.06.2006](#)) –

*“I would like first to beg the House’s permission to permit the suspension under Standing Order 80 of Standing Order 84, which is the guillotine. I believe we have got a serious debate on important issues here and I want to ensure that, for whatever reason, nobody cuts the debate short and so I ask permission to do so, through you, Sir”. [Deputy G.P.Southern]*

*Any Member may propose without notice that one or more Standing Orders be suspended for a specified purpose and you are seeking to suspend Standing Order 84, headed “Proposal to Close Debate”, for the purpose of debating this proposition. [The Bailiff]*

The proposition was adopted and the debate was, therefore, without limit.

## Use of SO 84 (Proposal to close debate)

As at 29th February 2024, SO 84 has been invoked 34 times – Adopted 20: Rejected 14, but interestingly during the trial period of May to September 2004 it was invoked 17 times.