

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY T.M. PITMAN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 19th FEBRUARY 2013**

Question

Given that the Electoral Commission had stated in its Final Report that its reform Option B to retain the Constables within a 42 Member Assembly would reduce the weight of the residents of St. Helier's vote significantly against individuals living in other parts of the Island, can H.M. Attorney General clarify at what point a States Member may petition the Privy Council on behalf of constituents in St. Helier and advise what process should be followed?'

Answer

The process of the Electoral Commission preparing its final report, any decision of the States of Jersey to hold a referendum (and pass any necessary subordinate legislation) and the holding of the referendum itself are not matters that will concern the Privy Council.

Royal Assent will only be required in the event that the States of Jersey decide to pass new primary legislation to give effect to the outcome of any referendum. As regards primary legislation, an individual is entitled to petition the Committee for the Affairs of Jersey and Guernsey, praying that Her Majesty in Council be advised to refuse Royal Assent. The said Committee considers the Law and any petitions received, and then reports to Her Majesty in Council as to whether or not the Law should be given Royal Assent, and whether the petition should be dismissed. This is the procedure as set out in the Order in Council of 1952. The 1952 Order is now however subject to an Order of Council of 13th July 2011 which states that the Committee shall not postpone its consideration of a Law by reason of receiving a petition any later than 28 days after the States have adopted the Law.

Neither Order in Council sets out a specific process for submitting a petition. However, when considering a petition, the Committee will only recommend the refusal of Royal Assent if exceptional circumstances exist. In the past, the Committee has not entertained petitions which simply state personal opinions and political arguments, which will most likely have already been heard in the States Chamber when the law was adopted.