

**WRITTEN QUESTION TO THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE  
BY DEPUTY M. TADIER OF ST. BRELADE  
ANSWER TO BE TABLED ON TUESDAY 11th MAY 2010**

**Question**

“Does Privileges and Procedures Committee consider that the current system of only allowing British citizens to stand for election for the States of Jersey is both human rights compliant and fair? Would the Committee be minded to support a change in the States of Jersey Law 2005, in order that any person who has been resident in the Island for an agreed amount of time could put themselves forward for service as a States Member?”

**Answer**

As is customary in many national parliaments, including the United Kingdom, Australia and New Zealand, nationality is a qualification for election.

The nationality for qualification for election in Jersey was considered during the development of the Draft States of Jersey Law. In July 2003 the Privileges and Procedures Committee agreed the following:

*“Nationality for qualification for election - The Committee agreed that this should be confined to British citizens in accordance with provisions for national parliaments and because of the requirement to swear an oath of allegiance to Her Majesty;”*

The provision in the Law, which was adopted in 2005, reads as follows:

**“7      *Qualification for election as Senator or Deputy***

*(1) A person shall, unless disqualified by paragraph (2) or Article 8(1) or any other enactment, qualified for election as a Senator or a Deputy if he or she –*

*(a) is of full age; and*

*(b) is a British citizen who has been*

*(i) ordinarily resident in Jersey for a period of at least 2 years up to and including the day of the election, or*

*(ii) ordinarily resident in Jersey for a period of 6 months up to and including the day of the election, as well as having been ordinarily resident in Jersey at any time for an additional period of, or for additional periods that total, at least 5 years.”*

At the time this Law was promulgated the then Privileges and Procedures Committee stated that the law was compliant with the European Convention on Human Rights, advising the States Assembly before the Second Reading of the project that: ‘In the view of the Privileges and Procedures Committee the provisions of the States of Jersey Law 200- are compatible with the Convention Rights’.

The nature of Article 7 of the States of Jersey Law and whether or not it should be amended has not been discussed by the present Privileges and Procedures Committee. As it has been raised as a possible matter for consideration, this will be placed on a future Committee agenda.